Automated data exchange with regard to dactyloscopic data in Slovakia, Bulgaria, France, Czech Republic, Lithuania, the Netherlands, Hungary, Cyprus, Estonia, Malta, Romania and Finland

2016/0820(CNS) - 18/05/2017 - Final act

PURPOSE: to authorise Slovakia, Bulgaria, France, Czech Republic, Lithuania, the Netherlands, Hungary, Cyprus, Estonia, Malta, Romania and Finland to continue to receive and supply of personal data for the purpose of automated searching of dactyloscopic data (digital fingerprints).

NON LEGISLATIVE ACT: Council Implementing Decision (EU) 2017/946 on the automated data exchange with regard to dactyloscopic data in Slovakia, Bulgaria, France, Czech Republic, Lithuania, the Netherlands, Hungary, Cyprus, Estonia, Malta, Romania and Finland and replacing Decisions 2010/682 /EU, 2010/758/EU, 2011/355/EU, 2011/434/EU, 2011/888/EU, 2012/46/EU, 2012/446/EU, 2012/672/EU, 2012/710/EU, 2013/153/EU, 2013/229/EU and 2013/792/EU.

CONTENT: through this Council Implementing Decision, Slovakia, Bulgaria, France, Czech Republic, Lithuania, the Netherlands, Hungary, Cyprus, Estonia, Malta, Romania and Finland **remain authorised to continue to receive and supply personal data** in accordance with Decision 2008/615/JAI for the purpose of automated searching of dactyloscopic 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 dactyloscopic data exchange in Latvia has been presented to the Council.

On the basis of these evaluation reports, Decisions 2010/682/EU, 2010/758/EU, 2011/355/EU, 2011/434 /EU, 2011/888/EU, 2012/46/EU, 2012/446/EU, 2012/672/EU, 2012/710/EU, 2013/153/EU, 2013/229/EU and 2013/792/EU authorised Slovakia, Bulgaria, France, Czech Republic, Lithuania, the Netherlands, Hungary, Cyprus, Estonia, Malta, Romania and Finland to continue to be entitled to receive and supply personal data for the purpose of automated searching of dactyloscopic 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 with regard to the Member States concerned, **this Decision replaces the Decisions annulled by the Court**.

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

ENTRY INTO FORCE : 3.6.2017. From that date, Decisions 2010/682/EU, 2010/758/EU, 2011/355/EU, 2011/434/EU, 2011/888/EU, 2012/46/EU, 2012/446/EU, 2012/672/EU, 2012/710/EU, 2013/153/EU, 2013/229/EU and 2013/792/EU cease to apply.