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NOTE

From: Presidency
To: Working Party on Data Protection and Information Exchange (DAPIX)
No. prev. doc.: 6478/13 JAI 108 DAPIX 19 CRIMORG 17 ENFOPOL 38 ENFOCUSTOM 23
Subject: "Prüm Decisions" - overall evaluation report on DNA data exchange for Malta

The Presidency hereby submits the draft overall evaluation report on Prüm DNA data exchange for **Malta** for approval of the Working Party on Data Protection and Information Exchange (DAPIX) and subsequent transmission to the Council.

1. Introduction

Chapter 2 of Council Decision 2008/615/JHA provides for the automated transfer of DNA profiles, dactyloscopic data and certain national vehicle registration data (VRD) for the purpose of prevention and investigation of criminal offences and subject to certain conditions and procedures. However, pursuant to Art. 25(2) of that Decision, the supply of personal data for a specific Member State is subject to a decision of the Council.

Art. 20 and chapter 4 of the Annex of Council Decision 2008/616/JHA set out the evaluation procedure for the preparation of such decisions, and in particular point 1.4 specifies that "an overall evaluation report, summarising the results of the questionnaires concerning each of the automated data exchanges, the evaluation visit and the pilot run will be presented to the Council for its decision pursuant Article 25(2) of Decision 2008/615/JHA".

The current document is the overall report regarding **DNA data** exchange with **Malta**. It is without prejudice regarding other data categories provided for by the above-mentioned Council Decisions.

2. Evaluation procedure according to Article 20 of Council Decision 2008/616/JHA (preparation of decisions according to Article 25(2) of Council Decision 2008/615/JHA)

Malta has satisfactorily replied to the questionnaire on data protection (cf. doc. **13649/12 DAPIX 103 CRIMORG 98 ENFOPOL 270**) and on DNA data exchange (cf. doc. **13650/12 DAPIX 104 CRIMORG 99 ENFOPOL 271**). With a view to evaluating the results of the questionnaire on DNA data exchange,

- an evaluation visit was carried out by experts from Austria on **21-24 January 2013**. The evaluation team submitted its report to the Working Party on Data Protection and Information Exchange (DAPIX) (see doc. **6478/13 JAI 108 DAPIX 19 CRIMORG 17 ENFOPOL 38 ENFOCUSTOM 23**);
- a pilot run was successfully carried out, as specified in the evaluation report.

The **DNA evaluation visit report** concluded that the implementation of the Prüm/DNA-information flow, both on a legal and on a technical level, has been done up to a satisfactory level in **Malta**.

3. Conclusions

On this basis, the Working Party on Data Protection and Information Exchange (DAPIX) concluded that all conditions are met for **Malta** to start the exchange of DNA data pursuant to Council Decision 2008/615/JHA.

Therefore, the Working Party on Data Protection and Information Exchange (DAPIX) suggests to the Council to decide according to Art. 25 (2) of Council Decision 2008/615/JHA that the general provisions on data protection have been satisfactorily implemented in the national law of **Malta** so that **Malta** may exchange DNA data.
