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COVER NOTE

from: Permanent Representation of Belgium to the European Union –
Dirk Wouters, Permanent Representative of Belgium to the EU

date of receipt: 12 March 2012

to: Rafael FERNANDEZ-PITA,
Deputy Director-General - DG H - Justice and Home Affairs

Subject: Declaration by the Kingdom of Belgium in accordance with Art. 2 (3) of
Council Decision 2008/615/JHA of 23 June 2008 on the stepping up of
cross-border cooperation, particularly in combating terrorism and cross-border
crime

Dear Mr Fernandez-Pita,

Please find in attachment the declaration of the Kingdom of Belgium in accordance with Article 2(3) of the Council Decision 2008/615/JHA which provides that each Member State shall inform the General Secretariat of the Council of the national DNA analysis files to which Articles 2 and 6 apply and the conditions for automated searching as referred to in Article 3(1).

Yours sincerely,

Dirk Wouters,
Permanent Representative of Belgium to the EU

Declaration of the Kingdom of Belgium
in accordance with Article 2(3) of Council Decision 2008/615/JHA

List of shared national DNA files

The National DNA database is managed by the National Institute for Criminalistics and Criminology within the Department of Justice. The database is operated through the Combined DNA Index System (CODIS).

The National DNA database will be able to share DNA profiles with other EU Member States. The following types of profiles are currently stored and can be extracted from the abovementioned database:

<ul style="list-style-type: none">• Forensic Stain	Genetic profile obtained from the analysis of human DNA recovered from a crime scene.
<ul style="list-style-type: none">• Convicted offender	Genetic profile obtained directly from a known person who has been convicted.

It is expected that in the course of 2012, the new DNA law which was voted on November 7, 2011, will be applied, with the effect of registering the genetic profiles from suspects in the National DNA database. As soon as it is applied, the other EU Member States will be able to access these profiles as well.

Conditions governing the exchange and comparison of profiles

A country that wishes to exchange DNA profiles with the Kingdom of Belgium must comply with the minimum legal, organisational and technical requirements laid down in the European Union Council Decisions 2008/615/JHA and 2008/616/JHA of 23 June 2008, in particular:

- Technical requirements: the country must:
 - have an automated national DNA database;
 - have automated means of exchanging profiles;
 - be connected to the TESTA network;
 - have confirmation from a country that is already operational, that its exchange system is adequate.

- Legal requirements: the country must:
 - be able to share information under its domestic legislation;
 - comply with European rules on the processing of personal data;
 - have the Council's prior authorisation to exchange data.

- Organisational requirements: the country must:
 - have a national contact point to which the Kingdom of Belgium may apply for additional information following a DNA search that results in a match.