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European Union

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**NOTE**

|                 |                                                                                                                                                                                                                         |
|-----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| From:           | Presidency                                                                                                                                                                                                              |
| To:             | Permanent Representatives Committee/Council                                                                                                                                                                             |
| No. prev. doc.: | 11926/16                                                                                                                                                                                                                |
| Subject:        | Draft Council Conclusions on the implementation of the general provisions on data protection of Chapter 6 of Council Decision 2008/615/JHA<br>- Evaluation of Greece with regard to automated data exchange of DNA data |

Delegations will find enclosed the draft Council Conclusions on the implementation of the general provisions on data protection of Chapter 6 of Council Decision 2008/615/JHA ("Prüm Decision") concerning Greece with regard to automated data exchange of DNA data, as agreed by the Working Party on Information Exchange and Data Protection (DAPIX) at its meeting on 13 September 2016.

**DRAFT COUNCIL CONCLUSIONS****on the implementation of the general provisions on data protection****of chapter 6 of Council Decision 2008/615/JHA****Evaluation of Greece 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. **Greece** has completed the questionnaire on data protection and the questionnaire on DNA data exchange. **Greece** has submitted the declaration on national DNA analysis files in accordance with Article 2(3) of Council Decision 2008/615/JHA (7115/14 DAPIX 30 CRIMORG 19 ENFOPOL 55). A successful pilot run has been carried out by **Greece** with **the Netherlands**. An evaluation visit has taken place in **Greece** and a report on the evaluation visit has been produced and forwarded to the relevant Council Working Group (10560/1/14 REV 1 JAI 425 DAPIX 78 CRIMORG 53 ENFOPOL 162 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 (**10627/14 JAI 439 DAPIX 84 CRIMORG 54 ENFOPOL 170 ENFOCUSTOM 77**).
6. In the overall evaluation report, the Working Party on Data Protection and Information Exchange (DAPIX) concluded that all conditions are met for **Greece** to start the exchange of DNA data pursuant to Council Decision **2008/615/JHA** subject to the submission of the amended declaration on national DNA analysis files including DNA files on identified persons.
7. The General Secretariat of the Council received the amended declaration on 22 July 2016 (**11912/16 DAPIX 137 CRIMORG 96 ENFOPOL 168**).
8. At the meeting of the **Working Party on Information Exchange and Data Protection (DAPIX)** on **13 September 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, **Greece** has fully implemented the general provisions on data protection of Chapter 6 of Decision **2008/615/JHA**.
9. On this basis, the Council concludes that for the purposes of automated data exchange with regard to **DNA** data, **Greece** has fully implemented the general provisions on data protection of Chapter 6 of Decision **2008/615/JHA**.

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