



**COUNCIL OF
THE EUROPEAN UNION**

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DAPIX 37
CRIMORG 53
ENFOPOL 123**

OUTCOME OF PROCEEDINGS

of : Meeting of the Working Group on Information Exchange and Data Protection
(**DAPIX**)
on : 18 April 2011
Subject : Summary of discussions

1. Adoption of the agenda

The agenda was adopted as set out in CM 2194/1/11 REV 1 with the addition of a point under AOB on the implementation of Council Framework Decision 2008/977/JHA and on the EPRIS feasibility study.

2. Information from the Presidency

The Presidency informed briefly on the outcome of the Infopolex Conference held in Budapest on 28 February - 1 March 2011, focusing on information exchange in criminal matters and on the management of liaison officers. The official summary is set out in doc. 8339/11 ENFOPOL 87 DAPIX 29 JAI 2008 SIRIS 24 COPEN 69.

The deputy chair presented the state of play regarding the draft Directive facilitating the cross-border exchange of information on road safety related traffic offences. She informed that the rapporteur's draft amendments for the second reading took into account the data search elements referred to in Article 4 of the draft Directive as suggested by DAPIX VRD. Further discussions on the draft EP amendments are ongoing within the Land Transport Working Party.

3. "Prüm Council Decisions"

3.1 Delegations took note of the **state of the implementation** of the "Prüm Decisions" as set out in doc. 6077/2/11 REV 2 JAI 72 DAPIX 5 ENFOPOL 19 CRIMORG 6. Changes announced by delegations were noted for the next revision and delegations were invited to submit still lacking notifications of National Contact Points (NCP).

The suggestion to attach the lists of NCPs for DNA, FP and VRD (see docs. DS 1163/1/11 REV 1, 1105/5/10 REV 5, 1132/1/11 REV 1), for major events, combating terrorism and the list of data protection authorities (see docs. DS 1164/11, 1165/11, 1166/11) in order to prepare a complete manual as requested by Council Decision 2008/616/ JHA, Art. 18(2) was met with some reluctance by delegations.

3.2 *Outcome of DNA, FP and VRD expert meetings*

The Presidency briefed on the outcome of the different subgroup meetings. The main point concerned the **organization of evaluation visits** regarding DNA and FP data exchange.

Delegations accepted the suggestion (see doc. 8181/11 DAPIX 27 ENFOPOL 81 CRIMORG 38) to strictly apply the provisions concerning the composition of evaluation teams as set out in Chapter 4,(1.3) of the Annex to Council Decision 2008/616/JHA. The relevant references in doc. 11898/2/10 REV 2 DAPIX 7 CRIMORG 140 ENFOPOL 202 and doc. 11899/2/10 REV 2 DAPIX 8 CRIMORG 141 ENFOPOL 203 on the DNA and FP evaluation procedures respectively would be amended accordingly.

Delegations took note of the list of **DNA, FP, VRD experts participating in evaluation visits** (see docs. DS 1124/1/11 REV 1, 1167/11, 1085/1/11 REV 1). Modifications submitted in writing by some delegations would be inserted in the revised versions. The BE VRD lead expert announced that he would no longer participate in evaluation visits. As to the **indicative planning for evaluation visits** (see doc. DS 1168/11), CZ stated that it envisaged being ready for an FP evaluation in next May.

3.3 *Ongoing Evaluation*

(a) **DNA** / *Portugal*

The meeting took note of doc. 7940/11 DAPIX 19 CRIMORG 30 ENFOPOL 65, doc. 7655/11 DAPIX 16 CRIMORG 24 ENFOPOL 59 + ADD 1 and doc. 8095/11 DAPIX 25 CRIMORG 37 ENFOPOL 76. The evaluation visit was envisaged for next 11 - 15 May.

DNA / *Latvia*

The meeting took note of doc. 8066/11 DAPIX 23 CRIMORG 35 ENFOPOL 72. Due to the late arrival of the document, DE introduced a scrutiny reservation.

