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8032/17

DAPIX 129
CRIMORG 73
ENFOPOL 167
JAI 321

OUTCOME OF PROCEEDINGS

From: General Secretariat of the Council
On: 4 April 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 2030/1/17 REV 1.

2. Information from the Presidency

The Presidency informed that the Council adopted the Prüm Implementing Decisions concerning VRD for DK and DNA for GR on 27 March 2013.

3. Overview of the information exchange environment in the JHA area

Suggestions made by delegations to improve the schematic (6253/17 COSI 24 FRONT 57 ASIM 12 DAPIX 49 ENFOPOL 61 SIRIS 24 DATAPROTECT 16 VISA 46 FAUXDOC 10 COPEN 42 JAI 111) will be taken into account as far as possible for a revised version. The Presidency invited delegations to submit further comments to the GSC by 14 April 2017.

4. Prüm Council Decision

4.1 Implementation – state of play

Delegations updated 5081/1/17 REV 1 JAI 8 DAPIX 5 ENFOPOL 10 CRIMORG 2.

They were furthermore informed about the new annexes and invited to fill in the table on AFIS repositories if not yet done so.

4.2 Organisation of evaluation visits

HR added to 5296/1/17 REV 1 DAPIX 15 date for visits in December for DNA and FP.

4.3 Prüm statistics and reports on automated data exchange 2016

Delegations took note of the statistics (6126/17 DAPIX 42 CRIMORG 26 ENFOPOL 58 JAI 101). EE briefly explained why it did not actively search the connected FP databases of other Member States.

4.4 Ongoing evaluation

United Kingdom / Data protection

Delegations took note of the revised reply to the questionnaire (14950/2/16 REV 2 DAPIX 214 ENFOPOL 437 CRIMORG 154).

United Kingdom / DNA

After a detailed discussion on both the Declaration in accordance with Art. 2(3) of Council Decision 2008/615/JHA (6188/17 DAPIX 43 CRIMORG 27 ENFOPOL 60), and the supplementary information note from UK (7952/17 DAPIX 126 CRIMORG 72 ENFOPOL 163 ENFOCUSTOM 93 JAI 303) regarding the evaluation visit report, the Presidency invited Member States to submit further comments in writing by 14 April 2017. The discussion on the information provided by the UK and on the possible launch of automated DNA data exchange with UK will be continued at the upcoming DAPIX meeting.

Czech Republic / VRD

Delegations approved the

- Evaluation visit report (6899/17 DAPIX 69 CRIMORG 47 ENFOPOL 99 ENFOCUSTOM 57 JAI 185),
- Overall evaluation report (7242/17 DAPIX 87 CRIMORG 57 ENFOPOL 118 ENFOCUSTOM 67 JAI 230),
- Draft Council Conclusions (7244/17 DAPIX 88 CRIMORG 58 ENFOPOL 119 ENFOCUSTOM 68 JAI 231), and
- Draft Council Implementing Decision (7245/17 DAPIX 89 CRIMORG 59 ENFOPOL 120 ENFOCUSTOM 69 JAI 232)

with a view to launching, once the draft Conclusions have been adopted, the consultation of the European Parliament, and adopting the draft Implementing Decision upon receipt of the opinion of the EP.

Portugal / FP

Delegations were invited to submit comments on the

- Evaluation visit report (7308/17 DAPIX 91 CRIMORG 61 ENFOPOL 124 ENFOCUSTOM 71 JAI 244),
- Overall evaluation report (7309/17 DAPIX 92 CRIMORG 62 ENFOPOL 125 ENFOCUSTOM 72 JAI 245),
- Draft Council Conclusions (7311/17 DAPIX 93 CRIMORG 63 ENFOPOL 126 ENFOCUSTOM 73 JAI 246 +COR 1), and
- Draft Council Implementing Decision (7313/17 DAPIX 94 CRIMORG 64 ENFOPOL 127 ENFOCUSTOM 74 JAI 248 + COR 1)

to the GSC (dapix@consilium.europa.eu) by 14 April 2017 in order to proceed to the completion of the decision taking regarding the launch of automated data exchange once no objection on the documents were submitted by the above date.

Delegations took note of the reply to questionnaire (7314/17 DAPIX 95 CRIMORG 65 ENFOPOL 128) and PT confirmed to be ready for the evaluation visit in next May.

