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## OUTCOME OF PROCEEDINGS

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From: General Secretariat of the Council  
On: 29 May 2017  
To: Working Party on Information Exchange and Data Protection (DAPIX)  
Subject: Summary of discussions

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### 1. Adoption of the agenda

The agenda was adopted as set out in CM 2653/1/17 REV 1.

### 2. Information from the Presidency

Regarding the "Prüm Decisions", the Council adopted on 18 May 2018:

- the Implementing Decisions which replace the Decisions adopted before the Judgment of the Court of Justice of 22 September 2016 in Joined Cases C-14/15 and C-116/15;
- the Conclusions paving the way for consulting the European Parliament on the draft Implementing Decisions on VRD and FP data exchange with CZ and PT respectively.

### **3. Monitoring at Council level of the implementation of Directive (EU) 2016/681 on the use of Passenger Name Record (PNR) data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime**

#### **3.1 Update on the Informal Working Group on PNR**

The chair of the IWG PNR gave an overview of the structure of the IWG, its focus on developing a modern information exchange method to maximise the impact of the PNR directive, and the work having been done so far in several subgroups (7930/17).

##### **a) Europol's current and future (coordinating) role within the EU PNR architecture**

Europol detailed the goal, functionalities, potential and actual use of "Rover", the PNR information platform on the Europol Platform for Experts (EPE), accessible for IWG PNR members and other relevant stakeholders for communication purposes.

##### **b) How to build a PNR programme**

France presented the main features and challenges regarding their national PNR implementation project, which had been launched in 2010, well ahead of the adoption of the EU PNR Directive and going to be finalised by the deadline of the Directive.

##### **c) Operating a PNR system**

After outlining the national PNR system, the United Kingdom explained the rules - based targeting of air passengers by means of several successful examples.

##### **d) Passenger Name Record Data Exchange Pilot (PNR DEP)**

Hungary informed that the outcome of IMS action No 3 would be discussed at its closing conference in Lisbon on 7 - 8 June 2017. Since February 2016, the action examined which existing law enforcement channel would be the most appropriate for PNR data exchange and simulated data exchange in different test scenarios.

Germany, chair of the IWG PNR as of September, promised to maintain the group's result-oriented focus and urged for strengthening the linkage with DAPIX, so as to ensure informed discussions at Council level on issues dealt with by IWG PNR.

### **3.2 Use of PNR data: Technical aspects and application in the intelligence field**

Spain presented the workflow, the products and the structure of O.N.I.P., its national office of information about passengers, and explained the web-based solution for passenger risk analysis (SARP). For information purposes, ES submitted a discussion note (9456/17), which invited delegations to agree on standards for technical requirements, channels and templates for PNR information exchange.

### **3.3 Challenges of processing PNR data**

Lithuania outlined the legal, organisational and operational challenges faced with at national level, that is the receiving data of air carriers, ensuring quality of received data, automation of data processing, developing of a PNR profiling strategy, and establishing a coherent EU approach to PNR data exchange.

### **3.4 Update on the Advance Passenger Information Working Group on Risk Profiles**

The FRONTEX representative briefed on the agency's activities on enhancing traveller risk analysis capacity for border management. The API WG focussed on establishing three guideline documents, (a) for developing risk profiles to be released shortly, (b) for operationalisation of risk profiles and (c) for interoperability of risk profiles.

### **3.5 Directive (EU) 2016/681 on the use of passenger name record (PNR) data**

#### **The added value of customs for Passenger Information Units (PIU)**

The CCWP NL delegate advocated to involve customs authorities in PIUs (9439/17). Based on experience made, the FR and BE delegations supported the approach.

### **3.6 Commission Implementing Decision (EU) 2017/759 on the common protocols and data formats to be used by air carriers when transferring PNR data to PIUs**

The Commission presented the Implementing Decision, which establishes a list of data formats and transmission protocols to be used as of 28 April 2017 by air carriers for the transfer of PNR data to Member States.

Delegations welcomed the presentations and, in particular, that information had been given by the members of the IWG. During discussions on the monitoring role of DAPIX, it was suggested that the IWG PNR deliver a list of well defined problems, so as to ensure informed discussions at Council level on issues which need policy decisions. The Presidency promised to fine-tune the role of DAPIX in line with the mandate given by COREPER/Council (13836/16) and invited the incoming Presidency, the Commission and the GSC to aim at an efficient repartition of tasks.

