**Council of the
European Union**

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OUTCOME OF PROCEEDINGS

From:	General Secretariat of the Council
On:	8 November 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 4459/1/19 REV 1.

2. **Information from the Presidency**

   Delegations were briefed on the agenda of the LEWP/DAPIX meeting of 13 November 2019.

3. **Widening the scope of the use of PNR data to transport forms other than air traffic**
   - Draft Council Conclusions

   After a brief discussion of the revised draft Council Conclusions, the meeting endorsed 12649/1/19 REV 1 in view of submitting it to COREPER/Council as a I/A item.

4. **Automation of information exchange in a strategic context**
    - Principles and problems

    Delegations highly welcomed 12506/1/19 REV 1. Europol, furthermore, informed that its Programme Board on Information Management would profit from it as a reference document.

5. **EU Information Management– Automation, access to, sharing of, and analysis of information**
    - Draft COSI discussion paper for information in DAPIX

    The Presidency presented 13510/19 and invited delegations to prepare their COSI delegates accordingly. Delegations said that they would comment the discussion paper in the incoming joint LEWP/DAPIX meeting.

6. **Future of Prüm***

    6.1   **Feasibility study on improving information exchange under the 'Prüm Decisions'**

    The Commission informed that the final report on the feasibility study would be available only in December 2019. Subsequently, the technical workshop dedicated to information exchange and organised by the Commission to address EU law enforcement cooperation would be postponed from December to end of January 2020. The Commission informed as well that the current, pre-Lisbon 'Prüm Decisions' would not be amended but replaced by a new legal instrument whilst the form still needed to be decided upon.

    Delegations took note of both the recommendations by the study contractor on improving automated data exchange, streamlining the follow-up information exchange, introducing a new IT architecture and adding interoperability solutions, and of the impact of changes to be expected. The Commission underlined that the study, which had examined input collected from different sources, came to the overall conclusions that the Prüm scheme worked fine but needed to be updated.

6.2 Next Generation Prüm (Prüm.ng) / Reports from focus groups

The focus groups on automated biometric (DNA, FP, FR) data exchange, which worked in parallel with the above study, as well as that on other forms of police cooperation (OPC) presented the outcome of their discussions.

Delegations welcomed the work done and asked for more time to thoroughly examine the reports at national level. Since not all Member States attended the focus groups, re-discussing the topics at technical level within DAPIX structures was considered to be of added value.

The Commission highlighted particularly the overlapping of a number of findings of both the study and the focus groups. The representative explained that any input further to the formalised ones would be appreciated for re-drafting the current 'Prüm' legislation. As a final point, she criticised that parts of the reports questioned core tasks of eu-LISA and Europol although they are regulated and scrutinised on a regular basis.

6.2.1 'Development of face recognition for Prüm.ng' (13356/19)

In three meetings, experts from 10 Member States drew inspiration from FR systems implemented in three of the participating States (DE, NL, UK) and from the current TELEFI project[1]. The group concluded that FR technology is suitable to Prüm investigation and due to similarities between FR and FP search methods, the general cooperation requirements as recommended for FP would apply for FR as well.

6.2.2 'Towards the next generation Prüm for DNA data exchange in the EU' (13511/19)

In three meetings, experts from 14 Member States discussed points at issue that existed as of the operational start of Prüm DNA data exchange in 2007. The group dealt, in particular, with forensic topics, such as the handling of adventitious matches, functional concerns, such as the interoperability between CODIS and non-CODIS states as well as the implementation of all 134 Prüm requirements by the CODIS provider.

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[1]

6.2.3 'Development of dactyloscopic data for Prüm.ng' (13556/19)

In three meetings, experts from 14 Member States discussed, in particular, the need for a three-stage Prüm cooperation, the relevance and option of a micro matcher solution for latent searches, and criticised a number of preliminary recommendations of the above study. The discussed as well the potential of Europol for biometric data checks related to 3rd countries and the possible role of eu-LISA as a technical helpdesk.

