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European Union

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DAPIX 98
CRIMORG 67
ENFOPOL 206

OUTCOME OF PROCEEDINGS

From:	General Secretariat of the Council
On:	1 July 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 3099/14 with the following amendments

- under point 3, the replacement of the presentation of Prüm statistics by the presentation of an IT project on the follow-up of Prüm DNA matches and the addition of an information point on the PIES workshop in Brussels on 25/26 June, and,
- under point 6, the addition of information points on the EUROPOL proposal for a governance structure for a sustainable Universal Message Format (UMF) project, on the UK lead project on a missing persons database, and on the ES position as to the UK approach on how to prepare the decision on whether or not to apply to participate in the "Prüm Decisions".

2. Information from the Presidency

The Presidency informed the meeting about

- its working programme, focused on the review of the current Information Management Strategy (IMS) for internal security and the further deployment of the UMF, and offered to organise sub-groups further to the DAPIX plenary meetings on 23 September and 19 November subject to substantial agenda;
- its intention to possibly organise a two-days conference on the Police and Customs Cooperation Centres (PCCC) in October;
- the outcome of the COSI/CATS/Interpol conference in Lyon on 20 June with regard to the agenda item on interoperability of information systems;
- the endorsement of the SPOC Guidelines (see doc. 10492/14) by the Council and the accompanying national fact sheets (see doc 10492/14 ADD 1 REV 1).

3. Prüm Council Decisions

3.1 Implementation - *State of play*

The Presidency invited delegations to check the information set out in doc. 5124/4/14 REV 4 JAI 7 DAPIX 1 ENFOPOL 1 CRIMORG 2, and to notify any further modifications to the Secretariat in order to enable the regular update of the overview.

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

- List of experts concerning DNA, FP and VRD information exchange (doc. 1130/2/14 REV 2),
- List of VRD National Contact Points (doc. DS 1023/3/14 REV 3),
- List of national experts participating in VRD evaluation visits (doc. DS 1152/2/14 REV 2),

- List of DNA National Contact Points (doc. DS 1055/3/14 REV 3),
- List of FP National Contact Points (doc. DS 1129/3/14 REV 3).

Delegations were reminded that these lists were drawn up for information purposes of the operational end users and were invited to share these lists as far as possible within their national law enforcement structures. Furthermore, the Presidency invited delegations to consider the notification, if not yet done, of the 2nd step-NCP details for DNA and FP data exchange.

3.3 Technological approach to report hit follow-ups

The Presidency outlined an on-going national IT project to establish statistics on the follow-up to DNA matches. Delegations welcomed the reference to the still open issue of establishing "meaningful" statistics on Prüm hits, i.e. setting forth those hits which lead at least to an investigation. Some presented briefly their work flow solutions to report at national level on the success rate of Prüm searches. Generally supporting the project, the Commission reminded the rules for funding such projects.

One delegation suggested to feed hits into the Europol Information System (EIS) thus augmenting their investigative value beyond bilateral information exchange. As this met with only divided support from delegations, it was concluded to thoroughly deal with the idea at a forthcoming meeting.

3.4 On-going evaluation

Greece / DNA

Delegations welcomed the progress made in EL but did not agree on the evaluation visit report (doc. 10560/14 JAI 425 DAPIX 78 CRIMORG 53 ENFOPOL 162 ENFOCUSTOM 76) due to general concerns regarding the specific recommendation on the check of the match quality in the case of incoming step 2-requests. Uncertainties were voiced about the wording and the fact that, if taken at face value, it would trespass on the inclusion rules set out in chapter 1.1 of the Annex to Council Decision 2008/616/JHA.

The Presidency promised that the paragraph in question would be redrafted in order to confirm that the responsibility for validating and checking the evidential value of a DNA profile lies with the Member State receiving the match report (see chapter 3.3 of the Annex to Council Decision 2008/616/JHA) and to submit a revised report at the forthcoming meeting. Consequently, the overall evaluation report (doc. 10627/14 JAI 439 DAPIX 84 CRIMORG 54 ENFOPOL 170 ENFOCUSTOM 77) as well as the Draft Council Decision (doc. 10628/14 JAI 440 DAPIX 85 CRIMORG 55 ENFOPOL 171 ENFOCUSTOM 78) would be presented in line with the amended evaluation report.

