



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 3 February 2010

5858/10

**JAI 91
CRIMORG 15
ENFOPOL 28
ENFOCUSTOM 7**

OUTCOME OF PROCEEDINGS

of : Meeting of the Ad hoc Group on Information Exchange

on : 21 January 2010

Subject : Summary of discussions

1. Adoption of the agenda

The agenda was adopted as set out in CM 1101/10 JAI CRIMORG ENFOPOL ENFOCUSTOM.

2. Information from the Presidency

The chair made special reference to the impact of the Stockholm Programme on the forthcoming work of the Ad hoc Group and mentioned, in particular, the European Council's explicit request for improving information flows, making more use of information tools and applying the IMS.

The Chair informed the meeting about the changes with regard to the JHA working structures. COREPER decided that the Ad hoc Group will change, by 1 July 2010 at the latest (cf. doc. 17653/09 POLGEN 239 JAI 931), into a standing group. Since it will deal both with information and data protection issues, it will be renamed "Working Party on Information Exchange and Data Protection" and may meet in different formations and sub-groups with data protection being discussed as the need arises.

The forthcoming meetings of the Ad hoc Group are scheduled for 11 March, 28 April and 22 June.

3. Prüm Council Decisions - Implementation

- State of play and way forward

As the Prüm implementation issue is considered one of the main tasks of the Group, it will be a regular point on its agenda. Each technical subgroup will be chaired by a lead expert besides the Presidency in order to lend the highest possible impetus. For the time being, no further IT seminars as organised by the previous Presidency are planned before the outcome of those meetings is fully assessed.

An overview on the current situation of the Prüm Decisions as of 14 December 2009 is set out in docs. DS 370/2/09 REV 2 and DS 373/5/09 REV 5. Member States are invited to regularly update the information regarding their state of play on different aspects of the implementation process.

AT informed that it can work in line with the Prüm Decisions since it implemented all technical and legal provisions at the end of 2009.

On the question of the NL delegation whether the extended number of DNA markers of the European Standard Set of Loci (ESS) (cf. doc. 15870/09 ENFOPOL 287 CRIMORG 170) will be considered for the Prüm implementation, the Presidency informed that the Group's mandate refers to the provisions of the Prüm Decisions and the technical annexes thereto.

The DE project of a mobile competence team for the Prüm implementation will be modified and submitted again to the Commission in order to match the procedural and technical features necessary for obtaining funding.

- *Conclusion of the Association Agreement EU/Iceland and Norway*
(doc. 17709/09 JAI 941 ENFOPOL 323 RELEX 1227)

According to the procedure set out in Article 218(6) TFEU, the Council shall adopt a decision to conclude the agreement, after obtaining the consent of the European Parliament; furthermore, statements made under Art. 24(5) are no more valid. The draft decision on conclusion (cf. doc. 5309/009 JAI 38 ENFOPOL12 RELEX 33), submitted by the Commission on 18 December 2009, is now subjected to the lawyer-linguists scrutiny before transmission to the European Parliament. A timeframe for obtaining the EP consent is not known as the Treaty foresees no deadline in this respect.

The UK delegation informed about the UK parliamentary scrutiny reservation on the draft decision.

4. Information Management Strategy - Action list

The Presidency presented the IMS Action list as set out in doc. 16951/1/09 REV 1 JAI 894 CATS 133 ASIM 139 JURINFO 152. Several delegations suggested to merge action points in order to make the list more realistic, in particular against the backdrop of the given timeframe and sparse resources in MS.

LT lifted its scrutiny reservation on the appointment of DPOs in MS law enforcement authorities (action point 15), as it was clarified that this would not be obligatory but that the action is aimed at drawing up best practices regarding the appointment of DPOs.

One delegation suggested to pool action 10 and 15 into a benchmarking project defining the role of such officials.

The DE delegation presented briefly its proposal for a European Police Information Model (EU-PIM) as set out in doc. 5486/10 JAI 64 CATS 9 ASIM 12. It suggested that after positive experience with creating such a model on national basis the same kind of project could be extended to the EU level.

Concluding the debate the Presidency invited delegations by Friday, **5 February 2010**,

- to submit comments on the list so as to reframe the list in more practical terms and to present an updated version at the forthcoming meeting;
- to fill in DS 1022/10 in order to prove the willingness to participate in specific actions.

5. European Information Exchange Model

Delegations took note of a study project, presented by the International Centre for Migration Policy Development, on the status of information exchange amongst law enforcement authorities within the EU. The study to be carried out in the first half of 2010 is designed to contribute to the information mapping project, i.e. action point 2 of the IMS action list, which is a part of the European information exchange model (EIXM) as presented in doc. 5046/10 JAI 5 CATS 4 ASIM 4.

The Commission promised an interim report on the subject for mid-June.

6. Law Enforcement portal

Delegations took note of the "Police Information Exchange Platform (PIEP)"-project presented by the ES delegation (cf. doc. 5281/10 JAI 29 CRIMORG 7 ENFOPOL 11). Delegations welcomed the concept as ambitious and offering opportunities for numerous synergies. However, a lot of questions, in particular concerning the governance, remain open and a feasibility study establishing costs and added value of the project was suggested.

The Presidency presented the project as a long term task and suggested to possibly create a subgroup dealing seriously with the proposal.

Furthermore, delegations took note of a presentation by a member of OLAF on technical features of the Customs Information System (CIS) and, in particular, the Mutual Assistance Broker (MAB). According to the Presidency such a tool could be useful for the police as well.

In order to study the matter of a police information exchange platform, the Presidency invited Member States to submit their comments by Friday, **5 February 2010**.

7. Exchange of information between Member States on missing persons

Delegations took note of a presentation by the ES delegation of a database on missing persons and unidentified corpses. Member States were invited to examine whether such a database could be useful on EU level as well and proposed to create and chair a technical subgroup on this matter. Delegations were invited to submit their comments and expression of interest in participating in the project by Friday, **5 February**, at the latest.

8. Information on the Subgroup on Police Cooperation statistics

The Commission informed about ongoing work in the expert sub-group on cross-border police cooperation statistics, in particular on collecting statistics related to cross-border law enforcement information exchange based on the Prüm Decisions, the Swedish Framework Decision and the Schengen Convention.

9. Any other business

No issue was raised.

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The following documents were made available during the meeting

- Action Plan 1.1.2010-30.6.2010: Overview of activated/proposed actions
 - Commission Working paper for Expert Sub-group on Cross-border Police Cooperation Statistics
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