(b) **Fingerprints** / *France*

The meeting took note of doc. 7997/11 DAPIX 21 CRIMORG 33 ENFOPOL 68 and doc. 7999/11 DAPIX 22 CRIMORG 34 ENFOPOL 69. The FR delegate planned the evaluation visit by ES and LU on next 2 - 6 May. In this context, the FR delegate reiterated the request that evaluation visits should be financed by EU funding.

(c) **VRD** / *Poland*

The meeting took note of doc. 6675/1/10 REV 1 DAPIX 62 CRIMORG 35 ENFOPOL 45 and PL was asked to further inform on the EUCARIS connection issue set out in pt. 3.6 of doc. 7728/11 DAPIX 17 CRIMORG 27 ENFOPOL 62. Confirming that tests had been carried out subsequent to which some issues needed further fine-tuning, PL promised to clarify this point as soon as possible.

VRD / *Romania*

The meeting took note of the revised reply to the questionnaire on data protection (doc. 11714/1/10 REV 1 DAPIX 6 CRIMORG 134 ENFOPOL 191 + ADD 1) and of the report of the evaluation visit (doc. 8738/11 JAI 220 DAPIX 32 CRIMORG 46 ENFOPOL 98 ENFOCUSTOM 26). However, due to the late arrival of the latter document, DE and SE introduced a scrutiny reservation. Moreover, the adoption of the report is subject to the still outstanding Government Decision providing the access rules to the EUCARIS/Prüm system.

(d) **Data protection / Czech Republic**

The meeting took note of doc. 8670/11 DAPIX 31 CRIMORG 44 ENFOPOL 97. Due to the late arrival of the document, DE introduced a scrutiny reservation. The CZ delegate explained that the relevant legislative proposals still to pass by the Senate would only strengthen the current data protection legislation which, however, was deemed sufficient for the Prüm data exchange. On request of the CZ delegate, the DE delegate promised to examine the document without delay.

The Presidency invited all delegations to send possible comments on outstanding issues to prum@consilium.europa.eu by 29 April.

3.4 *Readiness to apply - Declarations pursuant to 2008/615/JHA, Art. 36(2)*

Delegations took note of doc. 5537/11 JAI 30 DAPIX 2 CRIMORG 3 ENFOPOL 9 and doc. 8511/11 JAI 211 DAPIX 30 CRIMORG 43 ENFOPOL 91. The Presidency reminded delegations to notify the GSC of the implementation of the obligations and to indicate at the same time that they would be ready to apply the Decision in its relations with those Member States having given the same notification. DE noted that it would submit this declaration in the near future.

3.5 *MCT : information on the state of play*

The DE delegate confirmed that the Commission had submitted the grant agreement for the Mobile Competence Team (MCT). However, the implementation of the project is put at risk due to cuts by the Commission in the planned daily allowances for national experts. Under these conditions, RO and AT would refuse to second the experts foreseen. Urging the Commission to react, the DE delegate deplored as well that two letters suggesting solutions were not answered yet by the Commission. The latter, reiterating its support for the MCT, envisaged to tackle the problems in bilateral talks as soon as possible.

Helpdesk at Europol - information from Europol

Europol explained that the MCT would be embedded in Europol structures so as to ensure the function of the helpdesk as of 1 January 2012. To that end, a tender for secondment of national experts will be published soon. However, in a long term perspective, the helpdesk would be staffed by Europol officers.

3.6 *Draft Council Resolution on the implementation of the "Prüm Decisions"*

The Presidency presented doc. 8092/11 DAPIX 24 CRIMORG 36 ENFOPOL 74 which was drafted in the light of the lunch discussion on last 11 April of Ministers for the Interior. Highlighting the Prüm implementation as a priority, the Presidency also referred to an initiative agreed by Ministers to establish an internet based platform for practical information exchange among Prüm experts ("advisory pool"). To that end, the HU Minister for the Interior would send in the near future a letter to his ministerial colleagues explaining the project and asking for experts ready to take part it.

