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**DAPIX 134
CRIMORG 78
ENFOPOL 173
ENFOCUSTOM 98
JAI 329**

'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee (Part 2)/Council
No. prev. doc.:	13521/16
Subject:	Draft COUNCIL IMPLEMENTING DECISION on the automated data exchange with regard to dactyloscopic data in Latvia, and replacing Council Decision 2014/911/EU

1. By its judgment of 22 September 2016 in Joined Cases C-14/15 and C-116/15, the Court of Justice annulled Council Decision 2014/911/EU on the launch of automated data exchange with regard to dactyloscopic data in Latvia. Council Decision 2014/911/EU was adopted on the basis of Article 25(2) of the Prüm Decision and was consequently vitiated by two procedural defects, that is, on the one hand, a unanimity requirement for that Decision, and, on the other hand, a lack of consultation of the European Parliament. In that judgment, however, the Court maintained the effects of that Decision until the entry into force of a new act intended to replace it.
2. At its meeting on 18 October 2016, the Working Group on Information Exchange and Data Protection (DAPIX) approved the draft Council Implementing Decision, based on Article 33 of Council Decision 2008/615/JHA, on the automated data exchange with regard to dactyloscopic data in Latvia, and replacing Council Decision 2014/911/EU.

3. As required by the applicable Treaty provisions, the Council decided on 13 December 2016 to consult the European Parliament on the above draft Council Implementing Decision, as reviewed by the lawyer linguists and set out in 13521/16 JAI 855 DAPIX 181 CRIMORG 132 ENFOPOL 358 ENFOCUSTOM 167.
 4. The European Parliament gave its opinion on 5 April 2017.
 5. *On this basis, COREPER is requested to invite the Council to adopt as an "A" item on its agenda the draft Council Implementing Decision on the automated data exchange with regard to dactyloscopic data in Latvia, and replacing Council Decision 2014/911/EU, as set out in 13521/16 JAI 855 DAPIX 181 CRIMORG 132 ENFOPOL 358 ENFOCUSTOM 167.*
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