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JAI 577  
DAPIX 103  
CRIMORG 62  
ENFOPOL 197

## OUTCOME OF PROCEEDINGS

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From: General Secretariat of the Council  
On: 13 June 2016  
To: Working Party on Information Exchange and Data Protection (DAPIX)  
Subject: Summary of discussions

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### 1. Adoption of the agenda

The agenda was adopted as set out in CM 2874/1/16.

### 2. Information from the Presidency

The Presidency informed about DAPIX relevant results of the JHA Council of 8/9 June 2016.

### 3. Prüm Council Decision

#### 3.1 Implementation – state of play

Delegations added details on the state of play set out in 5017/4/16 REV 4 JAI 2 DAPIX 1 ENFOPOL 3 CRIMORG 1.

#### 3.2 Organisation of evaluation visits (DS 1002/3/16 REV 3)

VRD evaluation visits in HR and CZ were scheduled for next July and September respectively.

### 3.3 On-going evaluation

#### *Denmark / DNA*

Delegations took note of the

- evaluation visit report  
9744/16 JAI 508 DAPIX 84 CRIMORG 42 ENFOPOL 166 ENFOCUSTOM 76,
- overall evaluation report  
9745/16 JAI 509 DAPIX 85 CRIMORG 43 ENFOPOL 167 ENFOCUSTOM 77,
- draft Council Conclusions  
9746/16 JAI 510 DAPIX 86 CRIMORG 44 ENFOPOL 168 ENFOCUSTOM 78,
- draft Council Implementing Decision  
9747/16 JAI 511 DAPIX 87 CRIMORG 45 ENFOPOL 169 ENFOCUSTOM 79, with a view to launching, once the Conclusions have been adopted, the consultation of the European Parliament, and adopting the Implementing Decision upon receipt of the opinion of the EP.

#### *Denmark / FP*

Delegations took note of the

- evaluation visit report  
9752/16 JAI 512 DAPIX 88 CRIMORG 46 ENFOPOL 170 ENFOCUSTOM 80,
- overall evaluation report  
9754/16 JAI 513 DAPIX 89 CRIMORG 47 ENFOPOL 171 ENFOCUSTOM 81,
- draft Council Conclusions  
9755/16 JAI 514 DAPIX 90 CRIMORG 48 ENFOPOL 172 ENFOCUSTOM 82,
- draft Council Implementing Decision  
9756/16 JAI 515 DAPIX 91 CRIMORG 49 ENFOPOL 173 ENFOCUSTOM 83, with a view to launching, once the Conclusions have been adopted, the consultation of the European Parliament, and adopting the Implementing Decision upon receipt of the opinion of the EP.

The Council Legal Service (CLS) summarised the opinion of the Advocate General regarding the joined cases C-14/15 and C-116/15 (European Parliament action for annulment of Council Decisions 2014/731/EU, 2014/743/EU, 2014/744/EU on the launch of automated exchange of vehicle registration data with regard to MT, CY, EE, and 2014/911/EU and on dactyloscopic data with regard LV), issued on 7 June 2016. In these cases the European Parliament claimed that the Council had used the wrong legal bases for adopting the contested decisions and that certain procedural requirements had been breached in the decision making procedure. The advocate general did not follow the arguments of the EP on the legal bases and agreed with the Council that the contested decisions are implementing measures and that Article 25(2) of Decision 2008/615 is the correct legal base for adopting such decisions. However, in adopting the contested Decisions, the Council didn't consult the EP (procedural requirement). As a consequence, according to the Advocate General, the contested Decisions should be annulled, but their effects maintained until the entry into force of new acts that are to replace them. In the light of this opinion issued, the CLS recommended to continue for DK with the current Prüm decision-making procedure and to envisage the replacement of the four decisions contested only after the final judgement of the Court.

### **3.4 Availability of automated data exchange**

#### **– Information from the Bulgarian Delegation**

The meeting took note of information note 10091/16 DAPIX 100 JAI 561 ENFOPOL 188 CRIMORG 60 on the availability of DNA data exchange with BG.

