OUTCOME OF PROCEEDINGS

of: Meeting of the Working Group on Information Exchange and Data Protection (DAPIX)
on: 11 January 2012
Subject: Summary of discussions

1. Adoption of the agenda

The agenda was adopted as set out in doc. CM 5900/1/11 REV 1.

2. Information from the Presidency

The meeting was informed about

- the report and the Conclusions adopted by the Council (JHA) on last 13/14 December;
- the Decisions on the launch of FP data exchange in the Netherlands and of DNA data exchange in the Czech Republic, expected to be adopted on 23 January;
- the format and schedule of upcoming DAPIX meetings with the participation of dedicated information exchange experts gathering in parallel break-out sessions;
- a "traditional" Prüm expert meeting being held with regard to VRD in the morning and DNA/FP in the afternoon of 7 March;
- the priorities of the Danish Presidency: establishing of SPOCs, exchange of SPOC staff for training purposes, improved information exchange with EUROJUST;
- a set of Council Conclusions on information exchange scheduled for 26/27 April with a first draft being submitted to DAPIX at 1 February;
- the invitation to the COPE conference in the Hague on 26/27 April being sent out in the course of January.

3. **Discussions on the way to improve efficient and simplified exchange of information**

- **Presentation from the Presidency regarding exchange of personnel**
  The Presidency informed about a 5-day visit to Germany in Nov/Dec 2011 with the purpose of getting acquainted with the daily work from their SIRENE communication partner's point of view. In order to animate a thorough discussion of the topic during a break-out session at 1 February, delegations were invited to submit comments (dapix@consilium.europa.eu) preferably by next 24 January on the idea of organising similar visits to other SPOCs.

- **Presentation from UK regarding Single Point of Contact**
  The UK delegation presented from a practitioner's point of view the daily work, benefits and challenges of the International Crime Bureau SPOC at SOCA (Serious Organised Crime Agency) which deals with requests via Interpol channels. Delegations welcomed the Presidency initiative of fostering the cooperation of SPOCs and suggested to consider former reflections on the issue. Discussions focused on the choice of communication and cooperation channels and the distinction between the "internal" dispatch function and the "external" receiver function of SPOCs. One delegation suggested to upgrade the work of SPOCs. However, concerns were voiced as to the implication of non-EU countries as this might compromise the confidence in information exchange inasmuch as the reliability of communication partners were not assured.
Presentation from EUROJUST regarding information exchange with EUROJUST
The DK member of Eurojust informed about cooperation structures in place to be explored for the benefit of law enforcement. He pointed out that very often simple information gaps as to the judicial components of law enforcement were to be dealt with. He recommended specific coordination meetings either in the Member States or at Eurojust premises in the Hague for which costs could be borne by Eurojust as an appropriate opportunity for cooperation. He also promoted the Joint Investigation Teams (JIT) for which Eurojust funding were available as an ideal framework of cooperation.

4. Information Management Strategy

4.1 Action list IMS II 1.7.2077-21.12.2012
The Presidency briefly presented the revised overview of activated/proposed actions set out in doc. DS 1429/3/11 REV 3 with regard to the second IMS action list.

4.2 Action 4: Info exchange platform (IXP) for law enforcement agencies
The meeting endorsed the overall IXP approach as well as the designed technical solution for a central communication web portal (see doc. 17749/11 JAI 889 DAPIX 165 CRIMORG 230 ENFOPOL 437 ENFOCUSTOM 157) which would be the outcome of the first of three IXP phases. Having opened the way for further work prior to the initiation of the first phase, in particular the assessment of its development and maintenance costs as well as of its security risks concerning the internet connection, DAPIX was looking forward to the forthcoming results.

4.3 Action 10: Target information management architecture
Reporting the outcome of discussions held the previous day on the division of tasks between stakeholders, the Europol delegate explained how overlaps would be avoided between action No 1 on the EIXM and action No 10 on the target information management architecture (see doc. 17748/11 JAI 888 DAPIX 164 CRIMORG 229 ENFOPOL 436 ENFOCUSTOM 156).
Whereas the Commission Communication on EIXM would identify crucial gaps of cross-border information exchange and recommend further steps to take, action no 10 would deliver the vision on information exchange as the aiming point for further developing information exchange.

