



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 11 April 2013

8240/13

**JAI 263
DAPIX 67
CRIMORG 55
ENFOPOL 100
ENFOCUSTOM 57
TRANS 142**

OUTCOME OF PROCEEDINGS

of : Meeting of the Working Group on Information Exchange and Data Protection
(DAPIX)
on : 27 March 2013
Subject : Summary of discussions

1. Adoption of the agenda

The agenda was adopted as set out in doc. CM 1902/13 with the addition of an information point under AOB on the access to VIS for national LEAs and Europol.

2. Information from the Presidency

The Presidency briefed on discussions held in the DNA/FP and VRD expert groups on 27 and 28 February respectively and on work on-going in the data protection part of DAPIX.

3. Draft Council Conclusions on strengthening cross-border information exchange in the area of law enforcement

The meeting discussed the draft "Council Conclusions following the Commission Communication on the European Information Exchange Model (EIXM)" (doc.7226/13 JAI 192 DAPIX 53 CRIMORG 39 ENFOCUSTOM 41 ENFOPOL 70).

The meeting agreed on noting that the EIXM Communication focused on the mapping of the status quo of information exchange underlining that no gaps in terms of legal instruments exist but full implementation of these instruments at national level is needed.

Next to the question how to organise a national SPOC and which performance could be expected from a SPOC, the debate focused on the topic of the choice of information channels. In this context, the meeting echoed discussions on a pragmatic information exchange manual held ahead of the meeting at the Infopolex seminar in Budapest. Several delegations advocated for a more nuanced consideration of SIENA as the default information channel and underlined that choosing the appropriate channel should remain a prerogative of the operational and national level.

It was, however, warned not to overcharge the communication capacity with Interpol if I-24/7 would be the successor of SISNET mail for the SIRENE Bureaux. In view of the imminent closure of the SISNET mail, the CZ delegation suggested to fall back on the sTESTA mail service system as long as no alternative secured email instrument was available to ensure free text communication between the SIRENE Bureaux. The Commission's suggestion to acknowledge the role of SIRENE was not met by consensus.

A number of scrutiny reservations were made since the internal consultation process in several MS was not yet finished. Delegations were invited to submit comments on the revised draft Council Conclusions (doc. 7226/1/13 REV 1) by 12 April.

4. Information Management Strategy / 3rd IMS action list

The overview of activated / proposed actions set out in doc. DS 1024/1/13 REV 1 was amended.

- Action 2: ADEP: Automation of the data exchange process

The FI delegate briefed on the state of play of ADEP aiming to automate the initial phase of the data exchange process. At this stage, expert discussions within the action group focussed on how to remain within the existing technical and, in particular regarding data protection issues when defining the search criteria, legal framework. A roadmap setting out guidelines and timetables was promised for the next DAPIX meeting.

On the IT delegation's renewed objection against the action, the Presidency invited delegations to wait for a more concrete proposal which would allow a substantial assessment of the project.

- Action 3: Infopolex Coordination Initiative

The HU delegate briefed on the Infopolex Conference in Budapest on 19-21 March 2013. The conference asked experts from the strategic and operational level for active participation in three workshops which focused on pragmatic aspects of SPOCs, the need and use of an information exchange manual and the role of Europol in information exchange. A detailed description of the outcome of the seminar would be submitted shortly.

- Action 4: Information Exchange Platform for Law Enforcement Agencies

High level solution definition for the IXP

The Europol delegate presented progress made on the IXP action set out in doc. 7840/13 JAI 236 DAPIX 60 CRIMORG 47 ENFOPOL 86 ENFOCUSTOM 49 focussing on governance and funding aspects for the first IXP implementation phase, and the practical advantages of the IXP (doc. 7819/13 JAI 233 DAPIX 57 CRIMORG 44 ENFOPOL 83 ENFOCUSTOM 46).

The Commission welcomed the work done by Europol so far and asked for the concrete business requirements of the end user which would definitely allow the assessment of the project and in which EU-LISA should be involved.

In reply to the BE delegation, the Europol delegate suggested that the reference to PCCCs within the IXP action should be discussed by the working group. The delegate explained as well that it would be redundant to add DAPIX to the numerous expert groups responsible for upgrading SIENA but that its consultation was considered useful.

