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NOTE

From: Presidency

To: Working Group on Information Exchange and Data Protection (DAPIX)

No. prev. doc.: 10560/14

Subject: "Prüm Decisions" - overall evaluation report on DNA data exchange for Greece

The Presidency hereby submits the draft overall evaluation report on Prüm DNA data exchange for **Greece** for approval of the Working Party on Data Protection and Information Exchange (DAPIX) and subsequent transmission to the Council.

1. Introduction

Chapter 2 of Council Decision 2008/615/JHA provides for the automated transfer of DNA profiles, dactyloscopic data and certain national vehicle registration data (VRD) for the purpose of prevention and investigation of criminal offences and subject to certain conditions and procedures. However, pursuant to Art. 25(2) of that Decision, the supply of personal data for a specific Member State is subject to a decision of the Council.

Art. 20 and chapter 4 of the Annex of Council Decision 2008/616/JHA set out the evaluation procedure for the preparation of such decisions, and in particular point 1.4 specifies that "an overall evaluation report, summarising the results of the questionnaires concerning each of the automated data exchanges, the evaluation visit and the pilot run will be presented to the Council for its decision pursuant Article 25(2) of Decision 2008/615/JHA".

The current document is the overall report regarding **DNA data** exchange with **Greece**. It is without prejudice regarding other data categories provided for by the above-mentioned Council Decisions.

2. Evaluation procedure according to Article 20 of Council Decision 2008/616/JHA (preparation of decisions according to Article 25(2) of Council Decision 2008/615/JHA)

Greece has satisfactorily replied to the questionnaire on data protection (cf. doc. **16401/13 DAPIX 143 CRIMORG 135 ENFOPOL 363**) and on DNA data exchange (cf. doc. **16424/13 DAPIX 144 CRIMORG 136 ENFOPOL 365**). With a view to evaluating the results of the questionnaire on DNA data exchange,

- an evaluation visit was carried out by experts from the Netherlands on **29 May 2014**. The evaluation team submitted its report to DAPIX (see doc. **10560/14 JAI 425 DAPIX 78 CRIMORG 53 ENFOPOL 162 ENFOCUSTOM 76**);
- a pilot run was successfully carried out, as specified in the evaluation report.

The **DNA evaluation visit report** concluded that on a technical level the implementation of the Prüm DNA-information flow has been done up to a satisfactory level in **Greece**. As to the list of DNA files shared with other Member States, **Greece** promised to complement the list by adding person profiles to the national DNA-database and to inform the General Secretariat of the Council of this by amending its declaration on national DNA analysis files in accordance with Article 2(3) of Council Decision 2008/615/JHA (doc. 7115/14 DAPIX 30 CRIMORG 19 ENFOPOL 55).

3. Conclusions

On this basis, the Working Party on Data Protection and Information Exchange (DAPIX) concluded that all conditions are met for **Greece** to start the exchange of DNA data pursuant to Council Decision 2008/615/JHA subject to the above-mentioned submission of the amended declaration on national DNA analysis files.

Once **Greece** has submitted the amended declaration, the Working Party on Data Protection and Information Exchange (DAPIX) suggests to the Council to decide according to Art. 25(2) of Council Decision 2008/615/JHA that the general provisions on data protection have been satisfactorily implemented in the national law of **Greece** and that **Greece** may exchange DNA data.