



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 2 July 2010

11536/10

**JAI 584
CRIMORG 129
ENFOPOL 184
ENFOCUSTOM 57**

OUTCOME OF PROCEEDINGS

of: Ad hoc Group on Information Exchange
on: 22 June 2010

Subject: Summary of discussions

1. Adoption of the agenda

The agenda was adopted as set out in CM 3293/10 with the addition under AOB of a presentation from the Presidency on the ES initiative of creating interoperable national databases regarding missing persons and unidentified corpses (MPUB).

2. Information from the Presidency

The EP plenary will vote on the NO/IC Prüm Association Agreement on 6 July 2010.

The ES Chamber has approved the transposition of the Swedish Framework Decision (SFD) into national legislation and the ES Senate is supposed to follow this example in the near future.

3. Prüm Council Decisions

3.1 State of play and way forward

Pointing out to a lack of significant implementation progress the chair voiced concerns on the state of play as set out in 5904/3/10 REV 3 JAI 96 ENFOPOL 31 CRIMORG 19, above all against the backdrop of the approaching implementation deadline. He appealed to delegations for showing more compliance with basic Prüm provisions such as declaration and notification of national contact points (Annex 1) or information on data protection (Annex 2).

One delegation invited both the current and the incoming Presidencies to raise awareness at higher political level particularly since little progress has been made compared to the Prüm Treaty. In order to facilitate the automated data exchange implementation the delegate asked for the setting up of a user-friendly Prüm manual.

The Chair concluded that the above mentioned, regularly updated overview could serve as a manual. He urged an extra effort from delegations to send outstanding information without delay to the Council Secretariat (prum@consilium.europa.eu) so that the picture can be completed.

3.2 Ongoing Evaluation

(a) The meeting adopted both the draft overall evaluation report on VRD information exchange with Finland (9916/10 JAI 443 CRIMORG 100 ENFOPOL 137 ENFOCUSTOM 41) and the draft Council Decision on the launch of automated VRD exchange by Finland (10221/1/10 REV 1 JAI 477 CRIMORG 105 ENFOPOL 148 ENFOCUSTOM 44). Being the first documents of this kind within the Prüm evaluation framework, they will serve as models for the following draft overall evaluation reports and draft Council decisions to launch automated data exchange. The meeting took note of the Letter of intent of the National Police Board of the Republic of Finland (10224/10 JAI 478 CRIMORG 106 ENFOCUSTOM 149 ENFOPOL 45).

(b) The meeting took note of the reply to the questionnaire on exchange of DNA data from Slovakia (9023/10 CRIMORG 84 ENFOPOL 111).

(c) The BE delegation will inform in due time about the ongoing evaluation of DNA data exchange.

(d) The meeting took note of the reply to the questionnaire on dactyloscopic data exchange from Bulgaria (6944/10 CRIMORG 39 ENFOPOL 51)

(e) The FR delegation will inform in due time about the ongoing evaluation of dactyloscopic data exchange.

(f) The meeting took note of the reply to the questionnaire on dactyloscopic data exchange from Slovakia (9024/10 CRIMORG 85 ENFOPOL 112).

3.3 Evaluation procedure (Article 20 and Annex, Chapter 4 of 2008/616/JHA)

As the evaluation procedure of DNA and dactyloscopic data exchange is still discussed by the lead experts, detailed information will be presented in writing to the Group on 7 July. The first such evaluations are expected to be carried out in autumn 2010.

Delegations took note of the lists of experts (DS 1112/1/10, 1113/1/10 1144/1/10) ready for participating in evaluation visits. The Chair urged Member States to appoint more candidates.

3.4 Fingerprint Search Capacities

Two delegations announced to adjust their figures set out in 5860/4/10 REV 4 JAI 92 CRIMORG 16 ENFOPOL 29.

3.5 Common model for statistics

The meeting discussed briefly the draft common model for statistics regarding dactyloscopic data exchange (10471/10 JAI 501 CRIMORG 109 ENFOPOL 151) and DNA data exchange (10474/10 JAI 502 CRIMORG 110 ENFOPOL 152). As questions were raised on both proposals, mandate was given to the respective expert groups to deal in depth with the technical specifications.

3.6 Support for implementation

- The AT delegate informed about the outcome of a workshop held in Vienna on 7 June on the setting up of a helpdesk that should be located at Europol and would provide operational support for the running of the Prüm information exchange system. The AT delegate suggested that a political decision on this issue should be taken within the Council. A detailed document on the outcome of the workshop and the way forward will be presented at the upcoming meeting.

The Europol Directorate welcomed, in principle, the idea of a Prüm helpdesk. Subject to funding and Management Board involvement such a helpdesk could be operational as from 2012.

- The DE delegate informed about the state of play on the revised proposal for a Mobile Competence Team (MCT). During a running period of three years, it would be tasked to support the Prüm implementation as well as the transition to a sustainable, centralized support structure such as the Prüm helpdesk. In the near future, DE will address interested MS in order to define how national experts could be seconded to the BKA. The start of the project is subject to ISEC funding for which the application will be submitted by 30 July at the latest.

The Commission showed its readiness to provide, in principle, funding for both the AT and DE support solution. However, questions were raised as to the matching of both projects. Finally, taking into account the ISEC procedures, a decision on the MCT project cannot be taken before February 2011.

