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From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
No. prev. doc.:	11189/2/22 REV 2
Subject:	Draft Council Conclusions on the vision of the European Forensic Science Area 2.0 (EFSA 2.0) – Approval

1. Delegations will find in Annex the draft Council Conclusions on the vision of the European Forensic Science Area 2.0.
2. The draft Council Conclusions call on Member States to continue the work in the field of forensic science in order to adopt a dedicated Action Plan for a new European Forensic Science Area 2030, building upon the vision elaborated by the European Network of Forensic Science Institutes (ENFSI) and containing a specific set of actions.
3. The draft Council Conclusions were discussed by the members of the Law Enforcement Working Party (LEWP-Police) during their meetings on 20 July, 6 September and 22 September 2022.

4. The draft was subsequently finalised on the basis of these discussions and further written comments of the delegations requesting minor modifications.
5. In view of the above, the Permanent Representatives Committee is invited to recommend that the Council approves the Council Conclusions on the vision of the European Forensic Science Area 2.0., as set out in the Annex to this note.

Draft Council Conclusions on the vision of the European Forensic Science Area 2.0
(EFSA 2.0)

THE COUNCIL OF THE EUROPEAN UNION,

6. 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 security is to be provided by common action between the Member States in the field of police and judicial cooperation in criminal matters,
7. HAVING REGARD to Title V Area of Freedom, Security and Justice of 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,
8. HAVING REGARD to the value of the cross-border exchange of DNA-profiles, fingerprinting data and vehicle registration data under the Prüm Decisions 2008/615/JHA and 2008/616/JHA of 23 June 2008 on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime, in the light of the reform of the EU Police Cooperation Code to enhance law enforcement cooperation across Member States,
9. CONSIDERING the Council Framework Decision 2009/905/JHA of 30 November 2009 on the accreditation of forensic service providers carrying out laboratory activities concerning DNA and fingerprints as well as the ISO/IEC 17025 general requirements for the competence of testing and calibration laboratories,
5. TAKING IN CONSIDERATION the EMPACT Priorities and Common Horizontal Strategic Goals (CHSGs) mentioned in the Council Conclusions for EMPACT¹,

¹ 6481/21, 9184/21

6. TAKING INTO ACCOUNT the progress made in the implementation of the Council Conclusions and Action Plan on the way forward in view of the creation of an European Forensic Science Area of 13 June 2016², and recognising the need to further build upon this work in order to support law enforcement and judicial authorities in the European Union in the field of forensic science NOTING that the Council Conclusions on Internal Security and the European Police Partnership of November 2020 foster the development and availability of cross-border data, including biometrics and new technologies, for an effective European Internal Security Partnership,³
7. TAKING INTO ACCOUNT the Commission Communication on an EU Security Union Strategy, which sets out specific actions to fully address strategic priorities in the digital and physical world, including protections Europeans from terrorism and organised crime, and acknowledges the increasing inter-connection between internal and external security⁴,
8. EMPHASISING the importance of improving the reliability and validity of forensic science and fostering the implementation of emerging technologies for an efficient and robust European security ecosystem,
9. CONSIDERING that Europol supports cooperation among law enforcement authorities in the Union and supports Member States through, among others, its Document and Digital Forensics Teams and its Innovation Lab; and that relevant EU Agencies support the further development of innovative cutting-edge products for the security of citizens in the EU through the EU Innovation hub for Internal Security,
10. NOTING that a European Forensic Science Area would foster cooperation and provide confidence through alignment of procedures and practices of forensic service providers in Member States,
11. ACKNOWLEDGING that the Union constitutes an area of freedom, security and justice with respect for fundamental rights and the different legal systems and traditions of the Member States, and that practices will necessarily vary between Member States,

² 10128/16

³ 13083/20

⁴ 10010/20

12. RECOGNISING the important role of the European Network of Forensic Science Institutes (ENFSI) as a platform for efficient forensic knowledge exchange, as well as other stakeholders and forensic science service providers, with a view to developing minimum quality requirements for forensic examinations, facilitating international collaboration and identifying important systemic needs for the forensic community,
13. INVITING the Member States, the European Commission, the relevant EU Agencies within their mandate, and other relevant institutions and organisations to work together on developing an European Forensic Science Area 2.0, which should provide a comprehensive vision to meet current and future needs and strengthen the impact and reliability of forensic results. The vision should outline concrete elements and a designed way forward for the support of forensic science providers to law enforcement authorities in Member States and EU Agencies, including through research and innovation,

CONSEQUENTLY, THE COUNCIL:

CONSIDERS it necessary to continue the work in the field of forensic science in order to adopt a dedicated Action Plan for a new European Forensic Science Area 2030, building upon the vision elaborated by ENFSI and containing specific actions covering areas such as:

- **Biometrics** that allow for a person to be identified and authenticated based on a set of recognisable and verifiable data, which are unique and specific to them. The ability to use and exchange biometric data should be improved through a safe and robust procedure and be in line with international standards such as ISO/IEC 19794 series. The importance of biometrics for the comparison analysis should further be taken into account as a key factor that helps to solve the tasks of law enforcement authorities.
- **Artificial Intelligence** as a tool that could be applied to a number of activities in forensic science processes with the aim to improve their quality, efficiency and availability. The potential of artificial intelligence in forensic science should be explored, developed and validated in order to be beneficial for case work and forensic intelligence,

- **Digitalisation** as a broad area where new technologies and automated processes are implemented to support and improve different phases in the forensic science process, from the crime scene to the courtroom,
- **New tools and emerging technologies** in order to be able to adapt to new science and technology innovations and assess their possibilities or limitations. This includes the development of nanoscience and nanotechnology as well as supporting cooperation between the forensic science community, universities and industries in research and innovation projects,
- **Emerging biological and chemical evidence types ‘-omics’** which are novel methods of analysis that can lead to the identification of large molecules such as proteins or metabolites which can provide information about people, their activities and their environment,
- **Forensic examination and interpretation** to strengthen the impact of forensic results and demonstrate their reliability. Transfer and persistence of traces and the effect of background abundance shall be explored to further enhance the validity of forensic analysis. It is important to build up a methodology for the examination and interpretation of these results in order to develop or confirm that used methods/procedures are valid and robust in forensic conditions, to enhance the forensic science practice,
- **Forensic data sharing** across agencies and jurisdiction to guarantee data quality and support the harmonisation of formats in datasets, including tools to share data⁵, in order to ensure the interoperability of EU large scale information systems.
- **Multidisciplinary approaches** so that forensic results can be beneficial for investigations and intelligence led operations related to organised crime and terrorism.

⁵ 11824/2/20 REV 2, 9105/21

- **Fundamentals in Forensic Science** including a broad scope of possible areas to explore and develop while respecting the current methods. Despite the continuous improvements to develop reliable and valid scientific data, such as empirical studies, this would allow to enhance forensic science practice.
- **Forensic human factors**, understanding of how human interaction impacts on decisions at all levels of a forensic investigative process, from the scene of crime to the courtroom.
- INVITES relevant stakeholders such as the European Commission, ENFSI, the European Union Agency for Law Enforcement Cooperation (Europol), the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA), the European Union Agency for Law Enforcement Training (CEPOL), the European Judicial Training Network (EJTN), and the European Union Agency for Criminal Justice Cooperation (Eurojust) to actively participate in this work in order to identify activities which could build upon their contribution to the creation of the previous EFSA 2020, and contribute to the above goals within their respective areas of competence in the upcoming Action Plan for EFSA 2030,

INVITES the European Commission to support the Member States' efforts to improve the reliability and validity of forensic science, in particular through appropriate funding measures.
