



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 2 October 2012**

**13869/12**

**JAI 620  
DAPIX 108  
CRIMORG 103  
ENFOPOL 277  
TRANS 315**

**OUTCOME OF PROCEEDINGS**

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of : Meeting of the Working Group on Information Exchange and Data Protection  
(DAPIX - Information Exchange / experts VRD)

on : 17 September 2012

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Subject : Summary of discussions

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**1. Adoption of the agenda**

The agenda was adopted as set out in doc. CM 3888/12.

**2. Information from the Presidency**

The Chair introduced the Presidency VRD team and briefed on the DNA/FP subgroup meeting of 7 September (cf. doc. 13561/12 JAI 591 DAPIX 99 CRIMORG 92 ENFOPOL 263).

**3. Implementation of the EUCARIS / Prüm functionalities**

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. New information would be taken into account in the revised version of the document. In order to avoid misunderstandings on the "operational" status, the Eucaris delegate explained that once the Council Decision for the launch of VRD exchange had been adopted, Eucaris would take the necessary steps for going online so that the MS concerned could be considered operational without the need for any further testing with other MS.

3.2 Delegations took note of doc. DS 1009/5/12 REV 5 and were invited to submit any possible modifications to the GSC.

3.3 Delegations concerned informed the meeting about the follow-up to recommendations made in VRD evaluation visit reports and set out in doc. DS 1410/12. The progress made is set out in the revised version of the document.

3.4 The Presidency invited delegations to submit to the GSC any possible modifications to the list of available VRD data per country as set out in doc. 10792/2/09 REV 2 CRIMORG 93 ENFOPOL 165. Those delegations which had not yet filled in the tables were invited to do so as soon as possible.

3.5 Delegations agreed on the presentation of VRD statistics for 2011 set out in doc. 11367/12 JAI 436 DAPIX 81 CRIMORG 75 ENFOPOL 188.

#### **4. Evaluation procedure**

4.1 Not yet operational MS updated the schedule for evaluation visits (doc. DS 1007/4/12 REV 4) with a view to submitting the revised document to DAPIX on 21 September. Furthermore, delegations took note of the list of VRD experts participating in evaluation visits (doc. DS 1012/2/12 REV 2) and were invited to submit any possible modifications to the GSC. The lead expert reminded MS wishing to be evaluated to schedule the visit only after having solved technical implementation problems.

#### **4.2 Ongoing evaluations**

As to *Sweden*, the meeting agreed on the evaluation visit report (doc. 11349/12 JAI 427 DAPIX 71 CRIMORG 65 ENFOPOL 178 ENFOCUSTOM 51), the overall evaluation report (doc. 11350/12 JAI 428 DAPIX 72 CRIMORG 66 ENFOPOL 179 ENFOCUSTOM 52) and the draft Council Decision (doc. 11352/12 JAI 429 DAPIX 73 CRIMORG 67 ENFOPOL 180 ENFOCUSTOM 53) in order to submit the documents to DAPIX for approval on 21 September.

The evaluation visit report for *Lithuania* was expected for December 2012 at the latest.

## 5. EUCARIS

Eucaris presented the Prüm availability report for the last twelve months which showed an average performance of 95.8 %. He invited delegations to better communicate to Eucaris possible dysfunctions of the system in order to enable an instant clearance of those issues.

Ahead of the Eucaris Participants' Board (Sary Smokovec, Slovakia, 20/21 September), the Eucaris delegate presented the Eucaris Financial Affairs (doc. DS 1551/12), *i.e.* the accounts 2011, the implementation budget 2012, and the budget proposition 2013 in order to get, in particular, approval for the Prüm and CBE contributions for 2013.

The lengthy discussion (see also point 6 below) served mainly the purpose of solving issues originating in a lack of consultation at national level. It was regretted that some delegations were not mandated to negotiate on the budget despite the timely and explicit Presidency request for that. Eventually, the meeting endorsed the budget proposition 2013 subject to a positive scrutiny reservation from CZ, SK, PL. PT promised to convey the capital's position in time before the meeting in Sary Smokovec.

## 6. Implementation of Directive 2011/82/EU facilitating the cross-border exchange of information on road safety related traffic offences ("CBE" Directive)

Delegations took note of doc. DS 1129/12 as the tool for monitoring the state of play in MS. Upon presentation by the Eucaris delegate of doc. 6467/2/12 REV 2 JAI 90 DAPIX 16 CRIMORG 17 ENFOPOL 52 TRANS 42, delegations discussed

- the financial impact on the Eucaris budget for 2013. As to the financial obligations, Eucaris confirmed that the annual fee has to be paid for each connection to Eucaris. This would imply that a double annual fee would be charged by Eucaris if a MS opted for a second server to be used especially for CBE requests and supplementary to the existing one already in use for Prüm;
- technical features of the CBE feasibility study such as the advantages of the optional "file splitter". Furthermore, the questions was raised whether national IT systems could cope with the number of monthly/yearly VRD requests to be expected and largely varying from MS to MS. Eucaris suggested to develop a questionnaire for MS in order to compile estimated figures and explained that the Eucaris system could easily be upgraded.

Briefing on the Expert Group convened by the Commission on last 20 July in order to support the implementation of the CBE Directive, the Presidency expressed misgivings as to the timing of the establishment of the group and to the scope of its agenda.

The Presidency considered such a comitology meeting premature since the necessary precondition, *i.e.* an update of Annex I/CBE, for the preparation of delegated acts according to Art. 9 of CBE was not met. Furthermore, a discussion on Annex II/CBE would not fall in the mandate of such a group. Finally, the Presidency voiced concerns about overlapping work in DAPIX and the group.

Delegations took note of the Commission statement which stressed the constitutional right to prepare delegated acts in accordance with Art. 290 TFEU and to convene expert groups to that end. The Commission confirmed that the agenda of the group had been extended beyond discussions on the CBE and that DAPIX was considered responsible for the CBE implementation.

**7. Any other business**

No issue was raised under this point.