



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 10 October 2013
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**JAI 874
DAPIX 123
CRIMORG 121
ENFOPOL 313
TRANS 519**

OUTCOME OF PROCEEDINGS

From: General Secretariat of the Council
On: 3 October 2013
To: Working Group on Information Exchange and Data Protection (DAPIX)
Subject: Summary of discussions

1. Adoption of the agenda

The agenda was adopted as set out in doc. CM 4257/13 with the deletion of the Prüm VRD evaluation point concerning Malta and the addition of an information point under AOB on the use of the "XX.sirenemail2.eu" domain at the request of the Portuguese delegation.

2. Information from the Presidency

The meeting was briefed

- on the PCCC conference in Brussels on 21 - 22 October to which registration was still possible,
- on the European Police Chiefs Convention (EPCC) at the headquarters of Europol in The Hague on 11 - 12 September,

- on the outcome of both the DAPIX VRD meeting of 9 September and the DAPIX DNA/FP meeting of 2 October. In the context of the report on the VRD meeting, delegations were reminded to reply to the SE questionnaire (see doc. CM 4154/13).

3. **Information Management Strategy / 3rd IMS action list**

The meeting took note of doc. DS 1024/4/13 REV and discussed the report on the state of play of Action 2, the Automation of the Data Exchange Process (ADEP) as presented both by the Finnish and French delegate (cf. doc. DS 1800/13). The FR delegate informed that a workshop to tackle outstanding issues was planned prior to the next DAPIX meeting. The Commission welcomed the report and invited the authors to further set out where ADEP could complement existing information exchange systems.

4. **Prüm Council Decisions**

4.1 Implementation - *State of play*

Several delegations updated information about the state of play as set out in doc. 5074/6/13 REV 6 JAI 6 DAPIX 1 ENFOPOL 1 CRIMORG 1.

4.2 **Romania** - Declaration in accordance with Art 36(2)

The meeting took note of the final notification on the implementation and application of the Prüm Decisions (see doc. 12792/13 DAPIX 101 CRIMORG 106 ENFOPOL 255 + COR 1).

4.3 On-going evaluation

Slovakia / VRD

The meeting took note of the evaluation visit report (cf. doc. 14130/13 JAI 835 DAPIX 116 CRIMORG 117 ENFOPOL 304 ENFOCUSTOM 143), the overall evaluation report (cf. doc. 14135/13 JAI 836 DAPIX 117 CRIMORG 118 ENFOPOL 305 ENFOCUSTOM 144) and the Draft Council Decision (cf. doc. 14136/13 JAI 837 DAPIX 118 CRIMORG 119 ENFOPOL 306 ENFOCUSTOM 145).

The latter documents were deemed agreed and would be submitted for adoption to COREPER/Council under the conditions that

- no delegation objects to the documents by 14 October and
- SK submits the reply to the questionnaire on data protection as revised in the framework of the VRD evaluation.

SK was invited to submit this revised reply without delay.

4.4 Organisation of evaluation visits

The Presidency presented the indicative calendar for evaluation visits (see doc. DS 1022/6/13 REV 6) to which HU and SE added to be ready in November for the VRD and FP evaluation respectively

4.5 Report on MCT / Europol Prüm helpdesk activities

The Europol representative reported on on-going activities to the stand alone solution for the UMF 2 follow-up form, already in use by five MS, on the recent CEPOL webinar, and on ISEC funded projects such as the BE lead "Prüm Implementation, Evaluation, and Strengthening of Forensic DNA Data Exchange" project (PIES) and the FI lead project on DNA post hit procedures.

5. SIENA

5.1 Survey on the use by French police authorities

Delegations, and in particular Europol, welcomed the presentation by the FR delegation on advantages and disadvantages of the use of SIENA. FR confirmed the intention to repeat the exercise in due time.

5.2 Capture Member States' constraints

The outcome of questionnaire CM 3878/13 as presented by Europol was welcomed by the Commission since that exercise had identified the problems and the ways to tackle them on all levels concerned.

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

Delegations took note of the state of play of the implementation of the CBE Directive as set out in doc. DS 1321/3/13 REV 3. The Presidency invited delegations that had not yet done so to fill in the table.

The DE delegation presented its letter to the Presidency and delegations (see doc. DS 1791/13) on the subject of a disclaimer to be added to data transmitted from DE. The EUCARIS representative explained that from a technical point of view the current CBE application could easily be supplemented by a message of 50 signs.

One delegation expressed support for the DE request and invited the Commission to particularly pay attention to MS' assessment of the effective impact of the disclaimer in the national reports on CBE information exchange according to Article 6 of the Directive. However, concerns were voiced about DE confusing primary CBE owner/holder VRD exchange and possible follow-up procedures for the recovering of fines. Since delegations remained divided on the solution proposed by DE and due to reservations on the intended purpose of the proposed disclaimer, no agreement on the issue was reached.

In view of the approaching deadline, the Presidency concluded that the implementation of the current technical solution as provided by EUCARIS would be continued and, taking note of the disclaimer issue, invited DE to come back to its request at the next meeting. DE introduced a reservation.

Subsequent to a request made at the DAPIX VRD meeting of 9 September, the Presidency submitted a note (see doc. DS 1774/13) on the linkage between the Prüm Decisions and the CBE Directive. The discussion focused on the question whether a MS could be operational for CBE before being operational for Prüm VRD exchange.

Delegations argued that for the sake of a level playing field, CBE VRD exchange must be of the same security and safety standard as the Prüm VRD exchange. Applying the officially assessed Prüm standard would not only be a matter of fair play but also enhance mutual trust in cross-border law enforcement. The VRD lead expert suggested to proceed in a chronological order, i.e. to go operational first for Prüm and secondly for CBE.

The Presidency suggested to ask the CLS for an opinion on the issue. The Commission considered the requested Presidency note as the starting point for a legal discussion and promised to consult its legal service as well.

7. Feasibility study on RVNP

Discussing the "Registration Vehicles Number Plates" (RVNP) study on the feasibility of an IT based recognition of foreign number plates (see doc. 13127/13 DAPIX 106) and the different options to implement it, a number of delegations introduced scrutiny reservations on the substance. Furthermore, SE introduced a procedural reservation explaining that DAPIX could at most assess the added value of the project from a law enforcement point of view and, as to a mandate of implementing the study, only support the decision taking of the EUCARIS Management Board by giving recommendations.

The Presidency invited delegations to further examine the study and to submit their opinion in writing by 31 October.

8. Any other business

Subsequent to the intervention of the CLS, PT withdrew its proposal presented at the last DAPIX meeting concerning police information exchange after the cessation of SISnet Mail¹ and voiced support for the CZ solution in this respect.² The CZ delegation reiterated its offer to submit to interested delegations all documentation necessary to implement the CZ proposal.

¹ see doc. DS 1573/13

² see doc. 1464/13