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To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union
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Subject:	Proposal for a COUNCIL DECISION on the conclusion of the Cooperation Agreement between the European Union and the International Criminal Police Organisation (INTERPOL) with regard to border security, as part of border management

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Proposal for a

COUNCIL DECISION

on the conclusion of the Cooperation Agreement between the European Union and the International Criminal Police Organisation (INTERPOL) with regard to border security, as part of border management

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

• Reasons for and objectives of the proposal

In a globalised world where serious and organised crimes, including terrorism are increasingly transnational and multifaceted, the EU law enforcement agencies and bodies must be fully equipped to cooperate, when necessary, with key external partners to ensure the security of their citizens.

As outlined in the EU Serious and organised Crime Threat Assessment (SOCTA) 2025[1], criminal networks and their activities are unhindered by borders, be it within the EU or between the EU and the rest of the world. The EU has a central location in the global criminal landscape, being closely connected with all continents, and serving as a source, transit and destination region for illicit goods and services.

INTERPOL is the largest global inter-governmental criminal police organisation, with 196 member countries. It facilitates law enforcement cooperation by enabling the sharing of law enforcement related information and access to law enforcement related databases.

ProtectEU – the European Internal Security Strategy[2] recognises INTERPOL as a relevant partner with which an EU-INTERPOL international agreement should be concluded to ensure a more unified approach to global security threats and transnational crimes.

The EU and INTERPOL already cooperate in the field of internal and external security, including counterterrorism and organised crime, and integrated border management. All EU Member States are members of INTERPOL, the EU is financing capacity building projects in third countries which are implemented by INTERPOL, and EU legislation foresees the consultation of certain INTERPOL databases at the Union's external borders. Moreover, the European Union Agency for Law Enforcement Cooperation (Europol), the European Union Agency for Criminal Justice Cooperation (Eurojust) and the European Border and Coast Guard Agency (the EBCGA) cooperate with INTERPOL in the field of law enforcement and judicial cooperation in criminal matters, and border security.

Despite the existing cooperation with INTERPOL, there are areas where the cooperation should be further enhanced. In addition, cooperation should be established in new areas to address indispensable operational needs and to implement legal acts, aiming to better support Member States in preventing and combating terrorism and organised crime.

Europol, Eurojust and the EPPO need up-to-date information on criminals and crimes to support law enforcement and judicial authorities. The EBCGA needs up-to-date information on criminals and crimes to perform its border management support tasks.

INTERPOL manages a wide range of databases containing that information at a global scale. INTERPOL's databases contain over 100 million law enforcement records with information on individuals (such as names) and stolen property (such as passports, weapons and firearms). The Cooperation Agreement between the European Union and INTERPOL (the Agreement) will allow Europol, Eurojust, the EPPO and the EBCGA to directly access a number of INTERPOL databases.

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[1] https://www.europol.europa.eu/cms/sites/default/files/documents/EU-SOCTA-2025.pdf

[2] Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on ProtectEU: a European Internal Security Strategy - COM/2025/148 final of 1 April 2025.

In 2001, Europol concluded a cooperation agreement with INTERPOL that provided, among others, for the exchange of personal data. Since then, the mandate of Europol has been overhauled[3] and the EU data protection regime has been substantively modified. A new international agreement between the Union and INTERPOL, governing cooperation between Europol and INTERPOL, is needed to take account of the latest developments in combating terrorism and cross-border and transnational serious organised crime, to manage present-day operational needs, to reflect Europol's mandate, and to reflect the EU's latest data protection regime[4].

In 2013, Eurojust concluded a memorandum of understanding with INTERPOL that provided for the exchange of general, strategic and technical information. To enable Eurojust to exchange personal data with INTERPOL[5] in so far as necessary to perform its tasks,[6] an appropriate transfer instrument is necessary, which should enable the strengthening of operational cooperation between Eurojust and INTERPOL, including through coordination meetings, coordination centres and joint investigation teams. When Eurojust's support is sought to coordinate the implementation of judicial measures and individuals must be arrested in third countries, the involvement of INTERPOL could bring added value, speed up the judicial process and facilitate the work of Eurojust[7].

