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NOTE

from: Presidency
to: Ad hoc Group on Information Exchange

No. prev. doc.: 17238/09 CRIMORG 182 ENFOPOL 312 ENFOCUSTOM 139

Subject: Implementation of the provisions on information exchange of the "Prüm Decisions"
- overview of documents and procedures
- overview of declarations
- state of play of implementation of automated data exchange

1. Introduction and content of the document

The provisions of the "Prüm Decisions"¹ relating to information exchange concern

- supply of information relating to major events and in order to prevent terrorist offences
- automated searching of DNA profiles, dactyloscopic data and vehicle registration data (VRD)
- data protection.

Member States had to comply with the first and last category of provisions by 26 August 2009 and will have to comply with the automated searching provisions by 26 August 2011 at the latest. In order to do so, a number of formal requirements have to be fulfilled, next to the technical implementation.

¹ Council Decision 2008/615/JHA and 2008/616/JHA, published in OJ L 210 of 6.8.2008, p. 1 and 12.

The current document aims to provide

- a brief overview of the formalities to be complied with, the related documents and procedures
- an overview of the declarations made by Member States pursuant to the relevant provisions of the Prüm Decisions
- the state of play of implementation of the automated data exchange of DNA, fingerprint and vehicle registration data (VRD)

2. Documents and procedures

2.1 Declarations / notifications

Delegations have to provide a number of declarations and notifications to the Council Secretariat.

Contact points:

- for the automated searching of DNA profiles (Article 6(1) of Council Decision 2008/615/JHA)
- for the automated searching of dactyloscopic data (Article 11(1) of Council Decision 2008/615/JHA)
- for the automated searching of VRD (Article 12(2) of Council Decision 2008/615/JHA)
- for exchange of information on major events (Article 15 of Council Decision 2008/615/JHA)
- for exchange of information to prevent terrorist offences (Article 16(3) of Council Decision 2008/615/JHA)
- of data protection authorities (Article 19 of Council Decision 2008/616/JHA)

This information should be provided to the Council Secretariat by mail to

prum@consilium.europa.eu. Annex 1 indicates which Member States have already provided this information.

List of national DNA analysis files

Pursuant to Article 2(3) of Council Decision 2008/615/JHA, each Member State must inform the Council Secretariat of the national DNA analysis files to which Articles 2 and 6 apply and the conditions for automated searching as referred to in Article 3(1).

The information must be sent to the Council Secretariat by an official letter of the Permanent Representation.

Annex 1 indicates which Member States have submitted this declaration and in which official Council documents these are issued. As they are public documents, they can be obtained from the Council website.

Maximum search capacities for dactyloscopic data

Pursuant to Article 13 of Council Decision 2008/616/JHA, each Member State must inform the Council Secretariat by mail (prum@consilium.europa.eu) of the maximum search capacities per day for dactyloscopic data of identified persons and for dactyloscopic data of persons not yet identified.

Document 5860/5/10 REV 5 JAI 92 CRIMORG 16 ENFOPOL 29 compiles this information and is the basis on which Member States' experts decide on the mutually agreed capacities. As it is a public document, it can be obtained from the Council website.

Readiness to apply

According to Article 36(2) of Council Decision 2008/615/JHA, Member States shall notify to the General Secretariat of the Council and the Commission the legal implementation of the Prüm Decisions and to apply the Decision immediately in its relations with Member States which have given the same notification.

This notification must be sent to the Council Secretariat by an official letter of the Permanent Representation.

Annex 1 indicates which Member States have submitted this declaration and in which official Council documents these are issued. As they are public documents, they can be obtained from the Council website.

Data protection requirements

Prior to any processing of personal data and to evaluating the implementation of chapter 2 provisions, Member States have to guarantee the level of data protection and comply with all standards and procedures required by Chapter 6 of Council Decision 2008/615/JHA.

To this end, they have to fill in the questionnaire set out in document 6661/1/09 REV 1 ADD 1 REV 1 CRIMORG 25 ENFOPOL 39 and send it to prum@consilium.europa.eu.

Annex 2 indicates which Member States have replied to the data protection questionnaire and in which official Council documents these are issued.

