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COVER NOTE

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| from: | Permanent Representation of the Republic of Poland to the EU |
| date of receipt: | 20 June 2012 |
| to: | Rafael FERNANDEZ-PITA Deputy Director General, DG D - Justice and Home Affairs |
| Subject: | Declaration by the Republic of Poland 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,

Please find attached the declaration of the Republic of Poland in accordance with Article 2(3) of 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,

Janusz Gąciarz
Minister - Counselor
Head of JHA Section

**Declaration of the Republic of Poland
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 Central Forensic Laboratory of the Police within the Ministry of Interior. 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:

- **Forensic Stain:** genetic profile obtained from the analysis of human DNA recovered from a crime scene and/or evidence associated with a crime scene/criminal act. The contributor of the DNA is not known.
- **Suspect:** genetic profile obtained from a biological specimen originating from a known person who has been suspected for an criminal act.
- **Unidentified Human Remains:** genetic profile obtained from a human corpse of unknown identity.
- **Unidentified Person:** genetic profile obtained from a person of unknown identity or person who tries to conceal their identity.

Conditions Governing the exchange and comparison of profiles

A country that wishes to exchange DNA profiles with Republic of Poland must comply with the minimum legal, organizational 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 authorization to exchange data.

- Organizational requirement: the country must:
 - have a national contact point to which the Republic of Poland may apply for additional information following a DNA search that results in a match.