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from: Permanent Representation of The Netherlands to the European Union - Marieke Timmermans, JHA Counsellor

date of receipt: 25 January 2013

to: Rafael FERNANDEZ-PITA  
Director General, DGD - Justice and Home Affairs

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Subject: Dutch Declaration on Council Decisions 2008/615/JHA and 2008/616/JHA

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Please find inserted here below the Dutch declaration on Council Decisions 2008/615/JHA and 2008/616/JHA, both of 23 June 2008, on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime.

In accordance with Article 36(2) of Council Decision 2008/615/JHA of 23 June 2008, The Netherlands declares that it has complied with the provisions of that Decision as well as the relevant provisions of Council Decision 2008/616/JHA of 23 June 2008.

Likewise, The Netherlands declares its willingness to apply these Decisions in its relations with those Member States which have given this notification.

It should be noted that The Netherlands has begun to exchange personal data in accordance with Decision 2008/615/JHA pursuant to the Prüm Treaty.

For the purposes of Article 19 of Decision 2008/616/JHA, the independent data protection authority is the Dutch Data Protection Agency (College Bescherming Persoonsgegevens).

In accordance with Article 36(2) of Decision 2008/615/JHA, The Netherlands would like to issue a further declaration, as follows:

The national DNA analysis file, which is the subject of Articles 2 to 6 of the Decision takes the form of the DNA-profiles mentioned in the articles 14.4.c, 14.4.d, 14.4.e and 14.4.f of the Dutch DNA-decree (DNA-besluit). The Netherlands allows the other Member States' contact points access to the reference data in its DNA analysis file for the purposes of investigating criminal acts, with the right to conduct automatic searches by comparing DNA profiles.

The remaining declarations provided for in Decision 2008/615/JHA have already been notified to the General Secretariat of the Council.

Yours sincerely,

Marieke Timmermans  
JHA-counsellor

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