



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 9 November 2010

15670/10

**JAI 900
DAPIX 45
CRIMORG 192
ENFOPOL 309**

OUTCOME OF PROCEEDINGS

of : Working Group on Information Exchange and Data Protection (DAPIX)
on : 20 October 2010
Subject : Summary of discussions

1. Adoption of the agenda

The agenda was approved as set out in CM 4860/2/10 REV 2 with the deletion of the item on Council Conclusions on the implementation of the “Prüm Decisions” under point 3.5 and the addition of items by DE and the Commission under AOB.

2. Information from the Presidency

- Ongoing negotiations on the proposal for a Directive facilitating cross-border information exchange on road safety related traffic offences consider a Prüm like VRD exchange mechanism. It would be based on Eucaris software in order to build on existing information exchange tools. Though Coreper decided to change the legal basis to Art. 87 (2) TFEU, the Presidency preferred the Transport Group to continue work on the file which is to be presented to the Council in December. The incoming HU Presidency announced that the file would be one of its priorities and work would be organised along the same lines.

- The Presidency informed that opinion of the European Data Protection Supervisor on the Commission communication "Overview of information management in the area of freedom, security and justice" had recently been published (see doc 14695/10 JAI 821 DAPIX 31 DATAPROTECT 72).

3. Prüm Council Decisions

3.1 Implementation

State of play

Lists of national contact points

Delegates took note of the state of play as set out in doc. 5904/6/10 REV 6 JAI 96 DAPIX 17 ENFOPOL 31 CRIMORG 19. Furthermore, the meeting took note of the updated lists of national contact points for DNA data exchange (DS 1104/5/10 REV 5), dactyloscopic data (DS 1105/4/10 REV 4) and VRD exchange (DS 1154/4/10 REV 4). In order to regularly update the lists, delegations were invited to communicate any modifications to prum@consilium.europa.eu .

MCT: information on state of play from DE delegation

The application for ISEC funding for the MCT project is currently evaluated by the Commission services. RO has to consider whether it maintains its participation in the project. Delegations would be informed on this matter at a forthcoming meeting. Furthermore, Member States were invited to think about appointing candidates if need be in order to set up the project.

Helpdesk at Europol: information from AT delegation

The project has been presented to the EUROPOL management board. The main questions for EUROPOL concern the long-term perspective of the project and how it can be integrated in its mission.

3.2 ***Evaluation procedure***

Organization of evaluation visits regarding DNA and dactyloscopic data exchange

The meeting endorsed the evaluation procedures for dactyloscopic (doc. 11898/2/10 REV 2 DAPIX 7 CRIMORG 140 ENFOPOL 202) and DNA data exchange (doc. 11899/2/10 REV 2 DAPIX 8 CRIMORG 141 ENFOPOL 203) respectively. However, remarks on the bearing of costs for evaluation visits were made. The Presidency replied that having considered the problem both at expert level and in the Prüm seminar on 14/15 October, a case-by-case solution had been found.

List of experts participating in evaluation visits

Delegations took note of the updated lists (see doc. DS 1112/5/10 REV 5, 1113/4/10, 1144/4/10 REV 4). The Presidency invited operational Member States to make more experts available. The SK delegate announced that SK was happy to provide two experts for future DNA and FP evaluation procedures.

Presence of non-operational Member States as observers

Delegations welcomed the principle of experts from non yet operational Member States' participating in evaluation visits as observers. Non-bureaucratic, case-by case solutions for specific organisational questions should be applied.

3.3 ***- Ongoing Evaluation***

DNA and fingerprints / Slovakia

The Presidency congratulated SK for the successful evaluations of DNA and dactyloscopic data exchange on 16 to 17 August and 6 to 7 September respectively. The meeting

- adopted
 - the evaluation report for DNA data exchange (see doc. 13487/1/10 REV 1 JAI 726 DAPIX 14 CRIMORG 155 ENFOPOL 246 ENFOCUSTOM 74),
 - the overall evaluation report on DNA data exchange for SK (see doc. 13497/1/10 REV 1 JAI 727 DAPIX 15 CRIMORG 156 ENFOPOL 247 ENFOCUSTOM 75),
 - the draft Council Decision on the launch of automated DNA data exchange (see doc. 13553/10 JAI 729 DAPIX 16 CRIMORG 157 ENFOPOL 249 ENFOCUSTOM 76),

