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European Union

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**NOTE**

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From: Presidency  
To: Permanent Representatives Committee/Council

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Subject: 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)

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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 the Czech Republic with regard to automated data exchange of vehicle registration data, as agreed by the Working Party on Information Exchange and Data Protection (DAPIX) at its meeting on 4 April 2017.

**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**.