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From: Presidency
To: Delegations

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Subject: Implementation of the Action Plan on the way forward in view of the creation of an European Forensic Science Area

The Council Conclusions and the related Action Plan on the way forward in view of the creation of an European Forensic Science Area are set in 8770/16 and were adopted by the Council on 9 June 2016.

On 7 November 2016, the LEWP first discussed progress in the implementation of the Action Plan, based on document 13636/16. The following text updates some of the information contained in 13636/16, based on relevant developments in Actions 4 and 6.

Implementation - state of play:

Action 1: ‘Best Practice Manuals for forensic disciplines’

Objective: *Improving mutual trust by encouraging continuous quality improvement of forensic procedures and processes through the development and use of Best Practice Manuals for forensic analyses*

Coordinator: *ENFSI*

A meeting of the group dealing with the implementation of Action 1 took place on 14 June 2016. The participants were ENFSI (coordinator), NL (as Presidency at that point), SK (as incoming Presidency at that point), COM, GSC, LV, EL, IT, BE and SE.

Main outcome: a survey was drafted by ENFSI and disseminated via its channels aiming at a stocktaking exercise about the use of best practice manuals (BPMs) - which ones are used, which ones are missing, which ones are not used and why, how could the use be stimulated (for example, by providing translations), which BPMs are available outside of ENFSI, what areas of improvement do respondents see in the current best practice manuals, etc. For the Member States which are not part of ENFSI, the survey was circulated by the GSC via the LEWP delegates.

The results of the survey will be evaluated and, on that basis, further actions will be decided (with a priority for the activities already listed in the Action Plan but not limited to those).

The European accreditation (EA) and the national accreditation bodies will also be contacted in order to promote the use of best practice manuals in their activity.

ENFSI established a task force which will be in charge of the implementation of Actions 1, 2 and 3 of the Action Plan (for which ENFSI is the coordinator). The first meeting of the task force took place on 21 October 2016. GSC and COM also participated.

Action 2: ‘Stimulating exchange of forensic information from databases, for example in the areas of weapons and ammunition, explosives and drugs’

Objective: *Stimulate the exchange of forensic information from databases similar to the methodology used under the Prüm Decisions 2008/615/JHA and 2008/616/JHA, focussing on the areas of weapons and ammunition, explosives and drugs*

Coordinator: *ENFSI*

The Task Force will evaluate the responses to the questionnaire which was sent out during the LU Presidency (in preparation of the Action Plan) in order to map existing databases in the Member States. Subsequently a draft questionnaire will be prepared in order to ascertain the needs of forensic databases from the law enforcement organisations (mid-November 2016). After a final approval by the Task Force the questionnaire is to be sent to GSC by 25 November 2016 at the latest. The questionnaire should be presented to the LEWP at its meeting in December 2016. Europol should also receive it. The replies will be expected by February 2017. Further actions will depend on the outcome of the questionnaire.

Action 3: ‘Proficiency tests and collaborative exercises for forensic disciplines’

Objective: *Improving mutual trust by increased use of proficiency tests and collaborative exercises by forensic service providers*

Coordinator: *ENFSI*

The survey drafted for Action 1 also contains questions on proficiency tests (PT) and collaborative exercises (CE). Its results are necessary to explore which proficiency tests and collaborative exercises are most needed. The Task Force will explore the possibilities of involving professional providers to fulfil the need for appropriate PT's and CE's in all forensic areas.

Action 4: ‘Forensic awareness and training for law enforcement and justice communities’

Objective: *Improving forensic awareness among law enforcement and justice communities*

Coordinator: *CEPOL and EJTN*

The Maltese Presidency and CEPOL conducted a joint mid-term **Forensic training needs assessment (TNA)** in order to identify priority areas for training in the area of forensics for the next 3 years. The results of the assessment (8225/17) shall contribute to the CEPOL programming for 2018.

Furthermore the Presidency hosted an initial coordination meeting between the Commission, ENFSI, EJTN, EUROPOL, OLAF and CEPOL.¹ The meeting served to initiate a **mapping exercise on the existing training materials on forensics**, identify priority areas for cooperation among stakeholders, exchange views on the best ways to promote forensic cooperation and enhance forensic quality for judicial and law enforcement training at the EU level, **particularly the implementation of forensic training for judges and prosecutors.**

Regarding the **training in new technologies/methods used during crime scene investigation**, CEPOL had delivered in 2016 two webinars specifically addressing crime scene investigators on “*ID analysis - document protection features*” and “*Forensic work on the crime scene*”. These activities were recorded and are available for registered users on CEPOL's website for repetitive individual use. In addition, CEPOL has delivered a course on *Forensic Science and Policing Challenges* (37/2016) aiming at increasing awareness of modern forensic techniques, their deliverance and impact on policing, as well as of developments and initiatives taken at the European Union level in harmonising approaches. In 2017 a course 80/2017, *Detect false documents /digital printing - “His Master`s eye”*, is planned, which aims at enhancing the knowledge and competences of officers facing the recognition and classification of digital printing techniques used in forged, altered or manipulated identity documents in order to cross borders and/or abuse identities.