- took note of the declaration on SK national DNA analysis files (see doc. 14459/10 DAPIX 27 CRIMORG 169 ENFOPOL 274);
- adopted
 - the evaluation report for dactyloscopic data exchange (see doc. 14178/1/10 REV 1 JAI 782 DAPIX 23 CRIMORG 165 ENFOPOL 267 ENFOCUSTOM 80),
 - the overall evaluation report on dactyloscopic data exchange (see doc. 14179/1/110 REV 1 JAI 783 DAPIX 24 CRIMORG 166 ENFOPOL 268 ENFOCUSTOM 81) and
 - the draft Council Decision on the automated searching of dactyloscopic data exchange (doc. 14180/10 JAI 784 DAPIX 25 CRIMORG 167 ENFOPOL 269 ENFOCUSTOM 82).

Delegations acknowledged that though these evaluations were carried out before the evaluation procedures were formally agreed upon, the reports proved that in substance they had been in line with the procedures endorsed as per date of the meeting.

The evaluation reports, the overall evaluation reports as well as the draft Council Decisions would serve as models for forthcoming DNA and FP evaluation procedures. In order to streamline the evaluation procedure, forthcoming draft reports would be sent to DAPIX members for adoption by written procedure and subsequently directly submitted to Coreper/Council as I/A points.

VRD / Romania

Delegates took note of the reply to the questionnaire on VRD exchange (see doc. 14007/10 CRIMORG 161 ENFOPOL 259 DAPIX 20). The evaluation visit was scheduled for 2 - 3 November. Pilot tests would be run during the evaluation visit. The RO delegate noted that an expert for evaluation visits can be provided but without bearing the costs for it.

Fingerprints / Bulgaria

Delegates took note of the reply to the questionnaire on dactyloscopic data exchange (see doc. 6944/10 CRIMORG 39 ENFOPOL 51). The evaluation visit was scheduled for 21 - 22 October. The BG delegate informed that all pilot tests ran successfully so far.

The Presidency announced a VRD exchange evaluation visit in Slovenia on 4 - 5 November.

3.4 - *Outcome of DNA, FP and VRD expert meetings*

Definition of field 9.003 (FP)

The meeting took note of doc. DS 1670/10.

Prüm Decisions: Common statistics for FP and VRD

The meeting agreed on the proposed models for common statistics for FP (see doc. 10471/1/10 REV 1 JAI 501 DAPIX 30 CRIMORG 109 ENFOPOL 151) and VRD (doc. 13837/10 JAI 755 DAPIX 18 CRIMORG 159 ENFOPOL 251 ENFOCUSTOM 77).

As to the implementation of DNA data exchange provisions, the NL delegate informed that Codis 7.0 would be deployed as of late May 2011. CODIS countries that want to be sure to comply with the implementation deadline, are still advised to start with the software components that are presently available for CODIS 5.7.x and to switch later on to CODIS 7.0. The Presidency recommended to get in touch with the DNA leading expert for further questions.

3.5 - *Outcome of Seminar 14/15 October*

Summary of replies to questionnaire DS 1466/10

The meeting welcomed the summary of replies to questionnaire DS 1466/10 as set out in doc. 14918/10 JAI 843 DAPIX 35 CRIMORG 177 ENFOPOL 284.

Conclusions of the Seminar - recommendations to CATS

The Presidency presented the conclusions of the seminar on 14 - 15 October on Prüm implementation shortcomings as set out in doc. 15003/10 JAI 853 DAPIX 39 CRIMORG 180 ENFOPOL 288.

Many delegations welcomed the comprehensive document that widened the scope of concerns beyond technical question to legal, financial and human resource issues as well. The key question for delegations was the appropriate follow-up at political level. The Commission expressed optimism about the compliance with the implementation deadline and questioned whether a financing problem regarding evaluation experts really exists, since MS were ready to send observers at their own costs.

Upon concerns as to the recommended "harmonising" of operational post hit workflows, the Presidency explained that implementing national post-hit operational business rules and striving towards mutual information and possible coordination on national level should be considered.

The Presidency noted broad approval for the document and suggested to submit an amended version to CATS on 25 October with a view to drafting a discussion note for the Council meeting on 8/9 November.

4. Information Management Strategy - Action list

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

The meeting took note of the overview of activated/proposed IMS actions (see doc. DS 1022/6/10 REV 6) and of the progress report regarding the four Europol led IMS action points (see doc. 11087/10 JAI 541 DAPIX 38 ENFOPOL 166 CRIMORG 119 ENFOCUSTOM 52).

