



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 15 April 2009

8505/09

**JAI 201
CRIMORG 59
ENFOPOL 76**

OUTCOME OF PROCEEDINGS

of: Ad Hoc Group on Information Exchange (experts **DNA+ fingerprints**)
on: 31 March - 1 April 2009
Subject : Summary of discussions

1. Adoption of the agenda

The meeting approved the agenda as set out in document CM 1078/09.

2. Technical communication issues

The lead expert presented the outcome of the survey on expertise status at the Member States (CM 1076/09), to which 19 Member States replied, 16 filling in the form.

Four Member States affirmed to having started the implementation and 9 Member States declared that they would be able to conduct operations pursuant to Articles 3 and 4 of Council Decision 2008/615/JHA without organisational hindrances and/or limitations. Eleven Member States has already established their NCPs.

From the replies to the questions concerning the communication protocol, it was concluded that the (currently used) SMTP protocol in combination with sMIME was found satisfactory by a large majority of Member States and there was therefore no technical reason to switch to the HTTPs protocol. A review of the communication technology could be postponed to 2011.

3. Prüm evaluation procedures

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It was recalled that the Prüm evaluation will consist of three phases: a questionnaire to be filled in by the concerned Member State, a pilot run and an evaluation visit, on the basis of which the Council will decide if the Member State fulfils the conditions to start the data exchange.

For the first phase, a detailed questionnaire will have to be drafted, taking as a basis the questionnaire used for the Prüm Treaty implementation.

4. Current state of implementation of the exchange of dactyloscopic data

A tour de table was held concerning the national implementation of the exchange of dactyloscopic data. Several Member States (DE, LU, AT, SI) are operational albeit in varying degrees, some types of data not yet being exchanged with all other operational countries and tests continuing on specific items. Some other Member States are well advanced in national preparations and/or testing (ES, FR) but an important number of Member States is still in the process of examining business requirements and legal issues. However, the technical matters are often dealt with in parallel, including in many cases the upgrading of the national AFIS systems.

On the basis of a table prepared by the lead expert, Member States were asked to submit by the end of April a declaration as referred to in Article 18(2) to the General Secretariat of the Council concerning the maximum daily search capacities, both for dactyloscopic data of identified persons (fingerprint cards) and for dactyloscopic data of persons not yet identified (unsolved latents).

The leading expert also presented two interpretation issues that came up during the technical implementation.

The leading expert explained that both methods described in Article 2 (k) of Council Decision 2008/616/JHA (definition of “individual case”) to send search results to the requested member state are possible, *i.e.* either several candidates contained in one transmission or several transmissions with one candidate each. Therefore the national AFIS systems have to be ready to deal with both possibilities.

In addition, the definition to describe a possible candidate in the field 2.064 was presented. The leading expert explained that the value “I” for a possible candidate or latent image has to be set in the response file. The value “N” has to be set if the result of a fully automated AFIS search does not get any candidate.

Delegations were invited to contact the lead expert and/or experts from Member States that are already operational for any questions or assistance for the implementation. No next meeting for the fingerprint experts was currently scheduled but it would be organised when the need for it was apparent.

5. Current state of implementation of the DNA data exchange including IT, forensic and police functional issues

The lead expert provided a summary of the replies that were given to the survey set out in document CM 1076/09 concerning network availability, system availability and processing procedures, database systems and application servers, e-mail mechanisms and the practical preparations for the Prüm implementation.

A tour de table was held concerning the national implementation of the DNA data. Several Member States (DE, ES LU, NL, AT, SI) are operational albeit in varying degrees, where the modus operandi adopted by each Member State may vary. BE, PT, RO and FI reported that they were in the test phase or about to start these and all expected to be operational in 2009.

Other delegations informed that national legal issues are being examined and settled and that technical matters are being dealt with in parallel. This includes for some Member States the setting up of a national DNA database and for others the implementation of the newest version of the CODIS software (see point 7).

Delegations were reminded that procedures need to be put in place to enable a quick follow-up to a hit. LU regretted that the national police would still need a formal request for additional information before being able to transmit any data, due to the strict rules imposed by the judicial authorities.

The Commission was asked to assist in contacting the sTESTA provider to arrange the change of domain name.

The Council Secretariat reminded delegations to provide a declaration about which database they will make available pursuant to Article 2(3) of Council Decision 2008/615/JHA.

