



Council of the
European Union

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ENFOPOL 159
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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL IMPLEMENTING DECISION on the launch of automated data exchange with regard to dactyloscopic data in Poland

COUNCIL IMPLEMENTING DECISION (EU) 2015/...

of ...

**on the launch of automated data exchange
with regard to dactyloscopic data in Poland**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Decision 2008/615/JHA of 23 June 2008 on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime¹, and in particular Article 33 thereof,

Having regard to the opinion of the European Parliament²,

¹ OJ L 210, 6.8.2008, p. 1.

² Opinion of ... (not yet published in the Official Journal).

Whereas:

- (1) According to Article 25(2) of Decision 2008/615/JHA, the supply of personal data provided for under that Decision may not take place until the general provisions on data protection set out in Chapter 6 of that Decision have been implemented in the national law of the territories of the Member States involved in such supply.
- (2) Article 20 of Council Decision 2008/616/JHA¹ provides that the verification that the above condition has been met with respect to automated data exchange in accordance with Chapter 2 of Decision 2008/615/JHA is to be done on the basis of an evaluation report based on a questionnaire, an evaluation visit and a pilot run.
- (3) According to Chapter 4, point 1.1, of the Annex to Decision 2008/616/JHA, the questionnaire drawn up by the relevant Council working group concerns each of the automated data exchanges and has to be answered by a Member State as soon as it believes it fulfils the prerequisites for sharing data in the relevant data category.
- (4) Poland has completed the questionnaire on data protection and the questionnaire on dactyloscopic data exchange.
- (5) A successful pilot run has been carried out by Poland with Austria.

¹ Council Decision 2008/616/JHA of 23 June 2008 on the implementation of Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime (OJ L 210, 6.8.2008, p. 12).

- (6) An evaluation visit has taken place in Poland and a report on the evaluation visit has been produced by the Austrian evaluation team and forwarded to the relevant Council working group.
- (7) An overall evaluation report, summarising the results of the questionnaire, the evaluation visit and the pilot run concerning dactyloscopic data exchange, has been presented to the Council.
- (8) On 13 July 2015, the Council concluded that Poland had fully implemented the general provisions on data protection set out in Chapter 6 of Decision 2008/615/JHA.
- (9) Therefore, for the purposes of automated searching of dactyloscopic data, Poland should be entitled to receive and supply personal data pursuant to Article 9 of Decision 2008/615/JHA.
- (10) Denmark is bound by Decision 2008/615/JHA and is therefore taking part in the adoption and application of this Decision which implements Decision 2008/615/JHA.
- (11) Ireland is bound by Decision 2008/615/JHA and is therefore taking part in the adoption and application of this Decision which implements Decision 2008/615/JHA.
- (12) The United Kingdom is not bound by Decision 2008/615/JHA and is therefore not taking part in the adoption of this Decision which implements Decision 2008/615/JHA and is not bound by it or subject to its application,

HAS ADOPTED THIS DECISION:

Article 1

For the purposes of automated searching of dactyloscopic data, Poland is entitled to receive and supply personal data pursuant to Article 9 of Decision 2008/615/JHA as from ...^{*}.

Article 2

This Decision shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

This Decision shall apply in accordance with the Treaties.

Done at ...,

For the Council

The President

*

OJ: please insert the date of the entry into force of this Decision.