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OUTCOME OF PROCEEDINGS

From:	General Secretariat of the Council
On:	19 February 2015
To:	Working Party on Information Exchange and Data Protection (DAPIX)
Subject:	Summary of discussions

MIXED COMMITTEE

1. Adoption of the agenda

The agenda was adopted as set out in doc. CM 1433/15.

2. Information Management Strategy (IMS) / Action III/1/ Manual on information exchange

Delegations were informed about progress made on the structure, content and functioning of the draft manual on information exchange (doc. DS 1023/1/15 REV 1). Practicalities concerning future updates of the manual would be defined dependent on the decision where the manual will be posted in the most user-friendly way for SPOCs. The Presidency promised to explore the pros and cons of several options suggested (Europol platform for experts, Circa, Infopolex platform, SPOC intranet) and report back on that issue at the next DAPIX plenary meeting. Despite the idea to eventually not disclose the contact details, the GSC strongly recommended to not include personal contact details in the national fact sheets. Delegations which have not yet done so were invited to submit complete national fact sheets by 16 March at the latest.

1. Adoption of the agenda

The agenda was adopted as set out in doc. CM 1433/15 with the following amendments

- under point 5, the addition of an information point on the Europol Prüm helpdesk,
- under AOB, the addition of an information point on the seminar on DNA data exchange in the Hague on 6 - 7 May.

2. Information from the Presidency

The Presidency informed that a DNA/FP subgroup was planned for 18 March.

3. EIXM - study on the implementation

The Chair presented the discussion paper (doc. 6131/15 DAPIX 24) on the final report¹ on Member States' compliance with Commission recommendations to implement the European information exchange model (EIXM).

In the course of a lively debate, delegations generally agreed that the report summed up a useful overview on the state of play. However, due to the short delay of deliverance of the report most delegations qualified their position as provisional and promised to thoroughly examine the report in order to define their position.

Several delegations held that the report showed the complexity of the EIXM wherefore the main lesson learnt was to set realistic implementation deadlines, in particular as a critical hindsight on the negotiation on both the Swedish Framework Decision (SFD)² and the "Prüm Decisions"³, and in foresight on any new legislation in the field possibly proposed by the Commission.

¹ http://ec.europa.eu/dgs/home-affairs/e-library/documents/policies/police-cooperation/general/docs/eixm_study_-_final_report_en.pdf

² Council Framework Decision 2006/960/JHA on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the European Union

³ Council Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime, and Council Decision on the implementation of Decision 2008/616/JHA

During the debate, it was suggested to carefully nuance the results and recommendations of the report before drawing conclusions on the picture as a whole because the study was often limiting itself to depicting specific issues in individual Member States. The Commission was aware that the study might reflect practitioners' estimations more than official positions of Member States and underlined that Commission conclusions diverged from those of the study.

Some delegations emphasized that the series of recommendations on how to tackle problems addressed in the report often corresponded to recommendations DAPIX had developed itself in the past. However, concerns were voiced about a lack of new insights or problem solutions.

As to the implementation of the SFD, which actually sets out the EIXM in legal terms, one delegation suggested to shift from the legalistic discussion on the topic to the issue of effective compliance with the basic ideas of the instrument, in particular regarding the time limits for providing information requested, and, in case of delays, examine a possible lack of human resources in SPOCs.

Many delegations underlined that SPOCs needed closer cooperation as well as training on best practices. In the view of one delegation, a blueprint for setting up a SPOC would eventually turn out to be helpful for harmonising work flows across borders.

The recommendation to enhance information sharing with Europol was supported by several delegations.

In this respect, the chapters on current interoperability initiatives were emphasized, in particular the deployment of UMF (Universal Message Format) and EPRIS/ADEP. Explanations on the latter were found by one delegation as lagging behind the state of play because the report recommended, against the recognised need of further enhancing the efficiency of information exchange, the limitation on and extended use of existing technical means instead of promoting the ADEP proposal, considered by delegations concerned with its development as the still missing keystone in the EU information exchange architecture.

Several delegations concluded that following the recent terrorist events the debate on the EIXM should be continued at political level, in particular in order to link it to the discussions on the internal security strategy which highlighted the importance of information exchange.

The Presidency noted broad interest in the study and invited delegations to submit further comments by 16 March, in the light of which the Presidency would decide on its further approach to deal with the study.

4. Information Management Strategy (IMS)

4.1. Draft IMS action list No 4

The FI delegate informed that FI and SE would take the lead of action No 6 (overview on national Prüm post-hit procedures) as set out in doc. DS 1025/1/14 REV 1. The action envisaged to link up with the ISEC funded project "Developing the exchange of DNA data and the related post-hit information exchange under the Prüm Decision" aimed, in particular, at finding out best practices to manage the post-hit communication process and enhancing information sharing with Europol.