### **4. Presidency progress report on Prüm**

The meeting took note of report 9823/16 JAI 525 DAPIX 94 ENFOPOL 175 CRIMORG 50.

### **5. Council conclusions and Action Plan Forensic Science Area**

#### **– presentation by the Presidency**

Having presented the Prüm relevance of the Conclusions (8819/16 ENFOPOL 137 COPEN 147 DAPIX 71 COSI 81, 8770/16), the Presidency invited UK to discuss bilaterally with the Commission the issues brought up regarding the implementation of Council Framework Decision 2009/905/JHA on the accreditation of forensic service providers.

## 6. Renewed Information Management Strategy (IMS) – Draft 5th action list

5175/2/16 REV 2 JAI 18 CATS 1 DAPIX 4 ASIM 3 JURINFO 1

- Impact of roadmap<sup>1</sup> on DAPIX – state of play

Following the presentation of certain elements of the roadmap, delegations stressed the need for a coordinated approach in order to avoid overlaps in the implementation of both IMS and roadmap. The Presidency concluded to take account of these concerns and submit by the end of the month a consolidated draft IMS action list to be agreed upon by means of a silence procedure.

- A.T.H.E.N.A SPOC training

The IT delegate promised an update of 6770/16 DAPIX 31 ENFOPOL 57 CRIMORG 13 ENFOCUSTOM 33 at a later meeting, when the Commission would have decided on the funding of the action.

- Automation of data exchange processes (ADEP)

Delegations welcomed the DE delegation's presentation of the ADEP Whitepaper and the draft policy (9852/16 DAPIX 97 ENFOPOL 179 CRIMORG 54 ENFOCUSTOM 86) and took note of the ADEP roadmap (DS 1327/16) up to the end of 2017, when a general presentation of the main results of the project would be expected. Delegations were, in particular, interested in the legal implications of ADEP under discussion within the action and asked for a formal establishment of the seven principles of the policy set.

- PNRDEP (PNR Data Exchange Processing)

The HU delegate promised an update of 6857/16 DAPIX 33 ENFOPOL 65 CRIMORG 15 ENFOCUSTOM 36 AVIATION 45 after the expert meeting in Vilnius on 17 June 2016.

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<sup>1</sup> Roadmap to enhance information exchange and information management including interoperability in the JHA area (9368/1/16 JAI 478 COSI 92 FRONT 224 ASIM 80 DAPIX 80 ENFOPOL 157 SIRIS 90 DATAPROTECT 57 VISA 165 FAUXDOC 23 COPEN 172)

- Universal Message Format (UMF 3)

The DE delegation presented the state of play (9836/16 DAPIX 96 ENFOPOL 178 ENFOCUSTOM 85 CRIMORG 53).

- Prüm DNA post hit procedures

The FI delegate presented in 9825/16 DAPIX 95 ENFOPOL 176 CRIMORG 51 ENFOCUSTOM 84 the key findings of the survey on business obstacles depending on whether a judicial or a law enforcement authority was entitled to receive complementary information after a Prüm match. The delegate promised to prepare a report on further work based on that outcome during the next Presidency.

- PCCC: European dimension

The BE delegate confirmed the content of 5131/16 DAPIX 3 ENFOPOL 6 CRIMORG 4 ENFOCUSTOM 5.

## **7. Outcome of the Conference "Missing Persons: Missing Information" (Amsterdam, 25 May 2016) & Non-binding Guidelines on cross-border citizens' assistance to gather information on missing persons**

The Presidency presented the outlines of the conference (9918/16 DAPIX 98 ENFOPOL 181) und stressed, in particular, the involvement and contribution of NGO's in this conference, which was particularly welcomed by the GR delegate. Delegations were invited to comment by 30 June 2016 on the non-binding guidelines and on the suggestion to add them to the Manual on Information Exchange (6704/16)

## **8. Priorities of the Slovak Presidency**

The incoming Presidency presented its DAPIX team and JHA priorities. Meetings will be organised on 13 September, 19 October and 1 December 2016.

## **9. AOB**

No issue was raised under this item.