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THE EUROPEAN UNION**

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DAPIX 49
CRIMORG 32
ENFOPOL 90
TRANS 160**

OUTCOME OF PROCEEDINGS

From: General Secretariat of the Council
On: 12 and 13 March 2014
To: Working Group on Information Exchange and Data Protection (DAPIX)
Subject: Summary of discussions

1. Adoption of the agenda

The agenda was adopted as set out in doc. CM 1535/14 with an additional information point at request of the Commission on the on-going EIXM implementation study.

2. Information from the Presidency

The meeting was briefed on discussions in the data protection part of DAPIX on the draft Data Protection Regulation.

3. Prüm Council Decisions

3.1 Implementation - *State of play*

The Presidency invited delegations to check information set out in doc. 5124/1/14 REV 1 JAI 7 DAPIX 1 ENFOPOL 1 CRIMORG 2, and to notify any modifications to the Secretariat in order to enable the regular update of the overview.

3.2 The Presidency invited the meeting to check information set out in the lists of

- NCP for Major Events (doc. 7506/14 JAI 152 DAPIX 43 ENFOPOL 73),
- Data Protection Authorities (doc. 7503/14 JAI 151 DAPIX 42 DATAPROTECT 44),
- NCP for DNA (doc. DS 1055/14)
- NCP for FP (doc. DS 1129/14)
- NCP for VRD (doc. DS 1023/14,

and to notify any modifications to the Secretariat in order to keep the lists up-to-date.

As to the change of NCPs/national competent authorities for VRD exchange in some Member States, delegations were informed that they have a margin of appreciation in deciding which authority they choose as long as they comply with the CBE and Prüm Decisions, in particular with the provisions relating to the protection of personal data (*i.a.* the authority should be competent under national law in the matters covered by the Prüm Decisions, and data security should be ensured). No procedure is provided for in Union legislation in the case of such a change of competent authorities. Nevertheless, in order to ensure the functioning of the VRD information exchange, relevant information should be submitted to the GSC so that contact lists could be updated accordingly, and that information is also shared with the Commission.

3.3 **Bulgaria** Declaration in accordance with Art. 36 (2)

The meeting took note of the final notification by Bulgaria on the implementation and application of the Prüm Decisions (see doc. doc. 6694/14 DAPIX 23 CRIMORG 17 ENFOPOL 4355).

Greece Declaration in accordance with Art. 2 (3)

After the presentation of doc. 7115/14 DAPIX 30 CRIMORG 19 ENFOPOL 55, one delegation called upon EL to set up and keep DNA analysis files which include reference DNA profiles so as to allow other Member States the access not only to unidentified DNA profiles but also to reference DNA profiles.

3.4 On-going evaluation

Belgium / DNA

Upon request of some delegations, BE briefed the meeting on current legislative activities providing for the automated exchange of DNA person profiles. The meeting took note of these explanations, and subsequently of the evaluation visit report (doc. 6350/14 JAI 77 DAPIX 15 CRIMORG 8 ENFOPOL 27 ENFOCUSTOM 16) with a view to forwarding the overall evaluation report (doc. 6355/14 JAI 79 DAPIX 16 CRIMORG 10 ENFOPOL 28 ENFOCUSTOM 17) and the draft Council Decision (doc. 6367/14 JAI 81 DAPIX 17 CRIMORG 11 ENFOPOL 29 ENFOCUSTOM 18) to COREPER/Council for approval once BE has notified the GSC of the completed legal implementation of Art. 3 of Decision 2008/615/JHA.

Hungary / VRD

The submission of the evaluation visit report and corresponding documents was postponed to a following meeting.

