



Brussels, 21 February 2017
(OR. en)

6007/17

DAPIX 40
CRIMORG 25
ENFOPOL 57
JAI 92

OUTCOME OF PROCEEDINGS

From: General Secretariat of the Council
On: 6 February 2017
To: Working Party on Information Exchange and Data Protection (DAPIX)
Subject: Summary of discussions

1. Adoption of the agenda

The agenda was adopted as set out in CM 1091/17.

2. Information from the Presidency

Delegations were informed about information exchange issues dealt with in other working parties, and pending consultation of the European Parliament regarding several Prüm Council Implementing Decisions.

3. Prüm Council Decision

3.1 Implementation – state of play

- Delegations were invited to regularly check and amend if necessary the overview on the state of play (5081/17 JAI 8 DAPIX 5 ENFOPOL 10 CRIMORG 2).

- The SE delegation suggested to complete the overview by an annex, similar to Annex 3 bis to 5081/17 on national DNA analysis files, which would set out the national fingerprint registers made available for cross-border searching.
- The FI delegation asked whether a re-evaluation of its national VRD exchange system was legally required after reorganising administrative structures. The CLS explained that, following the expiry of the transitional period under Protocol 36 after the entry into force of the Lisbon Treaty, the Commission as guardian of the Treaties has the same responsibilities for the interpretation and overseeing the application of the "Prüm Decisions" as for existing Union legislation in other fields. The CLS advises the Council and its preparatory bodies with regard to the validity and drafting of legal acts to be adopted by the Council.
- Operational Member States remained divided among themselves on the Presidency's approach to set implementation timelines, that is to establish a fully operational Prüm system either within the upcoming six or twelve months (5331/17 JAI 37 DAPIX 29 ENFOPOL 37 CRIMORG 19). They considered the timelines as highly ambitious and unrealistic, or supported the approach as a statement of intent reflecting political or administrative priorities at national level. The Presidency promised to issue a Prüm progress report at the end of its semester.

3.2 Organisation of evaluation visits

Greece notified to be ready for the FP evaluation visit in next March (5296/17 DAPIX 15). No further plans were notified by other delegations.

3.3 Prüm statistics and reports on automated data exchange 2016

Delegations were invited to reply only to CM 1132/17 and 1134/17 in order to facilitate the compilation of Prüm statistics 2016. However, those delegations which already submitted statistics on the basis of other tables don't need to resend their figures.

3.4. Ongoing evaluation

United Kingdom / Data protection

Reply to questionnaire

The UK delegation was invited by the CLS to specify the standard operating procedures with reference to point 4 (g) of the revised 14950/1/16 REV 1 DAPIX 214 ENFOPOL 437 CRIMORG 154. UK promised to do that as soon as possible.

United Kingdom / DNA

Reply to questionnaire

Delegations took note of 5303/17 DAPIX 16 ENFOPOL 25 CRIMORG 9.

Evaluation visit report

Because the report had been delivered shortly before the meeting, many delegations entered a scrutiny reservation on 5309/17 JAI 27 DAPIX 19 CRIMORG 10 ENFOPOL 27 ENFOCUSTOM 13. The Presidency invited delegations to comment on the report in writing by 17 February 2017.

UK promised to submit, in accordance with Art. 32(2) of Decision 2008/615/JHA, the Declaration on available DNA analysis files as soon as possible.

At the meeting, delegations mainly discussed the intended UK "10 loci"-policy, that is that UK would routinely provide follow-up request for the supply of demographic data only in the case of matches where 10 loci have been matched and validated. In case of a match of lesser accuracy, the number of matching loci should be improved and if that turns out to be impossible, the case would be assessed on proportionality. No agreement was reached on this issue and further discussion on that particular point was asked for. Upon request of some delegations, the Presidency postponed to the forthcoming meeting the decision on the access of UK to Prüm DNA data exchange.

3.5 Questionnaire on police co-operation needs / Prüm

After brief explanations of some details of 5102/17 DAPIX 6 ENFOPOL 11 ENFOCUSTOM 4, the Presidency asked delegations for feedback by the end of February in order to start discussions on the outcome of the questionnaire with CEPOL at the forthcoming meeting.