4.5 Questionnaire on police co-operation needs / Prüm

The Presidency presented as an interim report (6807/17 DAPIX 68 ENFOPOL 93 ENFOCUSTOM 56) the outcome of the survey on Prüm training needs based on questionnaire 5102/17. Delegations welcomed generally the suggestion of a CEPOL training scheme. The Presidency accordingly invited delegations which had not yet done so to reply to the questionnaire by 14 April 2017 in order to finalise the report.

4.6 The establishment of best practices applicable to Prüm cooperation

The Presidency outlined first ideas on how to proceed regarding the drafting of a manual on Prüm cooperation, which would need the commitment of the incoming Presidencies and of a small drafting team collating Member States' best practices. A brief document on the main features was promised for the next future in order to discuss the issue at the upcoming May meeting.

4.7 Mutual prompt notification template in the event of unavailability of the Prüm data exchange

In order to avoid cumbersome procedures, Member States prefer to notify promptly each other by means of an e-mail if a database is unavailable.

4.8 Access to the Prüm Decisions for Switzerland and Liechtenstein

The Commission informed that the draft Agreement between the EU, on the one hand, and the Swiss Confederation and the Principality of Liechtenstein, on the other hand, on the application of certain provisions of the "Prüm Decisions" were submitted to CH and LI respectively on 23 March 2017.

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

Delegations took note of 5307/1/17 REV 1 JAI 26 CATS 5 DAPIX 18 ASIM 3 JURINFO 1 and briefly updated as to the state of play on:

- action 1: internal coordination soon to be finalised so that kick-off meeting on SPOC training issues could take place in the coming weeks;
- action 2: ADEP: Two meetings took place, in Berlin on legal issues and at Europol's on business operational issues. The action group decided to ask the Commission's legal service for legal advice on whether the new Europol regulation provides for the legal implementation of ADEP and, if not, whether the Swedish Framework Decision could be amended, in a way similar to that initially suggested for amending ECRIS in order to take into account TCN, so as to provide for the automation of data exchange, and, finally, who would be responsible for drafting such an implementing decision, equivalent to Council Decision 2008/616/JHA;
- action 3: the first PNR data exchange test on SIENA/SIRENE channels took place late February; the second one is expected end of April. HU will come back to the file at the upcoming DAPIX meeting;
- action 5: the draft UMF governance model has been circulated. DE would come back to details in due time; DE, ES, EE, FI and GR have successfully carried out Europol's QUEST tests in March. The Commission stated that it was confident of future funding possibilities for UMF implementation and continuation of the action respectively;
- action 7: BE presented the outlines of PCCC developments set out in 7092/17 DAPIX 77 ENFOPOL 104 CRIMORG 50 ENFOCUSTOM 59 SIRIS 45;
- action 8: the Presidency promised a basic document and questionnaire on SPOCs in the near future.

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

During a preliminary exchange of views, delegations welcomed the Presidency paper on monitoring the PNR Directive implementation (7931/17 COSI 70 DAPIX 123 ENFOCUSTOM 90 ENFOPOL 161 AVIATION 45 GENVAL 36 JAI 298). They supported the role of DAPIX, above all since no formal decision making group exists while underlining the high importance that the Council attaches to a coordinated implementation. Three main topics for DAPIX were identified, namely to examine the reports of the different committees working on implementation issues, to exchange best practices, and to discuss legal issues.

Delegations took note of the minutes of the Informal Working Group on PNR (IWG PNR) (7930/17 COSI 70 DAPIX 123 ENFOCUSTOM 90 ENFOPOL 161 AVIATION 45 GENVAL 36 JAI 298)

In line with comments from delegations, the Presidency promised to dedicate half of the May DAPIX meeting to PNR matters, and Presidency invited for written comments on the best way forward for DAPIX by 14 April 2017.

7. Roadmap to enhance information exchange and information management including interoperability solutions in the Justice and Home Affairs area: State of play of the implementation of its Actions 1 to 16 (Chapter 2) and Actions 37-40 (Chapter 3)

The Presidency promised to consider the redrafting the information on action 4B, as well as on actions 38 and 39 set out in 7483/17 COSI 59 FRONT 132 ASIM 30 DAPIX 103 ENFOPOL 142 SIRIS 49 DATAPROTECT 44 VISA 107 FAUXDOC 16 COPEN 85 JAI 264.

8. AOB

No issue was raised under this point.