Automated data exchange with regard to DNA data in Croatia

2018/0806(CNS) - 28/03/2018 - Legislative proposal

PURPOSE: the launch of an automated data exchange with regard to DNA in Croatia.

PROPOSED ACT: Council Implementing Decision.

ROLE OF THE EUROPEAN PARLIAMENT: the Council adopts the act after consulting the European Parliament but without being obliged to follow its opinion.

BACKGROUND: according to Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime, the supply of personal data provided for under that Decision may not take place until the general provisions on data protection set out in that Decision have been implemented in the national law of the territories of the Member States involved in such supply.

Council Decision 2008/616/JHA on the implementation of Decision 2008/615/JHA provides that the verification that the condition has been met with respect to automated data exchange is to be done on the basis of an evaluation report based on: (i) a questionnaire drawn up by the relevant Council Working Group concerns each of the automated data exchanges; (ii) an evaluation visit and (iii) a pilot run.

Croatia has completed the questionnaire on data protection and the questionnaire on DNA data exchange. It conducted a successful pilot run with Lithuania and Poland.

On 8 March 2018, the Council having noted the agreement of all Member States bound by Decision 2008 /615/JHA, concluded that Croatia had fully implemented the general provisions on data protection set out in Chapter 6 of Decision 2008/615/JHA.

CONTENT: the purpose of the draft Council implementing Decision is, for the purposes of automated searching and comparison of DNA data, to **entitle Croatia to receive and supply personal data** in accordance with Decision 2008/615/JHA as from the date of entry into force of the Decision.

As the conditions for triggering the exercise of such implementing powers have been met and the procedure in this regard has been followed, an Implementing Decision on the launch of automated data exchange with regard to DNA data in Croatia should be adopted in order to allow that Member State to receive and supply personal data pursuant to Articles 3 and 4 of Decision 2008/615/JHA.

Denmark, Ireland and the United Kingdom shall participate in the adoption of the proposed Decision.