The NL delegation stressed the overlap of the strategic objectives of action No 3 (Infopolex phase 2) and No 7 (PCCC: European dimension) and suggested to merge these actions which faced similar challenges to achieve the smoothening of information flows at national level, in particular between SPOCs and PCCCs. Furthermore, the delegation recommended to update the presentation of the content of the actions in the draft action list since some points seemed to be already achieved. HU and BE as the delegations leading the actions promised to reflect on the proposals.

BE, moreover, suggested to further keep the draft status of the action list as a whole and to have a fresh look at it in the light of the Riga Joint Statement⁴.

4.2 ADEP

The FR delegate informed about the workshop organised in Berlin on 26-27 January gathering experts from DE, FR, IE, HU, FI and Europol. The main agreement of the workshop was to develop a prototype which according to the road map suggested could become operational by December 2015.

⁴ doc. 5855/15 JAI 59 PESC 119 COSI 12 COPS 25 ENFOPOL 28 COTER 21 SIRIS 10 FRONT 34 DROIPEN 10 COPEN 24 ECOFIN 63

This prototype would use a minimum of relevant data, which remained under control of Member States, by connecting decentralised data sets and without creating central data sets. Furthermore, comparison of data would exclusively be done in a secure environment by means of pseudonymised and encrypted data enhancing data protection. The solution in mind could turn out to become less complex and expensive than initially expected.

The FR delegate explained the technical details of the envisaged solution considered as an important step forward for the ADEP project.

The filter increases reliability of hit/no hit messages. Current work on the issue is focussed on the problem to find an acceptable trade-off between rapidity and reliability of replies because the more complex this filter is, the more reliable positive hit messages are, but on the other hand, the more time it takes to get a reply. Dedicated statistics would allow for defining the threshold from where on the degree of reliability would be compatible with the result foreseen in time and costs.

The next technical meeting on this issue was planned in Berlin on 14 April and further information on a rudimentary version of the prototype could likely be given at the DAPIX meeting of 27 April.

4.3 UMF3 Interoperability coordination program

Informing delegations about progress made on UMF3, the DE delegate called to mind the three parts of the program, i.e. (1) further developing the UMF standard, (2) defining of a governance structure, and (3) six pilot projects for applying UMF. A decision on the application for Commission funding for UMF3 submitted end of January was to be expected this autumn. Subsequently, the preparatory phase would start this October and concrete work on specific parts including the pilot project next January. The 30 months period foreseen for UMF3 as a whole would end in March 2018. However, first results of pilot projects could be presented earlier.

The delegation recalled the incoming European Police Congress (Berlin, 24 - 25 February) where a panel discussion would be dedicated to UMF as a standard for European and international information exchange.

5. "Prüm Council Decisions"

5.1 Implementation - *State of play*

Delegations took note of the overview (doc. 5010/1/15 REV 1 JAI 1 DAPIX 1 ENFOPOL 1 CRIMORG 1) and were invited by the Presidency to check and immediately update information where appropriate in order to draft a reliable document on the state of play.

5.2 Organisation of evaluation visits

Delegations took note of the indicative calendar (doc. DS 1017/1/15 REV 1).

5.3 Implementation of the "Prüm Decisions" regarding fingerprints search capacities

Delegations agreed on the tables set out in doc. 5019/2/15 REV 2 JAI 2 DAPIX 2 CRIMORG 2 ENFOPOL 2.

5.4 Prüm statistics and reports on automated data exchange 2014

The Presidency invited operational Member States to complete, if not yet done so, data exchange statistics as set out in doc. 5503/15 JAI 40 DAPIX 12 CRIMORG 11 ENFOPOL 20 by 9 March at the latest.

5.5 Prüm Decisions after the Lisbon Treaty: Case C-14/15 European Parliament v. Council

The Council Legal Service informed delegations about the implications of the pending case against the Council Decisions on the launch of VRD exchange for EE, CY and MT.

5.6 On-going evaluation

Sweden / Fingerprints

Delegations agreed on the evaluation visit report (doc. 5971/15 JAI 69 DAPIX 18 CRIMORG 17 ENFOPOL 32 ENFOCUSTOM 7). The Presidency informed that the overall evaluation report would be issued at a later moment.

6. Any other business

The FI delegate informed about the seminar at the end of the ISEC-funded project "Developing the exchange of DNA data and the related post-hit information exchange under the Prüm Decision" at Europol premises on 6 -7 May 2015. Four countries (FI, SE, EE and NL) and Europol have been running this project to find out best practices, enhance the use of Europol tools, discuss problems at practical level (mainly step 2 information exchange) and search for best ways to manage the post-hit communication process. A detailed agenda will be published on the Europol Platform for Experts in March.
