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'I' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee (Part 2)
No. prev. doc.:	13123/18
Subject:	Prüm Decisions - Implementing Decision on the launch of automated data exchange with regard to DNA data in the United Kingdom - Conformity of the United Kingdom

1. Council Implementing Decision 2019/968 launched the automated data exchange with the United Kingdom on DNA data.¹ At the time of its adoption, the United Kingdom had a policy of excluding suspects' profiles from automated DNA data exchange.

Given the practical and operational significance of the inclusion of suspects' profiles in automated DNA data exchanges for public security, in particular for combating terrorism and cross-border crime, the Council requested that the United Kingdom review, within 12 months of the launching of the automated data exchange, i.e. by 15 June 2020, its policy of excluding suspects' profiles from automated DNA data exchange, in the light of operational experience with Prüm DNA data exchange and of the explanations in the evaluation visit report.

¹ Official Journal L 156/8, 13.6.2019.

2. If, by that date, the United Kingdom had not notified that it makes available DNA data of suspects in conformity with the Prüm legal framework (Council Decision 2008/615/JHA), the Council would have to re-evaluate the situation with a view to the continuation or termination of DNA Prüm automated exchanges with the United Kingdom.
3. By letters of 15 June 2020 and 19 June 2020² respectively, the United Kingdom notified the European Union of the decision of its Government:
 - to include suspects' profiles in its automated Prüm biometric data exchanges, i.e. exchanges of DNA data and dactyloscopic data, within the shareable Prüm dataset, and
 - that the United Kingdom will proceed now to implement the decision for all of the United Kingdom: England, Scotland, Wales and Northern Ireland.
4. Following these letters, the Commission, upon request by the Working Party on the United Kingdom, sought clarifications from the United Kingdom on these letters, in particular with regard to the timing for the start of exchanges including suspects' data, and the manner in which this will be carried out in practice. The United Kingdom provided the following information:
 - Automated exchange of suspects' profiles with regards to DNA data will start on 3 August 2020. In order to ensure the successful inclusion of this data within the shareable dataset, this will follow a phased approach which will be completed as expeditiously as possible. The usual Prüm operating procedures at Steps 1 and 2 will apply.
5. The members of the Working Party (IXIM) were satisfied that the United Kingdom respects the principle of availability with regard to DNA data.

² 8879/20 ADD 1

6. The United Kingdom has made available the DNA data of suspects in conformity with Decision 2008/615/JHA. In that regard, all DNA data available to UK law enforcement authorities forms part of the shareable Prüm dataset available to law enforcement authorities of the Member States, in full respect of the principle of availability.
7. In view of the above, it is not necessary that the Council re-evaluates the situation with a view to a continuation or termination of DNA Prüm automated exchanges with the United Kingdom pursuant to Article 2 of Council Decision 2019/968.
8. In accordance with the Agreement on the Withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, and without prejudice to the future relationship with the United Kingdom, at the end of the transition period Union law will cease to be applicable to and in the United Kingdom, and the United Kingdom will no longer be entitled to, nor access the Prüm databases.
9. *On this basis, COREPER is invited:*
 - *to take note of the United Kingdom's conformity with the Prüm legal framework with regard to DNA data and of the continued application of Council Implementing Decision 2019/968 until the end of the transition period under the Withdrawal Agreement (31 December 2020).*
