



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 25 June 2012

11782/12

**JAI 466
DAPIX 83
CRIMORG 81
ENFOPOL 203
ENFOCUSTOM 64**

OUTCOME OF PROCEEDINGS

of:	Meeting of the Working Group on Information Exchange and Data Protection (DAPIX)
on:	21 June 2012
Subject:	Summary of discussions

1. Adoption of the agenda

The agenda was adopted as set out in doc. CM 3267/12 with additional information under AOB on work ongoing within the Salzburg Forum and on Directive 2011/82/EU (CBE) on request of the CZ delegation and the Commission respectively.

2. Information from the Presidency

The Presidency informed about

- the Council having adopted the Decision on the launch of DNA data with EE (doc. 9135/12 JAI 284 DAPIX 62 CRIMORG 49 ENFOPOL 117 ENFOCUSTOM 38) and the Conclusions on further enhancing law enforcement information exchange (doc. 10333/12 JAI 356 DAPIX 65 CRIMORG 57 ENFOCUSTOM 43 ENFOPOL 147) at its meeting of 7/8 June 2012;
- the outcome of proceedings of the DNA/FP experts group of 28 March 2012 (doc. 8852/12 JAI 261 DAPIX 60 CRIMORG 47 ENFOPOL 105).

3. Outcome of the COPE 12 conference (The Hague, April 2012)

The Presidency presented the outcome of the COPE 12 conference set out in doc. 11508/12 JAI 445 DAPIX 82 CRIMORG 79 ENFOPOL 196). Delegations agreed on the four ways forward, namely

- considering the outcome of COPE as input for the implementation of the IMS;
- involving CEPOL in the development of training schemes for SPOC personnel;
- taking account of the outcome of workshop 3 on "Future information exchange concepts and privacy by design" when finalising the vision for the EU information exchange and the architecture for the information exchange platform (IXP) (IMS action 4);
- taking account of the outcome of workshop 4 on governance arrangements for information exchange mechanisms in further discussions on management standards and guidelines for EU information tools (IMS action 9).

4. Information Management Strategy

- State of play on 2nd IMS Action list 1.7.2011-31.12.2012

Delegations took note of doc. DS 1041/2/12 REV 2. HU informed about its intention to start the Infopolex project (IMS action 3) in September, subject to the signing of the Commission grant agreement.

- Action 4: Information Exchange Platform

Delegations and Europol agreed with the Presidency to postpone discussions on doc. 17749/1/11 REV 1 JAI 889 DAPIX 165 CRIMORG 230 ENFOPOL 437 ENFOCUSTOM 157 due to its highly technical content. Financial aspects, in particular, raised concerns among delegations. One delegation suggested to keep in mind the political aspects of the IMS and wondered to what extent the political level should be informed about ongoing work. Concerns were voiced as well on the legal nature of IMS actions and whether their implementation was optional or obligatory for MS.

- Action 9: Guidelines for product management for info management solutions

Delegations got oral information from Europol on the state of play of the project. MS were called upon to provide more input for enabling the definition of a governance framework and, to that end, to inform the GSC about their intention to participate in the action. Interested delegations would be invited for further work after the summer break.

- Action 10: Target Information Management Architecture

Europol informed delegations that the drafting of the outcome of discussions on the project could not have been finalised due to the late arrival of substantial remarks from MS. Delegations were invited to send any further comments on doc. 17748/11 JAI 888 DAPIX 164 CRIMORG 229 ENFOPOL 436 ENFOCUSTOM 156 by the end of July in order to prepare a new version for the September meeting.

5. Prüm Council Decisions

5.1 The meeting took note of doc. 5086/4/12 REV 4 JAI 5 DAPIX 3 ENFOPOL 5 CRIMORG 3 setting out the *state of play* of the implementation of the "Prüm Decisions".

5.2 Organisation of evaluation visits

The meeting took note of

- the indicative calendar for evaluation visits (doc. DS 1007/3/12 REV 3). Leaving open the schedule for the second half of 2012, some delegations expected being ready for evaluation visits in the course of this autumn;
- the list of national contact points / VRD (doc. DS 1009/4/12 REV 4);
- and the revised list of experts concerning information exchange (doc. DS 1011/2/12).

5.3 Statistics and reports on automated data exchange for 2011

Presenting doc. 11367/12 JAI 436 DAPIX 81 CRIMORG 75 ENFOPOL 188, the Presidency invited delegations to check their figures in order to draft coherent statistics, in particular concerning DNA matches, and recommended to take up the issue of comparable statistics at the next DNA/FP subgroup meeting.

