



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 22 December 2010

18190/10

**JAI 1091
DAPIX 61
CRIMORG 206
ENFOPOL 376**

OUTCOME OF PROCEEDINGS

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

1. Adoption of the agenda

The agenda was approved as set out in CM 5765/10.

2. Information from the Presidency

The Chair informed the meeting that :

- having taken stock of the "Prüm" implementation at its meeting of 8/9 November, the Council supported the idea of establishing a helpdesk at Europol.
- The Council adopted conclusions on 2/3 December on tackling illegal cross-border vehicle trafficking call upon Member States to provide for a Schengen Information System (SIS) check of registration documents and to accede to the EUCARIS Treaty.
- References to the "Prüm Decisions" had been made in proposal for a Directive facilitating cross-border information exchange on road safety related traffic offences.

Regarding the last issue, the AT delegation promised a paper for the DAPIX/VRD subgroup meeting of 11 February 2011 for the uncertainty of the use of Eucaris. The incoming Presidency informed that the issue would be dealt with by the land transport working group and asked for technical advice to allow for the development of a viable solution for Eucaris .

On request of the Presidency, the Commission presented its Communication on a comprehensive approach on personal data protection (doc. 15949/10 JAI 922 MI 431 DATAPROTECT 82 FREMP 41 COHOM 237 DAPIX 46). The revision of the rules in force for the private as well as for the public sector, are due, on the one hand, to the technical evolution in the field, and on the other hand, to the new legal basis since the entry into force of the Lisbon Treaty. Asked by one delegation to what extent legislative proposals would take into account the specific requirements of law enforcement bodies and how the impact on operational policies would be assessed, the Commission replied that the limits of transparency for the police sector would be respected and that the relevant impact study would be prepared by a workshop the date of which were still to be confirmed.

3. "Prüm Council Decisions"

3.1 *Implementation*

State of play

Delegates took note of the current state of play as set out in doc. 5904/7/10 REV 7 JAI 96 DAPIX 17 ENFOPOL 31 CRIMORG 19 and of the updated lists on NCPs for DNA data and dactyloscopic data exchange (DS 1104/6/10 REV 6, 1105/5/10 REV 5) as well as on experts participating in evaluation visits (doc. DS 1112/6/10 REV 6, 1113/5/10 REV 5, 1144/5/10 REV 5) respectively. In order to regularly update the lists, delegations were invited to communicate any modifications to prum@consilium.europa.eu in due time ahead of meetings.

Regarding the evaluation visits, the Presidency appealed to delegations to only ask for evaluation once the relevant "Prüm" provisions for data exchange are implemented not only on technical but also on legal terms. This would allow for smoothly organising the visits and prevent delays in the drafting of the corresponding Council decision.

Furthermore, the Presidency reminded delegations to execute EUCARIS cooperation payments in due time.

3.2 **Support**

MCT: information on state of play from DE delegation

The Commission informed that the decision about the application for ISEC funding would officially be communicated in mid-January. The DE delegation once more appealed to MS for considering a participation in the project.

Helpdesk at Europol

The EUROPOL management board of last 8/9 December had taken a positive decision on setting up a helpdesk. Technical details would be considered in 2011 so that the helpdesk would be fully up and running in 2012. DAPIX would be kept informed on progress made.

4. **"Swedish Framework Directive"**

The Commission reminded that according to Art. 11 of Council Framework Decision 2006/960/JHA (SFD), a report on the practical operational aspects of the SFD should have been presented to the Council by 19 December 2010. However, due to the lack of notifications of the national implementing measures, the Commission asked the MS that had not already done so

- to notify officially by means of a letter from the Permanent Representation by 15 January at the latest whether they had transposed the SFD into their national law, and
- to reply to questions about the practical use, the use of Art. 4, the use of Art 3 (4) and the use of forms of the SFD.

Based on the complete replies, the Commission would draft a report to be submitted to DAPIX in May 2011. The Commission reminded that this report was to be distinguished from the SFD assessment to be done by the Council by 19 December 2011.

On request of the Presidency and due to the complexity of the matter, the Commission considered to submit the questions to delegations in written form.

