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OUTCOME OF PROCEEDINGS

From: General Secretariat of the Council
On: 30 October 2018
To: Working Party on Information Exchange and Data Protection (DAPIX)
Subject: Summary of discussions

1. Adoption of the agenda

The agenda was adopted as set out in [CM 4678/18](#) with the addition of an information point on PNR from the Commission under point 3.2.

2. Information from the Presidency

The first political trilogue (Strasbourg, 24 October 2018) on the interoperability proposals ([11312/18](#)) showed strong commitment on all sides. The Presidency explained that it endeavoured to reach an agreement on a legal text by the end of its term.

3. Implementation of the PNR Directive ((EU) 2016/681)

3.1 Update on the Informal Working Group on PNR

The meeting took note of the outcome of proceedings presented by the current IWG chair (FR) on the IWG PNR meeting, held in Paris on 2-3 October 2018 ([12825/18](#)). Beyond implementation challenges at operational and legal level, the meeting discussed further ways to streamline PNR data processing.

3.2 2nd meeting on the application of the PNR Directive

The Commission orally informed about agenda and outcome of the meeting (Brussels, 10 October 2018), which focused on implementation progress and obstacles at national level, and on technical and legal challenges from different perspectives.

Both, the IWG PNR and the application meeting will be organized back-to-back and held in The Hague at Europol on 5-7 February and 17-19 June 2018.

4. Prüm Decisions

4.1 Implementation - state of play (5077/4/18 REV 4)

Delegations took note of the regular update of the implementation overview and were invited to notify immediately the GSC on progress at national level in order to ensure a reliable overview on the state of play. They were informed that the adoption of the respective draft implementing decisions on the launch of DNA and FP data exchange for HR and IE was planned for 19-20 November 2018, and that the draft implementing decision on the launch of DNA data exchange for UK was ready to be submitted to the European Parliament for consultation.

Organisation of evaluation visits (5226/4/18 REV 4)

IT informed about planned pilot and test runs; IE announced a VRD evaluation visit for 28-29 November 2018.

4.2 EUCARIS financial report

The meeting took note of the explanations from the EUCARIS secretariat regarding the financial report (13070/18), on which FR entered a scrutiny reservation. Discussion and adoption of the budget proposal 2019 was envisaged at the EUCARIS General Assembly (Malta, 22-23 November 2018).

5. Next Generation Prüm (Prüm.ng) (13426/18)

The Presidency presented the summary of replies (13426/18), submitted by 9 Member States so far, to its discussion paper (11868/18). The paper was meant to initiate the next generation Prüm and, to that effect, gain insight into Member States' positions regarding the 8 topics set out, that was acceleration of follow-up information exchange, fully versus semi automated follow-up, inclusion of facial recognition, integrating new forensic methods, amending the legal framework, establishing focus groups of experts and focus on joint operations.

Without questioning the Presidency initiative as such, several delegations voiced concerns whether the number of replies sufficiently represented Member States' needs for change, and about the lack of clarity on the way forward, in particular about the structure, agenda, mandate, expected outcome and organisation of the limited focus groups. It was suggested to add driver licenses to the scope of data exchange and to examine the impact of the interoperability proposals on the Prüm Decisions. The Commission welcomed the idea of establishing focus groups which would feed into the Commission study on the feasibility of improving Prüm and considered DAPIX and study activities as complementary.

In order to steer further discussions, it was suggested that the Presidency prepare a roadmap on developing Prüm.ng. With a view to updating 13426/18, the Presidency invited delegations to submit their ideas and to indicate ahead of the next DAPIX meeting who would like to lead or to participate in a focus group.

6. Police Cooperation Convention for Southeast Europe (PCC SEE)

The Presidency set out (13428/18) political and technical characteristics of the Agreement between by 5 Member States and 6 Western Balkan States on Prüm like automated DNA, FP and vehicle registration data, signed in Vienna on 13 September 2018. The implementation of the agreement, particularly with regard to its provisions on data protection, would need mutual technical support of the parties concerned and would last about 3 years.

The Presidency did not agree neither with the Commission, which voiced legal concerns while supporting, though, the overall idea of the envisaged Prüm inspired data exchange, nor with the Council Legal Service, which briefly echoed similar legal issues as to the Agreement in its current form.

7. Manual on Law Enforcement information Exchange / update 2018

The meeting took note of the updated manual (6727/18 and 6727/1/18 ADD 1 REV 1). The GSC explained that the added value of the manual, particularly of the addendum comprising the contact details, would be dependent on both the liability of data submitted by Member States and the extent to which it would be distributed to national competent authorities.

8. Renewed Information Management Strategy (IMS)

Implementation of IMS Action list No 6 (6724/18)

- action 2: by means of a video, DE and FR briefly underlined the importance of further developing ADEP (automation of data exchange processes) and announced the closing conference (Paris, 26-28 November 2018);
- action 5: the DE delegate informed about the UMF3+ kick off meeting (Berlin, 24-25 October 2018), which reflected progress on implementing UMF (Universal Message Format) for structured information exchange and launched discussions on the role of UMF for the interoperability proposals currently under negotiation.

9. AOB

The Bulgarian delegate informed about the conference (Sofia, 9-12 October 2018) on strengthening the scientific forensic capacities of Bulgaria, Slovakia and Hungary. The conference was organized in the framework of an EU funded project and embraced the challenges of implementing Council Decision 2008/615/JHA and the Prüm Treaty, and of achieving the strategic purposes of the EU in the fight against cross-border crime and terrorism. DNA and AFIS experts from Bulgaria, Hungary, Slovakia, Romania, Belgium as well as from Austria discussed topics referring to DNA analysis, fingerprint identification, next generation Prüm and good laboratory practices in the EU.