2.2 Implementation of the automated data exchanges

Member States should regularly report on the national state of play of the implementation (legal and technical) of the automated data exchanges.

To that end, they should update the tables set out in annex 3 regarding DNA, annex 4 regarding fingerprints and annex 5 regarding VRD by sending a mail to prum@consilium.europa.eu.

Member States shall make sure that they implement the technical specifications as set out in Council Decision 2008/616/JHA (OJ L OJ L 210 of 6.8.2008, p. 12), notably by

- ensuring that the relevant national databases are made available
- using TESTA II as the network for the data exchange
- for the VRD exchange, using a version of the Eucaris software.

Member States that are already operational should act as “supporting partners” to Member States that are not yet operational with a view to:

- organising the technical support,
- helping the respective MS to meet the technical requirements,
- carrying out the pilot run,
- providing at least one expert to lead and/or participate in evaluation visits.

The choice of a supporting partner is done on the basis of bilateral contacts. Member States requiring the contact details from relevant experts in the other Member States can consult the contact lists issued by the Council Secretariat (prum@consilium.europa.eu).

Advice can also be sought from the respective lead experts:

- DNA: Dr. C.P. van der Beek MBA, k.v.d.beek@nfi.minjus.nl
- Fingerprints: it05@bka.bund.de , for the attention of Mr Gerd Hardt
- VRD: dsoops@skynet.be , for the attention of Mr Pierre Lebrun

For VRD, in case of technical problems, IT management, etc., contact with Eucaris can be made via secretariat@eucaris.net.

2.3 Evaluation procedure

Before a Member State can start the operational automated searching of any of the categories, it should pass an evaluation procedure², the details of which are set out in document 6661/2/09 REV 2 CRIMORG 25 ENFOPOL 39³ as amended by doc. 10149/10 JAI 463 CRIMORG 103 ENFOPOL 145 ENFOCUSTOM 43.

Detailed descriptions of the evaluation procedures are set out for

- DNA data in document 11899/2/10 REV 2 DAPIX 8 CRIMORG 141 ENFOPOL 203
- dactyloscopic data in document 11898/2/10 REV 2 DAPIX 7 CRIMORG 140 ENFOPOL 202
- VRD in document 6661/1/09 REV 1 ADD 5.

In summary, the procedure consists of a questionnaire, a pilot run and an evaluation visit.

The data protection questionnaire should be filled in before any evaluation procedure starts. (cf. annex 2)

The evaluation procedure is started when the Member State fills in the **questionnaire** related to the data category for which it wishes to start the implementation and sends this to the Council Secretariat (prum@consilium.europa.eu).

² Article 20 of Council Decision 2008/616/JHA

³ This evaluation procedure applies as from 13 October 2009 to any Member State wishing to start a data exchange pursuant to the Prüm Decisions (cf. doc. 13919/1/09 REV 1 CRIMORG 136 ENFOPOL 233) without prejudice to Article 25(3) of Council Decision 2008/615/JHA. Until then, Member States implemented the Prüm exchange of DNA, dactyloscopic and VRD pursuant to the Prüm Treaty. The latest decision in this regard ("7th Decision of the Committee of Ministers") is of 9 October 2009.

The questionnaires are set out in the following documents:

- DNA: 6661/1/09 REV 1 ADD 2
- dactyloscopic data: 6661/1/09 REV 1 ADD 3
- VRD: 6661/1/09 REV 1 ADD 4 REV 1

Annexes 3 to 5 will reflect which Member States have replied to which questionnaires and in which official Council documents these replies are issued.

By this time, all the relevant declarations and notifications must also have been sent. (cf. point 2.1 and annex 1 of current document)

The **pilot run** and **evaluation visit** must be organised in close cooperation with the supporting Member State and the lead expert. Information thereon must be sent regularly to the Council Secretariat (prum@consilium.europa.eu) with a view to updating annexes 3 to 5 to the current document so that a general planning and overview can be kept.

