



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 22 June 2011

11891/11

**JAI 438
DAPIX 69
CRIMORG 88
ENFOPOL 204**

OUTCOME OF PROCEEDINGS

of : Meeting of the Working Group on Information Exchange and Data Protection
(**DAPIX**)
on : 20 June 2011
Subject : Summary of discussions

1. Adoption of the agenda

The agenda was adopted as set out in doc. CM 3339/11 with an additional information point under AOB on the Prüm Mobile Competence Team (MCT).

2. Information from the Presidency

The Presidency informed briefly that

- the Conclusions on the implementation of the Prüm Council Decisions as well as the Decision on the launch of dactyloscopic data exchange with regard to France had been adopted by the Council on 9/10 June;
- the Decision on VRD exchange with regard to Slovenia would be adopted by the Council as an A item on 28 June;
- work on the Prüm "advisory pool" suggested by the Presidency had been suspended in consultation with DAPIX;

- the last outstanding problems on the scope of delegated acts and data protection issues with regard to the proposal on the Directive facilitating the cross-border exchange of information on road safety related traffic offences (CBE) were dealt with in trilogue.

3. Prüm Council Decisions

3.1 Implementation - *State of play*

The meeting took note of

- doc. 6077/4/11 REV 4 JAI 72 DAPIX 5 ENFOPOL 19 CRIMORG 6 setting out the state of play on the implementation of the Prüm provisions;
- the lists of national contact points concerning DNA, FP, VRD (see docs. DS 1163/3/11 REV 3, 1284/1/11 REV 1, 1132/3/11 REV 3) and the lists of national contact points concerning ME, CT, DPA (see docs. DS 1164/3/11 REV 3, 1165/2/11 REV 2, 1166/2/11 REV 2).

Changes made known to the GSC would be reflected in the next revised version of the document.

These lists are available on request at the GSC.

3.2 Organisation of evaluation visits regarding DNA and dactyloscopic data exchange

The meeting took note of

- the lists of experts participating in DNA, FP and VRD evaluation visits (see docs. DS 1124/3/11 REV 3 and 1272/11 1085/3/11 REV 3),
- the indicative calendar for evaluation visits as set out in doc. DS 1168/2/11 REV 2

Changes made known to the GSC would be reflected in the next revised version of these documents.

3.3 Ongoing Evaluation

(a) DNA

The meeting adopted

- the LV Declaration pursuant to Decision 2008/615/JHA, Art. 2(3), on national analysis files (see 10849/11 DAPIX 59 CRIMORG 76 ENFOPOL 178);
- the PT evaluation visit report, the overall report and the draft Council Decision on the launch of automated DNA data exchange (see doc. 11377/11 JAI 406 DAPIX 63 CRIMORG 84 ENFOPOL 194 ENFOCUSTOM 56, doc. 11378/11 JAI 407 DAPIX 64 CRIMORG 85 ENFOPOL 195 ENFOCUSTOM 57, doc. 11380/11 JAI 408 DAPIX 65 CRIMORG 86 ENFOPOL 196

ENFOCUSTOM 58). The latter draft Decision would be submitted to COREPER/Council for adoption as an I/A item at one of the next Council meetings.

(b) Data protection

The meeting adopted the HU reply to the questionnaire (see doc. 11288/11 DAPIX 61 CRIMORG 82 ENFOPOL 192). It was noted that amendments to the HU data protection legislation currently discussed by the HU Parliament would not affect the substance of the replies to this questionnaire.

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 1169/2/11 REV 2.

4.2 Action 6: Definition of interoperability

The AT delegation presented a status report. The timing for the drafting of the final report in cooperation with BE, PL, COM and Europol should allow for submitting the results to DAPIX in July or in September at the latest.

