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OUTCOME OF PROCEEDINGS

From: General Secretariat of the Council
On: 25 July 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 3459/1/17 REV 1.

2. Information from the Presidency

- The informal COSI/CATS meeting in Tallinn on 21/22 July 2017 exchanged views, in particular, on the issue of access of law enforcement authorities to EU information systems which are principally not designed for law enforcement purposes. The Presidency concluded that the issue whether the cascade principle was needed as a necessary condition for access should be further discussed.
- Content and structure of the updated version of the manual on law enforcement information exchange (6261/17) were presented.

3. Monitoring of the 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

3.1 Update on the Informal Working Group on PNR

The Presidency presented the minutes of the IWG PNR meeting in The Hague on 20/21 June 2017 (11451/17). Delegates who attended the meeting underlined the fruitful exchange of views among national experts at that meeting and welcomed Europol's role as the IWG's secretariat. Furthermore, delegations supported that the IWG continue its activities, and underlined that DAPIX expected substantial information, in particular from the subgroups, on topics of common concern, which would require the preparation of policy decisions at higher level. Instead of supporting the idea to discuss legal issues of certain provisions of the Directive within a dedicated IWG subgroup, delegations preferred to refrain to the Commission's legal interpretation as a common line.

3.2 State of play

The Commission reminded that the current situation had been set out by Member States at the 5th implementation meeting in The Hague on 22 June 2017, and informed that the 6th meeting of that kind was planned for the end of September/beginning of October.

Delegations were informed as well that in the framework of a dedicated call for proposals the NL PIU.net proposal on information exchange between PIUs had been granted Commission funding, and the Commission expressed the wish that the project would eventually meet with political validation by the Council.

Furthermore, the Commission representative stressed that the Court's opinion on the EU Canada PNR agreement, awaited for 26 July 2017, would have no impact on the obligation to implement the PNR Directive by May 2018.

3.3 Way forward

The BE delegation presented the advanced state of play of implementation of the PNR Directive, achieved in close cooperation with NL and LU, and outlined the idea of a central message broker for air carrier connections, which could be developed and hosted by euLISA. That idea, however, met no unanimous approval: on the one hand, the advantages in terms of economic and ergonomic gains were recognised, but, on the other hand, substantial legal concerns were raised.

The DE delegation informed that it would chair the IWG PNR for twelve months as of September 2017 and organise four meetings to search for business oriented solutions. The DE chair would, in particular, strive to consolidate the cooperation with DAPIX and establish effective reporting structures.

The Presidency presented a discussion paper (11378/17) focussing on the question whether legal and technical issues should be discussed in dedicated subgroups, and on the suggestion to nominate a coordinator who should assist DAPIX in monitoring the implementation of the Directive. Regarding the first issue, delegations preferred to adhere to the Commission's legal interpretation as a common line and voiced concerns on discussing legal issues of certain provisions of the Directive in other fora. Regarding the function of a coordinator, delegations preferred the chair of the IWG PNR to assume the role of such a coordinator in order to avoid duplication of efforts.

The Presidency took note of all interventions and invited delegations to submit their position ion writing by 4 September 2017. In order to strengthen the lines between IWG PNR and DAPIX, the Presidency intended to organise further meetings of both groups back-to-back and, to that end, to postpone the next DAPIX meeting and inform delegations in due time about the new date.

4. Prüm Council Decision

4.1 Implementation – state of play

Delegations took note of 5081/3/17 REV and were invited to inform the GSC regularly in order to maintain a reliable presentation of the state of play.

4.2 Organisation of evaluation visits (5296/3/17 REV 3)

IE informed to be ready for the evaluation of all three data type exchange set-ups in December 2017.

4.3 Ongoing evaluation

Portugal / Vehicle Registration Data

Delegations took note of the VRD centred addendum to the initial reply to the data protection questionnaire (7940/11 ADD1).

The approval of the evaluation visit report (11262/17) was delayed by scrutiny reservations entered by several delegations because of the short-term submission of the document. Consequently, the discussion of the related documents was reported to the next DAPIX meeting.

4.4 Declaration on national DNA analysis files according to 2008/615/JHA/ Art 2(3)

Delegations took note of 9853/17 on access to Portuguese DNA analysis files.

4.5 Fingerprint daily search capacities

Delegations were invited to examine the changes, set out in bold, in 11211/1/17 REV 1 with a view to coming to an agreement on the updated daily search capacities at the next DAPIX meeting.

4.6 The establishment of best practices applicable to Prüm cooperation

Delegations welcomed content and structure of a manual on best practices as suggested in WK 8399/2017, subject to further fine-tuning by the drafting group. In view of SPOC officers as the target audience, it was agreed that the manual should be drafted as user-friendly and business oriented as possible. A delegation suggested to establish the manual in the framework of the IMS as had been done with the information exchange manual, and to incorporate it in the upcoming IMS action list.

Furthermore, the BE delegate promised to present the outcome of the survey on national Prüm follow-up methods at the forthcoming meeting, and invited Member States which have not yet done so to reply to the questions set out in 8972/17.

5. Renewed Information Management Strategy (IMS)

5.1 Implementation of action list No 5 (5307/2/17 REV 2)

- action 1: A.T.H.E.N.A. - SPOC training

Delegations took note of the presentation of 11318/17 on the recent kick-off meeting and were invited by the IT delegate to reply, if not yet done so, to CM 3534/17.

- action 5: UMF 3

The DE delegate underlined that the project is running smoothly, and informed with regard to the topic of UMF governance, that a Commission legal proposal was awaited. He also briefed delegations regarding a conference on the subject, organised by Interpol, would be held in Lyon on 25 October 2017. (11511/17)

With regard to a possible UMF 4 project, the delegation informed that internal discussions were ongoing.

- action 7: PCCC - European Dimension

The BE delegate promised to submit to delegations, in line with the COSI orientation debate on proportionate police checks and police cooperation in the Schengen area (10312/17), a brief questionnaire on SIENA connections in PCCCs.

- action 8: Strengthening of SPOCs

The MT project leader invited delegations which have not yet done so to reply as soon as possible to the questionnaire on national SPOC structures (CM 2882/17) in order to advance in mapping case management and workflow systems in use, and to present first results at the forthcoming meeting.

5.2 Preparation of draft IMS Action List No 6

The Presidency presented the draft IMS action list No 6 (11269/17) and asked delegations to submit suggestions regarding the list (CM 3664/17) by 13 September 2017.

6. AOB

No issue was raised under this point.
