



Council of the
European Union

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DAPIX 86
CRIMORG 44
ENFOPOL 168
ENFOCUSTOM 78

NOTE

From:	Presidency
To:	Working Party on Information Exchange and Data Protection (DAPIX)
No. prev. doc.:	9745/16
Subject:	Draft Council Conclusions on the implementation of the general provisions on data protection of Chapter 6 of Council Decision 2008/615/JHA - Evaluation of Denmark with regard to automated data exchange of DNA data

The Presidency submits the attached

Draft Council Conclusions on the implementation of the provisions of Council Decision 2008/615/JHA on data protection

– Evaluation of **Denmark** with regard to automated exchange of **DNA** data

to the Working Party on Information Exchange and Data Protection (DAPIX) with a view to

- agreeing on the draft Council Conclusions and subsequently
- submitting them to the Council in order to enable further steps to be taken for the adoption of the Council Implementing Decision on the launch of automated data exchange with regard to **DNA** data in **Denmark** pursuant to Article 33 of Decision 2008/615/JHA and after consultation of the European Parliament.

DRAFT COUNCIL CONCLUSIONS**on the implementation of the general provisions on data protection****of chapter 6 of Council Decision 2008/615/JHA****Evaluation of Denmark with regard to automated exchange of DNA data**

1. According to Article 25(2) of Council Decision 2008/615/JHA, the supply of personal data provided for under the Decision may not take place until the provisions on data protection set out in Chapter 6 of the Decision have been implemented in the national law of the territories of the Member States involved in such supply. The Council must unanimously decide whether this condition has been met. This provision does not apply to those Member States where the supply of personal data as provided for in the Decision has already started pursuant to the "Prüm Treaty" (2005).
2. According to Article 20 of Decision 2008/616/JHA, the verification that the above condition has been met is to be done on the basis of an evaluation report based on a questionnaire. With respect to automated data exchange in accordance with Chapter 2 of Decision 2008/615/JHA, the evaluation report is also to be based on an evaluation visit and a pilot run.
3. According to Chapter 4, point 1.1, of the Annex to Decision 2008/616/JHA, the questionnaire drawn up by the relevant Council Working Group concerns each of the automated data exchanges and has to be answered by a Member State as soon as it believes it fulfils the prerequisites for sharing data in the relevant data category.
4. **Denmark** has completed the questionnaire on data protection and the questionnaire on DNA data exchange. **Denmark** has submitted the declaration on national DNA analysis files in accordance with Article 2(3) of Council Decision 2008/615/JHA (9757/15 DAPIX 97 CRIMORG 56 ENFOPOL 142). A successful pilot run has been carried out by **Denmark** with **the Netherlands**. An evaluation visit has taken place in **Denmark** and a report on the evaluation visit has been produced and forwarded to the relevant Council Working Group (9744/16 JAI 508 DAPIX 84 CRIMORG 42 ENFOPOL 166 ENFOCUSTOM 76).

5. An overall evaluation report, summarising the results of the questionnaire, the evaluation visit and the pilot run concerning **DNA** data exchange has been presented to the Council (9745/16 JAI 509 DAPIX 85 CRIMORG 43 ENFOPOL 167 ENFOCUSTOM 77).
 6. At the meeting of the Working Party on Information Exchange and Data Protection (DAPIX) on **13 June 2016**, it was acknowledged that each Member State bound by 2008/615/JHA agrees that the conditions are fulfilled for the Council to conclude that for the purposes of automated data exchange with regard to **DNA** data, **Denmark** has fully implemented the general provisions on data protection of Chapter 6 of Decision 2008/615/JHA.
 7. On this basis, the Council concludes that for the purposes of automated data exchange with regard to **DNA** data, **Denmark** has fully implemented the general provisions on data protection of Chapter 6 of Decision 2008/615/JHA.
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