



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 27 May 2011

10606/11

**JAI 368
DAPIX 51
CRIMORG 70
ENFOPOL 162**

OUTCOME OF PROCEEDINGS

of :	Meeting of the Working Group on Information Exchange and Data Protection (DAPIX)
on :	23 May 2011
Subject :	Summary of discussions

1. Adoption of the agenda

The agenda was adopted as set out in doc. CM 2247/11.

2. Information from the Presidency

The Presidency informed briefly

- that the next DAPIX meeting would be advanced from 22 to 20 June due to organisational issues on the eve of the European Council to be held in the same week;
- about progress made on the draft Directive facilitating the cross-border exchange of information on road safety related traffic offences and the Presidency's intention to come to an agreement in second lecture.

3. **Prüm Council Decisions**

3.1 Implementation - *State of play*

The meeting took note of doc. 6077/3/11 REV 3 JAI 72 DAPIX 5 ENFOPOL 19 CRIMORG 6 setting out the current degree of Member States' compliance with the provisions of the Prüm Council Decisions. Changes made known to the GSC would be reflected in the next revised version of the document.

The GSC informed that the lists of national contact points DNA, FP, VRD (see docs. DS 1163/2/11 REV 2, 1284/11, 1132/2/11 REV 2) and the lists of national contact points ME, CT, DPA (see docs. DS 1164/2/11 REV 2, 1165/1/11 REV 1, 1166/1/11 REV 1) would not be disclosed. These lists are available on request at the GSC.

3.2 - Organisation of evaluation visits regarding DNA and dactyloscopic data exchange

Changes made known to the GSC concerning the *Lists of experts participating in DNA and VRD evaluation visits* (see docs. DS 1124/2/11 REV 2 and 1085/2/11 REV 2) would be reflected in the next revised version of the documents.

As to the *Indicative calendar for evaluation visits*, several delegations informed the meeting that visits schedule as set out in doc. DS 1168/1/11 REV 1 would be postponed.

3.3 Ongoing Evaluation

(a) **Fingerprints**

The meeting took note of the **CZ** reply to the questionnaire (see doc. 9804/11 DAPIX 41 CRIMORG 56 ENFOPOL 132).

With regard to **France**, the meeting took note of the report on the evaluation visit (see doc. 9959/11 JAI 302 DAPIX 45 CRIMORG 62 ENFOPOL 139 ENFOCUSTOM 41), the draft overall report and the draft Council Decision (see doc. 9960/11 JAI 303 DAPIX 46 CRIMORG 63 ENFOPOL 140 ENFOCUSTOM 42 and doc. 9961/11 JAI 304 DAPIX 47 CRIMORG 64 ENFOPOL 141 ENFOCUSTOM 43). The latter documents will be submitted to COREPER/Council for adoption as an A item at the Council meeting of 9/10 June 2011.

(b) **VRD**

The meeting took note of both the revised **SI** reply to the questionnaire on data protection (see doc. 11712/1/10 REV 1 DAPIX 2 CRIMORG 133 ENFOPOL 190) and the SI reply to the VRD questionnaire (see doc. 9931/11 DAPIX 59 CRIMORG 42 ENFOPOL 136).

The report on the evaluation visit (see doc. 8740/11 JAI 221 DAPIX 33 CRIMORG 47 ENFOPOL 99 ENFOCUSTOM 2) as well as the correspondent draft overall report and the draft Council Decision (see doc. 9955/11 JAI 300 DAPIX 43 CRIMORG 60 ENFOPOL 137 ENFOCUSTOM 39 and doc. 9958/11 JAI 301 DAPIX 44 CRIMORG 61 ENFOPOL 138 ENFOCUSTOM 40) would be submitted to DAPIX as soon as they would be finalised. DAPIX was called to examine these documents within ten working days upon submission.

Pending approval of the documents by DAPIX, the draft overall report and the draft Council Decision would be submitted to COREPER/Council for adoption as an A item at one of the next Council meetings.

Delegations took note of the **DE** declaration pursuant to Council Decision 2008/615/JHA, Art. 36 (2), set out in doc. 10721/11 JAI 329 DAPIX 49 CRIMORG 67 ENFOPOL 150.

3.4 Draft Council Conclusions on the implementation of the "Prüm Decisions"

Prior to agreeing upon the draft Council Conclusions, the meeting examined the suggestion to set up an internet based "advisory pool" of technical experts involved in the implementation of the Prüm provisions. The project agreed upon by Ministers in the margins of the Council of last 18 April and mentioned in the Conclusions was met with great reluctance by DAPIX.

