



Council of the  
European Union

009476/EU XXVII.GP  
Eingelangt am 28/01/20

Brussels, 28 January 2020  
(OR. en)

9722/1/19  
REV 1

DAPIX 200  
CRIMORG 86  
ENFOPOL 277

#### COVER NOTE

---

|                  |   |
|------------------|---|
| From:            | Maurizio Massari, Permanent Representative of Italy to the European Union             |
| date of receipt: | 5 July 2019   |
| To:              | Director-General of JAI, General Secretariat of the Council of the European Union     |
| Subject:         | Declaration of Italy in accordance with Article 2(3) of Council Decision 2008/615/JHA |

---

Delegations will find attached the revised declaration of Italy in accordance with Article 2(3) of Council Decision 2008/615/JHA. Following discussions within DAPIX on the scope of files to be shared, the declaration has been amended with regard to DNA files on persons in order to include suspects. The declaration in annex replaces the initial declaration attached to the letter of the Permanent Representative of Italy to the EU.

---

**Declaration of Italy in accordance with Article 2(3) of Council Decision 2008/615/JHA.****List of shared national DNA files**

The Italian DNA Database which encompasses the National DNA Database is CODIS (Combined DNA Index System), which was installed in Rome at the Ministry of Interior, Public Security Department, Criminal Police Central Directorate, Interagency Information System Service in 2013 by officers of the FBI (United State of America).

The national DNA profiles database, which is shared with other European countries, is fed from the CODIS national database complemented by own developed graphical user interface (Information eXchange Platform for Italian Law Enforcement Agencies – IXP Platform). From it the following types of DNA profiles are extracted:

**Forensic Unknown:** genetic profile obtained from a specimen of unknown origin taken at the crime scene or from an evidence associated with a criminal act in accordance with the national law n. 85 of 30 June 2009, article 7 Paragraphs 1, letter b), as **PRUEM\_data\_type\_S**;

**Convicted Offender (CO) and Suspect<sup>1</sup>:** genetic profile obtained from a known person in accordance with the national law n. 85 of 30 June 2009, article 9, Paragraphs 1 and 2 and article 7, Paragraphs 1, letter a) as **PRUEM\_data\_type\_P**.

The national DNA profiles database also contains the following types of DNA profiles in accordance with the national law n. 85 of 30 June 2009, article 7 Paragraphs 1, letter c). Searches may be conducted only in missing person individual cases and in compliance with the requesting Member State's national law.

**Missing Person (MP):** genetic profile obtained from a reference specimen from a missing person (preserved specimen, toothbrush and personal items)

**Unidentified Human Remain (UHR) :** genetic profile obtained from an unidentified dead body or personal remains.

---

<sup>1</sup> The “Suspect” category is to be understood as the Italian translation of “imputato/indagato” as stated in Directive 2013/48/UE of 22 October 2013, published in the Official Journal of The European Union on 6 November 2013.

## Conditions governing the exchange and comparison of profiles

A country that wishes to exchange genetic profiles with the Italy must comply with the legal organizational and technical requirements laid down in the European Council decisions 2008/615/JHA and 2008/616/JHA of June 23<sup>th</sup> 2008 in particular:

- Technical requirements: the country must:
  - have automated DNA database;
  - have automated means of exchanging profiles;
  - be connected to the TESTA NG network;
  - have confirmation from a country that is already operational, that its exchange system is adequate.
  
- Legal requirements: the country must:
  - be able to share information under its domestic law;
  - comply with European rules on the processing personal data;
  - have the Council's prior authorization to exchange data.
  
- Organizational requirements: the country must:
  - have a national contact point to which to the Italy may apply for additional information further to a DNA profiles match.