



Council of the
European Union

Brussels, 9 June 2016
(OR. en)

9745/16

JAI 509
DAPIX 85
CRIMORG 43
ENFOPOL 167
ENFOCUSTOM 77

NOTE

From: Presidency

To: Working Party on Information Exchange and Data Protection (DAPIX)

No. prev. doc.: 9744/16

Subject: "Prüm Decisions"
- overall evaluation report on DNA data exchange for Denmark

The Presidency hereby submits the draft overall evaluation report on the Prüm DNA data exchange for **Denmark** for approval by the Working Party on Information Exchange and Data Protection (DAPIX) and subsequent transmission to the Council.

1. Introduction

Chapter 2 of Council Decision 2008/615/JHA provides for the automated transfer of DNA profiles, dactyloscopic data and certain national vehicle registration data (VRD) for the purpose of prevention and investigation of criminal offences and subject to certain conditions and procedures. However, pursuant to Article 25(2) of that Decision, the supply of personal data for a specific Member State is subject to a decision of the Council.

Article 20 and chapter 4 of the Annex of Council Decision 2008/616/JHA set out the evaluation procedure for the preparation of such decisions, and in particular point 1.4 specifies that "an overall evaluation report, summarising the results of the questionnaires concerning each of the automated data exchanges, the evaluation visit and the pilot run will be presented to the Council for its decision pursuant Article 25(2) of Decision 2008/615/JHA".

The current document is the overall report regarding DNA data exchange with **Denmark**. It is without prejudice to other data categories provided for by the above-mentioned Council Decisions.

2. Evaluation procedure according to Article 20 of Council Decision 2008/616/JHA (preparation of decisions according to Article 25(2) of Council Decision 2008/615/JHA)

Denmark has satisfactorily replied to the questionnaire on data protection (11749/14 DAPIX 101 CRIMORG 69 ENFOPOL 213) and on DNA data exchange (9046/15 DAPIX 80 CRIMORG 47 ENFOPOL 110). With a view to evaluating the results of the questionnaire on DNA data exchange,

- an evaluation visit was carried out by an expert from the Netherlands on 24 May 2016. The evaluation report was submitted to the Working Party on Information Exchange and Data Protection (DAPIX);
- a pilot run was successfully carried out, as specified in the evaluation report.

The **DNA data exchange evaluation visit report** concluded that the implementation of the Prüm DNA data information flow, both on a legal and on a technical level, has been satisfactorily in **Denmark** (9744/16 JAI 508 DAPIX 84 CRIMORG 42 ENFOPOL 166 ENFOCUSTOM 76).

3. Conclusions

On this basis, it was acknowledged at the Working Party on Information Exchange and Data Protection (DAPIX) that each Member State bound by Decision 2008/615/JHA agrees that all conditions are met for **Denmark** to start the exchange of DNA data pursuant to Council Decision 2008/615/JHA.

Therefore, the Working Party on Information Exchange and Data Protection (DAPIX) suggests to the Council

- to conclude that **Denmark** has fully implemented the general provisions on data protection of Chapter 6 of Decision 2008/615/JHA, and
- to adopt the Council Implementing Decision on the launch of automated data exchange with regard to DNA data in **Denmark**, pursuant to Article 33 of Council Decision 2008/615/JHA and after consultation of the European Parliament.