Once the pilot run and evaluation visit have been done, the **evaluation report** shall be submitted to the Council so that the **Council** can take a **decision** that the Member State can start the operational data exchange. This will be indicated in the annexes 3 to 5, including the reference of the relevant Council document(s).

3. Obligations for operational Member States

As soon as Member States become operational, they should participate in the work as supporting partner for non-operational Member States. In this context, they should send the name of (an) expert(s) who can participate in the evaluation visits to the Council Secretariat (prum@consilium.europa.eu).

Member States shall compile statistics on the results of the automated data exchange in accordance with the agreed models for DNA (to be defined), dactyloscopic data (doc. 10471/1/10 REV 1 JAI 501 DAPIX 30 CRIMORG 109 ENFOPOL 151) and VRD (doc. 13837/10 JAI 755 DAPIX 18 CRIMORG 159 ENFOPOL 251 ENFOCUSTOM 77). Member States shall forward the statistics and further information on the administrative, technical and financial implementation to the Council Secretariat (prum@consilium.europa.eu).

Declarations and notifications by Member States

MS	Art. 6(1) (DNA) ncp DS 1104/10	Art. 11(1) Fingerprints ncp DS 1105/10	Art. 12(2) VRD ncp DS 1154/10	Art. 15 Major events ncp DS 1106/10	Art. 16 CT ncp DS 1107/10	Art. 19/616 DPA DS 1109/10	Art. 2(3) DNA files ST DOC	Art. 36(2) implementation ST DOC
BE	X	X	X	X	X	X		
BG	X	X	X	X	X	X		
CZ ⁴	X	X		X	X			
DK	X	X	X					
DE	X	X	X	X	X	X		
EE	X	X	X	X	X	X		
IE	X	X	X					
EL		X						
ES	X	X	X	X	X		6946/10	
FR	X	X	X	X	X			
IT	X	X	X	X				
CY			X	X	X	X		
LV	X	X		X	X	X		
LT	X	X	X	X	X	X		
LU	X	X	X	X	X	X	13449/10	13449/10
HU	X	X	X			X		
MT	X	X	X					
NL	X	X	X	X	X	X		
AT	X	X	X	X	X	X	5864/10 ADD 1	5864/10

⁴ Not yet definite NCP, but contact details of services concerned with Prüm implementation

PL	X	X		X	X	X		
PT	X	X	X					
RO	X	X	X	X	X	X		
SI	X	X	X			X		
SK	X	X	X	X	X	X	14459/10	
FI	X	X	X			X		
SE⁵				X		X		
UK			X					

⁵ Appointment of NCPs according Art 6, 11, 12 subject to completion of legal implementation of Prüm Council Decisions by 1 July 2011

Replies to the data protection questionnaire (doc. 6661/1/09 REV 1 ADD1 REV 1)

MS	Document	date
BE	<i>reply to provisional version</i>	
BG	9021/10	10 May 2010
CZ		
DK		
DE	not applicable (cf. 2008/615/JHA, Art. 25(3))	
EE	preliminary reply	
EL		
ES	not applicable (cf. 2008/615/JHA, Art. 25(3))	
FR		
IE		
IT		
CY	7263/10	26 March 2010
LV	6406/10	17 February 2010
LT		
LU	not applicable (cf. 2008/615/JHA, Art. 25(3))	
HU		
MT		
NL		
AT	not applicable (cf. 2008/615/JHA, Art. 25(3))	
PL	6675/10	22 February 2010
PT		
RO	11714/10	06 July 2010
SI	11712/10	02 July 2010
SK	7549/10	31 March 2010
FI	6671/10	26 February 2010
SE		
UK	<i>reply to provisional version</i>	

STATE OF PLAY: DNA -

Operational Member States are indicated in italic.

