



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 13 October 2009

14418/09

ENFOPOL 248

OUTCOME OF PROCEEDINGS

of: Police Cooperation Working Party
on: 30 September 2009
Subject: Summary of discussions

1. Adoption of the agenda

The meeting adopted the agenda set out in CM 3723/1/09 REV 1 with the addition of an information point by the NL delegation under the item AOB.

2. Draft Council Framework Decision on the Accreditation of forensic service providers carrying out laboratory activities

The Presidency briefly informed the delegates about the current state of play of the consultation procedure on the above-mentioned draft Council Framework Decision and indicated that the European Parliament was expected to deliver its opinion by 26 November 2009. Following the outcome of the previous meeting, the Presidency decided to submit the scope (Art. 2) and the implementation period (Art. 7) of the Draft Council Framework Decision for further discussion to the Article 36 Committee meeting on 6-7 October 2009. These issues were therefore not discussed.

The outcome of the discussions on the Draft Council Framework Decision on Accreditation of Forensic Laboratory Activities is set out in doc. 12819/3/09 REV 3 JAI 546 ENFOPOL 203.

3. Exchange of DNA analysis results

The discussion of this point was postponed to the next PCWP meeting.

4. Commission Proposal for a Council Decision on requesting comparisons with EURODAC data by Member States' law enforcement purposes

Delegations had a first general exchange of views on the Commission proposal on requesting comparisons with EURODAC data by Member States' law enforcement purposes as set out in doc. 13322/09 ENFOPOL 213 EUROPOL 68 EURODAC 29.

A vast majority of delegations (AT, CZ, DE, DK, EE, EL, FI, HU, IT, LV, LT, SL, PT, PL, UK, SE, MT, NL) welcomed the proposal and expressed their support to it. BE indicated that, although significant progress had been made since the discussions on this issue in 2007 which resulted in Council Conclusions on access to Eurodac for law enforcement authorities, it continued to have serious concerns about this proposal. Various delegations introduced a scrutiny reservation (AT, BE, CY, CZ, EE, EL, FI, IR, LT, MT, NL, PT, SE, SI, SK, UK), and/or a Parliamentary reservation (DK, MT, NL, PL, SE, UK).

Some specific comments were made, in particular regarding Article 4 (some Member States wish to appoint more than one authority), 7 (the need to introduce some exceptions), 9 (both written and electronic communication) and 12 (CZ will submit some amendments).

The Presidency welcomed delegations' support for the proposal and concluded that a first reading of the articles will take place at the next PCWP meeting on 19 October 2009.

5. Profiling of drugs

The objectives, content and results of the project "Collaborative Harmonised Amphetamine Initiative (CHAIN)" which ran from November 2006 to November 2008 were presented. One of the recommendations of this project is the setting up of a sustainable European Drugs Profiling System (EDPS). An EDPS project was submitted to the Commission in March 2009 and was awarded in June 2009. 17 partners will participate. Delegates from non-participating countries were reassured that their authorities were welcome to contribute.

The Presidency presented its proposal for draft Council conclusions on a European system for forensic drug profiling as set out in doc 13696/09, inviting Europol to take the necessary measures for hosting a European Union Drug Profiling Database (EUDPB) from 2012 onwards. Appropriate funding for this new system is still to be identified.

FI expressed its general support to the proposal.

A Commission representative stated that, in general, the Commission supported the proposal. However, it still has a number of comments which will be submitted in writing i.a. regarding funding and adding a reference to the court scrutiny under point 4. It also outlined the importance of the coordination with the HDG. The Presidency assured that the HDG will be informed about the proposal at its next meeting in October.

A Europol representative indicated that the European system for forensic drug profiling should be accessible to all Member States by 2012, when Europol will inherit the EDPS project. It outlined that such a system should be law enforcement-driven, and that it should be integrated in the European database architecture. It also stressed the importance to secure the data in order to produce evidence, and pointed out that the system constitutes a part of law enforcement intelligence.

Delegations were invited to send their comments before 9 October 2009.

6. Any other business

The NL delegation informed the meeting about a future joint-operation Radar, a Police-Customs operation on drug control in sea containers. It asked the delegations to consider their possible contribution to this operation.

o
o o

The following documents were made available during the meeting:

- Extension of the European Standard Set of Loci (ESS) - PowerPoint presentation.
- The benefits of forensic drug profiling from a law enforcement perspective - PowerPoint presentation.