4.3 Action 9: Draft Product Management Framework for EU Information Management Tools supporting Law Enforcement

In the light of written comments received since the previous DAPIX meeting, the Europol delegate presented doc. 15002/3/10 REV 3 JAI 852 DAPIX 37 CRIMORG 179 ENFOPOL 287 ENFOCUSTOM 90 on the draft product management framework. He stressed that far from being a tool for information exchange in itself, the framework needed to be complemented by specific measures. Delegations requested further reflection time due to the short notice of the submission of the document and were invited to submit comments by 30 June to c2@europol.europa.eu and dapix@consilium.europa.eu so that Action 9 could be concluded at the next DAPIX meeting.

4.4 Preparation of Action List No 2

Delegations welcomed the outlines, and in particular the pragmatic aspects, of Action list No 2 (see doc. DS 1335/1/11 REV 1) as presented by the Presidency. FI, BE and SE supported the goal of achieving a practically orientated overview of Prüm post-hit procedures applied in MS. As to the proposed repository of publicly available sources of information for law enforcement agents, one delegation cautioned against creating new platforms or websites but suggested to connect a specific

IT tool to the info exchange platform for law enforcement agencies under construction within action 4 of IMS list No 1.

Delegations were invited to submit further comments to dapix@consilium.europa.eu and dapix.beu@kum.hu by 30 June at the latest order to allow for up-dating the list to be definitely adopted at the forthcoming DAPIX meeting.

4.5 *Infopolex Coordination Initiative*

Delegations welcomed the pragmatic approach of the Infopolex Coordination Initiative presented by the HU delegation (see doc. DS 1380/11). However, it was asked to avoid an overlapping with actions 1 (EIXM) and 10 (target info management architecture) of list No 1.

5. **Swedish Framework Decision - *Assessment of compliance***

The incoming Presidency presented a discussion paper (cf. doc. DS 1399/11) containing three key questions on the assessment of compliance with the provisions of SFD. The purpose of the paper was to prepare well in advance a structured debate at the next DAPIX meeting on Council Conclusions and a report pursuant to Art. 11(2) of the SFD to be tabled by the end of this year. One delegation had doubts on the added value of the discussion paper in view of the recent Commission publication on the SFD operation (cf. doc. 10316/11 GENVAL 56 ENFOPOL 155 COMIX 336 ENFOCUSTOM 47 COPEN 115 DAPIX 50).

6. **TRAFFICPOINT**

Delegations took note of the presentation by the HU delegation on the functioning and performance of the automated traffic ticketing application system TRAFFICPOINT used in HU.

7. **SIENA**

The key features of the Secure Information Exchange Network Application (SIENA) were presented by Europol. Europol underlined that with regard to specific information SIENA provided mechanisms to restrict access to user groups along competencies.

8. Travelling violent offenders

Delegations stressed the importance of the issue and welcomed the intention of the Commission to tender a study on possible ways to improve information exchange on travelling violent offenders. Since no legal definition of the term exists in any of the MS, one of the purposes of the study is to propose at least three definitions of the term. However, one delegation questioned the added value of such a category at all.

Upon the question whether the results of the study would be published in all EU official languages in order to facilitate the dissemination of the outcome, the Commission replied that for the time being only an EN publication was envisaged for 2012.

Delegations were invited to submit further comments to the Commission by 27 June 2011 at the latest.

One delegation urged to appropriately divide tasks on the file among Council working parties.

9. Presentation of the PL Presidency Program

The PL delegate outlined the agenda of the incoming Presidency aiming in particular at a Prüm post-deadline implementation report, a possible CBE follow-up and the assessment of compliance of MS with the SFD. A seminar on PCCC issues was envisaged for October. DAPIX plenary meetings were scheduled for 7 July, 22 September and 1 December, sub-group meetings for DNA on 14 July and 27 October, for FP on 15 July and 28 October, for VRD 9 September and 25 October.

10. AOB

The DE delegate informed about the Prüm MCT kick-off meeting in Wiesbaden on last 15/16 June. A detailed note on the project would be submitted to the forthcoming DAPIX meeting.