6. Summary of the deployment of CIRCA IUS DNA (Information and Utility Server) for DNA subgroup

The functionalities of the CIRCA IUS DNA server were presented and it was explained that this server hosts different kinds of documentation, including the relevant legal texts, different forms used during the Prüm implementation (see point 7), the matching software for the DNA exchange as developed by the AT and NL delegations, contact lists and certificates for test and production environment.

In order to get access to the server, delegations were invited to provide their contact points to the lead expert by 15 April.

7. Forensic issues

A discussion was held about the opportunity to adapt the inclusion and matching rules set out in Chapter I of the Annex to the 2008/616/JHA with a view to reducing the number of false positives candidates. It was stated that the chances of such false matches and the workload associated with them would increase with the amount of Member States exchanging data.

Not all delegations agreed that an adjustment of the matching software was operationally necessary to prevent adventitious matches, in particular 6 locus matches. Because such a change would require a full legislative procedure, it was generally agreed that these amendments would not be done in the short term.

However, it would be recommended that the national DNA experts of the requesting Member State carry out an additional verification on such possible matches before sending the result to the police and judicial authorities. A balance should be found between providing law enforcement authorities with investigative indications, which was the aim of the Prüm data exchange, and avoiding unnecessary work for and follow-up of false matches.

Opinions diverged also on the operational need to add a new type of wildcard so that there is currently no agreement on this proposed change.

8. DNA-related IT issues

- **IT statistics**
 - **Total number of HITs over total number of sent requests by each MS**

The lead expert presented the different customised forms used for the implementation under the Prüm Treaty (entry form, operation sheets, other test/operational related forms), which have proven to be very useful for the practical work and coordination in implementing the DNA exchange. The latest versions of these forms will be uploaded on the CIRCA IUS DNA server (see point 6).

A tour de table revealed that DE, LU and NL have a separate test environment that can be used at all times by Member States wishing to carry out tests. Some other Member States are in the process of setting up a test environment but most Member States are concentrating on developing the operational environment.

For carrying out the tests, the NL delegation has developed a pseudo test set. Several Member States confirmed that they would be using this for tests, others would (also) use anonymous genuine profiles.

The lead expert reported on the development of a Prüm-CODIS native interface, undertaken by Unisys and the FBI, which ensure that the Prüm capability (in accordance with Prüm 1.0 Specifications) will be included in version 7.0 of the CODIS software.

The requirements should be agreed upon by late April 2009, with the perspective of completing the system in autumn 2010.

The CODIS Prüm Interoperability Working Group (CPIWG) reviews the products to be developed and would participate in validation test. It was explained that some basic tests could be done via a secured link over the Internet. More extensive validation tests should be done over the sTESTA network by 2 Member States using CODIS.

It was agreed that relevant info would be sent to the US authorities on CDROM.

The NL delegation informed the group that a CODIS user meeting would be held on 22 April 2009, which was open to all delegations.

The proposals of the FR, NL and AT delegations on collecting statistics would be distributed with a view to examining them in depth for the next meeting.

9. Future developments of Chapter 1 of the Annex of Council Decision 2008/616/JHA

- **DNA related forensic issues, matching rules and algorithms**
- **Functional analysis**
- **DNA interface control document**
- **Application, security and communication architecture**

It was explained that all requests for amending Chapter I of the Annex of Council Decision 2008/616/JHA, i.e. the technical specifications for the DNA data exchange, which appear following the current practice, would be gathered with a view to a future amendment of the Council Decision that would encompass all necessary technical and operational requirements.

The implementation and management of such future changes should, at some point, be thoroughly examined.

Meanwhile, best practices that do not amend the Council Decision but complement the implementation rules set out therein could be agreed upon with a view to ensuring a uniform application of the Prüm Council Decisions by the Member States.

10. Any other business

The Presidency announced that the date for the future meeting would be communicated as soon as possible, following consultations between the chair of the Ad Hoc Working Group and the lead expert. It was stated that this would possibly be done two weeks before the formal meeting of the Ad Hoc Working Group on Information Exchange, which would be in the beginning of June.

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At the meeting the following working documents were made available:

- DNA Operation Sheet to prepare tests
- DNA Operation Sheet to conduct tasks in daily operations
- Summary report - Questionnaire on Expertise Status at EU Member States
- Summary of CODIS/ Prüm Initiative
- Search capacities for dactyloscopic data