



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 20 April 2012

8745/12

**DAPIX 59
CRIMORG 45
ENFOPOL 103**

COVER NOTE

from: Estonian Permanent Representation to the EU
date of receipt: 17 April 2012
to: Rafael FERNANDEZ-PITA
Deputy Director General, DG H - Justice and Home Affairs

Subject: Declaration by the Estonian Republic 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 Director General,

I have the honour to attach the declaration of the Estonian Republic in accordance with Article 2(3) of the Council Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime, which provides that each Member State shall inform the General Secretariat of the Council of the national DNA analysis files to which Article 2 to 6 apply and of the conditions for automated searching as referred to in Article 3(1).

Yours sincerely,

Matti Maasikas,
Permanent Representative

**Declaration of the Estonian Republic in accordance with Article 2(3) of the Council Decision
2008/615/JHA**

List of shared national DNA files

The national DNA database is based on the CODIS (Combined DNA Index System), which is installed at the Estonian Forensic Science Institute. CODIS was first installed in Estonia in 2002 by officers of the FBI (United States).

The Estonian Forensic Science Institute is able to share DNA profiles with other European countries. The following types of profiles will be made available to other countries:

- **Forensic unknown:** genetic profile obtained from a specimen of unknown origin - unidentified - generally a specimen obtained from evidence associated with a criminal act.
- **Suspect known:** genetic profile obtained from a specimen of known origin – fully identified - from a suspect (arrestee, convicted offender etc.).

Conditions governing the exchange and comparison of profiles

A country that wants to carry out the exchange and comparison of profiles with the Estonian Republic must comply with the legal, organisational and technical requirements laid down in 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 Estonia may apply for additional information further to a DNA profiles match.