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JAI 59
DAPIX 18
CRIMORG 8
ENFOPOL 21

OUTCOME OF PROCEEDINGS

From: General Secretariat of the Council
On: 26 January 2016
To: Working Party on Information Exchange and Data Protection (DAPIX)
Subject: Summary of discussions

1. Adoption of the agenda

The agenda was adopted as set out in CM 1021/16.

2. Information from the Presidency

The Presidency informed the Working Party that:

- after consultation of the European Parliament, the Implementing Decision on the launch of VRD exchange in Latvia was ready for adoption,
- the draft recommendation for a Council Decision to authorise negotiations for the conclusion of agreements between the EU and CH and LI respectively on the access to the Prüm Decisions was examined by the Council Legal Service and would be submitted to COREPER/Council for adoption in the future,
- law enforcement information exchange had been one of the key topics on the agenda of the informal JHA Council in Amsterdam on 25 January 2016,

- the Presidency was continuing to monitor the implementation of the renewed Internal Security Strategy (ISS) and would submit the results to COSI for discussion in June,
- COSI would discuss in the near future the proposal for an expert group on the exchange of information on dangerous offenders (13680/1/15 REV 1 EJUSTICE 135 COPEN 296 DAPIX 195 ENFOPOL 331 GENVAL 66). The SE delegation suggested that it should be dealt with by DAPIX, namely as an IMS action lead by PL. PL added that the issue needed further inter-ministerial reflection at domestic level.

3. Information exchange developments, strengthening implementation and use of different systems - the focus of DAPIX

The Presidency opened discussions on how to enhance the efficiency of DAPIX in view of the challenges set out in 5180/16 JAI 20 DAPIX 5 ENFOPOL 9 ENFOCUSTOM 6 GENVAL 3 EJUSTICE 2 SIRIS 2 DROIPEN 3.

Delegations supported the FR view that information exchange had to cope with four main challenges, i.e. the quality of data, the exhaustiveness of the information exchanged, the immediacy of data exchange and the need of interoperability, and highlighted the difficulties in tackling these issues.

In the light of its legal and technical expertise, delegations considered DAPIX as the ideal Council Working Party to ensure an overall approach when it comes to law enforcement information exchange and data protection issues. It was stressed that in this context DAPIX should voice the concerns of the police with a view to matching legal and pragmatic arguments.

Therefore, the Working Party should be more implied in ongoing, relevant discussions within Council structures across the board and could play a coordinating or advising role.

Furthermore, it was underlined that in view of the needed operational compatibility of data exchange systems in use, DAPIX should search, in particular with regard to immigration issues, for solutions focused more on law enforcement and less on counter terrorism.

The Commission agreed with delegations and underlined that while defining the scope of DAPIX, Member States should avoid an overlapping of discussion in other working parties. The Commission recommended, in particular, to focus on the implementation and application of existing instruments and to enrich DAPIX discussions by systematically reporting the results of ongoing data exchange projects.

The euLISA delegate pointed out the pivotal role of DAPIX in view of the need for an overarching information exchange architecture from a business perspective.

The Presidency invited delegations to elaborate and submit their comments by 15 February 2015 with a view to continuing the discussions and to preparing conclusions over the next months.

4. Data Protection Directive - *state of play*

The Presidency briefly informed about the state of play on the data protection package, in particular with regard to details of the Data Protection Directive (15360/15 DATAPROTECT 239 JAI 1011 DAPIX 243 FREMP 304 COMIX 699 CODEC 1741).

5. Monitoring of the implementation of Council Framework Decision 2006/960/JHA (Swedish Framework Decision / SFD), and Council Decisions 2008/615/JHA and 2008/616/JHA ("Prüm Decisions")

The Commission informed about procedural details of the follow-up to unsatisfactory notification by the Member States of the implementation of the SFD and the Prüm Decisions.

6. Prüm implementation and daily application - obstacles

In view of the benefits of fully implementing the Prüm Decisions, and, in particular, the anecdotal examples of investigations brought forward and set out in the UK business and implementation case referred to in 5295/16 DAPIX 7, the Presidency invited delegations to exchange views on difficulties hampering an effective use of the Prüm instrument.

Delegations reported problems, which were perceived as slowing down the data exchange, of either legal nature as to the post hit procedures, technical issues as to automated data exchange or internal organisational issues. Solutions to all these problems were searched for at national level. The need to increase awareness at operational level on the potential of the Prüm data exchange was reported across the board.

The Presidency invited delegations to submit further comments by 15 February 2016.

7. Prüm Council Decision

7.1 Implementation - *state of play*

Delegations took note of the review on the Prüm implementation (5017/16 JAI 2 DAPIX 1 ENFOPOL 3 CRIMORG 1) and were invited to regularly submit to the GSC updates on their situation in order to ensure the reliability of this review.

The UK delegate informed that on 22 January 2016 the UK had officially notified its decision to re-join the "Prüm Decisions" (see 5650/16 JAI 65 DAPIX 19 ENFOPOL 24 ENFOCUSTOM 13).

7.2 Declarations in accordance with Council Decision 2008/615/JHA, Art. 36(2)

Delegations took note of the declarations of

- ***Poland*** (14362/15 DAPIX 214 CRIMORG 111 ENFOPOL 359); and
- ***Sweden*** (15388/15 DAPIX 246 CRIMORG 130 ENFOPOL 425).

7.3 Organisation of evaluation visits - indicative calendar

The meeting took note of the indicative calendar for 2016.

