## Basic information

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|---|---|
| **2009/0191(NLE)**<br><br>NLE - Non-legislative enactments<br>Decision | Procedure completed |
| EU/Iceland/Norway agreement: cross-border cooperation in combatting terrorism and cross-border crime<br><br>**Subject**<br><br>7.30.05 Police cooperation<br>7.30.20 Action to combat terrorism<br>7.30.30 Action to combat crime<br><br>**Geographical area**<br><br>Iceland<br>Norway | |

## Key players

### European Parliament

| Committee responsible | Rapporteur | Appointed |
|---|---|---|
| LIBE Civil Liberties, Justice and Home Affairs | | |

| Committee for opinion | Rapporteur for opinion | Appointed |
|---|---|---|
| AFET Foreign Affairs | The committee decided not to give an opinion. | |

### Council of the European Union

| Council configuration | Meetings | Date |
|---|---|---|
| General Affairs | 3028 | 2010-07-26 |
| Education, Youth, Culture and Sport | 2993 | 2010-02-15 |

### European Commission

| Commission DG | Commissioner |
|---|---|
| Justice and Consumers | REDING Viviane |

## Key events

| Date | Event | Reference | Summary |
|---|---|---|---|
| 17/12/2009 | Preparatory document | COM(2009)0707 | Summary |
| 01/02/2010 | Legislative proposal published | 05309/2010 | Summary |

| | | | |
|---|---|---|---|
| 25/02/2010 | Committee referral announced in Parliament | | |
| 31/05/2010 | Vote in committee | | Summary |
| 03/06/2010 | Committee report tabled for plenary, 1st reading/single reading | A7-0173/2010 | |
| 06/07/2010 | Decision by Parliament | T7-0250/2010 | Summary |
| 06/07/2010 | Results of vote in Parliament | | |
| 26/07/2010 | Act adopted by Council after consultation of Parliament | | |
| 26/07/2010 | End of procedure in Parliament | | |
| 09/09/2010 | Final act published in Official Journal | | |

## Technical information

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|---|---|
| **Procedure reference** | 2009/0191(NLE) |
| **Procedure type** | NLE - Non-legislative enactments |
| **Procedure subtype** | Consent by Parliament |
| **Legislative instrument** | Decision |
| **Legal basis** | Treaty on the Functioning of the European Union TFEU 082-p1<br>Treaty on the Functioning of the European Union TFEU 218-p6a |
| **Other legal basis** | Rules of Procedure EP 165 |
| **Stage reached in procedure** | Procedure completed |
| **Committee dossier** | LIBE/7/02077 |

## Documentation gateway

**European Parliament**

| Document type | Committee | Reference | Date | Summary |
|---|---|---|---|---|
| Committee draft report | | PE439.295 | 22/04/2010 | |
| Committee report tabled for plenary, 1st reading/single reading | | A7-0173/2010 | 03/06/2010 | |
| Text adopted by Parliament, 1st reading/single reading | | T7-0250/2010 | 06/07/2010 | Summary |

**Council of the EU**

| Document type | Reference | Date | Summary |
|---|---|---|---|
| Document attached to the procedure | 05060/2009 | 26/01/2009 | Summary |
| Legislative proposal | 05309/2010 | 01/02/2010 | Summary |

**European Commission**

| Document type | Reference | Date | Summary |
|---|---|---|---|
| Preparatory document | COM(2009)0707 | 17/12/2009 | Summary |

| Additional information | | |
|---|---|---|
| **Source** | **Document** | **Date** |
| National parliaments | IPEX | |
| European Commission | EUR-Lex | |

| Final act | |
|---|---|
| Decision 2010/0482<br>OJ L 238 09.09.2010, p. 0001 | Summary |

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

2009/0191(NLE) - 17/12/2009 - Preparatory document

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**.

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

2009/0191(NLE) - 26/07/2010 - Final act

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.

LEGISLATIVE ACT: Council Decision 2010/482/EU on the conclusion of the Agreement between the European Union 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 on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime, and the Annex thereto.

CONTENT: this Decision concludes the above-mentioned Agreement between the EU and Iceland and Norway which was signed on 30 November 2009, subject to its conclusion. It is recalled that with the entry into force of the Treaty of Lisbon on 1 December 2009, the procedures to be followed by the Union in order to conclude the Agreement are governed by Article 218 of the Treaty on the Functioning of the European Union.

