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OUTCOME OF PROCEEDINGS

From: General Secretariat of the Council
On: 8 May 2019
To: Working Party on Information Exchange and Data Protection (DAPIX)
Subject: Summary of discussions

1. Adoption of the agenda

The agenda was adopted as set out in CM 2602/19.

2. Information from the Presidency

- The 'interoperability package' had been prepared for adoption as a I/A item.
- The draft for initialling the Agreement between Canada and the EU on the transfer and use of passenger name record (PNR) data had been submitted by the Commission to the Council.
- The preparation of the Prüm Agreements between the EU and Switzerland and the EU and Liechtenstein was ongoing so as to adopt the respective draft Council decisions as an A item at the JHA Council on 6 June 2019.

3. Monitoring the application of Directive (EU) 2016/681 on the use of PNR data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime

Delegations welcomed the presentation on technical and legal aspects of the Dutch lead PIU.net project and the affiliated PISA solution. The project, which ends on 30 September 2019, aims at an automated network solution for the localisation and exchange of information between passenger information units (PIUs) in the framework of the EU PNR Directive.

The operational use of the PISA by HU and LU showed the robustness of the application. Delegations discussed travel intelligence specific challenges and the complementarity of EPRIS/ADEP and PIU.net. The project coordinator, who invited Member States to join the project, was asked for concluding all technical tests before the end of the project and to keep the PNR community posted on the results.

As to the post-project sustainability, Europol could start hosting the project probably in 2021 subject to a positive outcome of an assessment whether it would be fit, and to funding from the Commission.

4. 'Prüm Decisions'

4.1 Implementation - state of play (5322/1/19 REV 1)

The meeting took note of the updated overview and was invited to check regularly the information on the state of play in order to inform the General Secretariat of the Council about possible changes. The meeting was furthermore informed that regarding the Council implementing decision for VRD/IE, the European Parliament requested, due to the end of the current legislative term and the election period, an extension of the deadline for its opinion from 4 July until 20 September 2019.

4.2 Organisation of evaluation visits (5764/1/19 REV 1)

IT was reminded to submit the declaration on available DNA files in accordance with art. 2(3) of 2008/615/JHA before the envisaged DNA evaluation visit in June. UK planned a FP evaluation visit with experts from the BKA (Bundeskriminalamt DE) in July and necessary documentation would be submitted before the next DAPIX meeting. UK promised furthermore to keep DAPIX posted on progress made on the implementation of VRD exchange provisions.

4.3 Statistics and reports on automated data exchange 2018 (5323/19 + COR1)

Delegations took note of the document and were invited to launch expert discussions on the statistics if need be. SE reminded delegations of the still open issue of 'meaningful' DNA statistics; the delegate suggested furthermore to examine why, according to the statistics, the dactyloscopic data exchange differed significantly between Member States.

4.4 Fingerprint daily search capacities (8538/1/19 REV 1)

Hungary agreed to negotiate bilaterally the still missing figures with the Member States concerned before the next DAPIX meeting.

5. Future of Prüm

5.1 Feasibility Study on improving information exchange under the 'Prüm Decisions'

The Commission informed about ongoing activities within the feasibility study and invited to the 2nd workshop on Prüm in Brussels on 25 June 2019. National input to be collected on several issues and at various opportunities would feed in the final report. The report was expected for next October and to be discussed in DAPIX.

The BE delegate criticised again that the availability of biometric data complementary to the Prüm set had not been scientifically assessed prior to the feasibility study. He summarised the conclusions of an analysis recently carried out at the University of Ghent. According to that study, no potential new identifiers, e.g. iris or facial recognition, would be as reliable in a forensic context as DNA or fingerprints.

The FR delegation reiterated concerns about the tight timetable of the feasibility study all the more as its result might have an impact on the Prüm architecture. The Commission explained that the file should be ready in November for the incoming college; a legislative proposal to be expected between 2020 and 2025 would comply with the recommendations of the study in a balanced way.

5.2 Next Generation Prüm (Prüm.ng)

AT and DE currently chairing the focus groups on fingerprints (FP), facial recognition (FR) and DNA and VRD respectively briefed orally on their first meetings held in Vienna or Wiesbaden in last April. The outcome of proceedings set out in living documents drafted by the chairs was made available to the focus groups and, if the chairs agree to do so, to the Commission for internal use.