The EPPO is empowered to undertake investigations, implement prosecution orders and exercise the functions of prosecutor in the competent courts of the Member States. Its operational needs include access to information held in INTERPOL databases and exchanging information with INTERPOL, considering the cross-border nature of crimes for which the EPPO is competent and the need to cooperate with third countries. The EPPO could also benefit from the assistance of INTERPOL to facilitate information exchange in relation to mutual legal assistance. Cooperation between the EPPO and INTERPOL has yet to be set up and regulated, in line with the provisions of EPPO's mandate[8].

In 2009, the EBCGA concluded a working arrangement with INTERPOL that provided for the exchange of strategic and technical information. To enable the EBCGA to exchange personal data with INTERPOL in so far as necessary for it to carry out its tasks, an appropriate transfer instrument is necessary.

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3 Council Decision 2009/371/JHA of 6 April 2009 establishing the European Police Office (Europol) (OJ L 121, 15.5.2009, p. 37) and Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JH (OJ L 135, 24.5.2016, p. 53).

4 Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (OJ L 119, 4.5.2016, p. 1), Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data (OJ L 295, 21.11.2018, p. 39), Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data (Data Protection Law Enforcement Directive) (OJ L 119, 4.5.2016, p. 89).

5 Recital (46) of Regulation (EU) 2018/1727 of the European Parliament and of the Council of 14 November 2018 on the European Union Agency for Criminal Justice Cooperation (Eurojust), and replacing and repealing Council Decision 2002/187/JHA (OJ L 295, 21.11.2018, p. 138).

6 Article 2(1), (3) of Regulation (EU) 2018/1727.

7 Article 2(2), subparagraph (b) of Regulation (EU) 2018/1727.

8 Recitals (96), (97) and (108) and Article 104 of Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO') (OJ L 283, 31.10.2017, p. 1).

Furthermore, the ETIAS Regulation[9] foresees the querying of INTERPOL's Stolen and Lost Travel Document (SLTD) and Travel Document Associated with Notices (TDAWN) as part of the ETIAS travel authorisation process. The Agreement will provide appropriate safeguards to allow the querying by the ETIAS of INTERPOL's SLTD and TDAWN. Notably, it will ensure that no automated notification to the source of the INTERPOL data shall take place upon a query by the ETIAS Central System and verification by the ETIAS Central Unit.

Considering the above, in April 2021, the Commission issued a Recommendation for a Council Decision authorising the opening of negotiations for a cooperation agreement between the European Union and INTERPOL[10]. In May 2021, the European Data Protection Supervisor issued an opinion on the Commission Recommendation for a Council Decision authorising the opening of negotiations for a cooperation agreement between the EU and INTERPOL[11]. In July 2021, the Council of the European Union authorised the opening of negotiations for a cooperation agreement between the European Union and INTERPOL[12]. In July 2022, the European Parliament adopted by 607 votes to 13, with 11 abstentions, a recommendation on the negotiations[13].

The negotiations started in December 2021. 37 formal rounds of negotiations were conducted, and the negotiations were concluded at the lead negotiator's level on 3 February 2026.

The co-legislators have been informed throughout the negotiations process and consulted at all stages of the negotiations, notably by reporting to the Council's Working Party on Justice and Home Affairs Information Exchange (IXIM) and the European Parliament's Committee for Civil Liberties, Justice and Home Affairs (LIBE).

- **Consistency with existing policy provisions in the policy area**

The Agreement was negotiated in line with the comprehensive negotiating directives adopted by the Council on 19 July 2021.

The Agreement is consistent with existing Union policy in the domain of law enforcement, judicial cooperation in criminal matters and border security, as part of border management. The Agreement aims to implement existing EU legislation, in particular the ETIAS Regulation[14] which foresees the querying of INTERPOL's Stolen and Lost Travel Document (SLTD) and Travel Document Associated with Notices (TDAWN) as part of the ETIAS travel authorisation process.

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9 Regulation (EU) 2018/1240 of the European Parliament and of the Council of 12 September 2018 establishing a European Travel Information and Authorisation System (ETIAS) and amending Regulations (EU) No 1077/2011, (EU) No 515/2014, (EU) 2016/399, (EU) 2016/1624 and (EU) 2017/2226 (OJ L 236, 19.9.2018, p. 1).

10 Recommendation for a Council Decision authorising the opening of negotiations for a cooperation agreement between the European Union and the International Criminal Police Organisation (ICPO-INTERPOL) of 14 April 2021 (COM/2021/177 final).

