



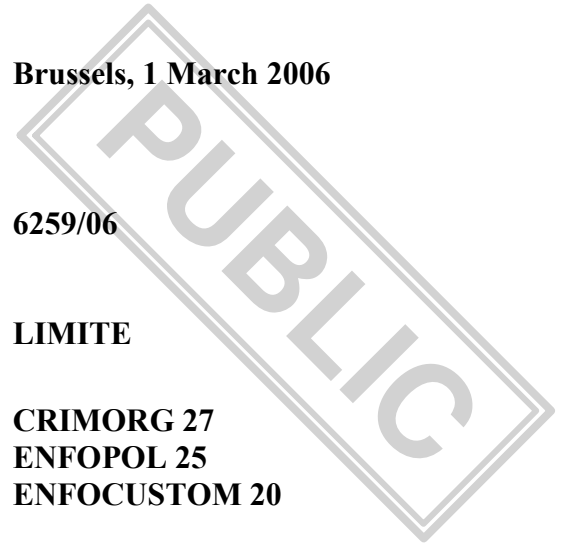
**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 1 March 2006

6259/06

LIMITE

**CRIMORG 27
ENFOPOL 25
ENFOCUSTOM 20**



NOTE

from : Presidency

To : Coreper

No. prev. doc. : 5595/06 CRIMORG 14 CATS 11 ENFOPOL 12 ENFOCUSTOM 10

Subject : Setting up of Ad Hoc Group on Information Exchange on DNA

1. Article 19 of the Rules of Procedure of the Council allow Coreper to set up working parties with a view to carrying out certain preparatory work or studies defined in advance.
2. The Hague Programme on strengthening freedom, security and justice in the European Union¹ states that with effect from 1 January 2008 the exchange of law enforcement information should be governed by the principle of availability.

¹ OJ, C 53, 03-03-2005, p.1

3. Important exploratory work for the implementation of the availability principle has been carried out by a Friends of the Presidency group, which, at the request of the Council, produced a report¹ with regard to six types of information identified by the Council². The Council took note of this report at its meeting on 1 December 2005.
4. The proper implementation of this principle is possible only through the expertise of highly qualified and specialised experts in information exchange. The preparation of European legislation on the exchange of information in accordance with availability principle will require in-depth discussions amongst these experts with the possibility to express themselves in their mother tongue.
- x. At the CATS meeting on 8 December 2005 and 3 February 2006 a majority of Member States opted for a progressive implementation of the principle of availability starting with the exchange of DNA data, and followed by the exchange of fingerprint and vehicle registration data, as well as the other types of information identified by the Council³. In parallel the general framework for the implementation of the principle of availability will be developed in line with the proposal of the European Commission⁴.

Mandate

5. In accordance with the outcome of the discussions held in the Article 36 Committee on 3 February 2006⁵, the mandate of the Group would be the following:

¹ Doc. 13558/05 CRIMORG 112 ENFOPOL 134 ENFOCUSTOM 59.

² These six types of information and five modalities had been identified in the decision of the Council which invited the production of this report: 7641/2/05 REV 2 CATS 20 ENFOPOL 31 ENFOCUSTOM 17 CRIMORG 30

³ See paragraph 3, and footnote 3

⁴ Doc. 13413/05 CRIMORG 111 ENFOPOL 133 ENFOCUSTOMS 58

⁵ On the basis of doc. 5595/06 CRIMORG 14 CATS 11 ENFOPOL 12 ENFOCUSTOM 10.

- to propose technical solutions for the exchange of DNA data on a hit/no-hit basis by a direct automated access from a national contact point of a Member State to the DNA data base of other Member States, in accordance with the guidelines laid down in paragraphs 21-22 of document 5595/06 CRIMORG 14 CATS 11 ENFOPOL 12 ENFOCUSTOM 10, taking into account all findings of the Friends of the Presidency group, and having regard to the Draft Council Conclusions on the definition of a policy for a coherent approach on the development of information technology to support the collection, storage, processing, analysis and exchange of information¹; and
- to look into the technical possibilities for coherent and far-reaching information exchange for the other five types of information mentioned above in the future, and report on those to CATS; and
- to give a first report to the Article 36 Committee by June 2006.

Composition

6. The Ad Hoc Group on Information Exchange should be composed of experts in information exchange. Depending on the institutional setup of Member States, these experts may come from Ministries of Justice and/or Interior. It is therefore proposed that this Ad Hoc Group would function under the umbrella of the Justice and Home Affairs Council.

7. *Coreper is invited to:*
 - *establish an Ad Hoc Group on Information Exchange with the terms of reference set out in paragraph 5 until the end of the year 2006;*
 - *to review, at the end of 2006, the need to continue this Ad Hoc Group for another year.*

¹ See doc. 15478/05 CRIMORG 152 CATS 87 ENFOPOL 179 ENFOCUSTOM 89.