

EU/Switzerland agreement: cross-border cooperation, particularly in combating terrorism and cross-border crime; forensic service providers carrying out laboratory activities

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PURPOSE: to conclude an international agreement between the European Union and Switzerland for the application of some of the provisions of Council Decision 2008/615/JHA on the stepping up of cross-border cooperation, in particular in combating terrorism and cross-border crime.

PROPOSED ACT: Council decision.

ROLE OF THE EUROPEAN PARLIAMENT: Council may adopt the act only if Parliament has given its consent to the act.

BACKGROUND: [Council Decision 2008/615/JHA](#) on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime ('the Prüm Decision') and [Council Decision 2008/616/JHA](#) on the implementation of the Prüm Decision are intended to improve the exchange of information between the authorities responsible for the prevention and investigation of criminal offences and to enhance cross-border police and judicial cooperation between the Member States of the Union.

The Prüm Decision contains, *inter alia*, provisions whereby Member States grant one another, on a mutual basis, access rights to their automated DNA analysis files, automated dactyloscopic identification systems and vehicle registration data.

The Council adopted [Council Framework Decision 2009/905/JHA](#) on accreditation of forensic service providers carrying out laboratory activities lays down the requirements for the exchange of DNA and fingerprint data, in order to ensure that the results of laboratory activities carried out by accredited forensic service providers in one Member State are recognised by the authorities responsible for the prevention, detection and investigation of criminal offences as being equally reliable as the results of laboratory activities carried out by forensic service providers accredited to EN ISO/IEC 17025 within any other Member State.

On 10 June 2016, the Council authorised the Commission to open negotiations with the Swiss Confederation and the Principality of Liechtenstein on the application of certain provisions of Council Decision 2008/615/JHA, of Council Decision 2008/616/JHA, and the Annex thereto, and of Council Framework Decision 2009/905/JHA on accreditation of forensic service providers carrying out laboratory activities. The negotiations have been successfully finalised with the both countries by the initialling of the Agreement on 24 May 2018.

The Commission considers that the objectives set by the Council in its negotiating directives were attained and that the draft Agreement is acceptable to the Union.

CONTENT: the Commission proposes that the Council authorise, on behalf of the Union, the Agreement between the Swiss Confederation and the Principality of Liechtenstein on the application of certain provisions of:

- Council Decision 2008/615/JHA (Prüm Decision) on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime, of Council Decision 2008/616/JHA on the implementation of Prüm Decision;
- Council Framework Decision 2009/905/JHA on accreditation of forensic service providers carrying out laboratory activities.

This international agreement between the EU and the Swiss Confederation aims to improve and simplify the automated exchange of information and intelligence between law enforcement authorities of the Member States and the associated countries, in order to stimulate international police cooperation.

The possibility for all the Member States to have access to the national databases of the Swiss Confederation, regarding the DNA, dactyloscopic and vehicle registration data, and the other way around, is undoubtedly of central importance in order to foster and encourage the cross border police cooperation.

The Agreement also sets the provisions for uniform application, dispute settlement, amendments, notifications and declarations. The contracting Parties agree to carry out common review of the agreement no later than five years after its entry into force. The Agreement is concluded for an indefinite period whilst one of the Contracting Parties can terminate the Agreement at any time.

BUDGETARY IMPLICATIONS: the Agreement states that the Swiss Confederation should bear the costs incurred by its own authorities in connection with the application of this Agreement. Therefore, there are no budgetary implications for the Union budget.