#### **4. Prüm Council Decision**

##### **4.1 Implementation – state of play**

Delegations took note of 5081/2/17 REV 2. Romania announced to address certain Member States in order to agree on changes with regard to the mutual daily FP search capacities.

##### **4.2 Organisation of evaluation visits**

Croatia postponed the evaluation visits indicated in 5296/2/17 REV 2 to next year.

##### **4.3 Declaration in accordance with Council Decision 2008/615/JHA, Art. 36(2)**

###### *Denmark*

Delegations took note of 8170/17 DAPIX 136 CRIMORG 80 ENFOPOL 177.

##### **4.4. Ongoing evaluation**

###### *Greece / Fingerprints*

Delegations took note of the:

- evaluation visit report (9118/17),
- overall evaluation report (9119/17),
- draft Council Conclusions (9120/17), and
- draft Council Implementing Decision (9122/17),

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

#### **4.5 The establishment of best practices applicable to Prüm cooperation**

Delegations supported the suggested method to draft a manual dedicated to Prüm best practices (9088/17). CZ proposed to involve DNA and FP experts in the envisaged drafting group. FR, ES, PL, RO, LV, BG, DE and NL as well as the Commission informed that they would like to join that group.

#### **4.6 Mutual prompt notification in the event of unavailability of data exchange**

Delegations agreed on the simplified approach to notify technical non-functioning of the Prüm system (9058/17). Member States agreed as well on the NL supplementary suggestion to inform each other electronically about the re-availability of automated data transfer on the actual day when online access to databases is effectively restored.

#### **4.7 Questionnaire on police-cooperation / Prüm training needs**

Delegations took note of the outcome of the quantitative assessment of Prüm training needs (6807/1/17 REV 1). CEPOL welcomed the outcome as the basis for developing specific modules for the upcoming training programme.

#### **4.8 Prüm progress report**

Delegations welcomed the progress report (9014/17) and the Presidency promised to reflect on the follow-up to be given to the report.

#### **4.9 Questionnaire on requests for further information following DNA matches**

The Belgian delegation presented a questionnaire (8972/17) aiming at establishing a compilation of national DNA post-hit procedures, and invited Member States to reply by 30 June 2017. Upon the request from Romania to explain certain questions, it was agreed that in case of difficulties of understanding the respective Member State directly address BE, which would distribute the explanation to all other Member States.

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

With regard to the action list (5307/2/17 REV 2), delegations took note of:

- action 1: *ATHENA* : the kick-off meeting was announced for 27/28 June 2017 in Rome;
- action 4: *Enhancing data quality* : eu-LISA information about,
  - a) the improved data quality reports on alerts on persons for the SIS II system, on the agenda of the SIS II Advisory Group on 1-2 June;
  - b) the analysis of VIS data quality-related issues (errors being encountered, field rules being violated and issues such as missing attachments), topic of a roundtable dedicated to data quality and business aspects in the VIS AG on 29 May 2017;
  - c) considerations that eu-LISA discusses with representatives of CEPOL, Frontex and Europol the inclusion of relevant topics of data quality in their training portfolios and materials.
- action 5: *UMF 3* : DE information about:
  - a) both the business description and technical sheets (XSD sheets) for UMF version 1.1 are available on EPE;
  - b) a focus group will prepare discussions on the UMF governance structure in Wiesbaden on 12-13 July;
  - c) basic testing on QUEST to enable single searches on EIS and national databases has been started end of March with EE, ES, FI, GR and PL. The final implementation is still scheduled for Q4/2017 but needs a solution in view of Europol's security rules.
- action 8: *Strengthening of SPOCs* : Presidency information about the reference document (9410/17) and the questionnaire on national SPOC structures (CM 2882/17), to be replied to the by 30 June 2017. Poland announced its wish to participate in the project.

## 6. Priorities of the Estonian Presidency

The incoming Presidency programme would focus on the implementation of the Prüm Decisions, the PNR Directive and the further implementation of IMS actions. Meetings are scheduled for 25 July, 19 September and 28 November 2017. Supplementary sub-groups dealing with PNR and Prüm matters would be convened if need be.

## 7. AOB

The German delegation invited the Commission to review its decision regarding the funding of the "DNA fEUision"-project (9499/17). The Commission explained that the file was closed and a new application for funding would be necessary.

The Commission informed about the ongoing assessment of both the legal transposition into national law and the practical application of Council Framework Decision 2006/960/JHA. The assessment would be finalised by February 2018 (9587/17).

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