As to the issue of involving the SIRENE Office in the EL workflow of 2nd step requests and consequently the choice of communication channels, the Commission set out that no legal objection existed against involving SIRENE but made aware that the SIRENE communication tools were exclusively dedicated to transmit supplementary information related to SIS II data and, keeping in mind that the replacement of SISnet mail by sTESTA mail was to be considered as a provisional measure, reminded its political priority to mainly use the Europol channel.

3.5. Organisation of evaluation visits

The calendar for evaluation visits (doc. DS 1043/3/14 REV 3) was updated by SE indicating to be ready for FP evaluation in October.

3.6 Mobile Competence Team

Delegations took note of the report on the Final Conference (Berlin, 16-17 June 2014) and the results achieved by the MCT. The official final project report was expected for III/2013.

3.7 PIES project

The BE delegate briefed about the workshop in Brussels on 25/26 June in the framework of the Prüm Implementation, Evaluation & Strengthening (PIES) project aiming at strengthening forensic DNA data exchange. Web-based and detailed information on the event having gathered academics and law enforcement and judicial agencies from various Member States to exchange views on the potential of the Prüm Decision could be found under

http://nicc.fgov.be/upload/files/OverhetNICC/PIES/pies_2014_workshop_book.pdf .

4. SPOC

Due to time constraints, the Presidency decided to postpone the presentation of the Italian SPOC to a forthcoming meeting.

5. Future of the Information Management Strategy

Delegations welcomed the initiative to review the current IMS by the end of 2014 and started a preliminary orientation debate on the basis of the Presidency discussion paper (see doc. 11286/14 JAI 561 DAPIX 93 CRIMORG 65 ENFOPOL 191 ENFOCUSTOM 83).

The Commission underlined the unique expertise in information exchange matters DAPIX had gained over the past years against the background of the IMS and far beyond issues related to Council Framework Decision 2006/960/JHA ("Swedish Framework Decision" - SFD) or the "Prüm Decisions", and encouraged delegations to make known to DAPIX the implementation lessons which were shared in workshops or conferences outside Council structures.

Delegations recommended that assessing and reviewing the strategy should distinguish between the strategy as such, the implementation at national or EU level and the setting up of further action lists. It was suggested that the Presidency should draw up a document on the outcome of the different action lists and inform DAPIX about the procedures planned to possibly drafting Council Conclusions or a roadmap.

The Presidency took note of the interventions made and invited delegations to submit further comments by 6 August (dapix@consilium.europa.eu) to be taken into account for a document for the September meeting.

6. Any other business

- Europol briefly presented a proposal on the governance structure for a sustainable UMF project (see doc. 11413/14 JAI 565 DAPIX 95 CRIMORG 66 ENFOPOL 195 ENFOCUSTOM 84). With regard to resources and partner states needed, DE and IT indicated their intention to participate in the setting up of a fully functional Programme Management Office (PMO). The Commission explained the rules for applying for and granting of funds and encouraged further Member States to participate.
- The ES delegation questioned the UK's approach of using the outcome of a business and implementation case as the basis of the decision as to whether or not the UK should apply to participate in the Prüm Decisions under Art. 10(5) of Protocol 36 of the Treaties (see doc. 11057/1/14 REV 1 PROAPP 14 JAI 534 CATS 89 SCHENGEN 22). The delegation voiced legal, substantial and procedural concerns in this respect and recommended to discuss the issue in DAPIX, in particular as to the conditions of funding granted by the Commission. The Presidency promised to examine the opportunity of dealing with the item at the next meeting.
- The UK delegate briefly made aware of a supplementary paper (see doc. DS 1287/14) on its proposal to create a single EU wide missing persons database. The AT delegate reiterated misgivings, DE promised to submit its critical position in writing and NL stated it would re-assess the proposal in order to define its standpoint as set out in the paper.