



Council of the
European Union

Brussels, 29 July 2016
(OR. en)

11219/16

JAI 674
DAPIX 118
CRIMORG 79
ENFOPOL 235
ENFOCUSTOM 110

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL IMPLEMENTING DECISION on the launch of automated data exchange with regard to DNA data in Denmark

COUNCIL IMPLEMENTING DECISION (EU) 2016/...

of ...

**on the launch of automated data exchange
with regard to DNA data in Denmark**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Decision 2008/615/JHA of 23 June 2008 on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime¹, and in particular Article 33 thereof,

Having regard to the opinion of the European Parliament^{2, *}

¹ OJ L 210, 6.8.2008, p. 1.

² Opinion of ... (not yet published in the Official Journal).

* OJ: please insert the date in the footnote above.

Whereas:

- (1) According to Article 25(2) of Decision 2008/615/JHA, the supply of personal data provided for under that Decision may not take place until the general provisions on data protection set out in Chapter 6 of that Decision have been implemented in the national law of the territories of the Member States involved in such supply.
- (2) Article 20 of Council Decision 2008/616/JHA¹ provides that the verification that the above condition has been met with respect to automated data exchange in accordance with Chapter 2 of Decision 2008/615/JHA is to be done on the basis of an evaluation report based on a questionnaire, an evaluation visit and a pilot run.
- (3) Denmark has informed the General Secretariat of the Council on the national DNA analysis files to which Articles 2 to 6 of Decision 2008/615/JHA apply and the conditions for automated searching as referred to in Article 3(1) of that Decision in accordance with Article 36(2) of that Decision.
- (4) 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.

¹ Council Decision 2008/616/JHA of 23 June 2008 on the implementation of Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime (OJ L 210, 6.8.2008, p. 12).

- (5) Denmark has completed the questionnaire on data protection and the questionnaire on DNA data exchange.
- (6) A successful pilot run has been carried out by Denmark with the Netherlands.
- (7) An evaluation visit has taken place in Denmark and a report on the evaluation visit has been produced by the Dutch evaluation team and forwarded to the relevant Council Working Group.
- (8) 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.
- (9) On 12 July 2016, the Council concluded that Denmark had fully implemented the general provisions on data protection set out in Chapter 6 of Decision 2008/615/JHA.
- (10) Therefore, for the purposes of automated searching of DNA data, Denmark should be entitled to receive and supply personal data pursuant to Articles 3 and 4 of Decision 2008/615/JHA.
- (11) Denmark is bound by Decision 2008/615/JHA and is therefore taking part in the adoption and application of this Decision which implements Decision 2008/615/JHA.

- (12) Ireland is bound by Decision 2008/615/JHA and is therefore taking part in the adoption and application of this Decision which implements Decision 2008/615/JHA.
- (13) The United Kingdom is bound by Decision 2008/615/JHA and is therefore taking part in the adoption of this Decision which implements Decision 2008/615/JHA,

HAS ADOPTED THIS DECISION:

Article 1

For the purposes of automated searching and comparison of DNA data, Denmark is entitled to receive and supply personal data pursuant to Articles 3 and 4 of Decision 2008/615/JHA as from ... [the date of the entry into force of this Decision].

Article 2

This Decision shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

This Decision shall apply in accordance with the Treaties.

Done at ...,

For the Council
The President