Malta / VRD

Subsequent to MT information on progress on the outstanding legislation, the meeting took note of the evaluation visit report (doc. 7166/14 JAI 129 DAPIX 34 CRIMORG 21 ENFOPOL 58 ENFOCUSTOM 29) with a view to forwarding the overall evaluation report (doc. 7168/14 JAI 130 DAPIX 35 CRIMORG 22 ENFOPOL 59 ENFOCUSTOM 30) and the draft Council Decision (doc. 7170/14 JAI 131 DAPIX 36 CRIMORG 23 ENFOPOL 60 ENFOCUSTOM 31) to COREPER/Council for approval once MT has notified the GSC of the completed legal implementation with regard to Art. 4 (2) of Decision 2008/615/JHA.

3.5 Organisation of evaluation visits

Delegations concerned updated the indicative calendar (doc. DS 1043/14) with regard to evaluation visits on DNA and VRD. The EE, CY and LV delegations were invited to take the initiative to contact the available VRD experts in order to fix the date for the respective evaluation visit.

3.6 Prüm - statistics and reports on automated data exchange 2013

After having presented doc. 5968/14 JAI 56 DAPIX 11 CRIMORG 6 ENFOPOL 21, the Presidency invited delegations to submit by 20 March (dapix@consilium.europa.eu)

- statistics if not yet done so, and
- their comments on the suggestion of the DNA lead expert to delete from the DNA database statistics the indication of the "Number of unique DNA profiles received from other countries" because this feature was not supported by the CODIS software used by the majority of Member States.

3.7 Report on MCT / Europol Prüm helpdesk activities

The meeting was briefed on behalf of the MCT on

- the implementation of the DE DNA match engine in FR. It was explained that this software can be obtained via the EPE after a note to the DE Ministry of the Interior;
- the bringing back on tracks, thanks to successful PL trouble-shooting, of the LV technical DNA data exchange after the upgrade to CODIS.7;
- FP exchange tests with HU and DK;
- the preparation of the FP ICD guidance document for the June DAPIX meeting.

The Europol delegate informed about

- the growing user community of the Prüm EPE;
- Europol's various participations in ISEC funded projects;
- the envisaged handover of MCT tasks to the Europol Prüm helpdesk.

3.8 Implementation Guide - DNA data exchange

Delegations took note of doc. 7326/14 with the DNA lead expert disagreeing on some points. In order to allow for necessary changes, the Presidency as well as the MCT representative invited delegations to submit comments to pruem-mct@bka.bund.de.

4. EUCARIS

The EUCARIS delegate informed on the implementation of Directive 2011/82/EU ("CBE" Directive), and on the best practice guide (see doc. DS 1133/14) which addresses issues that Member States might be confronted with both during the deployment process of the CBE functionality and the post-implementation phase.

The meeting took note of the EUCARIS progress report covering the period from September 2013 - February 2014, in particular with regard to the state of play of the implementation of the Prüm Decisions and the "CBE" Directive. Special attention was drawn to the specific links of <https://www.eucaris.net>.

Since no progress had been noted on Member States' opinion on the RVNP (Registration of Vehicle Number Plates) feasibility study, the item was not discussed at this meeting.

5. SPOC - Draft Guidelines for cross-border information exchange

Delegations welcomed the presentation of draft guidelines (see doc. 6721/14 DAPIX 24 ENFOPOL 45) which recommended principles and basic procedures for the setting up and functioning of a Single Point of Contact (SPOC). Acknowledging the need for common base lines and core features, delegations underlined that the organisation of a SPOC had to reflect the specific national context. They stressed the freedom to choose the communication channel they deem appropriate and rejected the idea of a unique channel. Some delegations questioned the mentioning of BdL and PCCCs as communication channels in the guidelines.

The Commission welcomed the draft guidelines as a comprehensive document and stressed, in particular, the idea that Member States make transparent the structures of their SPOCs.

The Presidency took note of further suggestions from delegations and explained that by no means the guidelines were intended to be changed into mandatory directives serving as principles for assessment in the Schengen context. In order to prepare a revised version of the guidelines for the next meeting, delegations were invited to submit written comments by 20 March to dapix@consilium.europa.eu.