7.4 Prüm statistics and reports on automated data exchange 2015

Delegations were reminded to submit by 29 January 2016 their DNA and FP statistics by filling in the forms in CM 1023/15, CM 1025/16 so that the overall statistics (5129/16 JAI 9 DAPIX 2 CRIMORG 3 ENFOPOL 5) could be prepared for the incoming meeting.

8. Information Management Strategy (IMS)

8.1 Information Exchange Manual - *update*

Delegations were invited to carefully check their contact details set out in the manual (7779/1/15 REV 1 DAPIX 54 ENFOPOL 82 COMIX 160 JAI 284 ENFOCUSTOM 35 CRIMORG 45 SCHENGEN 18 VISA 180 SIRIS 37 COPEN 154 ASIM 38 FRONT 125) and submit possible changes by 29 January 2016 at the latest. They were reminded that this document would be updated only twice a year and informed that the updated version of the manual would be published in all official languages.

8.2 Renewed Information Management Strategy - Draft 5th Action List

With a view to establishing a 5th action list, the Presidency invited delegations to discuss the issue on the basis of the overview on current and suggested new actions (5175/16 JAI 18 CATS 1 DAPIX 4 ASIM 3 JURINFO 1, and to submit further comments or drafting suggestions on the proposed actions set out below by 19 February 2016.

Action 1: SPOC training scheme

The IT delegate underlined the importance of a comprehensive training scheme for Single Points of Contact (SPOC) for cross-border law enforcement information exchange. To that end, a repository of common workflow requirements should be established as well as a format to regularly gather SPOC staff. The action should last over a period of 30 months and start in the last quarter of 2016. However, the implementation of the action would require Commission funding which was not yet assured. The Presidency invited the IT delegate to submit by 19 February 2016 a reference document setting out the details of the planned action.

Action 2: Automation of Data Exchange Processes (ADEP) - *state of play*

The FR and DE delegations reported on progress made and further prospects of the action which aims at saving resources whilst maintaining national sovereignty over data.

- The FR delegate outlined the Brussels Convention of 4 December 2015 between six Member States and Europol on an ADEP pilot project. The purposes of the pilot should be reached at the end of 2017 after a two years experimentation period and DAPIX would be regularly informed about the state of play.
- The DE delegation informed about the ADEP concept approved in 2015 and the goals of the current project, that is proofing the technical feasibility of the ADEP concept in real environments, clarifying the legal and organisational / business requirements, and preparing decisions processes for the implementation.

BE considered legal issues as the main stumbling block for participating in the project and questioned the added value of ADEP compared to the centralised, already existing Europol Information System (EIS). EE asked about the similarities between ADEP and the FIU (Financial Information Unit) system. Europol explained that ADEP would be developed in complementarity with existing systems. The Commission reiterated its support for the project from different point of views and informed that the decision on the funding of the project has not yet been made. The Presidency invited FR to update the project information set out in 5175/16.

Action 3: Infopolex

The HU delegation suggested to suspend the Infopolex coordination initiative until the problem of funding would be solved. The Presidency explained that in view of setting up a clear cut action list, this initiative should only figure on the list if the outlines are defined by a solid reference document.

The HU delegate took the opportunity to propose the PNR (Passenger Name Record) data exchange project as an IMS action and promised to set out details of the project, in which RO, BG, ES, LT PT and Europol had already shown their interest, at the forthcoming DAPIX meeting. The Presidency invited HU to submit details in writing.

Action 5: Universal Message Format -UMF 3 - *state of play*

The DE delegate informed that the ISF 2014 funded action had started officially on 1 November 2015. The action managed by the UMF 3 project group under the auspices of the Bundeskriminalamt would aim within a period of 30 months at:

- the fine-tuning of UMF, exemplarily launched concerning Europol's "firearms" database,
- a governance model for the roll out and further implementation of UMF,
- the possibility of web based real time and simultaneous queries of both Europol and national databases by developing appropriate software within the framework of six pilots in which EE, FI, GR PL and ES participate.

Delegations were informed that the invitation to the kick off meeting to be organised in The Hague in mid March 2016 would be sent out in the near future. The Presidency invited DE to update where necessary the information set out in 5175/16.

Action 6: Prüm post-hit procedures - state of play and proposed next steps

The FI delegate summarised the outcome of the project so far and explained how it could be continued. To that end, she referred to the draft questionnaire set out in 5196/16 DAPIX 6, on which delegations were invited to comment. The Presidency invited delegations to submit comments on the paper in writing.

Action 7: Police and Customs Cooperation Centres (PCCCs) - European Dimension

BE presented a proposal (5131/16 DAPIX 3 ENFOPOL 6 CRIMORG 4 ENFOCUSTOM 5) for further enhancing the European dimension of PCCCs which was met with support by RO and FR, in particular with regard to the use of SIENA. The Presidency invited delegations to submit further comments on the proposal.

9. Dutch initiative on Missing Persons - *state of play*

The Presidency informed about the follow-up to Member States' replies to the questionnaires sent out the previous year. Whereas strand 1 and 2 would be dealt with by the SIS/SIRENE Working Party, strand 3 and 4 on citizens' assistance and on strengthening the use of Interpol instruments would be discussed within DAPIX. The Presidency promised to inform and consult each working parties as far as necessary. As to the idea to create a network, the suggestion to build upon the experience of the European network on fugitive active search (ENFAST) was met with divergent views.

10. Any other business

No issue was raised under this point.
