



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 8 February 2013

5964/13

**JAI 67
DAPIX 9
CRIMORG 10
ENFOPOL 22
ENFOCUSTOM 20**

OUTCOME OF PROCEEDINGS

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| of : | Meeting of the Working Group on Information Exchange and Data Protection (DAPIX) |
| on : | 31 January 2013 |
| Subject : | Summary of discussions |

1. Adoption of the agenda

The agenda was adopted as set out in doc. CM 1094/13 with the addition of the following points

- information on the IMS/Infopolex Coordination Initiative under point 3 on request of HU,
- information on the Prüm helpdesk activities under point 4 on request of Europol,
- issues regarding SISNET under AOB on request of both FR and CZ .

Moreover, on request of the Commission it was agreed to sum up and outline in a single presentation the main results of the Prüm report (pt. 4.4), the EIXM Communication (pt. 5) and the EPRIS study (pt. 6).

2. Information from the Presidency

Delegations were informed that DAPIX completed the first reading of the proposal concerning a Regulation on the protection of individuals with regard to the processing of personal data, and were briefed about the informal JHA ministers' meeting in Dublin on 17/18 January.

3. Information Management Strategy

3.1 3rd IMS action list 1.1.2013-30.6.2014

The Presidency asked for contact details of chairpersons to be added to the overview on activated/proposed actions (doc. DS 1024/13) and for formal proposals concerning actions 2 and 10. The wish of the IT delegation to withdraw the EPRIS/ADEP project from the 3rd action list was not supported by the meeting and the Presidency explained that the project did not intend to create new legislation but to enhance information exchange by automation of current manual procedures.

3.2 State of play on 2nd IMS Action list 1.7.2011-31.12.2012

- Action 3: Infopolex Coordination Initiative

The HU delegation informed about progress made, namely the signing of the grant agreement by the Commission in last November and preparations of a seminar envisaged in the first week of March in Budapest. Delegations would get details on the programme in the near future.

Furthermore, Europol reported on the state of play of

- Action 4: Information exchange platform for law enforcement agencies,

for which a meeting was scheduled on 7 March aiming at designing a governance model.

Three pilots projects are ongoing in respect of

- Action 5: UMF Interoperability Coordination Programme,

namely work on the Prüm follow-up facilitating a specific application and shortly to be ready, on integrated web services and on structured information exchange within SIENA. A decision whether to continue with the second project would be taken in the course of this semester against the background of limited resources subsequent to the creation of EC3 at Europol. Whether the UMF project bound to end in February 2014 could be followed by a UMF III action would be discussed by the end of this year.

- Action 10: Target Information Management Architecture,

Europol tried to meet reservations on the mentioning of PCCCs in order to allow for the definite approval of the document at the forthcoming meeting.

4. Prüm Council Decisions

4.1 Implementation - *State of play*

Delegations took note of the overview (doc. 5074/13 JAI 6 DAPIX 1 ENFOPOL 1 CRIMORG 1) with PL informing about being operational with NL for DNA data exchange, RO informing about updates as to the FP situation and BG informing about the VRD evaluation visit in January. The Presidency invited delegations to regularly update the document in order to get a reliable picture of the state of play.

4.1.1 Activity report on Europol Prüm helpdesk

The Europol delegate explained that about 200 messages were exchanged per month of which 80% on initiative of Europol. A Prüm e-learning module would be prepared in cooperation with CEPOL in the second trimester 2013 and the ESS upgrade would be ready soon. No AFIS test infrastructure could be prepared since Europol has no access to national software. Against the background of the imminent completion of the MCT project, Europol stressed that the Prüm helpdesk could not support implementation activities. Subsequently, the MCT representative reminded delegations to take the necessary steps to ensure a thorough discussion on the ICD Prüm Guidance document (doc. 16708/12 DAPIX 150) at the forthcoming FP expert meeting.

4.2 Organisation of evaluation visits

Delegations reviewed the indicative calendar for evaluation visits (doc. DS 1022/13) and took note of the list of experts taking part in evaluation visits (doc. DS 1023/13) and the lists of DNA / FP National Contact Points (doc. DS 1072/13 and DS 1073/13).

