

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

2019/0013(NLE) - 28/05/2019 - Legislative proposal

PURPOSE: to conclude an agreement between the European Union and Switzerland on the application of certain provisions of Council Decision 2008/615/JHA and Council Decision 2008/616/JHA, as well as Council Framework Decision 2009/905/JHA on 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: the Prüm Decision ([Decision 2008/615/JHA](#)) and the Decision on the implementation of the Prüm Decision ([Decision 2008/616/JHA](#)) are intended to improve the exchange of information between the services responsible for the prevention and investigation of criminal offences and to strengthen 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.

[Council Framework Decision 2009/905/JHA](#) on accreditation of forensic service providers carrying out laboratory activities ('the Forensic Decision') 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 on the application of certain provisions of the Prüm Decision, the Decision on the implementation of the Prüm Decision and the Decision on forensic services. These negotiations were successfully concluded and resulted in the initialling of the agreement on 24 May 2018.

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.

CONTENT: the draft Council Decision concerns the approval, on behalf of the Union, of the Agreement between the European Union and Switzerland for the application of some of the provisions of the Prüm Decision, the Prüm Implementing Decision and the Forensic Decision.

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 Agreement lists the provisions of the Prüm Decision, the Prüm Implementing Decision and the Forensic Decision that shall become applicable to the Swiss Confederation after entry into force of the Agreement.

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.

The United Kingdom and Ireland shall participate in the adoption and implementation of this Decision. Denmark is not taking part in the adoption of the Decision and is not bound by it or subject to its application.