Regular updates of the table should be sent to prum@consilium.europa.eu

MS	Implementation			Evaluation						Observation
	legal	technical	supporting MS	Questionnaire	Pilot run	Visit	Evaluation report	Team ¹	Council Decision	
BE	new legislation to be published in March 2011	Test runs with NL, AT and LU		X	X	Spring 2011		NL LU ...		operational spring 2011
<i>BG</i>		<i>Operational with SI</i>								<i>Prüm Treaty</i>
CZ		Reorganisation of DNA unit pending, ongoing technical and logistic preparations, waiting for new CODIS								
DK		preparations ongoing						DE ...		
<i>DE</i>	<i>completed in June 2009 on federal level</i>	<i>Operational with AT, SI, LU, ES, NL</i>								<i>Prüm Treaty</i>
EE		preparations in 2010 , waiting for new CODIS		preliminary						operational spring 2011
EL	completed	ongoing in 2010								

¹ Lead MS in bold

MS	Implementation			Evaluation						Observation
	legal	technical	supporting MS	Questionnaire	Pilot run	Visit	Evaluation report	Team ¹	Council Decision	
ES		<i>Operational with DE, AT, LU, SI, FR, NL</i>								<i>Prüm Treaty</i>
FR		<i>Operational with ES, NL, AT, LU</i>								<i>Prüm Treaty</i>
IE	Legislation to be published shortly	Preparations to commence in 2010 NCP not yet appointed, no database yet applicable waiting for CODIS-Prüm, test start probably spring 2011								operational summer 2011
IT	accomplished	technical groups start working on workflow, waiting for CODIS								
CY	discussions ongoing	final stage of tender process, contract foreseen April 2010 technical implementation ready in 2010, then start tests	AT					AT		
LV		preparations ongoing								
LT		NCP appointed sTESTA installation ongoing software testing ongoing tests foreseen for 2nd half 2010								
LU		<i>Operational with AT, DE, ES, NL, SI, FR</i>								<i>Prüm Treaty</i>
HU	Prüm Treaty ratified Council Decisions not yet implemented	Ready to start technical cooperation with AT, with NL in summer 2010 call for tenders: beginning of 2010	AT					AT SI		
MT	discussions ongoing	Preparing to issue tenders for hardware and software in January 2010								
NL		<i>Operational with AT, DE, SI, LU, FI, FR, ES / test with RO / testing of CODIS 7 in Dec 2010/ Jan-Feb 2011 with six other MS, deployment CVODIS 7 foreseen for March 2011</i>								<i>Prüm Treaty</i>

MS	Implementation			Evaluation						Observation
	legal	technical	supporting MS	Questionnaire	Pilot run	Visit	Evaluation report	Team ¹	Council Decision	
AT	accomplished end 2009	Operational with DE, ES, LU, SI, NL, FR, RO, BG								Prüm Treaty
PL	by the end of 2010	connected to sTESTA awaiting new CODIS							operational by deadline Going live mid 2011	
PT		Preparing for tests								
RO		Operational with AT, Testing with NL, FR								Prüm Treaty
SI		Operational with BG, DE, AT, NL, ES, LU / test with FR / not CODIS								Prüm Treaty
SK		ready to start technical cooperation with AT installation of central servers finished by the end of January 2010	AT	9023/10	X	X	134971/10	AT NL		
FI		Operational with NL, AT / ready to expand in near future								Prüm Treaty
SE	by 1 July 2011	Feasibility study ready by end of December 2009 Implementation project for Prüm launched in mid-February 2010 Test run planned to spring 2011 Production planned to the target date 26 August 2011								
UK		Currently evaluating a range of options for the changes necessary to deliver the significant business and technical changes required to meet the obligations arising from the Prüm Decision. Strategic planning due to be completed by April 2010. Mapping of way forward, in greater detail May 2010 onwards.								

STATE OF PLAY: DACTYLOSCOPIC DATA -

Operational Member States are indicated in italic.

Regular updates of the table should be sent to prum@consilium.europa.eu

MS	Implementation			Evaluation						Observations
	legal	technical	supporting MS	Questionnaire	Pilot run	Visit	Evaluation report	team ¹	Council Decision	
BE		New hardware by October 2009								
BG		New hardware installed and running. Fine tuning + ongoing development of Prum national interface. Test should be running during fall 2010	AT	6944/10				AT ES		evaluation visit foreseen for Oct. 2010 operational 2nd half 2010
CZ		ongoing technical and logistical preparation, upgrade to AFIS bis expected by the end of 2010								Reorganisation of dactyloscopic unit pending
DK	completed in June 2008	ongoing preparations								
DE	<i>completed on federal level in June 2009</i>	<i>Operational with AT, ES, LU</i>								<i>Prüm Treaty</i>
EE		preparations in 2010 start in autumn		preliminary						ready by spring 2011
EL		AFIS motorola exists. Competition for second AFIS under progress (till the end of 2010)								
ES		<i>Operational with DE, AT / testing with FR soon</i>								<i>Prüm Treaty</i>

