EU/Iceland/Norway agreement: cross-border cooperation in combatting terrorism and cross-border crime

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PURPOSE : to the conclude the Agreement between the EU and Iceland and Norway on the application of certain provisions of Council Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime and Council Decision 2008/616/JHA on the implementation of Decision 2008/615/JHA and the Annex thereto.

PROPOSED ACT: Council Decision.

BACKGROUND: the Justice and Home Affairs Council of 21 September 2009 authorised the Presidency of the Council of the EU to sign an agreement between the EU and Iceland and Norway on the application of certain provisions of Council Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime and Council Decision 2008/616/JHA on the implementation of decision 2008/615/JHA and the Annex thereto. The Agreement was signed by the Parties, Iceland being the last to sign on 30 November 2009 and some provisions are applied provisionally as from that date.

CONTENT: the purpose of the Agreement is to enable Iceland and Norway to join EU Member States in the exchange of DNA, fingerprint and vehicle registration data, the exchange of information in connection with major events with a cross-border dimension and the supply of information aimed at preventing terrorist offences. Such exchanges take place on the basis of the Prüm Decision (Council Decision 2008 /615/JHA) and the implementing Decision (Council Decision 2008/616/JHA). These decisions aim to improve the exchange of certain types of information between authorities responsible for preventing and combating criminal offences.

Respecting Fundamental Rights: the Agreement aims to prevent and combat terrorism and other cross-border crime while respecting fundamental rights, and notably the protection of personal data. It aims to ensure full respect for fundamental rights enshrined in Article 6 of the Treaty on European Union and for the principles of proportionality and necessity regarding the right to respect for private and family life and the protection of personal data as set out in Articles 7 and 8 of the Charter of Fundamental Rights of the European Union.

Territorial application: the UK and Ireland will take part in the adoption of the Decision. Denmark will not be bound by the Agreement.

It should be noted that in accordance with Article 218(6)(a) of the Treaty on the Functioning of the European Union, it is provided that in the case of agreements covering fields to which the ordinary legislative procedure applies, the Council shall adopt a decision concluding the agreement, **after obtaining the consent of the European Parliament**.