11 https://www.edps.europa.eu/system/files/2021-05/21-05-25_opinion_cooperation_between_eu_interpol_en.pdf

12 Council Decision (EU) 2021/1312 of 19 July 2021 authorising the opening of negotiations for a cooperation agreement between the European Union and the International Criminal Police Organization (ICPO-INTERPOL) (OJ L 287, 10.8.2021, p. 2) and Council Decision (EU) 2021/1313 of 19 July 2021 authorising the opening of negotiations for a cooperation agreement between the European Union and the International Criminal Police Organization (ICPO-INTERPOL) (OJ L 287, 10.8.2021, p. 6).

13 European Parliament recommendation of 5 July 2022 to the Council and the Commission on the negotiations for a cooperation agreement between the European Union and the International Criminal Police Organization (ICPO-INTERPOL) (2022/2025(INI)) (2023/C 47/23).

14 Regulation (EU) 2018/1240.

In recent years, progress was made to improve the cooperation on exchange of information between Member States and to close the space in which terrorists and criminals operate. Several Commission strategic documents, such as the ProtectEU: Internal Security Strategy[15] and the Agenda to prevent and counter terrorism and violent extremism[16], underpin the necessity of improving the efficiency and effectiveness of law enforcement cooperation in the EU, as well as of expanding the cooperation with third countries.

The Agreement will enable Europol, Eurojust, the EPPO and the EBCGA to exchange information with INTERPOL and access certain of its databases, in compliance with the respective founding regulations, the EU data protection regime and the Charter of Fundamental Rights of the European Union.

- **Consistency with other Union policies**

The Agreement provides appropriate safeguards with respect to the processing of personal data within the meaning of EU data protection law, and more broadly protects fundamental rights and freedoms of individuals, thereby providing an instrument for the transfer of information, including personal data, for fighting serious crime and terrorism.

In particular, personal data transfers and processing must respect the Charter of Fundamental Rights, including through prohibitions on using information in connection with the death penalty or any form of inhuman treatment or punishment. Europol, Eurojust, the EPPO and the EBCGA may impose access restrictions and conditions on the use of information, including additional safeguards where necessary to ensure compliance with EU rules.

The Agreement also contains detailed data protection provisions covering purpose limitation, special protection for sensitive data, data subjects' rights, data security, redress and oversight. Any onward transfer of data to INTERPOL National Central Bureaus or other authorities requires prior explicit authorisation, must remain limited to the original purpose, and must maintain at least the same level of protection as the initial transfer.

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

- **Substantive legal basis**

Article 16(2) and Article 77(1) and (2) of the Treaty on the Functioning of the European Union (TFEU) provide the safeguards concerning the right to the protection of personal data (Article 16(2)) and the basis for the external border checks (Article 77(1) and (2)).

Given that the Agreement covers also border security, as part of border management, and provides for adequate safeguards with respect to the protection of personal data and other fundamental rights and freedoms of individuals in the context of the cooperation to be established, the substantive legal bases for this decision are Article 16(2) and Article 77(1) and (2) TFEU.

- **Procedural legal basis**

In accordance with Article 218(6) TFEU, where the agreement relates to matters outside of the common foreign and security policy (CFSP), the Council is to adopt a decision concluding the agreement on a proposal by the Commission as negotiator.

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[15] Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on ProtectEU: a European Internal Security Strategy - COM/2025/148 final.

[16] Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions ProtectEU: Agenda to prevent and counter terrorism - COM(2026) 101 final of 26 February 2026.

Given that Article 16(2) and Article 77(1) and (2) are the substantive legal bases for the decision to be adopted with regard to border security, as part of border management, the Council is to adopt the decision concluding the agreement after obtaining the consent of the European Parliament, in accordance with Article 218(6), second subparagraph, point (a) TFEU.

Therefore, the procedural legal basis for the proposed decision on concluding the agreement is Article 218(6), second subparagraph, point (a) TFEU.

- **Union competence**

Article 3(2) TFEU provides that the EU has exclusive competence "*for the conclusion of an international agreement ... in so far as its conclusion may affect common rules or alter their scope*." An international agreement may affect common rules or alter their scope where the area covered by the agreement overlaps with EU legislation or is covered to a large extent by EU law. The European Union has adopted common rules based on Article 16(2) and Article 77(1) and (2) TFEU on the aspects covered in the EU-INTERPOL Cooperation Agreement.

