



Council of the
European Union

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CRIMORG 58
ENFOPOL 119
ENFOCUSTOM 68
JAI 231

NOTE

From: Presidency

To: Working Party on Information Exchange and Data Protection (DAPIX)

No. prev. doc.: 7242/17

Subject: "Prüm Decisions" - Draft Council Conclusions on the implementation of the general provisions on data protection of Chapter 6 of Council Decision 2008/615/JHA
- Evaluation of the Czech Republic with regard to automated exchange of vehicle registration data (VRD)

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 the **Czech Republic** with regard to automated exchange of **VRD**

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 vehicle registration data in the **Czech Republic** 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 the Czech Republic with regard to automated exchange of

vehicle registration 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. The **Czech Republic** has completed the questionnaire on data protection and the questionnaire on vehicle registration data exchange. A successful pilot run has been carried out by the **Czech Republic** with **the Netherlands**. An evaluation visit has taken place in the **Czech Republic** and a report on the evaluation visit has been produced by the **Dutch/Slovak** evaluation team and forwarded to the relevant Council Working Group (**6899/17 DAPIX 69 CRIMORG 47 ENFOPOL 99 ENFOCUSTOM 57 JAI 185**).
5. An overall evaluation report, summarising the results of the questionnaire, the evaluation visit and the pilot run concerning vehicle registration data exchange has been presented to the Council (**7242/17 DAPIX 87 CRIMORG 57 ENFOPOL 118 ENFOCUSTOM 67 JAI 230**).
6. At the meeting of the **Working Party on Information Exchange and Data Protection (DAPIX)** on **4 April 2017**, 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 vehicle registration data, the **Czech Republic** 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 vehicle registration data, the **Czech Republic** has fully implemented the general provisions on data protection of Chapter 6 of Decision **2008/615/JHA**.