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OUTCOME OF PROCEEDINGS

From:	General Secretariat of the Council
On:	26 July 2017
To:	Delegations
Subject:	DAPIX (Friends of Presidency) - Interoperablility of EU information systems

1. **Adoption of the agenda**

   The Working Party adopted the agenda of the meeting as set out in CM 3676/17 with the addition of a point by the FI delegation under AOB concerning connectivity and access to information.

2. **Information from the Presidency**

   The Working Party took note of the presentation by the Presidency regarding:

   - the objectives of the Friends of Presidency group and the background for its creation;

   - the outcomes of the informal COSI-CATS meeting in Tallinn on 20-21 July 2017, where discussions focused on the law enforcement authorities access to non-law enforcement databases. The suggestions presented by the Presidency regarding the flagging system and the emergency access to databases were welcomed. The cascade principle was assessed as requiring further discussions;

   - plans for the upcoming meetings, which will focus on the issues related to law enforcement access raised during the COSI/CATS meeting in Tallinn.

3. **Follow-up to the final report of the High-Level Expert Group: state of play by the Commission**

The Working Party took note of the presentation by the Commission on the upcoming legislative proposal on interoperability of EU information systems. The Commission intends to focus on four key challenges: (i) the fact that end users are faced with complicated access rules and the data may not be not available when and where needed; (ii) access by law enforcement authorities to non-law enforcement databases (VIS, EURODAC, EES, ETIAS); (iii) risks associated with identity fraud; (iv) interoperability of ETIAS with other EU systems.

As the solutions to these key issues, the Commission intends to suggest: (i) a European Search Portal with access to SIS, VIS, EES, ETIAS and EURODAC. Links to the Europol data and ECRIS-TCN could be considered. The flagging functionality would be the key feature of the search portal; (ii) the shared Biometric Matching Service (BMS) for SIS, VIS, EURODAC and EES. Links with Europol are under consideration; (iii) the Common Identity Repository to allow for searching of alphanumerical identity data.

In terms of next steps, the Commission has published the inception impact assessment and started public consultations on 26 July 2017. A fully-fledged impact assessment will be published together with the legislative proposal, due in December 2017, provided that the ongoing negotiations on the legislative proposals related to EU databases are completed (SIS, EURODAC, ETIAS). There will also be a series of workshops with key stakeholders – the EDPS and practitioners, as well as tripartite meetings with the EP. A number of technical studies are currently ongoing:

- on the European Search Portal: launched in April, to be finalised by the end of September;

- on the shared Biometric Matching Service: carried out by eu-LISA, to be concluded in October-November;

- on the Common Identity Repository: launched in the third week of July, to be concluded by November.

There are also other technical studies planned: (i) on mobile applications in border areas (linked to ETIAS), (ii) on persons not covered by the EES, (iii) on the API interactive solution, and (iv) on the data warehouse at eu-LISA.

The Chair took note of the Commission's request for a clean desk policy in the context of the interoperability proposal and encouraged Member States to ensure engagement and support from national experts during negotiations.

4. **Report by the European Union Agency for Fundamental Rights (FRA): "Fundamental rights and the interoperability of EU information systems: borders and security" 11338/17**

The Working Party took note of the presentation by the Fundamental Rights Agency concerning interoperability and fundamental rights. The Agency identified three key issues and suggested some solutions:

- as regards purpose limitation and retention times: respect differences in legislation regarding each database, find solutions for flagged hits;

- as regards risks related to unauthorised access: ensure data security (in particular on mobile devices), respect rules on sharing data with third countries, ensure strict logging rules;

- as regards data quality: prevent mistakes at data entry, correct mistakes through interoperability, ensure access to and rectification of own data.

The Agency also identified a number of other areas that should be taken into account when preparing the legislative proposal: protection of children, asylum applications, non-discrimination and the risk of unlawful profiling.

The Chair, a few delegations and the Commission expressed appreciation for the Agency's work, which helps to identify the key areas of concerns regarding fundamental rights in the context of interoperability.

5.   Any other business

The Working Part took note of the intervention by the FI delegation on the issue of networks' connectivity and access to information. The FI delegation suggested that the issue be further discussed by the Working Party. The Chair proposed to include the topic in the agenda of the one of the upcoming meetings of the Working Party in September.

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