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OUTCOME OF PROCEEDINGS

From: General Secretariat of the Council
On: 9 September 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 3571/19.

2. Information from the Presidency

Supplementary to the DAPIX meeting on 8 November, a joint LEWP/DAPIX meeting in the afternoon of 13 November 2019 will be convened to discuss internal security issues from the perspective of each working party.

3. Passenger name record (PNR) data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime

3.1 Monitoring the implementation of Directive (EU) 2016/681

DAPIX took note of:

- information from the IWG PNR chair (BE) on the 10th Informal Working Group (IWG) on implementing the PNR Directive (The Hague, 3-4 September 2019), (11259/19);
- information from the Commission on the 5th meeting on the application of the PNR Directive (The Hague, 5 September 2019), and on the SIS - PNR workshop (6 September 2019), which for the first time brought together PNR and SIS experts to discuss issues on checking PNR against SIS databases.

3.2 FRONTEX on Advance Information Activities

The meeting took note of information from FRONTEX on the outcome of the agency's development of new methods and tools for optimising the use of advance information for traveller analysis at external borders. The activities focussed on risk profiles and targeting capabilities, and took account of the traveller intelligence sources that can be used in the current legal framework for border management purposes.

4. Extending the scope of PNR to other transportation modes than air traffic

The meeting took note of information from FI on the use of travel intelligence to combat cross-border crime in the Baltic Sea Region. The delegate highlighted the challenges experienced in the framework of several joint actions, which cross-checked maritime passenger data against national and international law enforcement databases, and actions taken after relevant hits.

On the basis of 11433/19, the Presidency explored to what extent Member States would principally support a wider scope of the PNR Directive and emphasized that it was too early yet to envisage a legislative proposal. The Commission informed to take account of the issue in the PNR implementation review to be expected in May 2020.

5. Automation of information exchange in a strategic context

The Presidency presented the revised discussion paper (11434/19), which summarised Member States' views so far. The paper was welcomed by delegations as a good basis for further discussion on the topic. The Presidency invited delegations to submit comments in writing by 23 September 2019 in order to facilitate the drafting of a follow-up document.

Furthermore, the Commission promised to include the outcome of these discussions into the programme of workshops in October (training) and December (information exchange), which aim at strengthening police cross-border cooperation.

6. Future of Prüm

6.1 Feasibility Study on improving information exchange under the 'Prüm Decisions'

The Commission informed about the 3rd workshop within the feasibility study (Brussels, 4 September 2019), where participants focussed on biometric data exchange issues. According to the Commission, the study contractor would take into account the outcome of the workshops for the final report expected to be submitted to the Commission end of October. Preliminary ideas on amending the current framework of automated Prüm data exchange could then be discussed in the Commission workshop on information exchange scheduled for 12 December 2019.

6.2 Next Generation Prüm (Prüm.ng)

The meeting briefly discussed oral information on the state of play of discussions within the Prüm.ng focus groups. The final reports, subsequent to the meetings on biometrics and VRD in Wiesbaden and Lisbon respectively, would ideally be ready for discussion in the forthcoming DAPIX on 10 October 2019. Since 'other forms of police cooperation' was not included in the scope of the feasibility study, the Commission suggested to deal with that topic within the wider assessment of the future of law enforcement cooperation.

7. 'Prüm Decisions'

7.1 Implementation - state of play

The meeting took note of the updated overview (5322/4/19 REV 4) and was invited to keep the GSC informed on the state of play. DE notified the DNA data exchange connection with the UK.

7.2 Organisation of evaluation visits (5764/4/19 REV 4)

IT informed about the readiness to be evaluated for VRD and DNA data exchange in November 2019.

7.3 EUCARIS financial report:

The meeting took note of the explanations from the EUCARIS secretariat regarding the financial report (11262/19). Discussion and adoption of the budget proposal 2020 was envisaged at the EUCARIS General Assembly (Bunratty, Co. Clare, Ireland, 3-4 October 2019).

7.4 Registration on the 'testa.eu'-domain

The Commission orally informed on the supplementary switch over from the TESTA primary mail relay server to the TESTA secondary mail relay server. The first attempt in June 2019 did not succeed and a rollback had to be organised subsequently. Some Prüm users had experienced issues during that switch over due to the fact they had not configured their infrastructure to use the services from both TESTA datacentres that ensure service availability in case of a component failure. The Commission announced to provide information in writing on the way forward and how to contact the TESTA helpdesk if assistance would be needed.

7.5 *Italy*

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

Regarding 9722/19, concerns were voiced about reciprocity and availability of DNA profiles in the framework of Prüm data exchange. The Italian delegation promised to clarify the issue at the latest by the evaluation visit planned for next November.

8. Information Management Strategy (IMS)

Delegations agreed on the draft Council Conclusions on the establishment of a 'Heads of SPOC' - network (9048/2/19 REV 2) with a view to submitting the draft to COREPER/Council for adoption.

9. Manual on Law Enforcement Information Exchange / update 2019

The meeting took note of the 1st update 2019 (9364/19, 9364/19 ADD 1 REV 1) of the manual and was invited to make the best use of it. A second possible update was planned by the end of this year.

10. AOB

The BE delegate invited Member States, which did not yet reply to the set of questions in 10582/19, to do so by 18 September 2019. Subsequently, a full picture of opportunities for exchanging information with BE related to DNA data and missing persons would be presented to DAPIX.