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# Agreement

between the United Kingdom of Great Britain and Northern Ireland and the Swiss  
Confederation on Police Cooperation

London, 9 December and Berne, 15 December 2020

[The Agreement entered into force on 14 October 2021]

*Presented to Parliament  
by the Secretary of State for Foreign, Commonwealth and Development Affairs  
by Command of Her Majesty  
January 2022*



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## **AGREEMENT BETWEEN THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE SWISS CONFEDERATION ON POLICE COOPERATION**

The United Kingdom of Great Britain and Northern Ireland and the Swiss Confederation

Hereinafter collectively referred to as “the Parties”,

**Mindful** of the strong, co-operative and enduring partnership that exists between the Parties;

**Considering** the ambition to enhance police cooperation through the conclusion of a legally binding agreement expressed when signing a Memorandum of Understanding on Strengthening Police and Other Law Enforcement Cooperation, Combating and Preventing Crime and Terrorism signed on 10 July 2019;

**Recognising** the geographic proximity of the United Kingdom of Great Britain and Northern Ireland (“United Kingdom”) and the Swiss Confederation (“Switzerland”), their shared values and shared threats they face;

**Acknowledging** the need to further intensify international police cooperation between the Parties in combatting cross-border and serious crime, particularly terrorism, organised and economic crime, and other relevant criminal acts in a comprehensive manner;

**Recognising** the mutual benefit in close bilateral cooperation to protect their populations, values and interests, taking into account the differences in the structure and the competences of their authorities;

**Aiming** to continue and deepen the relations of friendship and cooperation between the two Parties, motivated by their common interest in fighting and preventing terrorism and cross-border crime and protecting their citizens from harm;

**Recognising** that timely and methodical information-sharing and making information available in real time to front-line officers is a crucial factor in fighting and preventing terrorism and cross-border crime;

**Acknowledging** that each Party’s national law comprises of separate and distinct legal systems at the national, federal, cantonal, regional, local and devolved levels.

**Considering** that Switzerland and the United Kingdom are both parties to the Convention of the Council of Europe for the Protection of Individuals with regard to Automatic Processing of Personal Data, as well as to the United Nations conventions against Transnational Organized Crime, Corruption, Illicit Traffic in Narcotic Drugs and Psychotropic Substances, the Chicago Convention on International Civil Aviation, along with several international anti-terrorism Conventions;

**Considering** that Switzerland and the United Kingdom are both members of Interpol;

**Noting** the value in the existing Swiss-UK strategic dialogue;

**Considering** the Parties' commitment to the protection of individual rights including in relation to personal data, reflected in their respective national laws and international obligations;

**Without prejudice** to other international agreements to which either country is a party or future relationships of the Parties;

**Acting** in the spirit of partnership and cooperation;

Have reached the following agreement:

## **Chapter I**

### **Purpose and Scope and Competent Authorities**

#### ARTICLE 1

##### **Territorial Scope**

1. Subject to paragraph 2 of this Article, this Agreement shall apply to the United Kingdom, of the one part, and Switzerland of the other part.
2. Notwithstanding paragraph 1 of this Article, the United Kingdom may notify Switzerland that this Agreement shall also apply to any or all of the territories for whose international relations the United Kingdom is responsible.

#### ARTICLE 2

##### **Purpose and Scope**

1. The purpose of this Agreement is to strengthen police cooperation between the Parties in an effort to prevent threats to public security and combat all forms of criminal offence, notably serious crimes, and for the purposes of the prevention, investigation or detection of criminal offences, including terrorism, particularly by exchanging information at strategic and operational levels, and by maintaining contact between Competent Authorities, in accordance with each Party's national laws and international obligations.
2. This Agreement does not apply to mutual legal assistance in criminal matters, extradition, the transfer of proceedings or the enforcement of penalties in criminal proceedings.

