

# Procedure file

Basic information	
NLE - Non-legislative enactments	2019/0013(NLE)
<p>EU/Switzerland agreement: cross-border cooperation, particularly in combating terrorism and cross-border crime; forensic service providers carrying out laboratory activities</p> <p>See also Decision 2008/615/JHA <a href="#">2007/0804(CNS)</a>            See also Decision 2008/616/JHA <a href="#">2007/0821(CNS)</a>            See also Decision 2009/905/JHA <a href="#">2009/0806(CNS)</a></p> <p>Subject            7.30.05 Police cooperation            7.30.20 Action to combat terrorism            7.30.30 Action to combat crime</p> <p>Geographical area            Switzerland</p>	
Procedure completed	

Key players			
European Parliament	<p>Committee responsible</p> <p> <a href="#">Civil Liberties, Justice and Home Affairs</a></p>	<p>Rapporteur</p> <p> <a href="#">METSOLA Roberta</a></p> <p>Shadow rapporteur</p> <p> <a href="#">MORENO SÁNCHEZ Javier</a></p> <p> <a href="#">HOOK Antony</a></p> <p> <a href="#">FRANZ Romeo</a></p> <p> <a href="#">BERG Lars Patrick</a></p> <p> <a href="#">WIŚNIEWSKA Jadwiga</a></p>	<p>Appointed</p> <p>04/09/2019</p>
	<p>Former committee responsible</p> <p> <a href="#">Civil Liberties, Justice and Home Affairs</a></p>		
Council of the European Union			
European Commission	<p>Commission DG</p> <p><a href="#">Migration and Home Affairs</a></p>	<p>Commissioner</p> <p>JOHANSSON Ylva</p>	

Key events			
31/01/2019	Preparatory document	<a href="#">COM(2019)0026</a>	

28/05/2019	Legislative proposal published	<a href="#">08730/2019</a>	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	<a href="#">A9-0043/2019</a>	Summary
17/12/2019	Results of vote in Parliament		
17/12/2019	Decision by Parliament	<a href="#">T9-0086/2019</a>	
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
	See also Decision 2008/615/JHA <a href="#">2007/0804(CNS)</a> See also Decision 2008/616/JHA <a href="#">2007/0821(CNS)</a> See also Decision 2009/905/JHA <a href="#">2009/0806(CNS)</a>
Legal basis	Treaty on the Functioning of the EU TFEU 082-p1; Treaty on the Functioning of the EU TFEU 087-p2; Treaty on the Functioning of the EU TFEU 218-p6a
Other legal basis	Rules of Procedure EP 159
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/9/00419

### Documentation gateway

Document attached to the procedure	<a href="#">COM(2019)0027</a>	31/01/2019	EC	
Preparatory document	<a href="#">COM(2019)0026</a>	31/01/2019	EC	
Legislative proposal	<a href="#">08730/2019</a>	28/05/2019	CSL	Summary
Document attached to the procedure	<a href="#">08744/2019</a>	28/05/2019	CSL	Summary
Document attached to the procedure	<a href="#">10510/2019</a>	20/06/2019	CSL	Summary
Committee draft report	<a href="#">PE641.447</a>	28/10/2019	EP	
Committee report tabled for plenary, 1st reading/single reading	<a href="#">A9-0043/2019</a>	05/12/2019	EP	Summary
Text adopted by Parliament, 1st reading/single reading	<a href="#">T9-0086/2019</a>	17/12/2019	EP	

### 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

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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

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**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.

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

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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

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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.