



Council of the
European Union

Brussels, 30 May 2016
(OR. en)

9370/16

CH 6
FL 26
JAI 479
CRIMORG 40
ENFOPOL 158
RELEX 427
DAPIX 81

'I/A' ITEM NOTE

From: General Secretariat of the Council

To: Permanent Representatives Committee/Council

No. prev. doc.: 5988/16 EU RESTRICTED

Subject: Draft COUNCIL DECISION authorising the negotiations for the conclusion of agreements between the European Union, on the one part, and the Swiss Confederation and the Principality of Liechtenstein, on the other part, 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

- Adoption

1. On 30 October 2015, the Commission submitted to the Council the draft Recommendation for a Council Decision authorising the negotiations for the conclusion of agreements between the European Union, on the one part, and the Swiss confederation and the Principality of Liechtenstein, on the other part, on the application of certain provisions of Council Decisions 2008/615/JHA and 2008/616/JHA, the "Prüm Decisions".

2. Subsequent to comments on the draft, in particular with regard to Protocol (No 21) and the UK position, received from delegations after the JHA Counsellors meeting of 1 December 2015, the Council Legal Service examined the proposal. An amended proposal was presented to the Working Party on Information Exchange and Data Protection on 26 January 2016, where delegations were, in particular, informed about the widening of the scope of negotiation to Council Framework Decision 2009/905/JHA (the "Forensic Decision").
3. The United Kingdom notified to Commission and Council by letter on 22 January 2016 (5660/16) its wish to participate in the "Prüm Decisions"¹. On 20 May 2016, the Commission confirmed, in accordance with Article 331(1) TFEU, the participation of the United Kingdom.
4. The United Kingdom notified to Commission and Council by letter on 29 January 2016² its wish to take part in the adoption and application of the above-mentioned Recommendation for a Council Decision (5760/16).
5. Subsequently, a revised version of the draft Council Decision on the authorisation of the negotiations (5988/16 EU/RESTRICTED CH 3 FL 2 JAI 87 CRIMORG 9 ENFOPOL 30 RELEX 93 DAPIX 21), which reflects the participation by the United Kingdom in the Prüm Decisions and the Forensic Decision, was issued. Delegations were invited to react on the proposal and no comments were submitted to the General Secretariat by Thursday, 26 May 2016.
6. *COREPER is therefore invited to agree on the draft Council Decision as set out in 5988/16 EU RESTRICTED, so that it can be submitted to the Council for adoption.*

¹ 5660/16
² 5760/16