The main elements of the Agreement, initialled by the parties on 28 November 2008 in Brussels, can be summarised as follows:

**Purpose**: the Agreement states that certain provisions of decisions 2008/615/JHA and 2008/616/JHA shall be applicable to Iceland and Norway. These provisions are designed to improve the exchange of information whereby Member States of the European Union and Iceland and Norway grant one another access rights to their automated DNA analysis files, automated dactyloscopic identification systems and vehicle registration data.

**Principles**: rules shall be based on networking States' national databases. Subject to certain conditions, States should be able to supply personal and non-personal data in order to improve the exchange of information with a view to preventing criminal offences and maintaining public order and security in connection with major events with a cross-border dimension. Cross-border data comparison will open up a new dimension in crime fighting. These provisions would considerably speed up existing procedures enabling Member States, Iceland and Norway to find out whether another State, and if so, which, has the information it needs.

**Hit/no hit system**: the hit/no hit system provides for a structure of comparing anonymous profiles, where additional personal data is exchanged only after a hit, the supply and receipt of which is governed by national law, including the legal assistance rules. This set-up guarantees an adequate system of data protection, it being understood that the supply of personal data to another State requires an adequate level of data protection on the part of the receiving State.

**Data protection**: aware of the comprehensive exchange of information and data resulting from closer police and judicial cooperation, this Agreement seeks to warrant an appropriate level of data protection. It observes the level of protection designed for the processing of personal data in the Council of Europe Convention of 28 January 1981 for the Protection of Individuals with regard to Automatic Processing of Personal Data, the Additional Protocol of 8 November 2001 to the Convention and the principles of Recommendation No R (87) 15 of the Council of Europe Regulating the Use of Personal Data in the Police Sector.

Other technical elements of the Agreement can be summarised as follows: (i) uniform application and interpretation of provisions of Decisions 2008/615 /JHA and 2008/616/JHA by the parties; (ii) dispute settlement procedure to be set up between Iceland or Norway and a Member State concerning the interpretation and application of the Agreement; (iii) procedure to be put place in case of amendments brought made to the decisions.

The Agreement also includes the following:

- a review clause of the Agreement no later than five years after its entry into force;
- a clause to maintain the application of bilateral and multilateral Agreements or arrangements on cross-border cooperation with Member States that are in force on the date this Agreement is adopted in so far as such agreements or arrangements are not incompatible with the objectives of this Agreement. Iceland and Norway shall notify the depository of any such agreements or arrangements which will continue to apply;
- a provisional application clause as of the time of the signature of the Agreement;
- a declaration to be adopted at the occasion of the signature of the Agreement which states that the implementation of the DNA, dactyloscopic and vehicle registration data exchange pursuant to the Agreement will require that Iceland and Norway set up bilateral connections for each of these data categories with each of the Member States. To enable and facilitate this work, Iceland and Norway will be provided with all the available documentation, software products and contact lists. These countries will have the opportunity to set up an informal partnership with Member States that have already implemented such data exchange, with a view to sharing experiences and getting practical and technical support. The Icelandic and Norwegian experts can contact at any time the Presidency of the Council, the Commission and/or leading experts in these matters to obtain information, clarification or any other support. These experts may be invited to attend on an ad hoc basis meetings where Member States' experts discuss within the Council technical aspects of the DNA, dactyloscopic or vehicle registration data exchange which are directly relevant to the proper application of the content of the aforementioned Council Decisions by Iceland and/or Norway.

Territorial provisions: in accordance with the Protocol on the Position of the United Kingdom and Ireland in respect of the Area of Freedom, Security and Justice, annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, these Member States have notified their wish to take part in the adoption and application of this Decision. Denmark shall not participate in the adoption of this Decision and is not bound by it or subject to its application.

ENTRY INTO FORCE: the Decision shall enter into force on 26 July 2010. The Agreement shall enter into force when the necessary procedures have been completed.

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

2009/0191(NLE) - 01/02/2010 - Legislative proposal

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.

CONTENT: this proposal aims to conclude, on behalf of the European Union, the Agreement 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 on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime, and the Annex thereto.

The Agreement was signed on 30 November but it has not yet been formally concluded. For details of the content of the Agreement, please refer to the summary of the document annexed to the procedure of 26/01/2009.