4.3 Ongoing evaluation

Sweden / DNA

Delegations took note of the reply to the DNA questionnaire (doc. 5288/13 DAPIX 2 CRIMORG 2 ENFOPOL 6) and the Declaration on national DNA analysis files according to 2008/615/JHA, Art 2(3) (doc. 5466/13 DAPIX 5 CRIMORG 5 ENFOPOL 14). As to the questionnaire, the SE delegation suggested to review question 2.3.1. on the 99 % availability of the DNA national system.

Malta / DNA

Delegations took note of the Declaration on national DNA analysis files according to 2008/615/JHA, Art 2(3) (doc. 5728/13 DAPIX 7 CRIMORG 7 ENFOPOL 18).

Romania / Fingerprints

Delegations took note of the revised reply to the data protection questionnaire focussed on dactyloscopic data exchange (doc. 11714/1/10 REV 1 ADD2 DAPIX 6 CRIMORG 134 ENFOPOL 191) and the reply to the FP questionnaire (doc. 5343/13 DAPIX 3 CRIMORG 3 ENFOPOL 8), which were both briefly presented by the RO delegate.

- 4.4 **Report from the Commission to the European Parliament and the Council on the implementation 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 (the "Prüm Decision")**
doc. 17679/12 JAI 911 DAPIX 162 CATS 85 ENFOPOL 417 JURINFO 63
5. **Communication from the Commission to the European Parliament and the Council on strengthening law enforcement cooperation in the EU: the European Information Exchange Model (EIXM)**
doc. 17680/12 JAI 913 DAPIX 163 ENFOPOL 418 JURINFO 64
6. **Study on possible ways to enhance efficiency in the exchange of police records between Member States by setting up a European Police Records Index System - EPRIS**

After the presentation of the main results and recommendations on the three topics by the Commission, MS agreed to a wide extent on a stronger role for SPOCs and on the further automation information exchange processes that are still manual. It was stressed that existing legislation should be better applied and implemented, particularly against the background of the Commission considering infringement proceedings in the JHA sector as of December 2014.

MS, however, were divided on SIENA as the recommended default channel for information exchange after the closing down of SISNET. Furthermore, they expressed worries about the work load involved in the gathering of Prüm statistics as asked for by the Commission. One delegation questioned the Commission reasoning on Prüm delays, in particular the supposed lack of political will to implement the Decisions.

The Presidency invited MS to submit further comments (dapix@consilium.europa.eu) on all three topics by 28 February in order to prepare draft Council Conclusions on the topics to be discussed at the forthcoming meeting.

7. Implementation of Directive 2011/82/EU facilitating the cross-border exchange of information on road safety related traffic offences ("CBE" Directive)

The meeting discussed the suggested technical specifications as set out in doc. 5416/13 DAPIX 4 CRIMORG 4 ENFOPOLL 11 TRANS 12 . While the objective had been to approve the specifications with a view to respecting the CBE implementation deadline of 7 November 2013, the following issues remained outstanding: at the end of the discussion, the state of play was

- a general reservation from FR requesting that all proposed modifications, suppressions and additions in the annexes of Directive 2011/82/EU were deleted unless they were aimed at interpreting these annexes. This stance was partially challenged by the CLS;
- a scrutiny reservation from BE on making the language code optional ("O") (see p. 4 of doc 5416/13). The CLS explained its position on this point;
- a suggestion from SE to draft both "Message specifications" and "Operation and support" in line with the correspondent text of Chapter 3, 3.1.2., of the Annex to Decision 2008/616/JHA;
- a suggestion from HU to explicitly name EUCARIS as the secretary tasked to gather logged information on messages (see 2.1.12).

In the light of the debate, the Presidency invited delegations concerned to bilaterally discuss the legal issues with the CLS and invited all delegations to submit further comments by 8 February at the latest to allow for the development of the software without delay.

8. Any other business

The FR delegation invited the Presidency to deal with the closure of SISNET and its impact on police information exchange, if appropriate, in a dedicated workshop.

In this context, the Presidency reminded delegations to check and update if necessary the SFD national fact sheets¹ with regard to the preferred information exchange channels.

The CZ delegation pointed at a possibly misleading wording in the minutes of the previous DAPIX meeting (doc. 17313/12) and explained that only the SIS II network and not sTesta as such would be restricted to SIS II data exchange.

¹ see doc. 9512/1/10 REV 1 DAPIX 59 CRIMORG 90 ENFOPOL 125 ENFOCUSTOM 36 COMIX 346+ COR 1; 9512/3/10 REV 3 (fr,de,it,el,pt,sv,lv,pl,sk,ro)