



Council of the  
European Union

Brussels, 5 December 2022  
(OR. en)

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## **LEGISLATIVE ACTS AND OTHER INSTRUMENTS**

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Subject: COUNCIL DECISION on the conclusion of the 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

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**COUNCIL DECISION (EU) .../...**

**of ...**

**on the conclusion of the 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 COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular point (d) of the second subparagraph of Article 82(1) and point (a) of Article 87(2), in conjunction with point (a) of the second subparagraph of Article 218(6) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament,<sup>1</sup>

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<sup>1</sup> Consent of ... (not yet published in the Official Journal).

Whereas:

- (1) In accordance with Council Decision (EU) .../...<sup>1+</sup>, the 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') was signed on ...<sup>++</sup>, subject to its conclusion at a later date.

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<sup>1</sup> Council Decision (EU) .../... of ... on the signing, on behalf of the European Union, and on provisional application of certain provisions of the 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 (OJ L [...], [...]. p. [...]).

<sup>+</sup> OJ: please insert in the text the number of the Decision in document ST 8740/19, and complete the corresponding footnote.

<sup>++</sup> OJ: please insert the date of signature of the Agreement in ST 8744/19.

- (2) The improvement of law enforcement information exchange for the purpose of maintaining security in the Union cannot be sufficiently achieved by the Member States in isolation, due to the nature of international crime, which is not confined to the Union borders. The possibility for all the Member States and the Swiss Confederation to have reciprocal access to national databases regarding DNA analysis files, dactyloscopic identification systems and vehicle registration data is of central importance in fostering cross-border law enforcement cooperation.
- (3) In accordance with Article 8(3) of the Agreement, Article 5(1) and (2) of the Agreement have been applied on a provisional basis since the date of signature of the Agreement.
- (4) Ireland is bound by Council Decision 2008/615/JHA<sup>1</sup>, Council Decision 2008/616/JHA<sup>2</sup> and the Annex thereto, and Council Framework Decision 2009/905/JHA<sup>3</sup>, and is therefore taking part in the adoption and application of this Decision.

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<sup>1</sup> Council Decision 2008/615/JHA of 23 June 2008 on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime (OJ L 210, 6.8.2008, p. 1).

<sup>2</sup> Council Decision 2008/616/JHA of 23 June 2008 on the implementation of Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime (OJ L 210, 6.8.2008, p. 12).

<sup>3</sup> Council Framework Decision 2009/905/JHA of 30 November 2009 on accreditation of forensic service providers carrying out laboratory activities (OJ L 322, 9.12.2009, p. 14).

- (5) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Decision and is not bound by it or subject to its application.
- (6) The Agreement should be approved,

HAS ADOPTED THIS DECISION:

### *Article 1*

The 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 is hereby approved on behalf of the Union.<sup>1+</sup>

### *Article 2*

The President of the Council shall, on behalf of the Union, give the notification provided for in Article 8(1) of the Agreement<sup>2</sup>.

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<sup>1</sup> The text of the Agreement has been published in OJ L ..., ..., p. ..., together with the decision on signature.

<sup>+</sup> OJ: Please complete the OJ reference for the Agreement in ST 8744/2019.

<sup>2</sup> The date of entry into force of the Agreement will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

*Article 3*

This Decision shall enter into force on the date of its adoption.

Done at ...,

*For the Council*

*The President*

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