



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 23 May 2013

9867/13

**JAI 409
DAPIX 83
CRIMORG 78
ENFOPOL 152
ENFOCUSTOM 92
TRANS 256**

OUTCOME OF PROCEEDINGS

of : Meeting of the Working Group on Information Exchange and Data Protection (DAPIX)
on : 15 May 2013
Subject : Summary of discussions

1. Adoption of the agenda

The agenda was adopted as set out in doc. CM 2641/1/13 REV 1.

2. Information from the Presidency

The Presidency briefed on

- work on-going in the data protection part of DAPIX on the draft Data Protection Regulation,
- discussions in the Commission expert group to support the implementation of the CBE Directive at the meeting of 29 April.

3.1 Draft Council Conclusions on strengthening cross-border information exchange in the area of law enforcement

The Presidency underlined that in order to reach consensus on the different items set out in the draft Council Conclusions (doc. 7226/2/13 REV 2 JAI 192 DAPIX 53 CRIMORG 39 ENFOCUSTOM 41 ENFOPOL 70), the amendments submitted by delegations subsequent to the previous meeting were taken on board as far as possible.

The Chair explained that the draft Conclusions focused on stressing the consensus to implement and consolidate the legal status quo while at the same time not closing the door for possible technical improvements which might facilitate information exchange.

Delegations generally welcomed the draft reviewed. Further amendments suggested were taken into account in doc. 7226/3/13 REV 3 was submitted to the meeting in the afternoon. Subsequently, delegations raised no substantial reservations.

In order to prepare the adoption of the draft Conclusions by the Council on 6/7 June, the Presidency invited delegations to formally approve doc. 7226/3/13 REV 3 by means of silent procedure until Tuesday, 21 May.

3.2 Police information exchange after the cessation of SISnet Mail

Replying to the information note from the Commission (doc. DS 1404/13), the CZ delegation orally presented once more an interim e-mailing solution for the SIRENE network. Delegations welcomed the proposal and agreed on the need to properly discuss the situation, in particular regarding the choice of alternative communication channels, before the cessation of SISnet mail.

The Presidency suggested to define the way forward in the light of the outcome of a meeting between CZ and the Commission on the interim solution on the following day.

4. Information Management Strategy / 3rd IMS action list

doc. DS 1024/2/13 REV 2

Action 1: Manual on information exchange / Report on proceedings

The Chair informed delegations that work launched at the eve of the DAPIX meeting sought to reflect the drafting guidelines suggested at the Infopolex discussion in Budapest. Discussions within the project group focussed on the introductory part of the manual and the list of topics. DAPIX would be regularly up-dated on further progress.

Action 2: ADEP: Automation of the data exchange process

The FI and FR delegation presented the outlines of the project (DS 1386/13) as agreed during a workshop in Paris on 22-23 April and the corresponding questionnaire (CM 2858/13).

Whereas many delegations and the Commission welcomed the ADEP initiative, in particular with regard to the strategic link to UMF, one delegation challenged the pertinence of the project and asked whether it could be implemented without a proper legal basis.

Another delegation asked the CLS for an opinion on the legal framework as set out by the project group and warned that designing Europol's implication could be premature in view of on-going negotiations of the new Europol Regulation. The Europol delegate replied that the new legislation would have no impact on Europol's role within ADEP.

Delegations were invited by the Presidency to comment on DS 1686/13 and to reply to the questionnaire by 14 June in order to report on progress made at the next DAPIX meeting.

Interoperability Member States - Europol - Interpol

In the same context, Member States took note of a BE presentation of the current interoperability scheme at international level and the suggestion to smooth the way for enhanced interoperability between MS, Europol and Interpol by developing a UMF valid for all tools, systems and applications. To that end, the merger into one project of IMS actions 2, 4 and 5 was proposed. The Commission welcomed the merger as an ambitious project which needed considerable funding and recommended to involve the end user level as early as possible.

The Presidency invited delegations to submit comments on the presentation by 14 June.

Action 4: Information Exchange Platform for Law Enforcement Agencies

The Europol delegate briefed on comments on the project submitted after the previous meeting. She stressed that phase 1 of the project could only be implemented once a decision on the governance would have been taken. She reminded that currently only option 3¹ is viable, i.e. initiating phase 1 as a Commission funded pilot project by a consortium of stakeholders. She therefore invited Member States to take the appropriate initiative.

Action 5: UMF Interoperability Coordination Program

Delegations took note of the use and management policy concerning the UMF2 Prüm Hit Follow-up Form (doc. 9383/13 JAI 353 DAPIX 79 CRIMORG 72 ENFOPOL 133 ENFOCUSTOM 82).

5. Prüm Council Decisions

5.1 Implementation - *State of play*

The meeting took note of doc. 5074/3/13 REV 3 JAI 6 DAPIX 1 ENFOPOL 1 CRIMORG 1. Latest changes notified to the Secretariat would be taken into account in the next version of the overview.

¹ doc 7840/12 JAI 236 DAPIX 60 CRIMORG 47 ENFOPOL 86 ENFOCUSTOM 49

5.1.1 Organisation of evaluation visits

The Presidency noted a stagnation and invited delegations to particularly review the indicative calendar (doc. DS 1022/3/13 REV 3) with regard to the VRD evaluation visits.

5.1.2 Report on MCT / Europol Prüm helpdesk activities

The DE delegation had asked the Commission for the extension of the MCT project by one year. The MCT briefed on several DNA and FP tests carried out, on progress on the FP implementation guide and on cooperation with the PIES (Prüm Implementation, Evaluation, and Strengthening of Forensic DNA Data Exchange) project aiming at an efficient use of data exchanged.

Europol informed about the workshop on 23 April on the Prüm follow-up form supposed to be released end of May.

6. Draft specifications for the implementation of Directive 2011/82/EU facilitating the cross-border exchange of information on road safety related traffic offences (CBE)

With regard to doc. 5416/3/13 REV 3 DAPIX 4 CRIMORG 4 ENFOPOL 11 TRANS 12, the Presidency informed that the suggested disclaimer attached to replies on owner/holder data was challenged by two delegations, i.e. one being against a disclaimer at all, the other opting for a stronger wording to exclude automatic owner reliability. Since the last outstanding issue concerned mainly these two delegations, the Presidency promised to facilitate the search for a solution on a bilateral basis. Furthermore, the Presidency reminded delegations to fill in the implementation table (doc. DS 1321/13) in order to keep DAPIX informed on the state of play.

The Presidency invited delegations to examine the overview on sanctions for CBE offences (doc. DS 1424/13) prepared on the basis of a questionnaire and submitted by the SE delegation.

7. Presentation of the incoming Lithuanian Presidency Programme

The incoming Presidency informed that it would continue work on the traditional DAPIX subjects and on the CBE implementation at the DAPIX (information exchange) plenary sessions scheduled on 4 July, 3 October and 12 November, the DNA/FP expert meeting on 2 October, and the VRD expert meeting on 16 September. A PCCC Conference was planned in Brussels on 21-22 October.

8. Any other business

No issue was raised under this point.