#### ARTICLE 3

##### **Competent Authorities**

1. For the purposes of this Agreement '**Competent Authority**' means a police authority, a border control authority or other authority competent to provide assistance or exchange information, by virtue of the national law or at the determination of the Parties, and in accordance with the terms of this Agreement, for the purposes of the prevention, investigation or detection of criminal offences, including terrorism, be it at a national, federal, cantonal, regional, local or devolved level.
  - a) For the United Kingdom, the Competent Authorities for the implementation of this Agreement are:

- i) The Home Office
  - ii) HM Revenue & Customs
  - iii) The National Crime Agency
  - iv) Crown Prosecution Service
  - v) Serious Fraud Office
  - vi) UK police forces and designated law enforcement authorities, and any other body or organisation which is affiliated to UK law enforcement or which is established or hosted by them.
  - vii) Ministry of Defence Police
  - viii) Public Prosecution Service for Northern Ireland
  - ix) Crown Office and Procurator Fiscal Service
- b) For the Swiss Confederation, the Competent Authorities for the implementation of this Agreement are:
- i) Federal Office of Police (fedpol)
  - ii) Cantonal police forces
  - iii) Federal Customs Administration<sup>1</sup>
- c) The Competent Authorities listed in paragraphs (a) and (b) may be varied upon mutual agreement in writing by the Parties.

## **Chapter II**

### **Main Forms of Cooperation**

#### ARTICLE 4

### **Areas of Cooperation**

1. The Parties shall undertake such cooperative activities between them pursuant to this Agreement as they mutually determine in accordance with their respective national laws and international obligations.

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<sup>1</sup> From 1.1.2022 onwards the Federal Customs Administration will be called Federal Office for Customs and Border Protection

2. The Competent Authorities of the Parties shall cooperate to tackle all forms of criminality, including but not limited to:

- a) terrorism and its financing;
- b) war crimes, crimes against humanity and genocide;
- c) serious and organised crime;
- d) serious violent crime;
- e) acquisitive crime;
- f) criminality using digital tools or cybercrime, including attacks to critical infrastructures;
- g) economic and financial crime, including money laundering;
- h) fraud against the individual, business and government;
- i) identity misuse, including forgery, counterfeiting, the use of fraudulently obtained identity documents and other forms of identity misuse;
- j) corruption;
- k) organised immigration crime, including trafficking in human beings and smuggling of migrants;
- l) child sexual abuse;
- m) illicit trafficking in narcotic drugs and psychotropic substances and precursors;
- n) trafficking in weapons, explosives, and their precursors;
- o) kidnapping, hostage taking, blackmail and extortion; as well as
- p) other key forms of criminality, as mutually determined in writing by the Competent Authorities of the Parties.

3. Cooperation under this Agreement shall not extend to matters of a political, military or fiscal nature.

## ARTICLE 5

### **Main Forms of Cooperation**

1. Pursuant to the terms of this Agreement, the Competent Authorities of the Parties shall, in accordance with their respective national laws and international obligations, collaborate in the following ways:

- a) the exchange of information, including personal information, in particular on:
  - i) terrorist organizations and terrorists, their modus operandi, their structures and their contacts;
  - ii) war crimes, crimes against humanity and genocide;
  - iii) criminal organizations and their members, their modus operandi, their structures and their contacts;
  - iv) types of drugs and psychotropic substances, their precursors and components, places and production methods, channels and means used by traffickers, including concealment techniques;
  - v) legislative and scientific tools to combat crime, including information on criminal and terrorist threat analysis;
  - vi) methods used to combat human trafficking and trafficking of migrants;
  - vii) passports and other identity and travel documents, visas, entry and exit stamps, in order to identify false documents;
  - viii) intelligence and analytical information relating to terrorism and serious crime threats, including from international travel records;
  - ix) economic and financial crimes including fraud, bribery, corruption, money laundering and re-use of money, including via the tracing of assets of criminal origin;
  - x) weapons and explosives including their precursors, in order to identify illegal activities, such as production, storage, and supply.
- b) co-operation in the development and use of systems and technology to enhance police information and intelligence exchange, including:
  - i) consideration of arrangements to facilitate access to electronic data;



- ii) development and use of technology to enable fast and efficient information and intelligence sharing;
  - iii) engaging in strategic dialogue on developing public and private sector partnerships to identify and disrupt serious crime;
  - iv) sharing of technological expertise and support for implementation of the Competent Authorities' cooperative activities.
- c) the exchange of experiences, through the:
- i) sharing of best practices, in compliance with the conditions established by national laws of each Party, on the use of special investigative techniques, such as undercover operations, supervised deliveries and surveillances;
  - ii) sharing of best practices and dialogue on key strategic issues related to the areas of cooperation referred to in Article 4 of this Agreement, including through the preparation of manuals;
  - iii) sharing best practice on the creation of watch lists to secure borders and prevent terrorism;
  - iv) sharing of best practices in domestic and international information sharing between public and private bodies.
- d) joint professional training through training modules and deployment of experts; for this purpose the Competent Authorities will identify contact points for planning and execution of such training;
- e) carrying out of joint police operations and measures;
- f) the use of special techniques to disrupt and combat crime;
- g) the adoption of measures to combat illicit drug trafficking, psychotropic substances and illicit goods;
- h) where possible and relevant, the participation in multilateral co-operation mechanisms, such as the International Anti-Corruption Coordination Centre, working together in multilateral fora where the opportunities exist and cooperating in networks of national specialist units to enhance operational cooperation across borders.

