

**Cross-border  
exchange of  
police data for  
the purpose of  
the administrative  
approach**



**Cross-border crime and the role of local government**

- Within the European Union, **living and working across borders** has become a significant advantage and a matter of course.
- However, **crime doesn't stop at the border!** Criminals consciously use borders to stay under the administrations' radars.
- For the administrative approach, a **proper information position is essential.**
- **Police records from another country are sometimes crucial for a local government to stop abuse of legal structures.**

*CASE: A Dutch mayor closes a café following a drugs discovery. A week later, the café manager opens the same café just across the border in Germany and continues their (criminal) activities.*

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## How can a local government obtain foreign police data?

### 1 Cross-border exchange of police data between municipalities

In purely domestic situations, municipalities in Belgium, Germany and the Netherlands have police data at their disposal in certain cases (e.g. taking an administrative measure after the police have discovered drugs in a hospitality premises).

Cross-border passing on of police data from one municipality to another is not possible.

*Tip: In certain cases, however, a mayor may share company data (not personal data!) with a foreign mayor. This route offers the option to inform a local government across the border about the fact that the mayor has taken an administrative decision regarding a company based on police data. This may already be sufficient for the foreign municipality to become more vigilant regarding a particular company.*

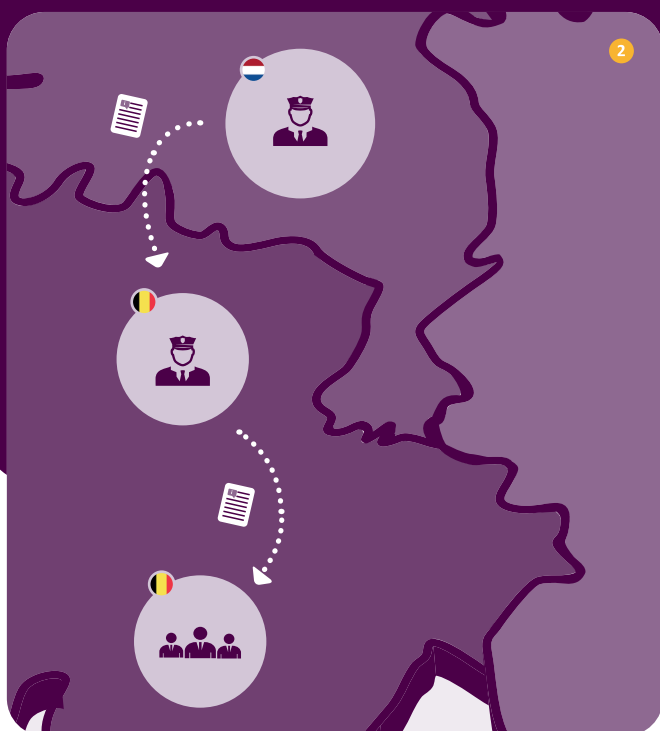
### 2 Cross-border exchange of police data via the foreign police service (U-turn)

Foreign police data that is received from abroad cannot simply be passed on to administrative authorities. Doing so requires permission from the country that has provided the police data.

Although European and bilateral treaties provide options to do so, this has only been adopted to a limited extent in national legislation, so that provision by the police via foreign police to a foreign municipality is not possible in Belgium and the Netherlands.

However, German police services may give permission for Belgian/Dutch police services to pass on data to avert a threat in the framework of maintaining public order.

The new Benelux Police Convention mentions cross-border provision for the purpose of the administrative approach as an option for the first time, but this convention also requires permission for use for other purposes. While national legislation has not been amended, there is a risk that this provision in the new Police Convention will continue to be a dead letter in practice.



### 3 Direct provision by the police to foreign municipalities

Police data may generally only be provided cross-border to agencies charged with the prevention, investigation, detection and prosecution of criminal offences.

In certain exceptional cases, direct provision of police data to administrative authorities is possible. National legislation often does not permit such disclosure, however. The background to this lies in the fact that it would be undesirable for (ongoing) police investigations to unintentionally be endangered by municipal intervention without informing the local police.



## Possibilities

- Although national legislation often prevents provision of police data for administrative purposes, international police conventions do offer opportunities. This option can be used by amending the relevant national legislation.
- German national legislation offers a certain – albeit limited – scope to provide German police data to or for the benefit of Belgian and Dutch administrative authorities.



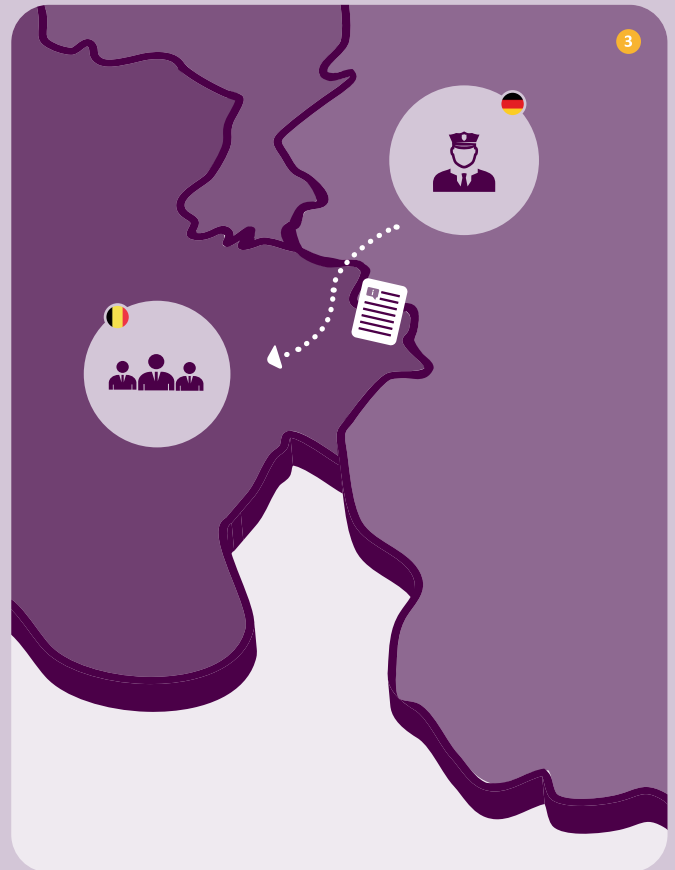
## Barriers

In order to enable cross-border exchange of police data for the administrative approach, amendments to national legislation in Belgium, Germany and the Netherlands will be required.



## In short/conclusion

Barring a handful of exceptional situations, cross-border exchange of police data for the purpose of the administrative approach is not possible.



For a detailed legal explanation, please download the EURIEC memorandum 'Cross-border Provision of Criminal Records and Other Judicial Information' at [www.euriec.eu](http://www.euriec.eu).

If you have other questions or need support as a municipality with cross-border exchange of information, please contact the EURIEC via: [euriec.rik.limburg@politie.nl](mailto:euriec.rik.limburg@politie.nl).