



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 8 February 2012

7419/12

**JAI 155
DAPIX 26
CRIMORG 22
ENFOPOL 61
TRANS 75**

OUTCOME OF PROCEEDINGS

of : Meeting of the Working Group on Information Exchange and Data Protection
(DAPIX /VRD)
on : 7 March 2012
Subject : Summary of discussions

1. Adoption of the agenda

The agenda was adopted as set out in CM 1655/12 with the addition of a point under AOB on EUCARIS invoicing.

2. Information from the Presidency

No issue was raised under this point.

3. Implementation of the EUCARIS / Prüm-functionalities

3.1 State of play in the Member States

Delegations took note of the overview set out in doc. 5086/1/12 REV 1 JAI 5 DAPIX 3 ENFOPOL 5 CRIMORG 3 and were invited to regularly update the document by submitting new information to prum@consilium.europa.eu.

3.2 List of National Contact Points (NCP)

Updates for doc. DS 1009/1/12 REV 1 on NCP contact details were notified.

3.3 Follow-up to recommendations made in VRD evaluations visit report

Replying to a brief inquiry about the recommendations set out in doc. DS 1761/11, it was noted that

- FI having implemented recommendation (b)
- RO having implemented recommendations (a), (b), (e), (f), (g), (h), (i)
- SI having implemented recommendations (a), (e), (f), (g).

4. Evaluation procedure

4.1 Evaluation visits

- *Estimated time schedule for non operational MS to finish the implementation*

Due to internal organisational changes, LT postponed the evaluation visit to April. The revised version of doc. DS 1007/1/12 REV 1 would indicate RO as an operational MS for VRD. As IT was presented as a possible candidate for an evaluation, the chair reminded to submit the reply to the relevant questionnaires. IE explained that pending legislative issues might not be solved before the end of 2012.

- *List of experts participating in evaluation visits*

Updates of contact details set out in doc. DS 1012/12 were taken note of.

4.2 Matters for interpretation – VRD evaluation visits : Practical ways forward

Subsequent to the discussion within the DAPIX plenary meeting of 1 February (see doc. DS 1018/12), experts agreed on ensuring a level playing field for technical evaluation prior to the official launch of automated data exchange in different MS by primarily not lowering already applied standards and by allowing for VRD exchange test runs in the operational environment. As to the understanding of which national authority other than the police can legally be regarded as a "competent authority" in the framework of the Prüm data exchange it was restated that the term "competent" refers to criminal investigation competencies.

4.3 Ongoing evaluations

(a) *Evaluation visit report*

Poland

Delegations took note of the evaluation visit report (see doc. 7270/12 JAI 139 DAPIX 24 CRIMORG 20 ENFOPOL 56 ENFOCUSTOM 16). It was agreed that delegations take time to examine the report prior to the DAPIX plenary meeting and submit possible comments by 23 March at the latest. Would a revised version of this report be needed it would be submitted to delegations in due time. The DAPIX plenary meeting of 28 March would then endorse the evaluation visit report together with the corresponding draft evaluation report and draft Council Decision.

(b) *Reply to questionnaire*

Lithuania

Delegations took note of doc. 6100/12 DAPIX 15 CRIMORG 12 ENFOPOL 26.

5. Prüm VRD statistics : comments of Eucaris

5.1 Availability

Delegations took note of the detailed EUCARIS presentation on the overall availability, number of incidents and performance of the EUCARIS/Prüm system in 2011. In order to identify and solve technical problems encountered, delegations were invited to improve the communication with the EUCARIS helpdesk.

5.2 Information exchanges

Delegations took note of the EUCARIS "inquiry / response balance" for 2011 (statistics delivered pursuant to chapter 4, pt. 2.1 of the Annex to Council Decision 2008/616/JHA) and problems encountered during the compilation of these statistics (see doc. DS 1156/12).

6. List of available VRD data per country

Delegations were invited to check doc. 10792/2/09 REV 2 CRIMORG 93 ENFOPOL 165 and to submit possible modifications to prum@consilium.europa.eu

7. Proposal for a Registration of Vehicle Number Plates (RVNP) (RAKK)

Delegations welcomed the proposal for a possible feasibility study on a licence plate information system (see doc. 7229/12 DAPIX 23 CRIMORG 18 ENFOPOL 55) presented in detail by the EUCARIS Secretariat. BE asked that the linking of 3rd countries be considered and AT recommended to work out how to oblige MS to feed the system and how development costs should be shared.

Experts recommended that the proposal be amended to take into account comments made in order to present to the DAPIX plenary meeting of 28 March so that the launch of the study could definitely be decided upon.

8. Implementation of the Directive facilitating the cross-border exchange of information on road safety related traffic offences - *Way forward*

The Commission informed that it challenged the legal basis of Directive 2011/82/EU (CBE Directive) and seized the ECJ on 27 January 2012. The COM representative, however, underlined that the essence of the Directive was not at stake and MS remained obliged to implement the Directive by 7 November 2013.

8.1 The EUCARIS Secretariat presented the system components of the software application for the CBE Directive to be developed by both the MS and EUCARIS (see doc. 6467/12 JAI 90 DAPIX 16 CRIMORG 17 ENFOPOL 52 TRANS 42) and a time schedule for the implementation. Delegations discussed the options for an on-line real-time application (basically a slightly modified Prüm copy), a batch mode service (development of the EUCARIS "Genral VHOwnerHolder Exchange" with a supplementary language code and a statistics tool) and, in order to avoid a costly batch procedure, the development of an optional so-called "file-splitter", splitting up batch requests into series of single requests to be handled by the on-line service.

Delegations welcomed the proposal and supported in particular

- the insertion of a language code under the condition that ANNEX I of the CBE Directive would not be amended,
- the development of a statistics tool on quantitative figures excluding the subsequent transmission of VRD to the Commission,
- the development of a file splitter to reduce costs and to ensure traceability.

Furthermore, EUCARIS was asked to avoid that the same offence would be dealt with two times in case of a single software application dealing with offences covered by both the CBE Directive and bilateral agreements.

The time schedule proposed was accepted but it was stressed that each MS should go on-line even before the deadline, *i.e.* as soon as the Directive would have been legally and technically implemented at national level.

Experts agreed to forward the proposal to the DAPIX plenary meeting of 28 March in order to definitely decide on the proposed elaboration of system components and the way forward.

8.2 Discussion about monitoring documents

Delegations took note of documents DS 1129/12 and DS 1105/12 setting out the structure for information details on the CBE implementation. It was, however, agreed that the DAPIX plenary meeting decide on a monitoring as such a procedure was not provided for in the Directive.

8.3 Procedure for the going live of a Member State

Delegations supported an acceptance procedure comprising a technical reception by EUCARIS and a corresponding release report to DAPIX. In order to meet concerns on how to tackle the parallel implementation of the Prüm Decisions and the CBE Directive next year, a less bureaucratic acceptance than that for Prüm was preferred. Upon intervention by one delegation, the Presidency stressed that DAPIX and no other working party would deal with the CBE file.

9. Any other business

Upon request by two delegations EUCARIS envisaged to solve issues concerning the addressing or submitting of invoices for 2011.