

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).