- Action 2: Data Protection Impact Assessment

Following the presentation of doc. 11817/1/10 REV 1 JAI 602 DAPIX 4 ENFOPOL 199 CRIMORG 139 ENFOCUSTOM 67 and doc. 14458/10 JAI 841 DAPIX 26 ENFOPOL 273 CRIMORG 168 ENFOCUSTOM 88, delegates were invited to agree on the revised draft project plan and the next steps suggested, i.e. the engagement strategy.

During discussion, a scrutiny reservation concerning the publication of doc. 11817/1/10 was introduced by FR. The Commission though not having serious problems with the document reminded the inter-institutional arrangements on impact assessment and added that Member States are free to use whichever method for an assessment they deem appropriate. Concluding the debate, the Presidency encouraged the UK delegate to continue work on the file.

- Action 4: Information Exchange Platform (IXP) - updated business concept

Delegates discussed the updated business concept as set out in doc. 11117/2/10 REV 2 JAI 546 DAPIX 36 CRIMORG 120 ENFOPOL 167 ENFOCUSTOM 54 which takes account of comments made by DAPIX data protection experts at their meeting of 3 September.

Discussions focused on who would have access to the platform and what would be its content and operational scope. EUROPOL confirmed that the platform is intended as a search tool and would not create access rights to information on law enforcement beyond existing national ones. In order to facilitate a clearer drafting on the issues discussed, the Presidency invited Member States to submit their comments to EUROPOL by 15 November at the latest.

- Action 5: UMF Interoperability Coordination Programme

Subsequent to the demonstration of the technical UMF (Universal Message Format) features developed by DE, NL, SE in cooperation with EUROPOL, delegations welcomed its potential impact on the workflow for law enforcement information exchange.

During discussion it became clear that a lot of coordination needed to be done to make UMF2 working but that practical workflow solutions would automatically entail the interoperability searched for. EUROPOL considered to focus on immediate needs for UMF2 interoperability coordination programme, e.g. on how a police information model could be set up for the benefit of a structured information exchange.

- Action 6: Definition of interoperability in terms of legal, semantic, technical and business means

The AT delegate gave an interim report on the outcome of questionnaire CM 3823/10 to which a third of Member States had replied so far. The key question for the moment would be whether a specific definition is useful for JHA. A more detailed paper based on further replies from Member States to the questionnaire will be delivered under the incoming HU Presidency.

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

The SE delegate gave an interim report on action point 8.

- Action 9: Framework for (technical and business) product management for information and management solutions - draft set of standards and guidelines

Delegates took note of suggested standards and guidelines for product management of EU information management tools as set out in doc. 15002/10 JAI 852 DAPIX 37 CRIMORG 179 ENFOPOL 287 ENFOCUSTOM 90. After a brief discussion, the Presidency invited Member States to submit their comments asked for by EUROPOL by 15 November at the latest in order to amend the proposal for the forthcoming DAPIX meeting at 20 December.

- Action 10: Target information management architecture - terms of references

Presenting the plan for the development of a target EU information Management architecture (see doc. 15198/10 JAI 870 DAPIX 40 CRIMORG 182 ENFOPOL 296 ENFOCUSTOM 92), the EUROPOL delegate underlined that this project was highly dependent on the EIXM project. The endorsement of the document could be considered under the incoming presidency and a draft architecture could be presented next July. Furthermore, EUROPOL asked for more Member States to participate. Against the backdrop of the timetable for the mapping exercise (see action No.1), the Commission, at this stage, expressed some reservations about the timing of this EUROPOL led action.

5. Any other business

- DE regretted that the amended proposal on EURODAC (see 14919/10 EURODAC 44 CODEC 1034) did not provide for access of law enforcement authorities to the central database and, supported by AT and FR, invited the Commission to revise the proposal.

- Asked by DE about work on EPRIS and the file on travelling violent troublemakers, the Commission reminded that two pre-studies on both have been done and presented to the relevant working parties. The results showed that there is a common area to be explored for both topics and the Commission is issuing a tender to this end. This approach did not in any way affect the carrying out of two separate Communications (feasibility studies) as called for by the Stockholm Programme foreseen for 2012.

- The Commission informed about drafting the report on the implementation of the Swedish Framework Decision (SFD) to be presented in December. As input from some Member States was still missing, the Commission requested them to reply to questions about the transposition of the SFD, its use and its shortcomings.
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