Biometric experts emphasized that the opinions and views in the reports were based on personal expertise of the participants. They highlighted the efficiency of the 1st step data exchange in its current form and recommended that it should remain unchanged. They identified a number of issues in common, such as:

– the speeding up of the follow-up information procedure by exchanging either in the classical, in a semi-automated or an automated way a 'core data' set;

– a mandatory setting up of national contact point (NCP) for the second step;

– pros and cons of decentralised and centralised elements in the system architecture;

– the need for a smooth transition to any technical updates;

– the development of web services in communication;

– the separation of the legal act from technical implementing acts in order to allow for a smooth adaptation to state-of the-art features.

6.2.4 Other forms of police cooperation (OPC) (13357/19 *to be issued*)

Experts from 5 Member States gathered in the OPC focus group to draft recommendations on that topic. The lead expert orally briefed about the proceedings, which suffered from the lack of coming to terms with the scope of discussions and thus failed in reaching a consensus on the outcome. Therefore, he recommended that more Member States should participate in the debate on improving police cooperation within the Prüm scheme. The submission of the final report was postponed.

6.2.5 Report on VRD: 'Extending the vehicle data exchange (VRD) and introducing the exchange of driving licence data (DL)' (11264/19)

In three meetings, experts from 8 Member States developed recommendations regarding the extension of the VRD set and search mechanisms, providing driving licenses information, and further interoperability solutions, such as the connection to the Schengen Information System (SIS) and the European Search Portal (ESP). They emphasized as well that technical aspects of the system should be separated form the basic legal act and provided for by implementing acts. The NL delegate and Eucaris replied to questions on the report which had already been presented in the previous meeting.

7. **'Prüm Decisions'**

7.1   Implementation - state of play

Delegations took note of the state of play (5322/6/19 REV 6). Belgium informed to be connected with Finland regarding DNA data exchange.

7.2   Organisation of evaluation visits (5764/6/19 REV 6)

Italy planned to postpone the VRD evaluation visit to next December.

7.3   DNA and Missing Persons

Delegations took note of the outcome of the Belgian survey on cross-border DNA data information exchange on missing persons (MP) and unidentified human remains (UHR) (13606/19). The survey aimed at facilitating such data exchange and established how many Member States store and compare across borders DNA profiles of MP/UHR and those of relatives, as well as an inventory of proceedings.

7.4   Ongoing evaluation

United Kingdom / FP

Delegations endorsed the evaluation visit report (12511/19) and no remarks further to the ones on the non-binding recommendations, which were expressed in the preliminary discussion of the report at the previous meeting, were expressed. Delegations, however, emphasized again that the United Kingdom should review by 15 June 2020 and in line with Council Implementing Decision (EU) 2019/968 its policy on excluding suspects' files from the scope of FP data exchange.

Scrutiny reservations were entered on the overall evaluation report (12512/19), the draft Council Conclusions (12513/19) and the draft Council Implementing Decision (12514/19) due to the late submission of the documents. Regarding the reservations, the Presidency invited the delegations concerned to submit comments in writing to the GSC by Friday, 15 November 2019 cob. If no objections would be submitted by then, the drafts would be deemed approved and forwarded to COREPER/Council with a view to launching, once the Conclusions have been adopted, the consultation of the European Parliament, and adopting the Implementing Decision upon receipt of the opinion of the EP.

8. **Priorities of the incoming Presidency**

The Croatian delegation outlined its programme focused on Prüm.ng, automation of information exchange and the information management strategy (IMS). DAPIX meetings were scheduled for 26 February, 16 April and 23 June 2020.

9. **AOB**

–   eu-LISA informed about its 6th Annual Conference and its 11th Industry Roundtable (Tallinn, 16 October 2019). The focus of the conference was on the new IT architecture and its impact on efficiency and effectiveness in internal security. The purpose of the Industry Roundtable was to discuss solutions for implementing the interoperability regulations in view of the legal, functional and technical aspects. (13860/19)

–   Germany and Europol respectively briefed on the recent Information Management Forum (The Hague, 4-6 November 2019). The centrepiece was 10 workshops grouped into 3 clusters ('User's perspective', 'Linking Member States to Europol' and 'Trustful Cooperation & Compliance'), in each of which different aspects of information management were examined. The feedback of participants was positive so that a second Forum was planned for 2020.

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