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NOTE

From: Presidency
To: Delegations

No. prev. doc.: 5111/15

Subject: "Prüm Decisions" - overall evaluation report on dactyloscopic data exchange for Poland

The Presidency hereby submits the draft overall evaluation report on the Prüm dactyloscopic data exchange for **Poland** for approval by the Working Party on Information Exchange and Data Protection (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 Article 25(2) of that Decision, the supply of personal data for a specific Member State is subject to a decision of the Council.

Article 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 dactyloscopic data exchange with Poland. It is without prejudice regarding to 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)

Poland has satisfactorily replied to the questionnaire on data protection (13166/14 DAPIX 119 CRIMORG 83 ENFOPOL 272) and on dactyloscopic data exchange (13129/14 DAPIX 117 CRIMORG 82 ENFOPOL 268). With a view to evaluating the results of the questionnaire on dactyloscopic data exchange,

- an evaluation visit was carried out by experts from Austria from 24 to 26 November 2014. The evaluation team submitted its report to the Working Party on Information Exchange and Data Protection (DAPIX);
- a pilot run was successfully carried out, as specified in the evaluation report.

The dactyloscopic evaluation report concluded that the implementation of the Prüm dactyloscopic data-information flow, both on a legal and on a technical level, has been done satisfactorily in Poland (5111/15 JAI 10 DAPIX 5 CRIMORG 5 ENFOPOL 5 ENFOCUSTOM 1).

3. Conclusions

On this basis, **it was acknowledged at** the Working Party on Information Exchange and Data Protection (DAPIX) **that each Member State bound by Decision 2008/615/JHA agrees** that all conditions are met for Poland to start the exchange of dactyloscopic data pursuant to Council Decision 2008/615/JHA.

Therefore, the Working Party on Information Exchange and Data Protection (DAPIX) suggests to the Council

- **to conclude that Poland has fully implemented** the general provisions on data protection **of Chapter 6 of Decision 2008/615/JHA, and**
- **to adopt the Council Implementing Decision on the launch of automated data exchange with regard to dactyloscopic data in Poland, pursuant to Article 33 of Council Decision 2008/615/JHA and after consultation of the European Parliament.**
