

(Acts adopted under Title VI of the Treaty on European Union)

COUNCIL RESOLUTION

of 25 June 2001

on the exchange of DNA analysis results

(2001/C 187/01)

THE COUNCIL OF THE EUROPEAN UNION,

RECALLING the objectives of the Treaty on European Union;

BEARING IN MIND the protection of personal data as regulated by the Council of Europe Convention No 108 for the protection of individuals with regard to automatic processing of personal data (Strasbourg, 28 January 1981), Recommendation (87)15 of the Council of Europe Committee of Ministers regulating the use of personal data in the police sector, and, as appropriate, Recommendation (92)1 of 10 February 1992 of the Council of Europe Committee of Ministers on the use of DNA analysis within the framework of the criminal justice system;

RECALLING the Council Resolution of 9 June 1997 on the exchange of DNA analysis results ⁽¹⁾;

TAKING INTO ACCOUNT the work of the DNA Working group of the European network of forensic science institutes (ENFSI) on the harmonisation of the DNA markers and DNA technology, funded in the context of the STOP programme of the European Union pursuant to Council Joint Action 96/700/JHA of 29 November 1996 establishing an incentive and exchange programme for persons responsible for combating trade in human beings and the sexual exploitation of children ⁽²⁾;

CONSIDERING the existence of technical aspects associated with DNA investigation that must be taken into account in the development of cooperation activities;

CONSIDERING that DNA analysis has proved to be of significant value for the investigation of crime and that efficient exchange of DNA analysis results could be improved by the use of the same DNA markers;

CONVINCED that this exchange is essential to the fight against crime in a controlled, efficient and systematic way;

BEARING IN MIND that it is therefore appropriate to set out an initial minimum list of DNA markers used in forensic DNA analysis in Member States which could be used in the context of such exchange;

STRESSING that the exchange of DNA analysis results should only be carried out when there are reasons to believe that such

an exchange would provide relevant information in a criminal investigation,

HAS ADOPTED THIS RESOLUTION:

I. DEFINITIONS

1. 'DNA marker' means the locus in a molecule which typically contains different information as regards different individuals;
2. 'DNA analysis result' means a letter or a number code which is built up on the basis of analysing one or several loci in DNA and used for reporting. For example, DNA analysis result D3S1358 14-15, D21S11 28-30 means that the subject is type 14-15 as regards DNA marker D3S1358 and type 28-30 as regards DNA marker D21S11;
3. 'European standard set (ESS)' means the set of DNA markers listed in Annex 1;
4. 'ESS marker' means a DNA marker which is part of the European standard set (ESS); and
5. 'ESS analysis result' means a DNA analysis result built up using the abovementioned DNA markers which are part of the ESS.

II. FORENSIC DNA TECHNOLOGY

1. In forensic DNA analysis, Member States are invited to use at least the DNA markers listed in Annex I which form the ESS, in order to facilitate an exchange of DNA analysis results.
2. Member States are invited to build up ESS analysis results in accordance with scientifically tested and approved DNA technology based on studies carried out in the framework of the DNA Working group of the European network of forensic science institutes (ENFSI). Member States should be able to specify upon request the quality requirements and proficiency tests in use.

⁽¹⁾ OJ C 193, 24.6.1997, p. 2.

⁽²⁾ OJ L 322, 12.12.1996, p. 7.

III. EXCHANGE OF DNA ANALYSIS RESULTS

1. When exchanging DNA analysis results, Member States are urged to limit the DNA analysis results to chromosome zones containing no genetic expression, i.e. not known to provide information about specific hereditary characteristics.
2. The DNA-markers in Annex I are not known to contain information about specific hereditary characteristics. Should science develop in such a way that it can be determined that any of the DNA markers recommended in this resolution provide information on specific hereditary characteristics, Member States are recommended to no longer use that marker when exchanging DNA analysis results. Member States are also recommended to be prepared to delete DNA-analysis results, which they have received, if those DNA analysis results should prove to contain information on specific hereditary characteristics.
3. Member States are encouraged to use the form in Annex II, which is based on the standard already in use in other international organisations such as Interpol, for the exchange of results obtained through the ESS. Member States are urged to designate one contact point for this purpose.
4. In order to facilitate the exchange of DNA analysis results between Member States the possibility of transmission through electronic means should be considered.
5. The provisions in points 1 and 2 do not affect bilateral arrangements between Member States on the use of specific DNA markers, established in conformity with their national legislation.

ANNEX I

The European standard set (ESS) comprises the following DNA markers:

D3S1358

VWA

D8S1179

D21S11

D18S51

HUMTH01

FGA

ANNEX II

Forensic DNA profile exchange form

Requesting country:

Contact point:

Our reference:

Suspected crime:

The profile originates from: A person A crime stain

DNA profile

	Allel 1	Allel 2
D3S1358		
VWA		
D8S1179		
D21S11		
D18S51		
HUMTH0 1		
FGA		

	Allel 1	Allel 2

More information can be obtained from:

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Reply coupon

Respondent country:

Contact point:

Our reference:

Your reference:

Negative result:

DNA profile match: From a person From more than one person From a crime stain

	Allel 1	Allel 2
D3S1358		
VWA		
D8S1179		
D21S11		
D18S51		
HUMTH0 1		
FGA		

	Allel 1	Allel 2

More information can be obtained from:

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