Delegations expressed strong sympathies for both proposals. However, against the backdrop of a series of still unsolved problems as to funding and project management, on the one hand, and the Prüm implementation deadline of 26 August 2011, on the other hand, they voiced serious concerns about the timing of both projects.

Supported by the BE delegation that endorsed critical observations made, the Presidency invited the Commission to speed up internal procedures and Europol to move forward internally and urged MS to intensify efforts in order to timely implement Prüm.

3.7 Implementation of the new European Standard Set (ESS) of Loci

Delegations welcomed the NL proposal (11084/10 JAI 536 CRIMORG117 ENFOPOL 164) as a reasonable suggestion. The Chair reminding that MS should apply the extended ESS as soon as possible mandated the DNA experts' subgroup to elaborate specifications of a coordinated transition.

3.8 Changing software related to the processing of DNA-profiles

Delegations welcomed the NL proposal (11086/10 JAI 540 CRIMORG 118 ENFOPOL 165) to test changed software not only at national level but also in the Prüm environment to avoid negative side effects at international level. One delegation suggested to set up a manual. The DNA subgroup was mandated to specify the handling of relevant software changes.

4. Swedish Framework Decision (SFD)

The meeting took note of the preliminary results of the questionnaire on the evaluation of SFD time lines according to Art 4(2) as set out in DS 1403/10. In order to complete the picture by the next working group meeting, Member States which did not yet reply to the questionnaire were asked to do so by 2 July 2010.

5. Information Management Strategy - Action list

5.1 The meeting took note of the overview of activated/proposed actions as set out in DS 1022/4/10 REV 4. Modifications as to the participation of Member States in different actions will be reflected in a revised version.

5.2 Action 1: the European Information Exchange (EIXM) Mapping Project

Delegations took note of a detailed presentation from the Commission on the first outcome of mapping exercises regarding legislation and channels.

5.3 Action 4: Information Exchange Platform for Law Enforcement Agencies

The Europol delegate presented the outlines of the business concept (1117/10 JAI 546 ENFOPOL 167 CRIMORG 120 ENFOCUSTOM 54) for an information exchange platform (IXP).

Upon intervention of delegations, he underlined that access to the IXP will be in accordance with existing access rights to law enforcement information. It was suggested that extensive data protection consultation will be carried out once a more detailed proposal will be tabled. The IXP will be constructed in a way to avoid overlapping with other networks such as SIENA. As to the funding, a sound estimation on the costs is depending on the level of the project's ambition.

The Presidency clarified that with regard to an already charged agenda it desisted from presenting the IXP project to COSI on 25 June.

5.4 Action 8: Benchmarking on CIO role in information management and development

Delegations took note of the SE proposal as set out in 10759/10 JAI 547 ENFOPOL 159 CRIMORG 111 ENFOCUSTOM 47 and were invited by the SE delegate to join the project. A draft mandate will be tabled in September.

5.5 Report on the implementation of Europol led action points of the IMS action list

Delegations took note of the progress report as set out in doc. 11125/10 JAI 548 ENFOPOL 168 CRIMORG 121 ENFOCUSTOM 55.

6. European Police Records Index System (EPRIS)

The Commission presented the results of a pre-study on the need for, and added value of, the setting up of EPRIS. The findings confirmed the need for action and the Commission will contract out a feasibility study on how to enhance efficiency in cross-border exchange of police records. The contractor will be tasked to define the term "police record" on EU level and to examine feasible IT architecture solutions for the exchange of police records. The study funded by the EU budget will be steered by the Commission.

On doubts of several delegations as to the need of such an IT solution, the Commission referred to the mandate in the Stockholm Programme. Upon further remarks of delegations, it was confirmed that a distinction will be made between ECRIS and EPRIS. The DE delegation on its part announced comments in writing on the connection of this project to the "violent trouble maker"-file. The Commission asked to send in written comments within the next two weeks.

7. Any other business

- Missing persons database

The ES delegation presented the state of play on the project of the missing persons database (MPUB) as set out in DS 1429/10. Delegations voiced either scepticism or broad support. The Interpol delegate welcomed the project particularly since a similar one is ongoing within Interpol and synergies could be stepped up. Upon questions about the information to be exchanged by means of this database, which national bodies and capacities would be involved and, as to the project management, how the working group in charge of it would function, the ES delegation promised a more detailed document specifying these issues.

- BE presidency work program

In line with the Presidency trio program, the incoming Presidency presented briefly the challenges ahead. Work will mainly focus on furthering the implementation of the Prüm Decisions meeting the deadline of 26 August 2011. A seminar for managers in this respect is scheduled for 14/15 October. Beside the realisation of IMS projects and an SFD assessment, the BE delegate mentioned the finalising of the Information Exchange Manual.

As from 1 July, the Group is mandated to discuss data protection and information exchange issues. Meetings on data protection are envisaged for 3 September, 1 October, 5 November and 3 December; meetings on information exchange for 7 July, 28 October and 20 December. As to the Prüm subgroups, VRD experts will gather on 22 September and 26 November, DNA experts on 1 October, fingerprints experts on 6 October; a combined DNA/fingerprints expert meeting is scheduled for the 25 November.