## **Chapter III**

### **Terms of Assistance and Exchange of Information**

#### ARTICLE 6

##### **Assistance upon Request**

1. The Competent Authorities shall provide mutual assistance, within the limits of their competences, and pursuant to the terms of this Agreement, provided that the respective national law and international obligations of the Parties do not reserve the submission of a request or its processing to a different Competent Authority.

2. Requests for assistance may be presented directly in writing, especially via INTERPOL; in urgent cases requests can be communicated orally, but must be confirmed in writing as soon as possible, at the latest within 48 hours, provided it complies with the respective national law and international obligations of the Parties.

3. Requests for assistance shall contain:

- a) where known, the identity of the requesting Competent Authority and the requested Competent Authority;
- b) the required supporting information on the case;
- c) the purpose and reasons for the request;
- d) a description of the assistance requested;
- e) any other information that may contribute to the execution of the request.

4. The Competent Authority of the requested Party may attach conditions on the Competent Authority of the requesting Party on the use and distribution of information it provides, in addition to and in accordance with the provisions of this Agreement. The requesting Party must comply with these conditions, unless there is written agreement of both Competent Authorities to vary these conditions.

#### ARTICLE 7

##### **Spontaneous Assistance**

1. The Competent Authorities may, in accordance with the respective national law and international obligations of the Parties, and without being requested to do so, communicate to each other information deemed necessary to prevent crime or a concrete and immediate threat to public security.

2. Provided that the submission or the processing of the information is not reserved to another Competent Authority, the receiving Competent Authority shall evaluate the utility of any information received, and if assessed unnecessary, destroy or return it to the sender without being requested to do so.

3. The requested Competent Authority may impose conditions on the requesting Competent Authority on the use and distribution of information it provides. The requesting Competent Authority shall be bound by these conditions, unless both Competent Authorities agree in writing to vary these conditions.

## ARTICLE 8

### **Assistance in the Event of Large-scale Events, Serious Disasters and Accidents and Crisis Situations**

1. The Competent Authorities may assist each other reciprocally, in compliance with their national law and international obligations, in the event of mass demonstrations and similar large-scale events, serious disasters, accidents and crisis situations, including by:

- a) informing each other as soon as possible about such events or situations that may have cross-border impact and related developments;
- b) adopting and coordinating the necessary police measures in their territory in the event of situations with cross-border impact;
- c) providing direct assistance, as far as possible, at the request of the Party in whose territory the event or situation occurs, by sending agents, specialists and consultants, as well as through the supply of equipment.

2. Requests for assistance must be addressed to the relevant Competent Authority and shall contain:

- a) required supporting information on the request;
- b) a description of the assistance requested;
- c) the purpose and reasons for the request, including its need from an operational standpoint;
- d) any other information that may contribute to the execution of the request.

3. The Competent Authorities of the requested Party may accept or reject this request, or propose another type or form of assistance.

4. During actions performed in the territory of the requesting Party, the agents of the Competent Authority of the requested Party are authorised to operate and to take

all necessary measures to provide the requested assistance. In this context, they operate under the responsibility, direction and sphere of competence of the requesting Party and within the powers assigned to them by the requesting Party's national law.

5. Crisis situations include, but are not limited to, situations which the Competent Authorities of a Party are no longer able to face with their own means, or which constitute a concrete and immediate threat to the persons, property, infrastructure or institutions of a Party.

## ARTICLE 9

### **Refusal of Assistance, Support or Exchange of Information**

1. The requested Party may refuse to provide assistance, support or exchange of information, in whole or in part, if the requested Competent Authorities consider that the execution of the request could affect the sovereignty, security, matters of public policy or other fundamental interests of its State, or believes that it conflicts with their respective national law or international obligations.

2. In accordance with Article 4(3) of this Agreement, the requested Party may refuse a request if it is in relation to a matter that is political, military or fiscal in nature.

3. The requested Competent Authority may refuse a request if national law or international obligations, reserves the submission of the request or its processing to another Competent Authority.

