



Brussels, 7 June 2019
(OR. en)

9915/19

DAPIX 203
CRIMORG 87
ENFOPOL 284
ENFOCUSTOM 116
JAI 607

OUTCOME OF PROCEEDINGS

From: General Secretariat of the Council
On: 4 June 2019
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 2975/19.

2. Information from the Presidency

Delegations were informed that the Council (JHA) would adopt as an A item on 6 June 2019

- the draft Council Implementing Decision on automated DNA data exchange in the United Kingdom, and
- the draft Council Decisions regarding the Agreements on the application of the 'Prüm Decisions' between the EU and Switzerland and Liechtenstein respectively.

3. 'Prüm Decisions'

3.1 Implementation - state of play (5322/2/19 REV 2)

The meeting took note of the updated overview and was invited to check regularly the information on the state of play in order to inform the General Secretariat of the Council about possible changes.

BG informed to have sorted out technical problems regarding DNA data exchange and to plan further connections with operational Member States.

3.2 Organisation of evaluation visits (5764/2/19 REV 2)

The schedule remained unchanged.

3.3 Fingerprint daily search capacities (8538/2/19 REV 2)

Delegations agreed on the new figures. Consequently, annex 4ter of 5322/19 would be adapted accordingly.

3.4 *Italy*

Declaration in accordance with Decision 2008/615/JHA, Art. 2(3)

The submission of the declaration was postponed due to logistical problems.

4. **The future of information management for EU internal security**

The Presidency recommended that incoming Presidencies centre discussions on information management around the business needs set out in 9717/19 and invited delegations to exchange views on their suggestions.

Delegations welcomed the progress made and considered the note as the essential outcome of previous discussions on the topic. They supported the paper, it being understood that it was meant as a starting point for further examining each item. Delegations highlighted the need to align discussions on information management with those on strategic developments in the area of internal security. While the pivotal role of DAPIX in this context was underlined, it was requested to define how DAPIX should cooperate with other working parties, in particular with COSI.

5. Information Management Strategy (IMS)

- Action 1: ATHENA - Heads of SPOC - network (9048/19)

Delegations supported the Italian initiative of establishing a formal Heads of SPOC - network and suggested to fine tune the draft Conclusions before submitting them to the Council.

- Action 5: UMF3+

Delegations were updated on the project which started in December 2018:

With an extended number of project partners compared to UMF3, the focus of UMF3+ shifted from piloting the connection to the Europol Information System (EIS) via the QUEST interface to implementing it and to integrating the use of SIENA in national case management systems. To that end, UMF 3+ would continue to assist the implementation in AT, DE, EE, ES, FI, LV, MT and SE.

As further project partners, Interpol aimed at an UMF compliant interface to consult the SLTD database, and eu-LISA discussed the use of UMF in two Eurodac recast workshops.

The most challenging request resulting from a call for additional UMF requirements was the one on a UMF compliant PNR post-hit information exchange model. Further to meetings with the 'implementing parties', the second half of 2019 would foresee the analysis of all requests and potential focus group meetings on subjects such as biometrics and PNR. Subsequently, the next UMF version including the technical translation into XML and the related documentation would be published.

- action 7: PCCC - European dimension

The DE delegate briefed about the 10th annual PCCC conference held in The Hague on 29/30 April 2019. The conference focussed on data protection issues, in particular the 'Police Directive' (EU) 2016/680, on ISF projects, and on different aspects of cooperation with 3rd countries. The conference was moreover informed about the development of PCCC structures in the framework of the EU cooperation programme 'El Pacto', which covers all 18 Latin American countries eligible under the Development Cooperation Instrument.

- action 8: Strengthening of SPOCs - Case Management Systems (9668/19)

The LV delegate presented the outcome of discussions on technical CMS solutions for SPOCs at the 'Heads of SPOC'- meeting in Riga on 11/12 April 2019. Delegations voiced concerns about a standard to be imposed and considered the report as an interim statement. As to the way forward, they invited the project leaders to finalise the action according to its initial intention.

6. Priorities of the Finnish Presidency

The incoming Presidency presented its work program aiming at the potential drafting of Council Conclusions on widening the scope of PNR (passenger name record) to more transport modes than air traffic, discussions on automation of information exchange in a strategic context, on technical issues of implementing interoperability, and on the next generation Prüm. Meetings are planned for 3 July, 9 September, 10 October and 8 November 2019.

7. AOB

In order to enable the first update 2019 of the manual on law enforcement information exchange, delegations were reminded to check the national fact sheets (6727/18 ADD1 REV1) and submit possible modifications to the GSC (dapix@consilium.europa.eu) by 14 June 2019.

The DE delegate explained a complaint brought to the administrative court in Wiesbaden (DE), which challenges the German PNR legislation. According to the lawsuit, the legislation violates the German constitutional right to informational self-determination and EU privacy and data privacy rights. The plaintiff has asked the court for a temporary injunction preventing law enforcement access to his PNR data while the case is pending. The court was furthermore asked to refer the question as to whether the directive violates fundamental rights to the European Court of Justice. Delegations suggested that the informal working group IWG PNR deal with the issue in view of a potential impact of the case on the application of the EU PNR Directive.

The NL delegate informed that NL would chair the VRD Prüm.ng focus group, whose next meeting was planned to take place in Brussels on 26/27 June 2019.