- **Subsidiarity (for non-exclusive competence)**

Not applicable.

- **Proportionality**

The Union's objectives regarding this proposal as set out above can only be achieved by entering into a binding international agreement with INTERPOL providing for the necessary cooperation measures, while ensuring appropriate protection of fundamental rights. The provisions of the agreement are limited to what is necessary to achieve its main objectives.

- **Choice of the instrument**

This proposal for a Council decision is submitted in accordance with Article 218(6) TFEU, which envisages the adoption by the Council of a decision concluding the agreement. There exists no other legal instrument that could be used in order to achieve the objective expressed in this proposal

3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS

- **Ex-post evaluations/fitness checks of existing legislation**

Not applicable.

- **Stakeholder consultations**

In the process of the negotiation, the Commission did not use external expertise.

- **Collection and use of expertise**

Internal consultations, notably with Europol, Eurojust, the EPPO and the EBCGA were conducted throughout the negotiations.

- **Impact assessment**

Not applicable.

- **Regulatory fitness and simplification**

Not applicable.

- **Fundamental rights**

The exchange of information under the Agreement will be subject to a comprehensive set of rules, principles and obligations to protect fundamental rights, fully in line with EU law. In particular, the Agreement provides appropriate safeguards for the transfer and the processing of personal data.

Furthermore, to ensure full respect of the Charter of Fundamental Rights, Article 3 of the Agreement sets out that the EU and INTERPOL, with respect to information they have received pursuant to the Agreement, shall maintain safeguards to protect human rights and fundamental freedoms. The Agreement also recalls that the Union is founded on the principles of prohibition of the use of information for death penalty and any form of inhuman treatment or punishment, which will apply to EU's cooperation with INTERPOL.

Article 5 of the Agreement sets out rules on access restrictions and use conditions with regard to information provided under the Agreement. In addition to the access restrictions and use conditions already indicated by EU Member States that originally provided the information, Europol, Eurojust, the EPPO and the EBCGA may impose any additional access restrictions and use conditions to ensure that the processing of personal data transferred under the agreement will comply with EU law and the Charter of Fundamental Rights.

To ensure full compliance with the EU data protection framework, Part One, Section 2 of the Agreement includes safeguards for the processing of information, including the possibility to suspend transfers of personal data (Article 6), the purpose limitation principle regarding the of processing of information (Article 7) and other relevant data protection principles (Article 8), additional protections for special categories of data (Article 9), data subjects' rights to access, rectification, deletion and redress (Articles 12, 13 and 20), obligations regarding data security (Article 17), and oversight (Article 19).

In accordance with Article 11, any onward transfer to the INTERPOL National Central Bureaus, national and international entities and competent authorities of the EU Member States will be subject to comprehensive data protection obligations, establishing inter alia that data may be onward transferred only: (i) with prior explicit authorisation by the sending entity; (ii) for the same purpose(s) as for which it was initially provided; and (iii) subject to the safeguards and conditions applying to the initial transfer. Any further transfers of data cannot be more permissive or less protected than the initial transfer.

4. BUDGETARY IMPLICATIONS

No legislative financial and digital statement is foreseen for the budgetary implications of the Agreement. Article 37 sets out rules on costs for the implementation of the Agreement. Each party will bear its own costs, except for the connection costs to the respective INTERPOL databases identified in the Agreement that will be borne by the Union. In addition, a mechanism is established to annually review technical and operational costs incurred by INTERPOL that are directly attributable to direct access to INTERPOL databases, indirect access and exchange of information under the Agreement. Any payment to INTERPOL shall be subject to budget availability and require prior budgetary commitment by the competent Union institution.

5. OTHER ELEMENTS

- **Implementation plans and monitoring, evaluation and reporting arrangements**

Article 43 of the Agreement foresees the conclusion of future supplementary arrangements between Europol, Eurojust, the EPPO and the EBCGA, as well as the EU for the purposes of ETIAS, on the one hand, and INTERPOL, on the other.

With regard to monitoring, Article 45 provides that the European Union and INTERPOL shall jointly review the implementation of the Agreement no later than three years from the date of entry into force of the Agreement and on a regular basis thereafter.

