

# Procedure file

Basic information	
CNS - Consultation procedure Decision	2009/0806(CNS) Procedure completed
Police and judicial cooperation: accreditation of forensic laboratory activities (DNA and fingerprints). Framework Decision. Initiative Sweden and Spain	
See also <a href="#">2019/0012(NLE)</a> See also <a href="#">2019/0013(NLE)</a>	
Subject 7.30 Police, judicial and customs cooperation in general 7.30.05 Police cooperation 7.30.20 Action to combat terrorism 7.40 Judicial cooperation	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<b>LIBE</b> Civil Liberties, Justice and Home Affairs	ECR <a href="#">KIRKHOPE Timothy</a>	02/09/2009
		Shadow rapporteur	
		PPE <a href="#">VAN DE CAMP Wim</a>	
		S&D <a href="#">SIPPEL Birgit</a>	
Council of the European Union	Council configuration	Meeting	Date
	<a href="#">Justice and Home Affairs (JHA)</a>	<a href="#">2979</a>	30/11/2009
	<a href="#">Justice and Home Affairs (JHA)</a>	<a href="#">2969</a>	23/10/2009
European Commission	Commission DG <a href="#">Justice and Consumers</a>	Commissioner BARROT Jacques	

Key events			
20/07/2009	Legislative proposal published	<a href="#">11419/2009</a>	Summary
14/09/2009	Committee referral announced in Parliament		
23/10/2009	Debate in Council	<a href="#">2969</a>	Summary
12/11/2009	Vote in committee		Summary
17/11/2009	Committee report tabled for plenary, 1st reading/single reading	<a href="#">A7-0071/2009</a>	
23/11/2009	Debate in Parliament		
24/11/2009	Results of vote in Parliament		

24/11/2009	Decision by Parliament		Summary
30/11/2009	Act adopted by Council after consultation of Parliament		
30/11/2009	End of procedure in Parliament		
09/12/2009	Final act published in Official Journal		

### Technical information

Procedure reference	2009/0806(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Decision
	See also <a href="#">2019/0012(NLE)</a> See also <a href="#">2019/0013(NLE)</a>
Legal basis	Rules of Procedure EP 198; Treaty on the European Union (after Amsterdam) M 039-p1
Other legal basis	Rules of Procedure EP 159
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/7/00471

### Documentation gateway

Legislative proposal	<a href="#">11419/2009</a>	20/07/2009	CSL	Summary
Amendments tabled in committee	<a href="#">PE430.425</a>	26/10/2009	EP	
Committee draft report	<a href="#">PE430.264</a>	11/11/2009	EP	
Committee report tabled for plenary, 1st reading/single reading	<a href="#">A7-0071/2009</a>	17/11/2009	EP	

### Additional information

European Commission	<a href="#">EUR-Lex</a>
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### Final act

[Decision 2009/905](#)  
[OJ L 322 09.12.2009, p. 0014](#) Summary

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

**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.

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

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Ministers reached a general agreement on a draft framework decision on accreditation of forensic laboratory activities. They welcomed the progress made and asked Council preparatory bodies to continue their work with a view to adopting the legislation as soon as possible.

The purpose of this framework decision is to ensure that the results of forensic laboratory activities carried out in one EU Member State are recognised by the authorities responsible for the prevention, detection and investigation of criminal offences within any other Member States. To this end, a national accreditation body in each Member State must accredit forensic service providers carrying out laboratory activities as complying with the relevant international ISO-standard.

The overall aim of this framework decision is confidence-building between EU Member States. As the amount of data transferred across the EU increases, it will become increasingly important to ensure that the quality of the data is sufficiently high.

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

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The Committee on Civil Liberties, Justice and Home Affairs adopted the report drawn up by Timothy KIRKHOPE (ECR, UK) on the initiative of the Kingdom of Sweden and the Kingdom of Spain for the adoption of a Council framework decision on accreditation of forensic laboratory activities, calling on the European Parliament to reject the proposed initiative.

The Members consider that this draft framework decision raises issues in terms of the correct legal base.

They therefore call on the Kingdom of Sweden and the Kingdom of Spain to withdraw their initiative.

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

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The European Parliament rejected (651 votes against, 9 in favour, 7 abstentions), under the consultation procedure, the initiative with a view to adopting a Council framework decision on accreditation of forensic laboratory activities.

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

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**PURPOSE:** to ensure 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.

**LEGISLATIVE ACT:** Council Framework Decision 2009/905/JHA on Accreditation of forensic service providers carrying out laboratory

activities.

CONTENT: 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 establish common standards for forensic service providers.

In the Council and Commission Action Plan implementing The Hague Programme on strengthening freedom, security and justice in the European Union Member States stressed the need for a definition of the quality standards of forensic laboratories by 2008.

The purpose of this Framework Decision is 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. This purpose is achieved by ensuring that forensic service providers carrying out laboratory activities are accredited by a national accreditation body as complying with EN ISO/IEC 17025.

An accreditation standard allows any Member State to require, if it wishes, complementary standards in laboratory activities within its national jurisdiction. Accreditation will help establish mutual trust in the validity of the basic analytic methods used. However, accreditation does not state which method to use, only that the method used has to be suitable for its purpose

This Framework Decision shall apply to laboratory activities resulting in: (a) DNA-profile; and (b) dactyloscopic data.

Member States shall forward to the General Secretariat of the Council and to the Commission the text of the provisions transposing into their national laws the obligations imposed on them under this Framework Decision by 30 May 2016 at the latest.

On the basis of the information provided by the Member States on request, the Commission shall, before 1 July 2018, submit a report to the Council on the implementation and application of this Framework Decision.

The Council shall, by the end of 2018, assess the extent to which Member States have complied with this Framework Decision.

ENTRY INTO FORCE: 29/12/2009.

IMPLEMENTATION: 30/11/2013 (DNA profile) and 30/11/2015 (dactyloscopic data).