



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 4 March 2013

6988/13

**JAI 162
DAPIX 41
CRIMORG 30
ENFOPOL 56
ENFOCUSTOM 33**

OUTCOME OF PROCEEDINGS

of : Meeting of the Working Group on Information Exchange and Data Protection
(DAPIX / DNA/FP)

on : 27 February 2013

Subject : Summary of discussions

1. Adoption of the agenda

The agenda was adopted as set out in CM 1478/13 with the addition under AOB of:

- the impact of the DE communication with CODIS countries, on request of Europol
- a monitoring scheme of the entry/exit scheme of FP data, on request of the BE delegation.

2. Information from the Presidency

The Presidency briefed on discussions held in the DAPIX plenary of 31 January and on work ongoing in the data protection part of DAPIX.

3. Implementation of the "Prüm Decisions"

3.1 State of play in the Member States

Not yet operational MS outlined the state of play of their DNA and FP data exchange implementation to be taken into account for the update of doc. 5074/1/13 REV 1 JAI 6 DAPIX 1 ENFOPOL 1 CRIMORG 1.

The AT expert informed that a positive FP evaluation report for RO could shortly be expected.

3.2 List of National Contact Points (NCP)

The Presidency invited delegations to check and regularly update doc. DS 1072/1/13 REV 1 and DS 1073/1/13 REV 1.

3.3 Evaluation visits

The meeting updated the estimated time schedule set out in doc. DS 1022/1/13 REV 1.

3.4 Ongoing evaluation

Malta / DNA

The meeting approved the evaluation visit report (doc. 6478/13 JAI 108 DAPIX 19 CRIMORG 17 ENFOPOL 38 ENFOCUSTOM 23) as well as the overall evaluation report (doc. 6479/13 JAI 109 DAPIX 20 CRIMORG 18 ENFOPOL 39 ENFOCUSTOM 24) with a view to submitting the latter document together with the draft Council Decision (doc. 6480/13 JAI 110 DAPIX 21 CRIMORG 19 ENFOPOL 40 ENFOCUSTOM 25) to COREPER/Council for adoption.

Malta / FP

The meeting approved the evaluation visit report (doc. 6481/13 JAI 111 DAPIX 22 CRIMORG 20 ENFOPOL 41 ENFOCUSTOM 26) as well as the overall evaluation report (doc. 6483/13 JAI 112 DAPIX 23 CRIMORG 21 ENFOPOL 42 ENFOCUSTOM 27) with a view to submitting the latter document together with the draft Council Decision (doc. 6485/13 JAI 113 DAPIX 24 CRIMORG 22 ENFOPOL 43 ENFOCUSTOM 28) to COREPER/Council for adoption.

Sweden / DNA

The meeting approved the evaluation visit report (doc. 6510/13 JAI 114 DAPIX 25 CRIMORG 23 ENFOPOL 44 ENFOCUSTOM 29) as well as the overall evaluation report (doc. 6511/13 JAI 115 DAPIX 26 CRIMORG 24 ENFOPOL 45 ENFOCUSTOM 30) with a view to submitting the latter document together with the draft Council Decision (doc. 6512/13 JAI 116 DAPIX 27 CRIMORG 25 ENFOPOL 46 ENFOCUSTOM 31) to COREPER/Council for adoption.

With regard to system availability criteria for DNA data exchange, the meeting agreed to amend the DNA questionnaire as suggested by the SE delegation (see doc. DS 1157/13).

4. Prüm - statistics and reports on automated data exchange for 2012

The meeting agreed on further applying the models for the compilation of DNA (doc. 14383/12 DAPIX 118) and dactyloscopic data exchange (doc. 16891/11 JAI 830 DAPIX 147 CRIMORG 202 ENFOPOL 400). The discussion on how to draw up DNA statistics that set out matches leading to investigation was postponed to a later stage. The Presidency invited MS to submit DNA and FP statistics by 20 March in order to submit the 2012 general report on automated data exchange to the DAPIX plenary meeting on 27 March.

5. DNA Implementation guide

The meeting supported the Presidency suggestion to rewrite a commonly acceptable chapter on matching rules (doc. 6747/13 DAPIX 34 CRIMORG 28 ENFOPOL 51) subsequent to MS' feedback on a note from DE on the issue to be submitted by mid March.

The DE expert suggested to complement the implementation guide by a chapter on methods for speeding up DNA data processing as briefly presented by the LT expert.

6. Implementation of the exchange of the new ESS of loci

The meeting agreed on the go-live scheme for exchanging the new ESS loci suggested by EUROPOL (doc. 6735/13 DAPIX 33) despite technical difficulties encountered by some MS. These MS were called upon to resolve their problems as quickly as possible to reduce their risk of being off-line and a negative impact on information exchange.

7. ICD Prüm Guidance Document

Due to a feeble feedback on document 16708/12 DAPIX 150, the MCT delegate urged once more MS' technical experts to comment, if possible by involving their AFIS supplier, on the guidance tool in order to commonly agree on recommendations made or on outstanding questions. If need be, a supplementary ICD focus group workshop could be envisaged. The Presidency invited delegations to submit their comments to PRUEM.MCT@bka.bund.de with dapix@consilium.europa.eu in copy by 31 March.

8. Any other business

Europol as well as the Commission encouraged the DE delegation to come bilaterally to a business arrangement with CODIS countries in order to avoid a negative impact on their communication.

The BE delegation invited delegations to reflect on how to negotiate with AFIS suppliers on a software feature that administers the daily FP maximum search capacities of MS. The MCT delegate reminded that due to the complexity of that issue, the focus group could not agree in last September on a common approach and that the MCT together with the Prüm helpdesk at Europol envisage to work on a 'white paper' explaining the different options.
