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OUTCOME OF PROCEEDINGS

From: General Secretariat of the Council

On: 9 December 2021

To: Delegations

No. prev. doc.: 13852/21

Subject: "Prüm Decisions" - Council Conclusions on the implementation of the general provisions on data protection of Chapter 6 of Council Decision 2008/615/JHA
- Evaluation of Italy with regard to automated exchange of DNA data

Delegations will find in the annex the Council Conclusions on the implementation of the general provisions on data protection of Chapter 6 of Council Decision 2008/615/JHA - Evaluation of Italy with regard to automated exchange of DNA data, approved by the Council at its 3837th meeting held on 9 December 2021.

COUNCIL CONCLUSIONS**on the implementation of the general provisions on data protection
of chapter 6 of Council Decision 2008/615/JHA****Evaluation of Italy with regard to automated exchange of DNA data**

1. According to Article 25(2) of Council Decision 2008/615/JHA, the supply of personal data provided for under the Decision may not take place until the provisions on data protection set out in Chapter 6 of the Decision have been implemented in the national law of the territories of the Member States involved in such supply. The Council must unanimously decide whether this condition has been met. This provision does not apply to those Member States where the supply of personal data as provided for in the Decision has already started pursuant to the "Prüm Treaty" (2005).
2. According to Article 20 of Decision 2008/616/JHA, the verification that the above condition has been met is to be done on the basis of an evaluation report based on a questionnaire. With respect to automated data exchange in accordance with Chapter 2 of Decision 2008/615/JHA, the evaluation report is also to be based on an evaluation visit and a pilot run.
3. According to Chapter 4, point 1.1, of the Annex to Decision 2008/616/JHA, the questionnaire drawn up by the relevant Council Working Group concerns each of the automated data exchanges and has to be answered by a Member State as soon as it believes it fulfils the prerequisites for sharing data in the relevant data category.
4. Italy has completed the questionnaire on data protection and the questionnaire on DNA data exchange. A successful pilot run has been carried out by Italy with Germany and Austria. An evaluation visit has taken place in Italy and a report on the evaluation visit has been produced by the German / Austrian evaluation team and forwarded to the relevant Council Working Group (13918/21 IXIM 233 CRIMORG 128 ENFOPOL 432 ENFOCUSTOM 158 JAI 123).

5. An overall evaluation report, summarising the results of the questionnaire, the evaluation visit and the pilot run concerning DNA data exchange has been presented to the Council (13919/21 IXIM 234 CRIMORG 129 ENFOPOL 433 ENFOCUSTOM 159 JAI 1231).
 6. At the informal videoconference of the members of the Working Party on JHA Information Exchange (IXIM) on 2 December 2021, it was acknowledged that each Member State bound by 2008/615/JHA agrees that the conditions are fulfilled for the Council to conclude that for the purposes of automated data exchange with regard to DNA data, Italy has fully implemented the general provisions on data protection of Chapter 6 of Decision 2008/615/JHA.
 7. On this basis, the Council concludes that for the purposes of automated data exchange with regard to DNA data, Italy has fully implemented the general provisions on data protection of Chapter 6 of Decision 2008/615/JHA.
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