Council of the
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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

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

COUNCIL IMPLEMENTING DECISION (EU) 2026/…

of …

on the determination of the date from which personal data relating to dactyloscopic data may be supplied by Member States to Switzerland and Liechtenstein

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Decision (EU) 2022/2536 of 12 December 2022 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[1],

[1] OJ L 328, 22.12.2022, p. 94, ELI: http://data.europa.eu/eli/dec/2022/2536/oj.

Having regard to Council Decision (EU) 2022/2537 of 12 December 2022 on the conclusion of 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],

[2] OJ L 328, 22.12.2022, p. 96, ELI: http://data.europa.eu/eli/dec/2022/2537/oj.

Whereas:

(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, 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 (the 'Agreements') provide for reciprocal cooperation between the competent law enforcement authorities of the Member States, on the one hand, and Switzerland and Liechtenstein, on the other hand, concerning the automated exchange of DNA data, dactyloscopic data and vehicle registration data.

(2) The Agreements are binding on the Union and on its Member States by virtue of Decisions (EU) 2022/2536 and (EU) 2022/2537, respectively, which are based on Article 82(1) and Article 87(2)(a) of the Treaty on the Functioning of the European Union (TFEU).

(3) Pursuant to Article 8(7) of the 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, respectively. In order to verify the implementation of those provisions, an evaluation visit and a pilot run are to be carried out in Switzerland and in Liechtenstein. Those are similar to the evaluation visits and pilot runs carried out in respect of Member States pursuant to Chapter 4 of the Annex to Council Decision 2008/616/JHA[4].

(4) Pursuant to Article 8(7), third subparagraph, of the Agreements, implementing powers are conferred on the Council 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, ELI: http://data.europa.eu/eli/dec/2008/615/oj).

[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, ELI: http://data.europa.eu/eli/dec/2008/616/oj).

(5) In November 2024 and July 2025, the Council drafted and sent dedicated questionnaires to Switzerland and Liechtenstein, respectively, relating to data protection and the automatic exchange of dactyloscopic data. In May 2025 and July 2025, Switzerland and Liechtenstein, respectively, provided the Council with their respective answers to the questionnaires relating to data protection and the automatic exchange of dactyloscopic data. Those answers were subsequently transmitted to the relevant evaluation team.

(6) On 21 January 2026, Switzerland and Liechtenstein underwent a common evaluation with regard to automated searches of dactyloscopic data. That evaluation took into account the fact that, pursuant to a bilateral agreement between Switzerland and Liechtenstein, Liechtenstein stores the entirety of its dactyloscopic data in the Swiss Automated Fingerprint Identification database. Switzerland also processes and provides forensic expertise to Liechtenstein. Authorised personnel from Liechtenstein have extensive access to Switzerland's biometric database in order to upload their own dactyloscopic and personal data and to search and access data stored in that biometric database. From a technical point of view, Liechtenstein is connected to the Swiss Automated Fingerprint Identification database with its own dataset, similarly to a Swiss canton.

(7) In the framework of the evaluation, a successful pilot run was carried out for dactyloscopic data exchange between Switzerland and Liechtenstein, on the one hand, and Austria, on the other hand.

(8) On 22 April 2026, an overall evaluation report summarising the results of the questionnaires, the evaluation visit and the pilot run, was presented to the Council. The evaluation report concluded that the aspects enabling automated exchange of dactyloscopic data with Member States pursuant to Article 8(7) of the Agreements had been successfully implemented by Switzerland and Liechtenstein at legal, operational and technical level.

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

(10) Ireland is bound by the Agreements by virtue of Decisions (EU) 2022/2536 and (EU) 2022/2537 and is therefore taking part in the adoption and application of this Decision, which implements the Agreements.

(11) 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 TFEU, Denmark is not taking part in the adoption of this Decision and is not bound by it or subject to its application,

HAS ADOPTED THIS DECISION:

Article 1

For the purposes of the automated searching and comparison of dactyloscopic data, personal data may be supplied by Member States to Switzerland and Liechtenstein from 1 July 2026 pursuant to 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, and 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, respectively.

Article 2

This Decision shall enter into force on 1 July 2026.

Done at …, …

For the Council

The President