With the entry into force of the **Treaty of Lisbon** on 1 December 2009, the procedures to be followed by the Union in order to conclude the Agreement are governed by Article 218 of the Treaty on the Functioning of the European Union (TFEU) which states that the Council shall adopt a decision concluding the agreement, **after obtaining the consent of the European Parliament**.

**Territorial application**: in accordance with the Protocol on the Position of the United Kingdom and Ireland in respect of the Area of Freedom, Security and Justice, annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, these Member States have notified their wish to take part in the adoption and application of this Decision. Denmark will not be bound by the Agreement.

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

2009/0191(NLE) - 26/01/2009 - Document attached to the procedure

This document comprises the text of the Agreement following the negotiations with Iceland and Norway which were finalised on 24 October 2008 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 on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime, and the Annex thereto.

The main elements of the Agreement, initialled by the parties on 28 November 2008 in Brussels, can be summarised as follows:

**Purpose**: the Agreement states that certain provisions of decisions 2008/615/JHA and 2008/616/JHA shall be applicable to Iceland and Norway. These provisions are designed to improve the exchange of information whereby Member States of the European Union and Iceland and Norway **grant one another access rights to their automated DNA analysis files, automated dactyloscopic identification systems and vehicle registration data**.

**Principles**: rules shall be based on networking States' national databases. Subject to certain conditions, States should be able to supply personal and non-personal data in order to improve the exchange of information with a view to preventing criminal offences and maintaining public order and security in connection with major events with a cross-border dimension. **Cross-border data comparison** will open up a new dimension in crime fighting. These provisions would considerably speed up existing procedures enabling Member States, Iceland and Norway to find out whether another State, and if so, which, has the information it needs.

**Hit/no hit system**: the hit/no hit system provides for a structure of comparing anonymous profiles, where additional personal data is exchanged only after a hit, the supply and receipt of which is governed by national law, including the legal assistance rules. This set-up guarantees an adequate system of data protection, it being understood that the supply of personal data to another State requires an adequate level of data protection on the part of the receiving State.

**Data protection**: aware of the comprehensive exchange of information and data resulting from closer police and judicial cooperation, this Agreement seeks to warrant an **appropriate level of data protection**. It observes the level of protection designed for the processing of personal data in the Council of Europe Convention of 28 January 1981 for the Protection of Individuals with regard to Automatic Processing of Personal Data, the Additional Protocol of 8 November 2001 to the Convention and the principles of Recommendation No R (87) 15 of the Council of Europe Regulating the Use of Personal Data in the Police Sector.

Other technical elements of the Agreement can be summarised as follows: (i) uniform application and interpretation of provisions of Decisions 2008/615/JHA and 2008/616/JHA by the parties; (ii) dispute settlement procedure to be set up between Iceland or Norway and a Member State concerning the interpretation and application of the Agreement; (iii) procedure to be put place in case of amendments brought made to the decisions.

The Agreement also includes the following:

- **a review clause** of the Agreement no later than five years after its entry into force;
- **a clause to maintain the application** of bilateral and multilateral Agreements or arrangements on cross-border cooperation with Member States that are in force on the date this Agreement is adopted in so far as such agreements or arrangements are not incompatible with the objectives of this Agreement. Iceland and Norway shall notify the depository of any such agreements or arrangements which will continue to apply;
- **a provisional application clause** as of the time of the signature of the Agreement;
- **a declaration** to be adopted at the occasion of the signature of the Agreement which states that the implementation of the DNA, dactyloscopic and vehicle registration data exchange pursuant to the Agreement will require that Iceland and Norway set up bilateral connections for each of

these data categories with each of the Member States. To enable and facilitate this work, Iceland and Norway will be provided with all the available documentation, software products and contact lists. These countries will have the opportunity to set up an informal partnership with Member States that have already implemented such data exchange, with a view to sharing experiences and getting practical and technical support. The Icelandic and Norwegian experts can contact at any time the Presidency of the Council, the Commission and/or leading experts in these matters to obtain information, clarification or any other support. These experts may be invited to attend on an *ad hoc* basis meetings where Member States' experts discuss within the Council technical aspects of the DNA, dactyloscopic or vehicle registration data exchange which are directly relevant to the proper application of the content of the aforementioned Council Decisions by Iceland and/or Norway .

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

2009/0191(NLE) - 06/07/2010 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a legislative resolution in which it gives its consent to the conclusion of the Agreement between the European Union 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 on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime, and the Annex thereto.