The Presidency concluded that a regular update of DAPIX on that matter would be highly appreciated and invited delegations to comment in writing on the IXP documents by 10 April.

- Action 10: Target Information Management Architecture

Subsequent to the removal of references to PCCCs within the target information architecture, the meeting endorsed doc. 7903/13 JAI 238 DAPIX 61 CRIMORG 48 ENFOPOL 89 ENFOCUSTOM 50 and closed action 10 of the 2nd IMS action list.

5. Prüm Council Decisions

5.1 Implementation - *State of play*

The meeting took note of doc. 5074/2/13 REV 2 JAI 6 DAPIX 1 ENFOPOL 1 CRIMORG 1.

5.1.1 Organisation of evaluation visits

- Indicative calendar for evaluation visits

With regard to the schedule set out in doc. DS 1022/2/13 REV 2, CY would indicate the new date for the VRD evaluation visit as soon as possible.

- List of experts

The meeting took note of the update concerning information exchange experts (doc. DS 1191/13).

5.1.2 Report on MCT / Europol Prüm helpdesk activities - Oral presentations

The MCT delegate promised a comprehensive report for the next DAPIX meeting.

The Europol delegate briefed about the successful upgrade of the DNA software regarding the five new ESS loci, and progress made regarding the Prüm follow-up UMF form on which subject a workshop would be organised at Europol on 28 April.

5.2 Evaluation procedure for implementing the data exchange provisions pursuant to Council Decisions 2008/615/JHA and 2008/616/JHA (Prüm Decisions)

- *Questionnaire on exchange of DNA data*

Delegations approved the amendment to the questionnaire on DNA data exchange and endorsed doc. 6661/1/09 REV 1 ADD 2 REV 2 CRIMORG 25 ENFOPOL 39.

5.3 On-going evaluation

Bulgaria / VRD

Subject to general scrutiny reservations from SI and SE on which they were asked to react by 10 April, the meeting approved the evaluation visit report (doc. 7940/13 JAI 242 DAPIX 62 CRIMORG 50 ENFOPOL 91 ENFOCUSTOM 51) as well as the overall evaluation report (doc. 7941/13 JAI 243 DAPIX 63 CRIMORG 51 ENFOPOL 92 ENFOCUSTOM 52) with a view to submitting the latter document together with the draft Council Decision (doc. 7942/13 JAI 244 DAPIX 64 CRIMORG 52 ENFOPOL 93 ENFOCUSTOM 53) to COREPER/Council for adoption.

Romania / Fingerprints

The meeting approved the evaluation visit report (doc. 7765/13 JAI 226 DAPIX 56 CRIMORG 42 ENFOPOL 81 ENFOCUSTOM 45) as well as the overall evaluation report (doc. 7824/13 JAI 234 DAPIX 58 CRIMORG 45 ENFOPOL 84 ENFOCUSTOM 47) with a view to submitting the latter document together with the draft Council Decision (doc. 7826/13 JAI 234 DAPIX 58 CRIMORG 45 ENFOPOL 84 ENFOCUSTOM 47) to COREPER/Council for adoption.

5.4 Statistics and reports on automated data exchange for 2012

The meeting took note of doc. 7146/13 JAI 188 DAPIX 52 CRIMORG 38 ENFOPOL 69.

Delegations were invited to submit still outstanding statistics by 17 April.

6. Implementation of Directive 2011/82/EU facilitating the cross-border exchange of information on road safety related traffic offences ("CBE" Directive)

- Approval of specifications / way forward

The meeting discussed doc. 5416/2/13 REV 2 DAPIX 4 CRIMORG 4 ENFOPOL 11 TRANS 12 setting out the EUCARIS CBE functionalities. Due to the late arrival of the note and given the reservations from DE, FI and NL, delegations were invited to submit their comments on the amended note by 10 April.

7. Any other business

On the question of SE on the state of play of the Council Decision fixing the date of access for LEAs and Europol to the Visa Information System (VIS), the meeting was informed that the Commission had submitted on 26 March the letter requested by Art. 18(2) of Council Decision 2008/633/JHA, and that accordingly the relevant working party (LEWP) would draft the VIS Decision.