In addition, Article 34 provides that the European Union and INTERPOL shall jointly review the implementation of Article 34 one year after ETIAS access to SLTD and TDAWN commences and subsequently no later than every two years.

- **Explanatory documents (for directives)**

Not applicable.

- **Detailed explanation of the specific provisions of the proposal**

The Agreement establishes a framework for cooperation between Europol, Eurojust, the EPPO, and the EBCGA, on one side, and INTERPOL, on the other, enabling them to cooperate more effectively in preventing, detecting, investigating and prosecuting serious forms of cross-border crime and terrorism. The Agreement enables the exchange of both personal data and non-personal data and also enables Europol, Eurojust, the EPPO, and the EBCGA to have direct access to six INTERPOL's databases.

In addition, the Agreement supports the functioning of ETIAS by enabling it to screen applicants for a travel authorisation against INTERPOL's SLTD and TDAWN data. This screening helps determine whether a travel document used in an application has been reported as stolen, lost, misappropriated, invalidated, or linked to an INTERPOL notice and strengthens the Union's capacity to identify potential security risks.

The Agreement ensures that the cooperation fully complies with the EU data protection framework, fully respects the fundamental rights and observes the principles recognised by the Charter of Fundamental Rights. Ultimately, the Agreement contributes to enhancing the security of the Union and the safety of its citizens.

The main components of the Agreement are: (i) law enforcement and judicial cooperation in criminal matters; and (ii) border security, as part of border management.

The specific component of border security, as part of border management, concerns: (i) the common provisions of the Agreement (Part 1 and more specifically Article 1(1)(b) and Article 7(1)(b)); (ii) the general provisions concerning the cooperation between INTERPOL and the EBCGA (Part 2, Section 1 and more specifically Article 25(1)(b)); (iii) the specific provisions relating to the EBCGA (Part 2, Section 2 and more specifically Article 33); (iv) the cooperation with respect to ETIAS (Part 3, i.e. Articles 34 and 35); (v) the financial provisions (Part 4 and more specifically Article 37(2), first subparagraph, second sentence and Article 37(2), third subparagraph); (vi) the final provisions (Part 5 and more specifically Article 43(2)(a), Article 44(2)(a)(i) and Article 44(2)(a)(iii)); and (vii) declarations on ETIAS and EU Visa Information System.

PART ONE: COMMON PROVISIONS

PART ONE, SECTION 1: INITIAL PROVISIONS

Article 1 sets out the purpose of the Agreement. Article 1(1)(a) provides that the purpose of this Agreement is to further cooperation between the European Union and INTERPOL in the areas of law enforcement and judicial cooperation in criminal matters. Article 1(1)(b) provides that the purpose of this Agreement is to further cooperation between the European Union and INTERPOL in the areas of border security. Article 1(3) provides an obligation for both Parties to implement the obligations of the Agreement in their respective legal frameworks.

Article 2 includes the definitions of the Agreement.

Article 3 provides for effective safeguards to protect human rights.

Article 4 includes provisions on neutrality.

Article 5 sets out rules on access restrictions and use conditions with regard to information provided under the Agreement. In addition to the access restrictions and use conditions already indicated by EU Member States that originally provided the information, Europol, Eurojust, the EPPO and the EBCGA may impose any additional access restrictions and use conditions, including those necessary to ensure compliance with the Charter of Fundamental Rights. It also provides that both Parties shall have in place effective compliance measures.

PART ONE, SECTION 2: PROTECTION OF INFORMATION

Article 6 sets out appropriate safeguards for information processed under the Agreement. It also includes a provision on the suspension of personal data transfers in case of systematic or material breach of the terms of Agreement or where material breach is imminent.

Article 7 enshrines the purpose limitation principle, defining the lawful purposes for which data may be processed under the Agreement: notably, Article 7(1)(a) sets out the purposes in relation to law enforcement and judicial cooperation in criminal matters, whereas Article 7(1)(b) sets out the purposes in relation to border security.

Article 8 includes general data protection principles.

Article 9 includes additional safeguards for the processing of special categories of data.

Article 10 concerns decision-making based on automated processing, providing that decisions that produce a significant adverse effect on an individual shall not be based solely on the automated processing of the personal data received under the Agreement.

