

EDPS Formal comments on the draft Commission Implementing Decision on the automated search and exchange of biometric data through the Prüm router in accordance with Regulation (EU) 2024/982 on the automated search and exchange of data for police cooperation, and amending Council Decisions 2008/615/JHA and 2008/616/JHA and Regulations (EU) 2018/1726, (EU) No 2019/817 and (EU) 2019/818 of the European Parliament and of the Council (the Prüm II Regulation)

THE EUROPEAN DATA PROTECTION SUPERVISOR,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data ('EUDPR')¹, and in particular Article 42(1) thereof,

HAS ADOPTED THE FOLLOWING FORMAL COMMENTS:

1. Introduction and background

1. On 2 December 2025, the European Commission issued a draft Commission Implementing Decision on the automated search and exchange of biometric data through the Prüm router in accordance with Regulation (EU) 2024/982 on the automated search and exchange of data for police cooperation, and amending Council Decisions 2008/615/JHA and 2008/616/JHA and Regulations (EU) 2018/1726, (EU) No 2019/817 and (EU) 2019/818 of the European Parliament and of the Council (the Prüm II Regulation) ('the draft Implementing Decision').
2. Regulation (EU) 2024/982 establishes a framework for the automated search and exchange of certain categories of data for cross-border police cooperation, including the automated exchange of biometric data among Member States and Europol to prevent and combat cross-border crime.
3. The draft Implementing Decision aims to specify the technical rules for the automated search and exchange of biometric data, namely DNA profiles, dactyloscopic data and facial images via the Prüm router, including the technical standards, procedures and specifications.
4. The draft Implementing Decision is adopted pursuant to Article 5(3), Article 8(2) and (3), Article 9(3), Article 13(2) and (3), Article 14(2), Article 22(2) and (3), Article 23(2), Article 31 and Article 37(6) of Regulation (EU) 2024/982.

¹ OJ L 295, 21.11.2018, p. 39.

5. The EDPS recalls that he issued Opinion 4/2022 on the Proposal for a Regulation on automated data exchange for police cooperation², where he commented, among others, on the envisaged router for automated search and exchange of DNA profiles, dactyloscopic data and facial images.
6. The present formal comments of the EDPS are issued in response to a consultation by the European Commission of 2 December 2025, pursuant to Article 42(1) of EUDPR. The EDPS welcomes the reference to this consultation in Recital 10 of the draft Implementing Decision.
7. These formal comments do not preclude any additional comments by the EDPS in the future, in particular if further issues are identified or new information becomes available, for example as a result of the adoption of other related implementing or delegated acts³.
8. Furthermore, these formal comments are without prejudice to any future action that may be taken by the EDPS in the exercise of his powers pursuant to Article 58 of the EUDPR and are limited to the provisions of the draft Implementing Decision that are relevant from a data protection perspective.

2. Comments

9. Pursuant to Article 37(4) of Regulation (EU) 2024/982, for dactyloscopic data and facial images, the router should rank, where the requesting Member State so decides and where applicable, the replies by comparing the biometric data used for querying and the biometric data supplied in the replies from the requested Member State or Member States, or Europol. The EDPS notes that Section 4 of the Annex of the draft Implementing Decision refers to this process as 're-matching'. However, this term is not used in the Prüm II Regulation and is not defined in the draft Implementing Decision. Therefore, in the interest of legal certainty, the EDPS recommends providing a definition of 're-matching' in Article 1 of the draft Implementing Decision.
10. The EDPS also notes that, in Section 4.1. of the Annex of the draft Implementing Decision, for latent fingerprints a candidate may receive a very low score and understands that this implies a potential performance level as matching threshold. The EDPS invites the Commission to clarify in the Implementing Decision how such threshold will be defined.

² EDPS Opinion 4/2022 on the Proposal for a Regulation on automated data exchange for police cooperation, issued on 2 March 2022, available at https://www.edps.europa.eu/system/files/2022-03/22-03-07_opinion-4-2022_prum_en.pdf.

³ In case of other implementing or delegated acts with an impact on the protection of individuals' rights and freedoms with regard to the processing of personal data, the EDPS would like to remind that he needs to be consulted on those acts as well. The same applies in case of future amendments that would introduce new or modify existing provisions that directly or indirectly concern the processing of personal data.

11. In addition, the EDPS considers that the Implementing Decision should clarify whether, apart from the ranking and the candidate data, any other data would be provided to the requesting authority in case of re-matching selection, for instance the router's matching tool confidence score.

Brussels, 26 January 2026

(e-signed)
Wojciech Rafał WIEWIÓROWSKI