S42 WP3
085

COUNCIL OF THE EUROPEAN UNION

Brussels, 17 July 2000

8937/00
REV 1

LIMITE

ENFOPOL 36

NOTE

from :	Presidency
to :	Police Co-operation Working Group
No. prev. doc. :	8937/00 ENFOPOL 36
Subject :	DNA - Draft Council Resolution on the use of DNA technology and the exchange of DNA analysis results

Delegations will find attached a revised text for the above Draft Resolution.

COUNCIL RESOLUTION

(date)

on the use of DNA technology and the exchange of DNA analysis results

THE COUNCIL OF THE EUROPEAN UNION

Having regard to the Treaty on European Union;

Having regard to the protection of personal data as regulated by European Convention No 108 for the Protection of Individuals with regard to Automatic Processing of Personal Data (Strasbourg, 28 January 1981), Recommendation (87) 15 of the Council of Europe Committee of Ministers regulating the use of personal data in the police sector, and, as appropriate, Recommendation (92) 1 of 10 February 1992 of the Council of Europe Committee of Ministers on the use of DNA analysis within the framework of the criminal justice system;

Bearing in mind the Council Resolution of 9 June 1997 on the exchange of DNA analysis results; [1]

Taking into account the work of the DNA Working Group of the European Network of Forensic Science Institutes (ENFSI) on the harmonisation of the DNA markers and DNA technology, funded in the context of the STOP programme; [2]

Considering the existence of technical aspects associated with DNA investigation that must be taken into account in the development of cooperation activities;

Considering that DNA analysis has proved to be a significant contribution to the investigation of crime and that efficient exchange of DNA analysis results could be improved by encouraging Member States to use the same DNA markers;

[1] OJ C 193, 24.6.97, p. 2
[2] OJ L 322, 12.12.96, p. 7

Convinced that this exchange is essential to the fight against crime in a controlled, efficient and systematic way;

Bearing in mind that it is therefore appropriate to set out an initial minimum list of DNA markers used in forensic DNA analysis in Member States which could be used in the context of such exchange,

ADOPTS THE FOLLOWING RESOLUTION:

I. DEFINITIONS

1. "DNA marker" means the locus in a molecule which typically contains different information as regards different individuals;

2. "DNA analysis result" means a letter or a number code which is built up on the basis of analysing one or several loci in DNA and used for reporting. For example, DNA analysis result D3S1358 14-15, D21S11 28-30 means that the subject is type 14-15 as regards DNA marker D3S1358 and type 28-30 as regards DNA marker D21S11;

3. "European Standard Set (ESS)" means the set of DNA markers listed in annex 1;

4. "ESS marker" means a DNA marker which is part of the European Standard Set (ESS); and

5. "ESS analysis result" means a DNA analysis result built up using the above mentioned DNA markers which are part of the ESS.

II. USE OF DNA TECHNOLOGY

1. In forensic DNA analysis, Member States are invited to use at least the DNA markers listed in annex 1 which form the ESS.

2. ESS analysis results should be built up in accordance with scientifically tested and approved DNA technology, based on studies which have been performed in the framework of the DNA working Group of the ENFSI.

III. EXCHANGE OF DNA ANALYSIS RESULTS

1. Member States are urged to limit DNA analysis to chromosome zones containing no genetic expression, i.e., not known to provide information about specific hereditary characteristics.

2. Member States are encouraged to use the form in annex 2, which is based on the standard already in use in other international organizations such as Interpol, for the exchange of results obtained through ESS.

3. The placing of a server at Europol for sharing data between Member States in the future should be considered, to the extent that such data relates to types of crime for which Europol has competence pursuant to the Convention based on Article K.3 of the Treaty on European Union, on the establishment of a European Police Office (Europol Convention). [1]

[1] OJ C 316, 27.11.1995, p. 2

The European Standard Set (ESS) comprises the following DNA markers:

D3S1358

VWA

D8S1179

D21S11

D18S51

HUMTH01

FGA

ANNEX 2

DNA CRIME SCENE PROFILE EXCHANGE FORM

REQUESTING COUNTRY : _____

POLICE ORGANIZATION : _____

LABORATORY OBTAINING PROFILE : _____

PROFICIENCY TESTING YES : ☐ _____

NO : ☐

TYPE OF OFFENCE : _____ DATE OF OFFENCE :

__/__/____

DNA PROFILE

	Allele 1	Allele 2
D3S1358		
VWA		
D8S1179		
D21S11		
D18S51		
HUMTH01		
FGA		

	Allele 1	Allele 2

REPLY COUPON

REQUESTING COUNTRY : _____

NEGATIVE SEARCH : ☐

POSITIVE SEARCH : ☐

PROFILE I.D : _____
