



**COUNCIL OF
THE EUROPEAN UNION**

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from: General Secretariat
to: Permanent Representatives Committee/Council

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Subject: Draft Council Conclusions on the vision for European Forensic Science 2020 including the creation of a European Forensic Science Area and the development of forensic science infrastructure in Europe

1. The Law Enforcement Working Party at its meetings on 15 July, 15 September and 24 October 2011 discussed the Presidency's proposal for draft Council Conclusions on the vision for European Forensic Science 2020 including the creation of a European Forensic Science Area and the development of forensic science infrastructure in Europe.
2. Following bilateral contacts, a revised proposal was prepared by the Presidency, to which Member States agreed by written procedure.
3. On this basis, COREPER is requested to invite the Council to adopt the draft Council Conclusions on the vision for European Forensic Science 2020 including the creation of a European Forensic Science Area and the development of forensic science infrastructure in Europe set out in annex.

**Draft Council Conclusions on the vision for European Forensic Science 2020 including the
creation of a European Forensic Science Area and the development of forensic science
infrastructure in Europe**

THE COUNCIL OF THE EUROPEAN UNION

BEARING IN MIND the objective of the European Union of maintaining and developing the Union as an area of freedom, security and justice, whereby a high level of safety is to be provided by common action between the Member States in the field of police and judicial cooperation in criminal matters,

HAVING REGARD to the Treaty on the Functioning of the European Union, and in particular Articles 87(1) and 87(2)(a) thereof, which state that the Union shall establish police cooperation involving the Member States' competent authorities and introduce measures concerning the collection, storage, processing, analysis and exchange of relevant information,

HAVING REGARD to the Stockholm Programme¹, which stresses the importance of strengthening mutual trust between authorities and services in the different Member States, and paves the way to agreeing on common standards within the forensic field,

CONSIDERING Council Framework Decision 2009/905/JHA on Accreditation of forensic service providers carrying out laboratory activities², which seeks to ensure that the results of laboratory activities carried out by accredited forensic service providers in one Member State are recognised by the authorities responsible for the prevention, detection and investigation of criminal offences as being equally reliable as the results of laboratory activities carried out by forensic service providers accredited to EN ISO/IEC 17025 within any other Member State, and to achieve this by ensuring that forensic service providers carrying out laboratory activities are accredited by a national accreditation body as complying with EN ISO/IEC 17025,

¹ OJ C 115, 4.5.2010, p. 1.

² OJ L 322, 9.12.2009, p. 14.

REAFFIRMING the need to address in a coherent, comprehensive and efficient way the challenges that crime poses to societies across the European Union and the crucial role that forensic science plays in realising the goal of providing science based, unbiased and objective information,

REITERATING that forensic science can significantly contribute to making law enforcement more efficient and effective, and to preventing and combating crime, inter alia through increasing the potential for closer cooperation between law enforcement authorities in the Member States, while respecting the principles and rules relating to human rights, fundamental freedoms and the rule of law on which the Union is founded and which are common to Member States,

RECALLING the central role of the exchange of information including biometrics and other data generated by forensic processes in the prevention of and fight against crime and criminal activities, and the importance of Member States supporting, supplementing and strengthening the free movement of information relevant to law enforcement as and where appropriate,

CONSIDERING that data resulting from Member States' forensic processes are currently used by law enforcement authorities on a cross-border basis, or are integrated in Europe-wide electronic data systems without reference to any recognised quality standards,

CONSIDERING therefore the need to broaden confidence in the recognition of the equivalence of each others' standards for the collection, processing, use and delivery of forensic data, by making these transparent so as to identify the common minimum quality conditions under which such data can be acceptable for use by police and judicial authorities,

RECALLING that forensic service providers in Member States can operate either as part of law enforcement agencies or as independent public or private organisations and individuals,

RECALLING that Europol has developed specific expertise in the field of forensic science, as it is tasked to assist Member States through support, advice and research in the area of technical and forensic methods and analysis, and investigative procedures,

REAFFIRMING the need to ensure the effective and appropriate exchange of information regarding scientific evidence and the increased use of forensic data from one Member State in the judicial processes of another,

REAFFIRMING the need to offer police and judicial authorities reasonable assurances that the data which they are using, irrespective of their origin, meet quality standards at least equivalent to those applied to national data, without encroaching in any manner whatsoever on the autonomy of judicial authorities to assess the evidential value of the data, the rules of criminal procedure or the admissibility of evidence,