Article 11 provides the general processing conditions for information directly and indirectly accessed and exchanged under the Agreement. In particular, for onward transfers, three cumulative conditions must be satisfied: (i) prior explicit authorisation to sharing is given by the provider of information; (ii) the information is shared for the same purpose(s) for which it was initially provided; and (iii) the safeguards and conditions applying to the initial transfer are applied.

Article 12 provides for the right of access, ensuring that the data subject has the right to obtain information on whether personal data relating to that data subject are processed under the Agreement.

Article 13 provides for the right to rectification and deletion, which ensures that the data subject has the right to request to rectify or delete inaccurate personal data concerning that data subject processed under the Agreement.

Article 14 provides for information to be provided regarding the rights of access, rectification, deletion and redress.

Article 15 enshrines the principle of storage limitation and data accuracy.

Article 16 provides for the maintaining of records of logs and all processing operations concerning data transferred under the Agreement.

Article 17 provides for data security, ensuring the integrity and confidentiality of the information exchanged under the Agreement.

Article 18 provides for the designation of data protection officers.

Article 19 provides for the independent oversight of the personal data protection safeguards under the Agreement.

Article 20 provides data subjects with the right to obtain redress.

Article 21 provides for the possibility to foresee access, rectification, deletion, and redress for entities.

Article 22 provides for the notification of the provisions in the respective legal frameworks implementing the Agreement with respect to the processing of personal data obtained under the Agreement.

PART TWO: COOPERATION BETWEEN INTERPOL AND EUROPOL, EUROJUST, THE EPPO ANDTHE EBCGA

PART TWO, SECTION 1: GENERAL PROVISIONS

Article 23 sets out the scope of the cooperation between INTERPOL and Europol, Eurojust, the EPPO and the EBCGA.

Article 24 establishes rules for the indirect access to information by INTERPOL and Europol, Eurojust, the EPPO and the EBCGA.

Article 25 establishes rules for the direct access by Europol, Eurojust, the EPPO and the EBCGA to INTERPOL's databases. In particular, Article 25(1)(a) concerns Europol's access to the International Child Sexual Exploitation (ICSE) database, the INTERPOL Illicit Arms Records and Tracing Management System (iARMS) and the INTERPOL Firearms Reference Table (IFRT), whereas Article 25(1)(b) concerns the EBCGA access to the Frontex INTERPOL Electronic Library Document System (FIELDS). Furthermore, pursuant to Article 25(2)(a), access to the Electronic Documentation and Information System on Investigation Networks with Information on Travel Documents (EDISON) shall be granted to Europol, Eurojust, the EPPO and the EBCGA. Pursuant to Article 25(2)(b) access to the Frontex INTERPOL Electronic Library Document System (FIELDS) shall be granted to Europol, Eurojust and the EPPO; pursuant to Article 25(2)(c) access to the INTERPOL Illicit Arms Records and tracing Management System (iARMS) shall be granted to Eurojust. Pursuant to Article 25(2)(d) access to the INTERPOL Firearms Reference Table (IFRT) shall be granted to Eurojust, the EPPO and the EBCGA. Pursuant to Article 25(2)(e) access to the Stolen Vessels Database (SVD) shall be granted to the EPPO and the EBCGA.

Article 26 sets out general rules governing the access to and exchange of information between INTERPOL and Europol, Eurojust, the EPPO and the EBCGA. More specifically, Article 26(4)(a) provides that the channels of communication between Europol and INTERPOL shall continue pursuant to arrangements currently in force.

Article 27 provides for strategic, technical, and operational coordination and planning between INTERPOL and Europol, Eurojust, the EPPO and the EBCGA.

Article 28 provides for the possibility to deploy liaison personnel between INTERPOL and Europol, Eurojust, the EPPO and the EBCGA. More specifically, Article 28(2)(b) provides

that, with respect to the liaison personnel between INTERPOL and Europol, the arrangement currently in force shall apply.

Article 29 provides for the possibility to transmit information between INTERPOL and Europol, Eurojust, the EPPO and the EBCGA without prior request.

PART TWO, SECTION 2: SPECIFIC PROVISIONS RELATING TO EUROPOL, EUROJUST, THE EPPO AND THE EBCGA

Article 30 provides for additional provisions relating specifically to INTERPOL – Europol cooperation.

Article 31 provides for additional provisions relating specifically to INTERPOL – Eurojust cooperation.

Article 32 provides for additional provisions relating specifically to INTERPOL – EPPO cooperation.