Above all, delegations reminded that assistance structures such as the MCT and the Prüm help desk or the already established experts platform at Europol were fit for the purpose of enhanced communication. They cautioned both against the risk of duplication of efforts and a waste of energy and resources and, questioning the added value of such an "advisory pool", they advocated rather for the consolidation and use of existing tools.

The Presidency promised to convey the position of DAPIX to the capital and to report back at a following meeting.

Subsequently, the meeting finalised the draft Council Conclusions (see doc. 8092/2/11 REV 2 DAPIX 24 CRIMORG 36 ENFOPOL 74) on the "Prüm Decisions":

- a new recital was introduced in order to draw attention on possible funding shortcomings for evaluation visits due to national budget restrictions;
- the Commission underlined that it would continue the support for the MCT project in respect of which all ISEC funding problems had been solved; however, it stressed that a support regarding the Prüm help desk to be implemented at Europol had to take account of the regulations applicable to EU agencies.

The draft Conclusions would be submitted to COREPER/Council for approval as an A point at the Council meeting of 9/10 June 2011.

4. Information Management Strategy - Action list

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

The meeting took note of doc. DS 1169/1/11 REV 1

Subsequently, Europol presented progress made on IMS action No 9, the Product Management Framework for EU Information Management Tools set out in doc. 15002/2/10 REV 2 JAI 852 DAPIX 37 CRIMORG 179 ENFOPOL 287 ENFOCUSTOM 90. A practical guide derived from the content of this basic document was still under development within Europol and should be presented at the next DAPIX meeting. In order to finalise the document, delegations were invited to submit by 1 June 2011 comments to c2@europol.europa.eu and dapix@consilium.europa.eu.

4.2 Preparation of Action list No 2

As to the drawing up of IMS action list No 2, the Presidency presented a discussion paper (see doc. DS 1135/11) containing three elements to be taken into account: not yet finalised actions of list No 1, actions of IMS list No 1 to be reconsidered, and a list of suggestions drawn from doc. 16951/1/09 REV 1 JAI 894 CATS 133 ASIM 139 JURINFO 145 but not having been considered for the establishment of IMS action list No 1, as well as new suggestions. From the outset, the Presidency emphasized that this proposal for an outline for the new IMS action list should be discussed thoroughly at the DAPIX meeting of next 20 June.

The Commission objected that the assessment of the Prüm hit/no hit-procedure would be a separate IMS action since it would be an integral part of the EIXM project (IMS action No 1).

In close cooperation with the Presidency, the PL delegation asked once more to reply by next 1 June to its questionnaire doc. CM 2815/11 on contributions for a new IMS action list.

5. Swedish Framework Decision

The Commission presented the main features of its report on the operation of Council Framework Decision 2006/960/JHA (see doc. 10316/11 GENVAL 56 ENFOPOL 155 COMIX 336 ENFOCUSTOM 47 COPEN 115 + COR 1); it agreed to re-examine the report so that information concerning RO and EE would be corrected.

The Presidency reminded DAPIX that pursuant to Art. 11 (2) of the Framework Decision, it would be up to the Council to assess before 19 December 2011 the extent to which Member States comply with the SFD provisions.

6. EPRIS

The Commission reported orally on the state of play of the feasibility study tender concerning a European Police Records Index System (EPRIS). For the finalising of the study, it envisaged about ten months. Launching the study was based, on the one hand, on a mandate of the Stockholm Programme and, on the other hand, on the Commission's conclusions of replies to the questionnaire, submitted in 2010 to Member States, on a pre-study on the need for and the added value of setting up EPRIS.

The point was put on the agenda on request of the SE delegation for the sake of transparency. The delegation which criticized the non-existence of any concluding document subsequent to the pre-study on behalf of the Commission and asked that the replies to the 2010 questionnaire be shared among delegations prior to their disclosure to potential tenderers. He also questioned the conclusions drawn by the Commission since the sample was rather limited and the need for EPRIS could have been interpreted in a quite opposite way. The delegation, supported by other delegations, urged the Commission to tightly involve DAPIX in the EPRIS project.

Other delegations were critical about details of the study concept since they were afraid that a police data base might be set up instead of an record index. The Commission denied that a EU police data base was envisaged and pledged to involve Member States in the development of the project.

The Presidency concluded that DAPIX would be kept informed on the state of play and envisaged to examine whether the terms of reference of the contract could be conveyed to the Council.

7. Any other business

No issues were discussed under this item.