4. Assistance may also be refused if the execution of the request implies an excessive burden, or conflicts with operational priorities.

5. If possible, the requested Competent Authority shall consult the requesting Competent Authority, before taking a decision on the refusal, in order to establish whether the assistance, support, or exchange of information can be provided with conditions, or by an alternative form of assistance.

6. The requested Party may attach conditions on the requesting Party on the use and distribution of the whole of or a part of, the assistance, support, or information it provides, in addition to and in accordance with the provisions of this Agreement.

7. If the requesting Competent Authority agrees to receive assistance under the proposed conditions, it must comply with these conditions, unless there is written agreement of both Competent Authorities to vary these conditions.

8. The requested Competent Authority shall provide written notification of the total or partial refusal to execute the request, stating the reasons for its total or partial refusal.

## **Chapter IV**

### **Specific Forms of Cooperation**

#### ARTICLE 10

##### **Detachment of Liaison Officers**

The Competent Authorities may, in compliance with their respective national laws and international obligations, and by mutual agreement, post personnel with a liaison function to the territory of the other Party in order to promote and accelerate cooperation, especially the exchange of information and the fulfilment of requests for assistance and support. Such Liaison Officers may be members of the diplomatic staff of the diplomatic mission of the Sending State in the Receiving State and enjoy the respective privileges and immunities in conformity with the Vienna Convention on diplomatic relations of April 18, 1961.

#### ARTICLE 11

##### **Witness and Victim Cooperation**

1. The Competent Authorities will cooperate, based on their national laws and international obligations, to protect witnesses and their families as well as victims (hereinafter "persons to be protected").
2. Cooperation shall include in particular the exchange of information necessary for the protection of individuals, as well as their reception and assistance, in compliance with their respective national laws and international obligations.
3. A separate implementation arrangement in each individual case shall regulate the modalities of cooperation in taking over persons to be protected.
4. The persons to be protected admitted in the witness protection program of the requesting Party are not integrated into the witness protection program of the requested Party. In the context of cooperation concerning the protection of such persons, the national law of the requested Party applies, including immigration law.
5. The requested Party may terminate the cooperation if serious reasons justify it and the requesting Party has previously been informed. In such cases the requesting Party is required to take back the persons to be protected.
6. The Competent Authorities will also share information and best practice on their respective national laws and procedures concerning the rights of victims and witnesses, including special measures, and information on the protection and support of their victims and witnesses in accordance with international instruments.

## ARTICLE 12

### **In-Flight Security Officers**

1. The Competent Authorities, in accordance with their respective national law and international obligations, may cooperate by providing for the use of “In-flight security officers” (IFSOs) based on the conventions relating to international civil aviation that are binding for them.
2. For the purposes of this Agreement, IFSOs in aviation mean agents of the security authorities as defined by the Parties, specifically instructed and charged with safeguarding safety on board aircraft.
3. Cooperation may include in particular the use of security officers on flights between the territories of the two Parties.
4. The details of the cooperation, especially the issues concerning the operational use of IFSOs, will be regulated by further agreement between the relevant Competent Authorities.

## **Chapter V**

### **Data Protection**

## ARTICLE 13

### **Processing of Personal Data**

1. The exchange of information under this Agreement may take place as long as the Competent Authorities, in accordance with their national laws and international obligations, including their domestic implementations, will grant appropriate and substantial safeguards for protecting privacy, human rights and data subject rights including, as applicable, the requirements of necessity, proportionality and independent judicial oversight.
2. Each Party shall advise the other of any material changes in its domestic law or international obligations that affect the protections afforded to the processing of personal data.
3. Should a Party determine that the national laws and international obligations (including their domestic implementations) of the other Party have ceased to ensure an appropriate level of protection, the Competent Authorities of that Party shall cease to exchange personal data under this Agreement until such a time as:
  - a) The Competent Authority of the sending Party has assessed all the circumstances surrounding the transfer of personal data and concludes

that appropriate safeguards exist with regard to the protection of personal data; or

- b) the receiving Party, or relevant Competent Authority of that Party, undertakes to afford such protection of the data as required by the sending Competent Authority.

4. Where paragraph (3) applies, the Parties shall endeavour to reach agreement to enable the Competent Authorities to continue to operate the relevant provisions of this Agreement, which require or permit personal data sharing, in full.