4. European Forensic Scientific Area - EFSA 2020

- After the presentation of the suggestions for the implementation of action point No 6 of EFSA 2020 (5177/17 DAPIX 13 ENFOPOL 19 COPEN 8 COSI 6) by the Chair, the AT co-author added that, in the longer run, the Prüm biometric information exchange could be complemented by a facial recognition facility. The SK delegate supported, in particular, the recommendation to proceed to DNA profile searches on a daily basis because these searches could easier be handled by the national system.
- Delegations welcomed the Presidency initiative to establish a catalogue of best practices applicable to the Prüm cooperation (5328/17 JAI 35 DAPIX 27 ENFOPOL 35 CRIMORG 17). Delegates focussed on defining the target group of such a manual and preferred the drafting of a dedicated, separate Prüm user manual.
- In view of the commitment to inform each other immediately about the non-functioning of the national Prüm data exchange mechanism in the case of either maintenance or of unexpected technical failure, delegations exchanged views on the template for a mutual prompt notification in the event of unavailability of the Prüm data exchange (5329/17 JAI 36 DAPIX 28 ENFOPOL 36 CRIMORG 18) as suggested by the Presidency. Some delegations voiced their preference to stick to the less structured traditional notification by email.

The Presidency asked delegations to submit further comments on all three topics by 17 February 2017.

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

Along the lines of 5307/17 JAI 26 CATS 5 DAPIX 18 ASIM 3 JURINFO 1 action leaders presented the state of play of:

- action 1: A.T.H.E.N.A - SPOC training: funding had been granted by the Commission and the kick-off meeting will be in March 2017.

- action 2: ADEP: funding had been granted by the Commission and a meeting focussing on legal aspects concerning Europol's implication took place in Berlin on 19 January 2017.
- action 3: PNRDEP - the HU delegate promised the outcome of the study on the possible use of existing law enforcement information exchange channels for the PNR data exchange ("feasibility study") for June 2017 and informed about the scenarios for the piloting of data exchange (for further details see 6452/17);
- action 4: Enhance Information Quality: the eu-LISA delegate underlined that Member States had not submitted any further comment on the action proposal (13301/1/16 REV 1) after the previous DAPIX meeting so that the agency considered the proposal as approved. In line with that, a governance structure around the project had been put in place. She outlined the cooperation with the High Level Expert Group (HLEG) and specific actions already undertaken (for further details see 6249/17);
- action 5: UMF 3 - delegations were informed about the state of play, in particular about the update of the UMF standard regarding firearms and the pilots regarding the search interface QUEST developed by Europol (for further details see 6454/17);
- action 6: Prüm post-hit procedures: the action was conclude with the submission of the final report (14310/2/16 REV 2 DAPIX 201 ENFOPOL 403 ENFOCUSTOM 185 CRIMORG 145) presented by the FI delegate. She underlined that the action was meant to provide recommendation and that any binding rules must be subject to legislative proposals;
- action 8: Strengthening SPOCs: Delegations took note of 5887/17, outlining the action with a view to reach a case management business needs document.

6. Implementation of Directive (EU) 2016/681 on the use of PNR data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime

The Presidency presented 5174/17 in view of launching an initial exchange of views on the most effective monitoring methods within Council structures. Delegations underlined the need to avoid overlaps with the monitoring steered by DG HOME, and suggested to focus on technical aspects. As to legal issues, the FI delegation voiced concerns about transposing Directive (EU) 2016/680 ("Data Protection Directive") and the PNR Directive in parallel. The AT delegate stressed the need to reach a harmonized interpretation of the term "serious crime".

The Presidency invited delegations to submit further comments by 17 February 2017 on how to improve the overview on the state of play of the PNR implementation.

7. Proposal for a EU experts' platform on missing persons

After presentation of the proposal as set out in 5305/1/17 REV 1 DAPIX 17 ENFOPOL 26, discussions focused on existing information exchange options, the role of ENFAST and the need to distinguish carefully between categories of missing persons. Upon critical remarks by some delegations on the role of NGOs, the NL representative explained that they would not be allowed to accede operational police information. DAPIX endorsed the proposal and was invited to add additional remarks, if the further need be, by 17 February 2017.

8. AOB

The PL delegation informed about the CEPOL/PCCC seminar in Krakow, 16-20 January 2017.