¹ WK 4816/17

Regarding the **forensic awareness for members of emergency services and other first responders**, in 2016 CEPOL has delivered a course for first responders and cyber forensics (16/2016) and a webinar *ECTEG & Free tools for first responders* aimed to introduce different initiatives supporting capacity building by addressing training, network of experts and forensic tool. Similarly, in 2017 it is planned to deliver a course (23/2017) *First Responders and Cyber Forensics for law enforcement officials – IT crime first responders*.

With respect to **development and implementation of training programmes on forensic awareness, for example by e-learning**, CEPOL is ready to take the lead and, with the support of Member States and relevant experts, develop an awareness building e-learning module on forensics in 2017. This initiative and the way forward was also supported by the incoming Presidency.

Regarding the **organisation of training seminars on forensic collection of evidence**, in 2017 a course (79/2017) is planned on *Quality control and assurance of the Crime Scene Investigation/Examination* to harmonise approaches and achieve comparable level of quality of CSI/E. One of the outcomes of the activity is the development of the ability to apply best practice manuals on crime scene investigation and other guidelines as working documents into everyday practice or use them as templates. In addition, two activities are planned in the framework of the EU Policy Cycle: (15/2017) *Illicit laboratory dismantling – advanced* and (16/2017) *Illicit laboratory dismantling – follow-up*, where one of the outcomes is the ability to apply all procedures concerning crime scene management of dismantling of illicit drug laboratory more independently (including raid planning, execution, collection of evidence, dismantling, removal and storage, etc.).

The EJTN will be involved in CEPOL's actions and CEPOL has recently formalised cooperation with EJTN through a Memorandum of Understanding.

Action 5: 'Stimulate accreditation of forensic service providers and competence of forensic personnel on a voluntary basis'

Objective: *Stimulate accreditation of forensic procedures and competence of forensic personnel by forensic service providers on a voluntary basis*

Coordinator: *Commission*

The Commission currently reflects on the best way forward for this action. ENFSI will ensure the necessary support if needed.

Action 6: ‘Stimulating exchange of forensic data via Prüm and improving its quality’

Objective: *Stimulating full implementation of the Prüm Decisions 2008/615/JHA and 2008/616/JHA to exchange DNA profiles and fingerprints. In addition, improving the quality of forensic data exchanged between all Member States under the Prüm Decisions*

Coordinator: DAPIX

It is the role of DAPIX to facilitate and monitor the basic technical implementation of the automated data exchange, and to enhance the interconnectivity of operational Member States in order to build up a complete data exchange network. In view of this, DAPIX has been **regularly monitoring the implementation** in the Member States since 2009 and continued doing so throughout the Maltese Presidency (Activity 1).

Related to Activity 2, Member States underscored the need for additional human resources in order to expedite full implementation without affecting the day-to-day work. By the end of the first semester of 2017, 24 Member States can exchange DNA data, 22 will be able to exchange fingerprints whilst 23 can exchange vehicle registration details.

With respect to Activity 3 on the **analysis of possibilities to reduce the number of false positive matches with DNA-profiles** the Presidency suggested a number of options as presented in doc. 5177/17, which called upon Member States to use the option most appropriate for their national workflow.

As regards Activity 4, the **Exchange of Experiences in the implementation and ongoing operation of communication** between Member States’, a catalogue of good practices and recommendations was proposed (9088/17). This catalogue should be designed to address good practices and difficulties. It should also provide practitioners with practical support to maximise and optimise the mechanism governing this exchange of information. It was agreed that an informal expert group shall be set up to take forward the development of the catalogue. This format should facilitate a common process whereby Member States could provide their input and expertise for the drafting of a comprehensive catalogue. Nine Member States have so far volunteered to participate in this group.

On activity 5, concerning the development of mechanisms of the mutual prompt notification in the event of unavailability of the application (9058/17) such as during technical failure and routine updates in the system, it was agreed within DAPIX that Member States will communicate information in writing, in electronic form without the need to use a specific template. This would establish a standard way as to how end-users could know whether the system of another Member State was available.

Finally, with regard to activity 7, the Presidency supported by SE, LV and BE, initiated work on the implementation of Action 8 of the Renewed Information Management Strategy for the EU Internal Security (IMS) aimed at identifying measures to strengthen Single Points of Contact.² The strengthening of SPOCs is essential for **improving the Prüm follow-up exchange of information and for addressing any obstacles**, which might be encountered in the application of the Prüm Decision (Activity 2).

Further to the work carried out on all the activities under Action 6, the Presidency also took the initiative to carry out a quantitative assessment on possible training schemes to raise awareness among law enforcement officers on the impact of the Prüm Decisions (6807/1/17 REV 1) with the support of CEPOL. Member States agreed that more expert workshops should be organised. CEPOL took note of the outcomes of the discussion which will be taken into consideration during the planning of its programmes from 2018 onwards.

² 9410/17