



**COUNCIL OF
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COVER NOTE

from: Permanent Representation of Malta
date of receipt: 23 January 2013
to: Rafael FERNANDEZ-PITA
Director General, DGD - Justice and Home Affairs

Subject: Declaration by Malta in accordance with Article 2(3) of Council Decision 2008/615/JHA of 23 June 2008 on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime

Dear Mr Fernandez-Pita y Gonzalez

National DNA Analysis Files

I refer to the provisions set out in Article 2(3) of Council Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime, on the establishment of national DNA analysis files.

Enclosed please find a declaration by Malta on the national DNA analysis files to which Articles 2 to 6 of Council Decision 2008/615/JHA apply, and the conditions for automated searching as referred to in Article 3(1) of the Council Decision.

Yours Sincerely

Marlene Bonnici
Ambassador
Permanent Representative

Enclosures: Declaration by Malta in accordance with Article 2(3) of Council Decision 2008/615/JHA
Copy: Permanent Secretary, Ministry of Home Affairs

Declaration of the Republic of Malta
in accordance with Article 2 (3) of Council Decision 2008/615/JHA

The national DNA database operates on the basis of CODIS 7.0 (Combined DNA Index System), installed at the Malta Police Forensic Science Laboratory by officials from the FBI (United States), and is used in accordance with the provisions of Chapter 164 of the Laws of Malta.

From this database the following types of profiles are extracted:

- **Forensic:** genetic profile (unknown origin) obtained during a pre-trial investigation from the crime scene or directly from evidence in accordance with legal provisions associated with a criminal act.
- **Suspect:** genetic profile obtained from a known person. DNA profiles from suspects, offenders, arrestees and convicted persons are included.
- **Unidentified person:** genetic profile obtained from an unidentified dead body. DNA profiles from deceased, unidentified human remains, missing persons are included.

A country that wishes to carry out the exchange and comparison of profiles with Malta must comply with the legal, organisational and technical requirements laid down in Council Decisions 2008/615/JHA and 2008/616/JHA of 23 June 2008.
