



**COUNCIL OF
THE EUROPEAN UNION**

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**JAI 873
DAPIX 122
CRIMORG 120
ENFOPOL 312**

OUTCOME OF PROCEEDINGS

From: General Secretariat of the Council
On: 2 October 2013
To: Working Group on Information Exchange and Data Protection (DAPIX -
Information Exchange / experts DNA/FP)
Subject: Summary of discussions

1. Adoption of the agenda

The agenda was adopted as set out in doc. CM 3735/13 with the addition under AOB of an information point on the "Prüm Implementation, Evaluation and Strengthening of Forensic DNA Data Exchange"-project.

2. Information from the Presidency

The Presidency briefed the meeting on the outcome of the DAPIX plenary meeting of 4 July (cf. doc. 12016/13).

3. Implementation of the "Prüm Decisions"

3.1 State of play in the Member States

Not yet operational Member States informed about their planning as to the implementation of DNA and FP provisions. Furthermore, the Presidency invited all delegations to inform the GSC about possible updates concerning doc. 5074/6/13 REV 6 JAI 6 DAPIX 1 ENFOPOL 1 CRIMORG 1.

3.2 List of National Contact Points (NCP)

The meeting took note of both doc. DS 1072/2/13 REV 2 and doc. DS 1073/2/13 REV 2.

3.3 List of experts concerning information exchange

Several contact details set out in doc. DS 1191/2/13 were updated in order to review the list.

3.4 Evaluation visits

The meeting confirmed the estimated time schedule (see doc. DS 1022/6/13 REV 6).

3.5 On-going evaluation

As to *Finland*, Member States took note of the reply to the FP questionnaire (cf. doc. 13994/13) and of the addition to the reply to the questionnaire on data protection (cf. doc. 6671/10 ADD 1). The evaluation visit date was confirmed for November.

4. Prüm - statistics and reports

4.1 Prüm - statistics and reports on automated data exchange for 2012

Since doc. 7146/2/13 JAI 188 DAPIX 52 CRIMORG 38 ENFOPOL 69 showed inconsistent figures in bilateral DNA match statistics, the Presidency invited delegations to cross check these figures and to discuss how to overcome such statistical problems (see doc. DS 1744/13).

It was not clear whether these inconsistent results were due to structural weaknesses or individual approaches to be checked bilaterally. On the idea that an underlying problem with CODIS could be the reason, IT suggested its technical solution added to the CODIS installation and which was supposed to lead to more reliable results. Bilateral checks of statistics were deemed feasible only with smaller Member States due to the workload expected.

Taking note of the interventions, the Presidency invited delegations to take care that 2013 DNA statistics would be accurate.

4.2 Interpretation of DNA matching rules

The representative of the Mobile Competence Team (MCT) reported on the outcome of a survey among operational Member States on how to handle two possible options of using "wildcards" for the matching process (see doc. DS 1776/13). The survey showed that the majority of MS preferred option 2 ('6+1' interpretation). Accordingly, the meeting agreed that the "'6+1' interpretation" would be considered as a commonly binding rule for the matching process and that the update of the DNA implementation guide would take account of this agreement (see below point 5).

4.3 "Meaningful statistics"-model for DNA data exchange

The Presidency reminded delegations of their commitment to produce "meaningful DNA statistics" (see doc. DS 1742/13). The Commission concurred by explaining that it would be very difficult to amend the Prüm Decisions unless statistics prove the usefulness of the instrument. Furthermore, the Commission would be ready to financially support Member States should supplementary resources be required to compensate increased bureaucratic efforts for such statistics.

It was suggested that a central authority at national level could retrieve follow-ups. The main discussion, however, focused on how to interpret and measure the usefulness of Prüm DNA data exchange. For pragmatic reasons, the majority of delegations supported the idea to measure the success of the instrument by counting how often a match leads to a phase 2 follow-up, and not on how reliable DNA matches are.

Taking note of the interventions, the Presidency invited delegations, pending organisational solutions for establishing meaningful statistics, to set up the 2013 statistics on the basis of the current model.

4.4 Statistics model for FP

Delegations agreed to set up statistics for 2013 on the basis of the model which was used for the 2012 statistics (see doc. CM 1879/13).

5. DNA Implementation guide

Delegations took note of the implementation guide (see doc. 6747/1/13 REV 1) which would be updated by taking on board the agreed matching rule (see pt. 4.2). Since the guide served as a best practice document, DE confirmed that the updated document would as well include for illustration purposes the examples submitted by FR on inclusion rules.

6. ICD Prüm Guidance Document

The DE delegation presented the draft ICD implementation guide (cf. doc. DS 1782/13) on how to interpret the technical specifications set out in the Annex to Council Decision 2008/616/JHA. Delegations were invited to further comment on the document by 30 November in order to prepare a focus group in December and a user conference in January. The final version of the guidance document was expected for spring 2014.

7. Any other business

Delegations took note of the outlines of the "Prüm Implementation, Evaluation and Strengthening of Forensic DNA Data Exchange" - project (PIES) as outlined by the BE delegation. The Commission invited delegations to actively participate in this project.