STATING the ambition to create by 2020 a European Forensic Science Area that will be an area in which routine forensic processes for the collection, processing, use and delivery of forensic data are based on equivalent minimum forensic science standards, and in which forensic service providers will work on the basis of a common approach to implementation of these standards that fosters closer cooperation between them and the criminal justice systems,

STATING that the European Forensic Science Area will also include the following additional aims:

- to support and facilitate cooperation between Member States in relation to forensic science, together with the sharing of the results of forensic science activities and the quality of forensic science,
- to maintain and improve the quality of forensic science provided in Member States through the measures set out in annex,
- to support the Member States in developing approaches which foster closer cooperation between their individual criminal justice systems and the providers of forensic services,

EMPHASISING therefore the need to define commonly accepted minimum forensic science standards for the collection, processing, use and delivery of forensic data relating inter alia to data concerning DNA profiles, as well as dactyloscopic and other biometric data, and to equip the Union to meet the new challenges that it is facing in the field of high tech and cyber crime,

CONSIDERING the need to pursue the goal expressed in Council Framework Decision 2009/905/JHA of endowing the Union with a modern, world-class forensic infrastructure capable of supporting cross-border cooperation, in conjunction with legal and non-legal measures, and guaranteeing a common high quality level of forensic science, as well as investing in research and the development of new technologies and innovative products under the 7th Framework Programme and the forthcoming Specific Programme on inclusive, innovative and secure societies under the Horizon 2020 Multiannual Framework Programme,

RECOGNISING that the European Network of Forensic Science Institutes (ENFSI) is an important platform for efficient knowledge exchange, with a view to developing minimum quality requirements, facilitating international collaboration and identifying important systemic needs for the forensic community,

INVITES THE MEMBER STATES AND THE COMMISSION, in close cooperation with Europol, ENFSI and other such international organisations as Member States consider appropriate to present by the end of June 2013 a detailed action plan to implement the vision for European Forensic Science 2020 set out in annex, taking into account the final project report "Safeguarding the use of expert evidence in the European Union" (JLS/2006/AGIS/058), the final project report "Study of the obstacles to cooperation and information-sharing between forensic science laboratories and other relevant bodies of different Member States and between the latter and counterparts in third countries" (JLS/D1/2007/025), and the Green Paper on obtaining evidence in criminal matters from one Member State to another and securing its admissibility (17691/09 COPEN 249 JAI 935),

INVITES THE MEMBER STATES

- to raise the level of forensic science by establishing and developing their relevant forensic science infrastructure, to ensure the highest quality of forensic service providers in order to meet the requirements of the state of art of science and technology, whilst respecting the rules regarding the protection of personal data,
- to designate a single point of contact in their respective administrations for disseminating information in relation to the activities developed to implement these conclusions, including the forensic science infrastructure,
- to engage in the coordination and cooperation of and between the relevant national stakeholders so as to ensure that the activities set out in the action plan will be followed up at national level,
- to support and assist the creation and development of a European Forensic Science Area,

INVITES THE COMMISSION

- to consider the adoption of appropriate legal and non-legal measures to support the activities set out in the action plan,
- to support the Member States' efforts to raise the standards of forensic science products and services and the efforts of ENFSI, EUROPOL and other such international organisations as Member States consider appropriate in creating a European Forensic Science Area, in particular through appropriate funding measures in the context of the relevant multiannual framework programme.

Vision for European Forensic Science 2020

In order to foster cooperation between police and judicial authorities across the European Union with a view to creating a European Forensic Science Area by 2020, Member States and the Commission will work together to make progress in the following areas, aiming to ensure the even-handed, consistent and efficient administration of justice and the security of citizens:

- accreditation of forensic science institutes and laboratories;
- respect for minimum competence criteria for forensic science personnel;
- establishment of common best practice manuals and their application in daily work of forensic laboratories and institutes;
- conduct of proficiency tests/collaborative exercises in forensic science activities at international level;
- application of minimum quality standards for scene-of-crime investigations and evidence management from crime scene to court room;
- recognition of equivalence of law enforcement forensic activities with a view to avoiding duplication of effort through cancellation of evidence owing to technical and qualitative differences, and achieving significant reductions in the time taken to process crimes with a cross-border component;
- identification of optimal and shared ways to create, update and use forensic databases;
- use of advances in forensic science in the fight against terrorism, organised crime and other criminal activities;
- forensic awareness, in particular through appropriate education and training of the law enforcement and justice community;
- research and development projects to promote further development of the forensic science infrastructure.