Article 33 provides for additional provisions relating specifically to INTERPOL – EBCGA cooperation.

PART THREE: COOPERATION WITH RESPECT TO THE EUROPEAN TRAVEL INFORMATION AND AUTHORISATION SYSTEM (ETIAS)

Article 34 provides for the direct access to and use of Stolen and Lost Travel Documents (SLTD) and Travel Documents Associated with Notices (TDAWN) data for the purposes of ETIAS. In case of a hit, the ETIAS Central Unit will handle the processing, assessing and verification of the data and transmit it to ETIAS National Unit for a final decision on the travel authorisation. No automated notification to the source of the INTERPOL data shall take place upon a query by the ETIAS Central System and verification by the ETIAS Central Unit. As part of its security assessment, the ETIAS National Unit shall directly consult with, and transmit INTERPOL's SLTD and TDAWN 'reference number' to, the INTERPOL National Central Bureau of its Member State, for the purpose of that National Central Bureau conducting checks with the source of the data to verify the accuracy and relevance of the data.

Article 35 sets out provisions concerning Member States of the European Union and other countries (namely Schengen Associated Countries: Iceland, Liechtenstein Norway, and Switzerland) that apply Article 34.

PART FOUR: FINANCIAL PROVISIONS

Article 36 provides for the European Union support to the implementation of the Agreement through the facilitation of the secondment of experts to INTERPOL.

Article 37 sets out provisions under which the costs for the implementation of the Agreement will be borne. The European Union and INTERPOL will each bear their own costs, except for the connection costs to the respective INTERPOL databases identified in the Agreement that will be borne by the Union. More specifically, Article 37(2), first subparagraph, first sentence provides that Europol shall pay the costs relating to International Child Sexual Exploitation (ICSE) and INTERPOL Illicit Arms Records and Tracing Management System (iARMS) databases, whereas Article 37(2), first subparagraph, second sentence provides that the EBCGA shall pay the costs relating to the Frontex INTERPOL Electronic Library Document System (FIELDS). Article 37(2), second subparagraph provides that Europol, Eurojust, the EPPO and the EBCGA shall pay the costs of establishing their respective connections to INTERPOL databases and other connections they may agree to establish to INTERPOL Information System, provided, however, that no connection fees to iARMs and FIELDS shall be paid by Europol, Eurojust, the EPPO. Article 37(2), third subparagraph provides that the

EU shall pay the costs to establish connections to Stolen and Lost Travel Documents (SLTD) and Travel Documents Associated with Notices (TDAWN) for the purposes of Articles 34 and 35, and the costs to configure SLTD and TDAWN for the purposes of the ETIAS Central System directly accessing subsets of SLTD and TDAWN in accordance with Article 34(2)(a). Article 37(3) concerns costs relating to successor arrangements and future supplementary arrangements. Article 37(4) concerns the mechanism for the annual review of technical and operational costs incurred by INTERPOL that are directly attributable to direct access to INTERPOL databases, indirect access and exchange of information under the Agreement.

PART FIVE: FINAL PROVISIONS

Article 38 provides for the use of name and distinctive signs.

Article 39 sets out provisions on privileges and immunities.

Article 40 provides for conditions to query INTERPOL databases through the European Union Administered Infrastructure.

Article 41 establishes a Joint European Union – INTERPOL Committee, comprised of representatives of the European Union and INTERPOL, which shall, among others facilitate the implementation of the Agreement, consider ways to further enhance cooperation between the European Union and INTERPOL, and carry out reviews under the provisions of the Agreement.

Article 42 sets out rules on the amendments to the Agreement.

Article 43 sets out rules concerning future supplementary arrangements.

Article 44 provides for the application of prior agreements, arrangements and memoranda of understanding. Notably, the 2001 Europol-INTERPOL agreement, 2009 the EBCGA-INTERPOL working arrangement and 2013 Eurojust-INTERPOL memorandum of understanding are replaced by this Agreement. Other agreements, arrangements and memoranda of understanding between Europol and INTERPOL and between the EBCGA and INTERPOL shall remain in effect.

Article 45 provides for a mechanism for the joint review of the implementation of the Agreement.

Article 46 sets out rules for the settlement of disputes, ensuring that all disputes that may emerge in connection with the interpretation, application, or implementation of the Agreement will give rise to consultations and negotiations between the Parties with a view to reaching a mutually agreeable solution.