5.4 Ongoing evaluation

The meeting took note of

- with regard to **Bulgaria**, the reply to the **VRD** questionnaire (doc. 10152/12 DAPIX 64 CRIMORG 55 ENFOPOL 144);
- with regard to **Sweden**, the fact that the VRD evaluation documents would be submitted in due time;
- with regard to **Poland**, the reply to the questionnaire on **DNA** data exchange (doc. 11185/12 DAPIX 68 CRIMORG 62 ENFOPOL 172) and the Declaration on national DNA analysis files according to 2008/615/JHA, Art 2(3) (doc. 11184/12 DAPIX 67 CRIMORG 61 ENFOPOL 170);

- with regard to *Hungary* and the **DNA** evaluation procedure,
the Declaration on national DNA analysis files according to 2008/615/JHA, Art 2(3)
(doc. 11355/12 DAPIX 76 CRIMORG 70 ENFOPOL 183 + COR1),
the DNA evaluation visit report
(doc. 11353/12 JAI 430 DAPIX 74 CRIMORG 68 ENFOPOL 181 ENFOCUSTOM 54),
the DNA overall evaluation report
(doc. 11354/12 JAI 431 DAPIX 75 CRIMORG 69 ENFOPOL 182 ENFOCUSTOM 55),
the draft Council Decision on the launch of DNA data exchange
(doc. 11357/12 JAI 432 DAPIX 77 CRIMORG 71 ENFOPOL 184 ENFOCUSTOM 56),
with a view to submitting the latter document to the Council for adoption;
- with regard to *Hungary* and the **FP** evaluation procedure,
the FP evaluation visit report
(doc. 11358/12 JAI 433 DAPIX 78 CRIMORG 72 ENFOPOL 185 ENFOCUSTOM 57),
the FP overall evaluation report
(doc. 11360/12 JAI 434 DAPIX 79 CRIMORG 73 ENFOPOL 186 ENFOCUSTOM 58),
the draft Council Decision on the launch of dactyloscopic data
(doc. 11361/12 JAI 435 DAPIX 80 CRIMORG 74 ENFOPOL 187 ENFOCUSTOM 59),
with a view to submitting the latter document to the Council for adoption.

Finally, the Commission took the opportunity to remind those MS which had not yet replied to its Prüm questionnaire on the implementation of the Prüm Decisions to do so as soon as possible in order to enable the drafting of a reliable implementation report.

6. **EPRIS**

The Commission informed that the assessment on the need and added value of a European Police Record Index System (EPRIS) was supposed to be completed at the beginning of August. Subsequent to the expert meeting of last April, the Commission reiterated its stance that information exchange should be improved and existing information channels should be exploited.

7. **Travelling Violent Offenders (TVO) study**

The Commission informed that experts meet on 6 July next for the exchange of views on further promoting the study on possible ways to improve TVO information exchange.

8. Presentation of the Cyprus Presidency Programme

The incoming Presidency presented the work programme for DAPIX/Info Exchange focussed on the monitoring of the "Prüm Decisions", the IMS (delegations were reminded to reply to CM 3405/12 by 16 July to enable the drafting of the 3rd action list), the state of play of the SFD (delegations were reminded to reply to CM 3406/12 by 16 July), and the monitoring of the implementation of Directive 2011/82/EU ("CBE Directive").

Meetings are scheduled for 21 September, 16 October and 3 December as plenary meetings, for 7 September as a combined DNA/FP meeting and for 17 September and 10 December as VRD meetings.

9. Any other business

On behalf of the current Salzburg Forum Presidency, the CZ delegation informed about current work in the framework of the Salzburg Forum (AT, BG, HR, CZ, HU, SI, SK, PL) on an agreement on cross-border enforcement of road safety related traffic fines. Subject to ratification procedures, the agreement could technically be implemented during 2013. The signing of the agreement is supposed to take place by the end of this year under the HU Salzburg Presidency.

The Commission informed about having established an expert group to monitor and support the implementation of Directive 2011/82/EU ("CBE-Directive"). Work to be executed in transparent manner within this group would be focussed on issues such as the transposition and future application of the Directive and its compliance with multi-/bilateral agreements of similar nature, Art. 4 (Procedure of information exchange between MS), Art. 5 (Information letter on the road safety related traffic offences), Art. 9 and 10 (Delegated acts and Exercise of delegation) and Art. 6 (Reporting by MS to the Commission). The agenda for the first meeting scheduled for next 20 July would be submitted in due course.

Delegations took note of the Commission's intention not to substitute or duplicate work ongoing within DAPIX/VRD.