5. **Information Management Strategy - Action list**

5.1 *- 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 1022/7/10 REV 7).

5.2 - *State of play*

Action 1: Information mapping project

The Commission presented orally the main findings of the four mapping sessions on legislation, information channels, information flows and technology respectively. In order to discuss the draft report to be submitted to the DAPIX in April 2011, an experts' meeting will be held on 5 April 2011. The final Communication on the European Information Exchange Model is foreseen for 2012. Delegations welcomed work on the mapping done, and stressed, in particular the need of better aligning the police and judicial information workflows.

- *Action 2: Data Protection Impact Assessment¹*

The meeting was informed that Estonia had joined the project group. On the substance, however, little progress had made in particular against the backdrop of considerable national budget cuts.

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

Europol explained the modifications made in doc. 11117/3/10 REV 3 JAI 546 DAPIX 36 CRIMORG 120 ENFOPOL 167 ENFOCUSTOM 54. Delegations welcomed the revised document and looked forward to the forthcoming discussion on implementation details in 2011. Specific comments put forward by EE will be addressed in due course. PL notified its interest to take part in the project.

- *Action 5: UMF Interoperability Coordination Programme*

Subsequent to the application procedure for funding, Europol ended up with 9 MS formally taking part in the project. It would be initiated in early 2011 and delegations concerned would be contacted in the 2nd half of January. The project should be ready by the end of 2011. PL notified its interest to take part in the project.

¹ On last 25 November, the GSC has been informed that the FR scrutiny reservation introduced at the DAPIX meeting of 20 October has been lifted. Consequently, public access may be given to doc. 11817/1/10 REV 1 JAI 602 DAPIX 4 ENFOPOL 199 CRIMORG 139 ENFOCUSTOM 67.

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

No discernable progress had been confirmed as the European common definition of interoperability was still awaited.

- Action point 8: Benchmarking on CIO role in information management and development
Detailed information of the state of play would be given in due time.

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

Delegates took note of the revised document on standards and guidelines for product management of EU information management tools (15002/1/10 REV 1 JAI 852 DAPIX 37 CRIMORG 179 ENFOPOL 287 ENFOCUSTOM 90) while appealing for more participants, Europol would apply the proposed guideline to SIENA and report back on the findings.

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

Delegations and in particular the Commission which consider the project as the continuation of the mapping exercise welcomed the revised plan for the development of a target EU information Management architecture (doc. 15198/1/10 REV1 JAI 870 DAPIX 40 CRIMORG 182 ENFOPOL 296 ENFOCUSTOM 92). NL notified its intention to participate in the project.

- Action 11: List of NCPs involved in the development of information exchange and IT

Detailed information on the state of play would be given in due time.

6. Common Information Sharing Environment (CISE) for the surveillance of the EU maritime domain

Delegations took note of the presentation by the Commission of its Communication on the network for maritime surveillance CISE (doc. 15361/10 POLGEN 166 POLMAR 9 PESC 1348 COSDP 901 AGRI 426 TRANS 289 JAI 880 ENV 714 PECHE 252). As to the change of paradigm from "need to know" to "need and responsibility to share" information gathered within different authorities on different layers, one delegation stressed the point of data protection with regard to law enforcement bodies and in this context, Europol reminded that different perspectives of data protection either from the safety or from the security point of view were at stake. According to the Commission, it would be up to the authorities concerned to decide after a risk assessment which data should be shared.

7. Presentation of the HU Presidency Programme

Presenting briefly the "Prüm" implementation process and the follow-up to the IMS action list as the two focal points of the DAPIX agenda on information exchange, the incoming Presidency stressed that no joint meetings were foreseen with the data protection part of DAPIX. However, technical advice would be requested on the proposal on cross-border information exchange on road safety related traffic offences, which is dealt with in the land transport working group.

As to "Prüm", the HU Presidency plans to submit either a Council Declaration or a Council Resolution for approval by the end of its Presidency. As to the calendar, sub-group meetings were scheduled on 11 February (VRD), 3 March (FP) and 14 March (DNA), plenary meetings on 13 April, 23 May and 22 June.

8. Any other business

No issue was raised.