Further meetings to be hosted by different Member States aim at preparing sufficiently concrete guidelines for improving the current Prüm provisions and should be ready by next September. Having been asked by AT, whether EU funding of travel costs would be available for focus group members, the Commission promised to consult internally.

PT chairing the focus group on 'other police cooperation' (OPC) explained that due to organisational issues at national level meetings would take place only after mid-May.

6. Moving forward the automation of information exchange (8526/19)

The Presidency presented the document as the result of an exercise that put into perspective several initiatives on automation of information exchange and set out the key options at stake. Delegations as well as eu-LISA and Europol welcomed the paper as well developed and balanced: it could serve the structuring of future discussions and strategic thinking of all parties involved.

As to the EPRIS ADEP and affiliated topic of the cross-border access to national databases, several delegations reiterated the need for a proper legal assessment. While DE, however, would prefer to focus on technical pre-requisites and operational needs, AT added critical remarks on the added operational value of EPRIS ADEP. Europol and euLISA draw the attention on the need of further developing UMF and on different technical approaches as to centralised and de-centralised data sharing.

The Commission emphasized the high relevance of automation for the future of information exchange. It appreciated that the Presidency had launched the discussion on the topic and considered the document a good starting point for addressing the issues set out. It was confirmed that the Commission reflected on following up the EPRIS ADEP project by possibly launching a feasibility study, which encompasses the legal aspects mentioned during the discussion. The Commission promised further information on the topic of automation for a forthcoming DAPIX meeting.

The Presidency took note of the interventions and invited the Commission and the incoming Presidencies to continue working on the topic in the light of the discussion.

7. The future of IMS for EU internal security - 2019 and beyond

The chair presented 8561/19, which aimed at capturing the positions of Member States on how to improve the implementation of the information management strategy (IMS). The note suggested tentative guidelines aimed at feeding IMS aspects into the COSI discussion on strategic orientations for internal security. Annex 1 reflected Member States' ideas expressed in previous DAPIX meetings and updated cornerstones for improving the implementation and for aligning the competencies of DAPIX to steer that process; annex 2 outlined MS' replies to the questions set out in Presidency discussion paper 5685/19.

Particular concerns were voiced on certain elements of the suggested cornerstones.

Delegations furthermore underlined the difficulty to reach a common understanding of the key terms 'common vision' or 'strategy' all the more as that would need a convergence of the agenda at EU and national level in terms of synchronisation and substantial prioritisation.

Questions were raised on concrete steps forward and on the role of DAPIX when translating the IMS into concrete objectives and projects. Delegations concluded that the Presidency had faced an ambitious challenge by triggering the debate, which, however, should be brought to maturity before DAPIX address the topic to COSI.

Since strategic discussions on internal security had already started, the Presidency suggested to complete the work on the note and to provide timely input. In order to review the document, delegations were invited to submit further comments by 17 May 2019 to dapix@consilium.europa.eu.

8. Information Management Strategy (IMS)

Information on the state of play of:

- action 1: ATHENA - Heads of SPOC - network

Delegations took note of the outcome of proceedings (9040/19) of the SPOC meeting in Riga on 11/12 April 2019. The IT delegate, further to presenting the questions on setting up a SPOC network, suggested to submit to the Council draft Conclusions on establishing a 'Heads of SPOC'-network (9048/19). Comments on the note might be submitted by 24 May 2019 (dapix@consilium.europa.eu) in order to facilitate the discussion of the draft at the forthcoming meeting.

- action 7: PCCC - European dimension

Information on that item was postponed to the incoming meeting.

9. AOB

The transparency service of the GSC asked Member States whether they agree with the disclosure of their replies to the questions set out in Presidency note 12258/17 on access to central EU systems for borders and securities. Replies should be sent by 22 May 2019 cob to dapix@consilium.europa.eu.

Austria expressed its discontent on the delay of the adoption of the Council implementing decision for DNA/UK from an operational point of view and asked the Presidency on the way forward. The chair took note of the intervention, reminded that the issue had been dealt with by COREPER on 2 May and promised that the Presidency would reflect on the best way ahead on this file.

Estonia presented the outlines of the project entitled 'Towards the European Level Exchange of Facial Images (TELEFI) and asked Member States to kindly assist the project team in conducting their study on the current status of facial images and recognition across Member States. The project is to be implemented by EE, FI, LV, NL and SE between 1 January 2019 and 30 June 2020, and is funded by the EU ISF - Police in the framework of developing the exchange of forensic data via Prüm.