



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 2 July 2009

11123/09

**JAI 409
CRIMORG 99
ENFOPOL 176
ENFOCUSTOM 64
COMIX 512**

OUTCOME OF PROCEEDINGS

of :	Meeting of the Ad hoc Group on Information Exchange
on :	16 June 2009
Subject :	Summary of discussions

MIXED COMMITTEE

1. Adoption of the agenda

The meeting adopted the agenda set out in doc. CM 2331/09 with an additional information point under AOB requested by the Commission concerning the upcoming meeting on the "Swedish Framework Decision".

2. Forms for exchanging information pursuant to Council Framework Decision 2006/960/JHA on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the European Union

According to former discussions, delegations generally agree that the request form in Annex B of Framework Decision 2006/960/JHA is too complicated and impractical. It was stated that the Framework Decision contains an ambiguity with regard to the form in Annex B since Article 5(3) only makes the content mandatory whereas Annex B makes the use of the form mandatory.

The Council Legal Service confirmed that the use of Annex B is compulsory but that in order to facilitate further the exchange of information, Member States could, on a voluntary basis, accept and reply to requests not using Form B.

All requests, even those in an unstructured free-text format, shall at least contain the mandatory items as set out in the bulleted list of 10309/09.

On that basis, delegations agreed to the compromise proposed by the Presidency in doc. 10309/09 CRIMORG 87 ENFOPOL 150 ENFOCUSTOM 52 COMIX 445 subject to the

- clarification that the use of form other than set out in Annex B is on a voluntary basis;
- modification concerning the reference to Article 2(2) of Framework Decision 2002/584/JHA on the European Arrest Warrant set out in chapter II (Urgency) of the proposed request form;
- modification concerning the reference to using the information as evidence set out in chapter III (Purpose) of the proposed request form.

The content of 10309/09, as modified, will be included in the Guidelines on the implementation of the Framework Decision (doc. 8083/09).

3. Manual on information exchange

Delegations took note of the state of play as presented by the Secretariat General of the Council. Progress has not been made as planned but nearly all items have been compiled and comments from some delegations taken into account. Work on this issue will be continued and it is intended to report back in July or September.

4. AOB

The Commission informed about the forthcoming meeting on 19 June on the evaluation of the "Swedish Framework Decision". The agenda would focus on evaluation criteria and data collection for the purpose of evaluation. In this context, the Commission's representative reminded Member States that have not yet done so to reply to the evaluation questionnaire sent out before the meeting of 27 April and to notify the implementing legislation.

AD HOC WORKING PARTY

1. Adoption of the agenda

The meeting adopted the agenda as set out in doc. CM 2331/09.

2. Automated searching of DNA profiles, fingerprints and vehicle registration data pursuant to Council Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime

a) Report from the VRD experts meeting on 12 June 2009

Delegations took note of the oral report of the BE lead expert on the above-mentioned meeting. The VRD subgroup held a tour de table on the state of the implementation in the Member States of the EUCARIS/Prüm functionalities, discussed the evaluation procedure, took note of the list of VRD made available by Member States and examined further developments of the EUCARIS/Prüm functionalities (cf. doc. 11059/09).

Member States were invited to check the table set out in doc. DS 373/1/09 on the organisation of the evaluation regarding VRD exchange and send modifications to **dsoops@skynet.be** (with copy to **prum@consilium.europa.eu**) so as to update the table with the latest information. The next VRD meeting is aimed for September notably with a view to discussing the EUCARIS draft budget.

b) Maximum daily search capacities for dactyloscopic data

The Presidency invited Member States to complete the table set out in doc DS 366/09 with information on their maximum daily search capacities by 15 September 2009 via **prum@consilium.europa.eu** so as to incorporate it in the *Manual on information exchange*.

c) Organisation of and support for the implementation of the "Prüm Decisions"

Delegations took note of the table set out in doc DS 370/09 regarding DNA data and dactyloscopic data exchange. These tables being used as a basis for bilateral discussions among experts, Member States were invited to review them regularly and inform the SGC of possible modifications (via **prum@consilium.europa.eu**) so as to update them with the latest information available.

d) Evaluation procedure

Because of the late arrival of some of the questionnaires (doc. 6661/1/09 REV 1 ADD 1 to ADD 4) some Member States entered scrutiny reservations on the whole of the revised document. Other delegations made remarks and the Presidency invited all Member States to send (via **prum@consilium.europa.eu**) their comments in writing by 30 June 2009 with a view to finalising and agreeing these documents.

3. Proposal for an Information Management Strategy

Delegations took note of a first outline concerning the proposal for an Information Management Strategy (IMS) presented orally by the incoming Swedish Presidency. In order to be approved by the JHA Council of 30 November/1 December, the proposal would be submitted before the end of June and subsequently discussed at the forthcoming meetings of the Ad hoc Group on Information Exchange in July, September and October.

4. AOB

The incoming Swedish Presidency presented briefly its work programme. Informing about the meeting calendar, SE stressed the intention to dedicate the major part of the work to the IMS development. As for the "Prüm Decisions", SE voiced the expectation that outstanding issues will be clarified and reported to the group for further consideration.