The deputy chair summarised the replies to questionnaire CM 1934/11 and concluded that a number of Member States would not meet the deadline. However, the more difficult problem expected was the coordination of the 24 evaluation visits already notified. In this respect, the "advisory pool" was supposed to provide assistance.

Delegations were invited to a first exchange of views on the draft Resolution in order to prepare the ground for the JHA counselors' drafting session on next 6 May. They welcomed the initiative of tabling a legally non-binding text to Ministers, be it a Resolution or Conclusion, on the Prüm implementation which covered all areas and problems encountered.

Bearing in mind the wide spread budget crises, several delegations requested to address the Commission more precisely and more urgently on financial support issues. In particular, a mechanism even beyond ISEC funding for the financing of evaluation visits should be developed since the amounts to be considered did not reach the respective budgetary thresholds necessary for ISEC grants. The Commission replied that since financial means provided under the ISEC program have not exhaustively been used an increase of funds available was hardly conceivable.

Scrutiny reservations were to be noted on the idea of establishing the "advisory pool". The project seemed to be redundant to delegations, in particular with regard to the MCT and the Prüm helpdesk, and overcharging human resources already implied in these projects. Delegations were invited to reflect whether experts figuring in the tables of DS 1260/11 could be taken into consideration. The Presidency promised to further define the project by 6 May.

Caution was expressed on the setting of a new deadline suggested by two delegations. Instead, a monitoring mechanism such as the regular report on the state of play was preferred.

The Commission suggested to mention the EIXM project in a recital of the Resolution.

Delegations were invited to submit further comments to prum@consilium.europa.eu by 29 April.

4. Information Management Strategy - Action list

4.1 Action list 1.1.2010-30.6.2011: Overview of activated/proposed actions

Delegations took note of doc. DS 1069/11. The Commission commented that the mentioning of implementation phases IV and V in the overview table were not applicable for the EIXM project. HU stated that it would not take part anymore in action no 2. IT noted its readiness to take part in action no 4, and DE in action no 10. Europol reported on progress made in Europol led actions (see doc. 9074/11 JAI 242 DAPIX 35 ENFOPOL 111 CRIMORG 50 ENFOCUSTOM 30).

4.2. Action 1: European Information Exchange Model (EIXM)

The Commission informed about preparing a staff working paper on the EIXM by the end of this year so that the project could be finalized and recommendations for improved information exchange spelled out in the second half of 2012.

Delegations entered scrutiny reservations as to whether the Commission could disclose the ICMPD study on the status of information exchange amongst law enforcement authorities in the context of existing EU instruments, available on the CIRCA server, could be disclosed to members of the public requesting this. Delegations were invited to reply to the Commission by 29 April.

4.3 Action 9: Framework for product management for information management solutions

Europol informed that tests performed on SIENA had shown which elements of the draft governance framework had a positive effect and which elements were missing. At the last meeting of the project group, the draft had been assessed against the framework of IMS standards and guidelines. The final report was expected for next June.

4.4 *Draft implementation report on the 1st IMS action list*

Delegations welcomed the interim report on the implementation of the first IMS action list (see doc. 8420/11 JAI 204 DAPIX 28 CRIMORG 42 ENFOPOL 88) and the project leaders set out the scope of further ambitions. In order to facilitate the drafting of the second action list to be adopted in July, delegations were invited to submit their comments on the conclusions of the report by 29 April. PL envisaged preparing a brief questionnaire to gather the views of MS on the IMS.

5. Any other business

The Commission reported briefly on the stakeholder meeting of last 2 February on the implementation of Council Framework Decision 2008/977/JHA on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters. Member States were invited to submit still outstanding information on the state of play to the Commission in order to allow the Commission to draft the implementation report.

Since possible tenderers for the EPRIS feasibility study are requested to take into account the results of the pre-study, delegations were asked to inform the Commission by 29 April whether these results could be disclosed as such. One delegations had no objections as long as the tender clearly set out that tenderers are obliged to confidentially treat the results of the pre-study.