

Automated data exchange with regard to DNA data in Slovakia, Portugal, Latvia, Lithuania, Czech Republic, Estonia, Hungary, Cyprus, Poland, Sweden, Malta and Belgium

2016/0819(CNS) - 18/05/2017 - Final act

PURPOSE: to authorise Slovakia, Portugal, Latvia, Lithuania, Czech Republic, Estonia, Hungary, Cyprus, Poland, Sweden, Malta and Belgium to continue to receive and supply of personal data for the purpose of automated searching and comparison of DNA.

NON LEGISLATIVE ACT: Council Implementing Decision (EU) 2017/945 on the automated data exchange with regard to DNA data in Slovakia, Portugal, Latvia, Lithuania, Czech Republic, Estonia, Hungary, Cyprus, Poland, Sweden, Malta and Belgium and replacing Decisions 2010/689/EU, 2011/472/EU, 2011/715/EU, 2011/887/EU, 2012/58/EU, 2012/299/EU, 2012/445/EU, 2012/673/EU, 2013/3/EU, 2013/148/EU, 2013/152/EU and 2014/410/EU

CONTENT: through this Council Implementing Decision, Slovakia, Portugal, Latvia, Lithuania, Czech Republic, Estonia, Hungary, Cyprus, Poland, Sweden, Malta and Belgium **remain authorised to continue to receive and supply personal data** in accordance with Decision 2008/615/JAI for the purpose of automated searching and comparison of DNA data.

To recall, [Council Decision 2008/615/JAI](#) on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime, provides that the supply of personal data may not take place until the Member States involved in such supply **have implemented in national law the general provisions on data protection** set out in that Decision.

An **overall evaluation report**, summarising the results of the questionnaire, the evaluation visit and the pilot run concerning the Member States concerned has been presented to the Council.

On the basis of these evaluation reports, Decisions 2010/689/EU, 2011/472/EU, 2011/715/EU, 2011/887/EU, 2012/58/EU, 2012/299/EU, 2012/445/EU, 2012/673/EU, 2013/3/EU, 2013/148/EU, 2013/152/EU and 2014/410/EU authorised Slovakia, Portugal, Latvia, Lithuania, Czech Republic, Estonia, Hungary, Cyprus, Poland, Sweden, Malta and Belgium to continue to be entitled to receive and supply personal data for the purpose of automated searching and comparison of DNA data.

In its judgment of 22 September, **the Court of Justice annulled the above-mentioned Decisions** on the basis that they are vitiated by a procedural defect.

With a view to ensuring the legal certainty of the receipt and supply of personal data, this Decision **replaces the Decisions annulled by the Court**.

The Member States that obtained personal data pursuant to these Decision are entitled to further process those data at national level or between Member States.

ENTRY INTO FORCE: 3.6.2017. From that date, Decisions 2010/689/EU, 2011/472/EU, 2011/715/EU, 2011/887/EU, 2012/58/EU, 2012/299/EU, 2012/445/EU, 2012/673/EU, 2013/3/EU, 2013/148/EU, 2013/152/EU and 2014/410/EU will cease to have effect.

