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NOTE

From: Presidency
To: Working Group on Information Exchange and Data Protection (DAPIX)
No. prev. doc.: 6481/13 JAI 111 DAPIX 22 CRIMORG 20 ENFOPOL 41 ENFOCUSTOM 26
Subject: "Prüm Decisions" - overall evaluation report on dactyloscopic data exchange for Malta

The Presidency hereby submits the draft overall evaluation report on the Prüm dactyloscopic data exchange for **Malta** for approval of the Working Group on Information Exchange and Data Protection (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 **dactyloscopic 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 dactyloscopic data exchange (cf. doc. **13651/12 DAPIX 105 CRIMORG 100 ENFOPOL 272**). With a view to evaluating the results of the questionnaire on dactyloscopic data exchange,

- an evaluation visit was carried out by experts from Germany on 21-24 January 2013. The evaluation team submitted its report to the Working Party on Information Exchange and Data Protection (DAPIX);
- a pilot run was successfully carried out, as specified in the evaluation report.

The **dactyloscopic evaluation report** concluded that the implementation of the Prüm/ dactyloscopic data-information flow, both on a legal level and on a technical level, has been done up to a satisfactory level in **Malta** (cf. doc. **6481/13 JAI 111 DAPIX 22 CRIMORG 20 ENFOPOL 41 ENFOCUSTOM 26**).

3. Conclusions

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

Therefore, the Working Party on Information Exchange and Data Protection (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 satisfactorily been implemented in the national law of **Malta** so that **Malta** may exchange dactyloscopic data.