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Council of the European Union

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'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	Council Implementing Decision on the determination of the date from which personal data relating to dactyloscopic data may be supplied by Member States to Switzerland and Liechtenstein - Adoption

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*[1] as well as the *Agreement between the European Union and the Principality of Liechtenstein 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*[2] (the 'Agreements') provide for

1 OJ L 328, 22.12.2022, p. 94.
2 OJ L 328, 22.12.2022, p. 96.

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reciprocal cooperation between the competent law enforcement authorities of the Member States, on the one side, and Switzerland and Liechtenstein, on the other side, concerning the automated exchange of DNA data, dactyloscopic data and vehicle registration data.

2. In accordance with Article 8(7) of both Agreements, the supply by Member States of personal data provided for under the Agreements is not to take place until the provisions of Chapter 6 of *Council Decision 2008/615/JHA*[3] have been implemented in the national laws of Switzerland and of Liechtenstein. In order to verify whether this is the case, an evaluation visit and a pilot run are to be carried out, similar to those concluded in respect of Member States pursuant to Chapter 4 of the Annex to *Council Decision 2008/616/JHA*.[4]

3. On 21 January 2026, Switzerland and Liechtenstein underwent such common evaluation visit regarding to automated searches of dactyloscopic data.

4. At its meeting on 22 April 2026, the Working Party on JHA Information Exchange (IXIM) endorsed an overall evaluation report, summarising the results of the common evaluation visit and of the pilot run that took place in the framework of the evaluation. The report concluded that the aspects enabling automated exchange of dactyloscopic data with Member States pursuant to Article 8(7) of the Agreement between the EU and the Swiss Confederation, and Article 8(7) of the Agreement between the EU and the Principality of Liechtenstein, have been successfully implemented by Switzerland and Liechtenstein at the legal, operational and technical levels.

5. Since Switzerland and Liechtenstein fulfil the conditions set out in Article 8(7) of the Agreements, Switzerland and Liechtenstein should be entitled to receive personal data supplied by Member States pursuant to the Agreements.

6. According to the third subparagraph of Article 8(7) of both Agreements, the Council is conferred implementing powers with a view to determining the date or dates from which personal data may be supplied by Member States to Switzerland and Liechtenstein.

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3 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).

4 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).

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7. In view of the above, and subject to confirmation by the Permanent Representatives' Committee, the Council is invited to:

– adopt as an "A" item, the draft *Council Implementing Decision on the determination of the date from which personal data relating to dactyloscopic data may be supplied by Member States to Switzerland and Liechtenstein*, as set out in 10088/26.

– agree that the text of the Council Implementation Decision will be published in the Official Journal.

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