The Commission and Europol envisaged to submit a detailed explanatory note on how to proceed to DAPIX on next 28 March.

5. **Prüm Council Decisions**

5.1 Implementation - *State of play*

Delegations took note of the Prüm overview set out in doc. 6077/10/11 REV 10 JAI 72 DAPIX 5 ENFOPOL 19 CRIMORG 6 as well as of the lists of national VRD and CT contact points (cf. docs. DS 1009/12 and DS 1010/12) and the list of experts concerning information exchange on DNA, FP, VRD (cf. doc. DS 1011/12). Delegations were invited to submit possible modifications to the General Secretariat via prum@consilium.europa.eu.

The AT delegate voiced concerns about the current level of implementation. He reminded delegations that the "Prüm Decisions" were a III pillar instrument with no infringement procedure possible at the time of its adoption, but that in the wake of the Lisbon Treaty the Commission was now in a position to start such procedures as of 1 January 2014. Therefore, the Council should not only be informed about progress made but also about implications in the case of a transposition failure.

As to the Prüm implementation report pursuant to Decision 2008/615/JHA, Art. 36(4), the Commission pointed out that it would consider to publish it simultaneously with the EIXM Communication and, possibly, the outcome of the feasibility study on EPRIS at the end of 2012 since the three issues were closely linked.

5.2 Organisation of evaluation visits

No modifications to the indicative calendar for evaluation visits as set out in doc. DS 1007/12 were notified. Delegations took note of the list of experts participating in evaluation visits (cf. docs. DS 1013/12 and DS 1012/12). Delegations were invited to submit possible modifications to the General Secretariat via prum@consilium.europa.eu.
5.3 Ongoing evaluation

(a) DNA

Estonia
Delegations took note of the EE reply to the questionnaire on DNA as set out in doc. 5079/12 DAPIX 2 CRIMORG 2 ENFOPOL 4.

(b) Data protection

Belgium
Delegations took note of the BE reply to the data protection questionnaire as set out in doc. 5078/12 DAPIX 1 CRIMORG 1 ENFOPOL 3.

5.4 France - Declaration on national DNA analysis files
Delegations took note of the FR notification as set out in doc. 18714/11 DAPIX 169 CRIMORG 247 ENFOPOL 473.

5.5 Prüm Statistics
Delegations were reminded to submit to the General Secretariat by 31 January 2012 (dapix@consilium.europa.eu) the figures on DNA and FP related data exchange for 2011 (cf. doc. 14103/1/11 REV 1 JAI 619 DAPIX 114 CRIMORG 145 ENFOPOL 300 and doc. 16891/11 JAI 830 DAPIX 147 CRIMORG 202 ENFOPOL 400).

Delegations agreed with the Presidency suggestion to thoroughly deal with the issues set out in doc. DS 1018/12 at the next DAPIX meeting. Prior to these discussions, one delegation suggested to consider pragmatic flexibility within the Prüm decision taking process in order to avoid that a formal problem emerged during an otherwise successful evaluation became a hindrance for the Council to adopt a decision on the launch of automated VRD exchange.
6. **Implementation of the Directive facilitating the cross-border exchange of information on road safety related traffic offences**

Delegations took note of doc. 17281/11 DAPIX 149 CRIMORG 810 ENFOPOL 406 TRANS 366 and agreed with the Presidency asking EUCARIS for a feasibility study on amendments necessary to adapt the Prüm VRD exchange mechanism to that of the Directive. Details should be discussed at VRD expert level on 7 March and by DAPIX on 28 March. Taking also into consideration the development costs, DAPIX should definitively decide on the launch of the project by the end of this Presidency.

The BE delegate reminded that the legal and functional differences as well as the technical arrangements had already been extensively presented by the EUCARIS Secretariat\(^1\) to VRD experts at 24 November 2011 and that EUCARIS was awaiting a reply to that. One delegate suggested to not only consider the legal and technical implementation but also to develop the business issues at stake on how to promote the use of the tool by investigators.

The BG delegate informed the meeting about a memorandum of the "Salzburg Forum" to be prepared by the end of the first semester 2012 about aiming at measures to enforce cross-border sanctions in the case of road safety related traffic offences.

7. **Any other business**

No issue was raised.

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\(^1\) (see doc. 17236/11 DAPIX 148 CRIMORG 209 ENFOPOL 405 TRANS 322)