¹ Lead MS in bold

MS	Implementation			Evaluation						Observations
	legal	technical	supporting MS	Questionnaire	Pilot run	Visit	Evaluation report	team ¹	Council Decision	
FR		Test runs with DE and AT change application early 2010 early 2010 ready to exchange Pending political decision to start operations	DE	X	X	?		DE AT		start exchange end summer/beginning autumn evaluation probably early 2011
IE		AFIS completed assessing change to national system until April, until then no further timetable								
IT	June 2009	AFIS cogent exists planned upgrade, defining IT, vendor defined, contract not yet								
CY	discussions ongoing	AFIS system exists tender process finalising, contract in April technical cooperation with AT test start in early 2011	AT					AT DE		
LV		timetable to be set after ongoing procurements will be finished								go-live in 2011
LT		start in 2010 with new COGENT AFIS								
LU		<i>Currently operational only for incoming requests ! Operational with SI, AT, DE</i>								<i>Prüm Treaty</i>
HU	Prüm Treaty ratified Council Decisions not yet implemented	National SAGEM AFIS must be upgraded, in progress, ready to start test runs in 2010 call for tenders: beginning of 2010	AT					AT DE SI		operational end 2010
MT	discussions ongoing and legislation being drafted	Preparation started. Preparing to issue tenders for hardware and software in April 2010 and								operational maybe within time limit
NL		Preparation started implementation foreseen by the end of 2010, or at the latest in the first semester of 2011								

MS	Implementation			Evaluation						Observations
	legal	technical	supporting MS	Questionnaire	Pilot run	Visit	Evaluation report	team ¹	Council Decision	
AT	<i>accomplished en of 2009</i>	<i>Operational with DE, LU, SI, ES / open for others</i>								<i>Prüm Treaty</i>
PL		Implementation started, upgrading ongoing, new system by July start testing 1st half 2011								Going live in 2011
PT		waiting for decision on upgrade then 4 months for implementation								
RO		<i>solving the technical problems by accessing European funds through Cohesion Fund preparations finalized at the beginning of 2011 tests start at the beginning of 2011</i>	AT							
SI		<i>Operational with AT, DE, LU / open to start with other MS</i>								<i>Prüm Treaty</i>
SK		technically ready, evaluation process started and to be finished in June	AT	9024/10	X	X	14178/1/10	AT DE		evaluation visit Sep 2010
FI		No decision on the upgrading								
SE	by 1 July 2011	Feasibility study end of January Implementation project for Prüm to be launched in mid-April Test run is planned to spring 2011. Production is planned to the target date 26 August 2011, possibly earlier								
UK	May 2010 onwards.	Currently evaluating a range of options for the changes necessary to deliver the significant business and technical changes required to meet the obligations arising from the Prüm Decision. Strategic planning due to be completed by April 2010. Mapping of way forward, in greater								

MS	Implementation			Evaluation						
	legal	technical	supporting MS	Questionnaire	Pilot run	Visit	Evaluation report	team ¹	Council Decision	Observations
		detail								

STATE OF PLAY: VRD -

Operational Member States are indicated in italic.

