

Police and judicial cooperation: accreditation of forensic laboratory activities (DNA and fingerprints). Framework Decision. Initiative Sweden and Spain

2009/0806(CNS) - 20/07/2009 - Legislative proposal

PURPOSE: initiative of Sweden and Spain on ensuring that laboratory activities are accredited by an accreditation body in order to combat crime through closer cooperation between law enforcement authorities in the Member States.

PROPOSED ACT: Council Decision.

BACKGROUND: the intensified exchange of information regarding forensic evidence and the increased use of evidence from one Member State in the judicial processes of another highlights the need to ensure that the quality of the data is sufficiently high.

Information originating from forensic processes in one Member State may currently be associated with a level of uncertainty in another Member State regarding how an item has been handled, what methods have been used and how the results have been interpreted. It is particularly important to safeguard the quality of the information exchanged when it relates to such sensitive personal data as DNA profiles and fingerprints. The accreditation of forensic processes is an important step towards a safer and more effective exchange of scientific evidence within the Union. Accreditation offers the necessary guarantees that laboratory activities are performed in accordance with relevant international standards, such as EN ISO/IEC 17025 - General requirements for the competence of testing and calibration laboratories, as well as relevant applicable guidelines.

Accreditation is granted by a national accreditation body which has exclusive competence to assess if a laboratory meets the requirements set by harmonised standards. An accreditation body derives its authority from the State. Regulation (EC) No 765/2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products contains detailed provisions on the competence of the national accreditation bodies. The absence of an agreement to apply a common accreditation standard for analysis of scientific evidence is a deficiency that should be remedied.

CONTENT: the purpose of this draft Framework Decision is to ensure that the results of laboratory activities of one Member State are recognised as being equivalent to the results of laboratory activities of any other Member State. This purpose is achieved by ensuring that laboratory activities are accredited by an accreditation body to comply with International Standard EN ISO/IEC 17025 – General requirements for the competence of testing and calibration laboratories.

Scope: the Framework Decision shall apply to laboratory activities relating to: (a) DNA; and (b) fingerprints.

Accreditation: Member States shall ensure that their laboratory activities are accredited by an accreditation body to comply with International Standard EN ISO/IEC 17025 - General requirements for the competence of testing and calibration laboratories.

Mutual recognition of results: each Member State shall ensure that the results of accredited laboratory activities carried out in other Member States are recognised as being equivalent to the results of domestic accredited laboratory activities.

Costs: each Member State shall bear any costs resulting from the Framework Decision. **Implementation:** it is proposed that Member States shall take the necessary measures to comply with the provisions before 1 January 2012.

IMPACT ASSESSMENT: not applicable.

BUDGETARY IMPLICATION: the Commission is encouraged to consider financial support for related national and transnational projects, inter alia, for the exchange of experience, dissemination of know-how and proficiency.