## **Chapter VI**

### **Legal Relationships During Official Acts Performed by a Party on the Territory of the Other Party**

#### ARTICLE 14

##### **Administrative Status, Protection, Assistance and Equipment**

1. The agents of the Parties are subject, in the context of their relationship of service or work, as well as in disciplinary matters, to the respective national regulations.
2. The Parties are obliged to grant the agents of the other Party the same protection and assistance as their own agents in the performance of their duties.
3. The Parties regulate the carriage of police equipment, such as firearms, on joint efforts and training on a case-by-case basis.

#### ARTICLE 15

##### **Civil Liability**

1. The sending Party is liable for any damage its agents cause while operating on the territory of the other Party in compliance with the law of the recipient Party on whose territory they are operating.
2. The Party in whose territory the damage referred to in paragraph 1 was caused shall compensate such damage under the same conditions that are applicable to damage caused by its own agents.
3. The Party whose agents have caused damage to any person in the territory of the other Party shall reimburse the latter the entire amount of compensation it has paid to the damaged third parties, their legal successors or the legal representatives acting on their behalf.

4. Without prejudice to the exercise of its rights vis-à-vis third parties and with the exception of paragraph 3, each Party shall refrain from requesting reimbursement for the damage sustained pursuant to paragraph 1.

5. The provisions of this Article shall apply subject to the provision that the Parties did not agree otherwise.

## ARTICLE 16

### **Criminal Liability**

During operations pursuant to this Agreement, unless otherwise agreed upon by the Parties, agents of both Parties shall be equally considered as agents of the Party in whose territory they are operating with respect to criminal acts or offences committed against them or by them.

## ARTICLE 17

### **Financial Provision, Costs and Procedure**

1. Each Party shall cover its own expenses resulting from the implementation of the provisions of this Agreement.

2. The Competent Authorities shall render each other direct assistance, provided that the request for assistance is not subject to the competence of the judicial authorities pursuant to national law.

3. Where a Competent Authority is presented with a request for assistance that is partially or wholly beyond the limits of its competence, that Competent Authority may provide assistance to identify the responsible Competent Authority.

4. The ordinary costs incurred from executing a request shall be borne by the requested Party. Where costs of a substantial or extraordinary nature are necessary to comply with a request, the Parties shall consult in order to agree the conditions on which the request is to be executed and how the costs shall be borne.



## **Chapter VII**

### **Final provisions**

#### ARTICLE 18

##### **Other International Agreements**

This Agreement is without prejudice to the rights and obligations of the Parties under any other international multilateral or bilateral agreement.

#### ARTICLE 19

##### **Execution and Implementation Arrangements**

1. On the basis of and within the framework of this Agreement, the Competent Authorities of the Parties may conclude, in accordance with their national law, arrangements for the technical implementation of cooperation.
2. The Competent Authorities of the Parties may terminate such arrangements by mutual, written consent, where such arrangements have become obsolete or no longer support the aims and objectives of this Agreement. This right is in addition to any right to terminate specified in that or any applicable arrangement.

#### ARTICLE 20

##### **Amendment and Revision**

This Agreement may be amended, developed or revised at any time by mutual agreement between the Parties. Agreed amendments or revisions shall enter into force on the date of receipt of the last notification by the Parties that their internal procedures for approval have been completed.

#### ARTICLE 21

##### **Settlement of Disputes**

Either Party may request the meeting of experts from the Parties to resolve questions or disputes relating to the application of this Agreement and make proposals for the further development of cooperation.

## ARTICLE 22

### **Entry into Force, Duration and Termination**

1. Each Party shall inform the other Party in writing through diplomatic channels of the completion of its domestic requirements for entry into force of this Agreement. This Agreement shall enter into force on the date of receipt of the last notification by the Parties that their internal procedures for approval have been completed, or on such later date as may be mutually determined and specified in these notifications.
2. This Agreement is concluded for an indefinite period. Either Party may terminate this Agreement by notifying the other Party. This Agreement shall cease three months after the date of receipt of such notification.
3. The termination of this Agreement shall not release either Party, or their Competent Authorities, from the implementation of its obligations under this Agreement concerning the protection of information including classified and sensitive information, claims and liabilities and disputes.

In witness whereof, the undersigned, being duly authorised thereto by their respective Governments, have signed this Agreement.

DONE in two originals at London on 9<sup>th</sup> day of December and at Berne on 15<sup>th</sup> day of December 2020, in the English and German languages, the texts of each being equally authoritative.

**For the United Kingdom of Great  
Britain and Northern Ireland:**

**For the Swiss Confederation:**

**JAMES BROKENSHERE**

**KARIN KELLER-SUTTER**

