

Basic information

2019/0013(NLE)

NLE - Non-legislative enactments

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

See also Decision 2008/615/JHA [2007/0804\(CNS\)](#)

See also Decision 2008/616/JHA [2007/0821\(CNS\)](#)

See also Decision 2009/905/JHA [2009/0806\(CNS\)](#)

Subject

7.30.05 Police cooperation

7.30.20 Action to combat terrorism

7.30.30 Action to combat crime

Geographical area

Switzerland

Procedure completed

Key players

European Parliament	Committee responsible	Rapporteur	Appointed
	LIBE Civil Liberties, Justice and Home Affairs	METSOLA Roberta (EPP)	04/09/2019
		Shadow rapporteur MORENO SÁNCHEZ Javier (S&D) HOOK Antony (Renew) FRANZ Romeo (Greens /EFA) WIŚNIEWSKA Jadwiga (ECR) BERG Lars Patrick (ID) ERNST Cornelia (GUE /NGL)	
	Former committee responsible	Former rapporteur	Appointed
	LIBE Civil Liberties, Justice and Home Affairs		
Council of the European Union			
European Commission	Commission DG	Commissioner	

Key events

Date	Event	Reference	Summary
31/01/2019	Preparatory document	COM(2019)0026 	
28/05/2019	Legislative proposal published	08730/2019	Summary
15/07/2019	Committee referral announced in Parliament		
02/12/2019	Vote in committee		
05/12/2019	Committee report tabled for plenary, 1st reading/single reading	A9-0043/2019	Summary
17/12/2019	Decision by Parliament	T9-0086/2019	
17/12/2019	Results of vote in Parliament		
12/12/2022	Act adopted by Council after consultation of Parliament		
22/12/2022	Final act published in Official Journal		

Technical information

Procedure reference	2019/0013(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consent by Parliament
Amendments and repeals	See also Decision 2008/615/JHA 2007/0804(CNS) See also Decision 2008/616/JHA 2007/0821(CNS) See also Decision 2009/905/JHA 2009/0806(CNS)
Legal basis	Treaty on the Functioning of the European Union TFEU 218-p6a Treaty on the Functioning of the European Union TFEU 082-p1 Treaty on the Functioning of the European Union TFEU 087-p2
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/9/00419

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE641.447	28/10/2019	
Committee report tabled for plenary, 1st reading/single reading		A9-0043/2019	05/12/2019	Summary
Text adopted by Parliament, 1st reading/single reading		T9-0086/2019	17/12/2019	

Council of the EU

Document type	Reference	Date	Summary
Legislative proposal	08730/2019	28/05/2019	Summary
Document attached to the procedure	08744/2019	28/05/2019	Summary
Document attached to the procedure	10510/2019	20/06/2019	Summary
European Commission			
Document type	Reference	Date	Summary
Preparatory document	COM(2019)0026 	31/01/2019	Summary
Document attached to the procedure	COM(2019)0027 	31/01/2019	

Additional information		
Source	Document	Date
European Commission	EUR-Lex	

Final act
Decision 2022/2536 OJ L 328 22.12.2022, p. 0094

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

2019/0013(NLE) - 31/01/2019

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.

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

2019/0013(NLE) - 05/12/2019 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Civil Liberties, Justice and Home Affairs adopted the report by Roberta METSOLA (EPP, MT) on the draft Council decision on the conclusion of the Agreement between the European Union and Switzerland 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, of 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, and of Council Framework Decision 2009/905/JHA on accreditation of forensic service providers carrying out laboratory activities.

The committee recommended that the European Parliament give its consent to the conclusion of the agreement.

This international agreement between the EU and Switzerland 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. It lists the provisions of the Prüm Decision, the Prüm Implementing Decision and the Forensic Decision that shall become applicable to Switzerland after entry into force of the agreement.

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

2019/0013(NLE) - 20/06/2019 - Document attached to the procedure

CORRIGENDUM to the Agreement between the European Union and the Swiss Confederation on the application of some of the provisions of Council Decision 2008/615/JHA on the stepping up of cross-border cooperation, in particular to combat terrorism and cross-border crime, Council Decision 2008/616/JHA and Council Framework Decision 2009/905/JHA on the accreditation of forensic service providers carrying out laboratory activities.

The corrigendum concerns the Declaration of the Contracting Parties on the occasion of the signature of the Agreement. It concerns only the **French version**.

The European Union and Switzerland, signatories to the Agreement, declare that the implementation of the exchange of data relating to DNA profiles, fingerprints and vehicle registrations requires Switzerland to establish bilateral connections for each of these categories of data with each of the Member States.

Switzerland may benefit from an informal partnership with Member States that have already implemented such data exchanges, with a view to sharing experiences and thus accessing practical and technical assistance. The terms of such partnerships shall be the subject of a direct agreement between the Member States concerned.

It is specified that Swiss experts may at any time contact the Presidency of the Council, the European Commission or recognised experts in the fields for which they wish to obtain information, clarification or any other type of assistance. Similarly, when it comes to the preparation of proposals or communications for which it is in contact with the representatives of the Member States, the Commission may in the same way approach the representatives of the Swiss Confederation.

Swiss experts may be invited to participate in meetings in which experts from Member States discuss the various technical aspects directly relevant to the implementation and development of the content of the above-mentioned Council decisions.

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 - Document attached to the procedure

Agreement between the European Union and the Swiss Confederation 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, of 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, and of Council Framework Decision 2009/905/JHA on accreditation of forensic service providers carrying out laboratory activities

The Agreement aims to improve and simplify the automated exchange of information and intelligence between law enforcement authorities of the Member States of the European Union and countries associated with the development of the Schengen acquis in order to stimulate international police cooperation.

The Agreement lists the provisions of the Prüm Decision (Council Decision 2008/615/JHA), the Decision on the implementation of the Prüm Decision (Council Decision 2008/616/JHA) and the Decision on forensic services (Council Framework Decision 2009/905/JHA) which shall apply to Switzerland after the entry into force of the Agreement.

The Agreement allows all Member States to have access to Switzerland's national databases on DNA, fingerprint and vehicle registration data, and vice versa.

Procedures for promoting fast, efficient and inexpensive means of data exchange, and that, for the joint use of data, those procedures should be subject to accountability and should incorporate appropriate guarantees as to the accuracy and security of the data during transmission and storage as well as procedures for recording data exchange and restrictions on the use of information exchanged.

In the case of data from national DNA analysis files and automated dactyloscopic identification systems, a hit/no hit system should enable the searching State, in a second step, to request specific related personal data from the State administering the file and, where necessary, to request further information through mutual assistance procedures.

The processing of personal data, pursuant to this Agreement, by the authorities of the Swiss Confederation for the purposes of the prevention, detection or investigation of terrorism and cross-border crime should be subject to a standard of protection of personal data under the national law of the Swiss Confederation which complies with Directive (EU) 2016/680.

The Agreement also sets the provisions for uniform application (Article 3), dispute settlement (Article 4), amendments (Article 5), notifications and declarations (Article 8). The contracting Parties agree to carry out common review of the agreement no later than five years after its entry into force (Article 6). The Agreement is concluded for an indefinite period whilst one of the Contracting Parties can terminate the Agreement at any time (Article 10).

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.