6. Information Management in the Criminal Justice System

Delegations welcomed the presentation of the Swedish delegation concerning the implementation of an electronic information exchange management within the national criminal justice system. Concluding a brief discussion on the issue, the SE delegate indicated the wish to learn more about similar initiatives in other Member States.

7. Information Management Strategy / 3rd IMS action list

The meeting took note of the updated list of activated/proposed actions (see doc. [DS 1136/14](#)).

Action 1: Manual on information exchange

The IE delegate presented the first draft manual (see doc. [DS 1132/14](#)) as a repository of information needed in a specific investigative context and considered it as a complement to the suggested SPOC guidelines.

Reacting on delegations' preliminary remarks on some substantial points, the delegate underlined that the discussion on the content within the drafting group was not yet completed but that feed back on the proposal was already needed at this early stage to further the project. During the preliminary exchange of views on the draft, one delegation suggested to combine the SPOC guidelines, the manual on cross-border cooperation and the manual on information exchange in one single document. The Presidency hesitated to follow this idea because of the different purposes of each manual.

The Presidency invited delegations to submit their comments to dapix@consilium.europa.eu by 26 March.

Action 2: ADEP: Automation of the data exchange process

The FR and FI delegates presented the outcome of a workshop in Brussels on 21-22 January (see doc. DS 1118/14) on different components of the potential architecture of ADEP. They stressed, in particular, the advantages of the list of offences provided by the ECRIS Framework Decision (2009/316/JHA) as a reference list for national indexes to be established, and the features of SIENA as the central query/response relay.

The Commission representative informed that data protection issues had yet to be considered. Reminding delegations that the reason for developing ADEP was the unsatisfactory use of the EIS by Member States, the Commission and invited them to signal at this early stage of the ADEP project any difficulties to establish the index required.

Due to the complexity of the proposal, the Presidency invited delegations to thoroughly discuss the project with experts back home and to submit further comments to dapix@consilium.europa.eu by 26 March.

Action 3: Infopolex Coordination Initiative

The HU delegate reported on the state of play and reminded delegations to register by 31 March (infopolex@nebek.police.hu) to the workshop in Budapest on 16-17 April.

Action 5: UMF Interoperability Coordination Programme

The Europol delegate orally reported on the state of play of the UMF project and, like the Commission and some delegations, reminded that the project's added value, especially with regard to the Prüm format, would proportionally increase with its implementation in the national case management systems. Since the project would be concluded in the near future, Europol suggested a governance structure which would among others comprise DAPIX for taking decisions about further UMF developments to assure the sustainability of the project.

The Presidency invited Europol to prepare a paper setting out the key for the DAPIX meeting in April so that delegates are informed about the results of the project ahead of the closing conference on 15/16 May in The Hague.

8. Missing persons database

The UK delegation presented the UK lead EU-wide found body reconciliation project and in this context the proposal for the exchange of biometric data (doc. DS 1115/14). One Member State was sceptical about costs involved and wondered whether information exchange mechanisms to supplement the Prüm Decisions were necessary.

The Presidency invited delegations to submit comments in order to define a position on the issue at the next DAPIX meeting.

9. Interpol interoperability

The Interpol delegate presented a pilot project to develop, test and prove the concept of interoperability strictly from the business point of view. Whereas institutional support should be given by the Commission, Europol and Interpol, Member States were invited to volunteer either for the role as lead country or to advise the project. Several delegations as well as Europol announced their interest in the project. It was, however, asked to what extent this project would overlap with action 4 of the IMS action list. The Commission promised support subject to sufficient engagement of Member States .

The Presidency called upon Interpol to present a short paper with the key points at the June DAPIX meeting.

10. Any other business

The Commission informed about latest news on the EIXM implementation study and announced that Member States will shortly be approached by the contractor via a web survey. Subsequent to that, visits on the spots and telephone interviews were planned throughout the summer with a view to finalising a concluding report around the end of this year.