Regular updates of the table should be sent to prum@consilium.europa.eu and dsoops@skynet.be

MS	Implementation			Evaluation						Observations
	legal	technical	supporting MS	Questionnaire	Pilot run	Visit	Evaluation report	Team	Council Decision	
<i>BE</i>		<i>Operational (incoming requests with DE, ES, AT, LU, NL outgoing requests with DE, ES, AT, LU, NL)</i>						<i>Prüm Treaty</i>		
BG		EUCARIS application installed outgoing test - passed								
CZ	discussions ongoing	internal discussions ongoing								
DK	completed in June 2008	preparations ongoing								
<i>DE</i>	<i>completed on federal level</i>	<i>Operational for incoming requests with ES, AT, LU, NL, BE, FR on regional level for outgoing requests with ES, AT, LU, NL, BE, FR- for HH, BW, SN, BR, NI</i>						<i>Prüm Treaty</i>		
EE		new registry information system, operational November 2010		preliminary						
EL										
<i>ES</i>		<i>Operational for incoming requests with FR, DE, AT, LU, NL, BE /outgoing requests with FR, DE, AT, LU, NL, BE</i>						<i>Prüm Treaty</i>		
<i>FR</i>		<i>Operational for incoming requests with DE, ES, AT, LU, NL; BE for outgoing requests with DE, ES, AT, LU, NL; BE</i>						<i>Prüm Treaty</i>		
IE	Preparations start in 2010	competencies under discussion connected to EUCARIS preparations start in 2010							date of readiness not yet clear	
IT		EUCARIS installed sTESTA accreditation under way								

MS	Implementation			Evaluation						Observations
	legal	technical	supporting MS	Questionnaire	Pilot run	Visit	Evaluation report	Team	Council Decision	
CY	discussions ongoing	EUCARIS connection in 2010								going live in 2010
LV		preparations ongoing delays as to legal matters								2011
LT		testing in the end of 2009 problems with NCP for outgoing requests								evaluation probably end 2010
LU		<i>Operational (incoming/outgoing requests?)</i>								<i>Prüm Treaty</i>
HU	Prüm Treaty ratified Council Decisions not yet implemented	call for tenders expected in 2010 preparations ongoing national tests not yet fulfilled no updates required full implementation before HU PRES								
MT										
NL		<i>Operational for incoming requests with DE, AT, LU, FR,, ES, outgoing requests with DE, AT, LU, FR,, ES, BE</i>								<i>Prüm Treaty</i>
AT	<i>accomplished end 2009 cf. 5864/10</i>	<i>Operational for incoming requests with DE, FR, ES, BE, NL, LU for outgoing requests DE, FR, ES, BE, NL, LU</i>								<i>Prüm Treaty</i>
PL	project of new law is in the Parliament –finalization: first half of 2010;	preparing connection with s-TESTA network, connection with test environment at RDW in the first half of 2010, connection with national database in the first half of 2010 national tests – in the beginning of the second half of the 2010								
PT		decision on restructuring the national VRD system pending implementation of technical infrastructure by end 2010/beginning								

MS	Implementation			Evaluation						Observations
	legal	technical	supporting MS	Questionnaire	Pilot run	Visit	Evaluation report	Team	Council Decision	
		2011								
RO	<i>Government Decision for the payment of the annual member fee for using EUCARIS system has been drafted and it will be finalized by July 2010N</i>	<i>National tests will be run before obtaining the EUCARIS certificate and will be finalized in the first half of 2010</i>		14007/10						evaluation visit Nov 2010
SI	legacy registry upgraded	EUCARIS II installed sTESTA connection tested Prüm web client under testing file transfer web client under testing nat. tests for incoming/outgoing requests in preparatory phase exchange of test data with NL		11806/10						evaluation visit Nov 2010
SK		preparations ongoing								
FI		evaluation successful in March 2010		6677/10	x	x	9032/10		2010/559/UE OJ, L 245/34	operational 13/9/2010
SE	by 1 July 2011	Implementation project starting in the next months Test run spring 2011 Production 26 August 2011								
UK		Currently evaluating a range of options for the changes necessary to deliver the significant business and technical changes required to meet the obligations arising from the Prüm Decision. Strategic planning due to be completed by April 2010. Mapping of way forward, in greater detail May 2010 onwards.								2011

MS	Implementation			Evaluation						Observations
	legal	technical	supporting MS	Questionnaire	Pilot run	Visit	Evaluation report	Team	Council Decision	
		The UK Registration Authority currently uses the EUCARIS systems for their purposes, but have concerns on sTESTA accreditation if it is to be used for law enforcement purposes.								