Council of the European Union

Brussels, 2 December 2022
(OR. en)

15073/22

Interinstitutional Files:
2019/0013(NLE)
2019/0012(NLE)

IXIM 273
CH 14
FL 31
CRIMORG 168
ENFOPOL 584
RELEX 1577
JAI 1518

'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	Draft 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 crossborder crime, and the Annex thereto, and of Council Framework Decision 2009/905/JHA on accreditation of forensic service providers carrying out laboratory activities - Adoption Draft Council decision 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 crossborder 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 9 June 2016, the Council adopted Decisions authorising 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 (the 'Prüm Decisions'), and of Council Framework Decision 2009/905/JHA on accreditation of forensic service providers carrying out laboratory activities[1].

2. On 31 January 2019, following completion of the negotiations, the Commission submitted to the Council:

   – a proposal for a Council decision on the signing, on behalf of the European Union, and on the 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 Council 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 forensic service providers carrying out laboratory activities[2],

[1] 10700/17
[2] 6251/19 + ADD 1

– a proposal for a Council decision on the signing, on behalf of the European Union, and on the provisional application of certain provisions 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 Council 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 forensic service providers carrying out laboratory activities[3],

– a proposal for a 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[4],

– a proposal for a Council decision 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[5].

---

3 6253/19 + ADD 1
4 6249/19
5 6248/19

3. On 6 June 2019, in the light of the above, the Council:

   – adopted Decisions on the signing, on behalf of the Union, and on the provisional application of the Agreements as set out in documents 8740/19 and 8747/19 as well as the text of the Agreements as set out in 8744/19 and 8750/19 (texts finalised by lawyer linguists);

   – decided to inform the European Parliament of the Council Decisions on the signing and provisional application of certain provisions of the Agreements;

   – decided to forward the draft Council Decisions on the conclusion of the Agreements as set out in 8730/19 and 8732/19 (texts finalised by lawyer linguists) to the European Parliament for its consent.

4. On 17 December 2019, the European Parliament gave its consent to the conclusion of the Agreements.

5. Revised versions of the draft Council decisions on the conclusion (8730/1/19 REV 1 and 8732/1/19 REV 1) had to be issued so as to reflect the consequences of the withdrawal of the United Kingdom from the Union.

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

   – adopt, as an "A" item on the agenda of one of its forthcoming meetings, the Council Decisions on the conclusion of the Agreements as finalised by the legal-linguistic experts and set out in documents 8730/1/19 REV 1 and 8732/1/19 REV 1;

   – note that the European Parliament will be informed in accordance with Article 218(10) TFEU, and that the Council Decision will be transmitted to the European Parliament.