



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 17 September 2012

13561/12

**JAI 591
DAPIX 99
CRIMORG 92
ENFOPOL 263**

OUTCOME OF PROCEEDINGS

of : Meeting of the Working Group on Information Exchange and Data Protection
(DAPIX - Information Exchange / experts DNA / FP)
on : 7 September 2012
Subject : Summary of discussions

1. Adoption of the agenda

The agenda was adopted as set out in doc. CM 3897/12 with the addition of a discussion on the updated version of the "*Implementation guide - DNA data exchange*" (doc. 13400/12 DAPIX 98 CRIMORG 91 ENFOPOL 255) under point 4.

2. Information from the Presidency

The Presidency explained organisational details of the joint DNA/FP meeting and introduced members of the CY DAPIX team.

3. Implementation of the "Prüm Decisions"

3.1 Delegations updated the state of play in the Member States as set out in doc. 5086/5/12 REV 5 JAI 5 DAPIX 3 ENFOPOL 5 CRIMORG 3. Account would be taken of new information in the revised DNA and FP tables in the next version of the document.

3.2 List of National Contact Points (NCP)

Delegations took note of doc. DS 1037/12 and DS 1039/1/12 REV 1.

3.3 Evaluation visits

Delegations updated the estimated time schedule of non operational MS for their implementation (see doc. DS 1007/4/12 REV 4) and took note of the list of experts set out in doc. DS 1011/3/12 REV 3, DS 1013/3/12 REV 3 and DS 1038/2/12 REV 2 respectively.

The chair invited delegations to submit possible modifications to all above mentioned documents to General Secretariat (prum@consilium.europa.eu).

3.4 Follow-up to recommendations made in DNA/FP evaluation visit reports

The CY, PT, CZ, FR, NL, SK delegations informed that the recommendations set out in doc. DS 1175/12 had been implemented.

3.5 MCT / Europol helpdesk

The MCT delegate informed about progress made on the availability of the FP test platform, the FP test set version 3 and the upgrade of the DE DNA communication tool available on EPE. Reminding the task sharing between the MCT (implementation issues) and the Europol helpdesk (operational issues) he urged not yet operational MS to increase implementation efforts before assistance would become unavailable due to the time limit of the MCT mandate. Delegations were invited to the DNA quality workshop and the FP ICD focus group workshop at the BKA premises in Wiesbaden on 19/20 and on 21 September respectively. The Europol delegate briefed the meeting on the helpdesk activities, in particular on the Prüm follow up workshop on 26 September.

Concerns voiced on the tight schedule of these workshops were met by the organisers explaining that scope and participants to be addressed were different and no overlapping was to be expected. Europol, however, was invited to review the potential addressees to this workshop and to give access to not yet operational MS too since the question of how to organise the Prüm follow-up procedure was considered a matter of general concern.

3.6 Ongoing evaluation

Delegations took note of the revised reply to the questionnaire on DNA data exchange (see doc. 7664/1/12 REV 1 DAPIX 34 CRIMORG 28 ENFOPOL 69) presented by the BE delegation.

4. Implementation of the new European Set of DNA markers in CODIS software - State of play of implementation in Prüm software

Delegations took note of the progress report of the DNA lead expert and the suggested approach to the upgrade in the Prüm software (see doc 13336/12 DAPIX 97). He estimated that a coordinated transition to the new ESS customised match engine could not be done before January 2013.

No agreement was reached on the suggestion of the NL delegation to amend the inclusion rules since that would imply changing Council Decision 2008/616/JHA. The Commission stated that it would propose amendments to the "Prüm Decisions" only after their complete implementation but would currently not object to any commonly agreed pragmatic solution on that issue. The Chair invited delegations to find such pragmatic solutions.

The NL delegation (see DS 1574/12) suggested that non-urgent Prüm search requests be scheduled outside office hours in order to cope with the limited capacities of the CODIS application. This was opposed by the DE explaining that the "Prüm Decisions" do not provide for such prioritisation. However, refusing a formal agreement on that issue DE would tolerate that their requests were queued. The lead expert promised to contact the FBI to tackle the issue of capacities.

The DE delegation presented the updated version of the *Implementation guide - DNA Data Exchange* (doc. 13400/12 DAPIX 98 CRIMORG 91 ENFOPOL 255). During the discussion, the lead expert complained about missing his comments made to the former version and strongly rejected the suggested restriction of wildcards as a substitute only for rare alleles of a DNA locus (see also DS 1573/12). No agreement was reached between the DE and NL IT experts on that issue.

The Chair invited delegations to thoroughly examine the new recommendations suggested by DE and to submit comments by 15 October (prum@consilium.europa.eu).

5. Prüm - statistics and reports on automated data exchange for 2011

No comments were made on the figures as set out in the FP statistics (doc. 11367/12 JAI 436 DAPIX 81 CRIMORG 75 ENFOPOL 188).

However, the suggestion of completing quantitative information on hits by types of crime in order to set up more meaningful statistics did not reach unanimous support. Delegations were invited to submit further comments on this issue by 15 October 2012 (prum@consilium.europa.eu).

As to DNA data exchange, a new model for match statistics was discussed in order to render a coherent quantitative presentation of figures. The meeting finally agreed on a format jointly suggested by AT/DE which was different from the model set out in doc. 14103/1/11 REV 1 JAI 619 DAPIX 114 CRIMORG 145 ENFOPOL 300 and provides for a counting of hits

- exclusively relating to "own", i.e. stored in the respective national DNA database, stain and person profiles, and
- independent of whether searches were outgoing or incoming.

Furthermore, a column on person-stain matches was added.

Taking note of the FR reservation on whether it would be technically able to submit such statistics, the Chair invited delegations to fill in the new table and provide new figures by 15 October 2012 (prum@consilium.europa.eu).

6. Accreditation of forensic service providers carrying out laboratory activities

- Council Framework Decision 2009/905/JHA

Delegations discussed the ES note (doc. 13018/12 DAPIX 95) and agreed on an overview of the state of play to be set up either by Europol or by the GSC. A decision, however, to include in a possible post hit information exchange form a mandatory field relating to the accreditation record was reported to a later stage for reasons of the questioned added value of such information and of a not yet established second step procedure.

7. Any other business

No issue was raised under this point.