Article 47 sets out rules on liability.

Article 48 sets out rules on the suspension of the Agreement.

Article 49 sets out rules on the termination of the Agreement.

Article 50 sets out rules on the entry into force of the Agreement.

- **Text of the Agreement and notifications**

The text of the Agreement and the text of three declarations on a Security of Information Agreement, ETIAS and EU Visa Information System are submitted to the Council together with this proposal.

In accordance with the Treaties, it is for the Commission to proceed to make the notification provided for in Article 50 of the Agreement, in order to express the consent of the Union to be bound by the Agreement.

2026/0299 (NLE)

Proposal for a

COUNCIL DECISION

on the conclusion of the Cooperation Agreement between the European Union and the International Criminal Police Organisation (INTERPOL) with regard to border security, as part of border management

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 16(2), Article 77(1) and (2), in conjunction with Article 218(6), second subparagraph, point (a) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament[1],

Whereas:

(1) In accordance with Council Decision [XXX] of […][2], the Cooperation Agreement between the European Union and INTERPOL (the Agreement) was signed on […], subject to its conclusion at a later date.

(2) The Agreement establishes cooperative relations between the European Union Agency for Law Enforcement Cooperation (Europol), the European Union Agency for Criminal Justice Cooperation (Eurojust), the European Public Prosecutor's Office (the EPPO), and the European Border and Coast Guard Agency (the EBCGA), on one side, and INTERPOL, on the other. The Agreement enables the transfer of personal and non-personal data between them, with a view to combating serious crime and terrorism, and protecting the security of the Union and its citizens.

(3) The Agreement also enables the European Travel Information and Authorisation System (ETIAS) to screen persons applying for a travel authorisation against INTERPOL's Stolen and Lost Travel Documents (SLTD) and Travel Documents Associated with Notices (TDAWN) data with a view to assessing whether that person could pose a threat to security.

(4) The Agreement ensures full respect of the fundamental rights of the Union, in particular the right to respect for private and family life, the right to the protection of personal data and the right to an effective remedy and to a fair trial recognised in Articles 7, 8 and 47 of the Charter of Fundamental Rights of the European Union[3], respectively. The Agreement provides adequate safeguards for the protection of personal data transferred under the Agreement.

(5) This Decision concerns the provisions of the Agreement on border security, as part of border management, as well as the specific horizontal provisions of the Agreement which directly concern a Schengen related matter. This Decision does not concern the

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1 Consent published in OJ L, ….

2 OJ L, …

3 OJ C 326, 26.10.2012, p. 391

provisions of the Agreement on law enforcement and judicial cooperation in criminal matters, in particular Article 1(1)(a), Article 7(1)(a), Article 25(1)(a), Article 25(2)(b), Article 25(2)(c), Article 26(4)(a), Article 28(2)(b), Articles 30, 31 and 32, Article 37(2), first subparagraph, first sentence, Article 44(2)(a)(ii) and Article 44(2)(a)(iv)-(viii), which are addressed by a separate Council decision on conclusion to be adopted in parallel with this Decision.

(6) This Decision constitutes a development of the provisions of the Schengen *acquis*, in which Ireland does not take part in accordance with Protocol 19 on the Schengen *acquis* and, subject to the application of Article 4 of that Protocol, Ireland is not bound by it or subject to its application.

(7) 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 Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Decision and is not bound by it or subject to its application.

(8) The European Data Protection Supervisor was consulted in accordance with Article 42 of Regulation (EU) 2018/1725 of the European Parliament and of the Council[4] and delivered an opinion on [[XX][XX]2026].

(9) The Agreement should be approved and the declarations on a Security of Information Agreement, ETIAS and EU Visa Information System should be made,

HAS ADOPTED THIS DECISION:

Article 1

The Cooperation Agreement between the European Union and INTERPOL with regard to border security, as part of border management, is hereby approved[5].

Article 2

The declarations are hereby approved[6].

Article 3

This Decision shall enter into force on […][7].

Done at Brussels,

For the Council
The President

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4 Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

5 The Cooperation Agreement between the European Union and INTERPOL is published in OJ L, …, ELI ….

6 The declarations are published in OJ L, …, ELI ….

7 The date of entry into force of the Agreement will be published in the *Official Journal of the European Union*.