

Recommendations on the negotiations for a cooperation agreement between the European Union and the International Criminal Police Organization (ICPO-INTERPOL)

2022/2025(INI) - 05/07/2022 - Text adopted by Parliament, single reading

The European Parliament adopted by 607 votes to 13, with 11 abstentions, a recommendation 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).

Present-day terrorism and serious and organised crime are dynamic, complex, innovative, globalised, mobile and often transnational phenomena, requiring a robust response and more effective, coordinated EU cooperation with international law enforcement authorities and bodies such as the International Criminal Police Organization (Interpol).

In December 2021, the Council adopted a negotiating mandate for the Commission to enter into negotiations with a view to concluding, by the end of 2022, an international agreement on behalf of the EU to strengthen cooperation with INTERPOL, including access to INTERPOL's databases and enhanced operational cooperation.

Parliament considers it essential to ensure that the final agreement takes robust measures to **guarantee compliance with the principles relating to the processing of personal data**, as set out in the EU data protection acquis, and the accuracy of personal data received in the context of this cooperation, and to guarantee that any future cooperation and exchange of personal data is **in line with fundamental rights**, including the right to data protection and privacy.

Data protection, processing and storage of personal data, judicial redress

According to Parliament, the agreement should:

- comply with the EU data protection acquis and protect individuals' fundamental rights and freedoms by ensuring a level of protection for personal data processed under this agreement that is essentially equivalent to that of EU primary and secondary law;
- guarantee that the transfer of personal data is adequate, relevant and limited to what is necessary for and proportionate to the purpose for which it is to be transferred, in line with the Union data protection acquis; it is necessary to state that the purposes for which data may be transferred should be clearly indicated in the agreement and that any further data processing incompatible with the initial purpose should be prohibited;
- clearly outline the procedures regarding Interpol's obligation to notify in the event of a personal data breach, and the description of the minimum information to be provided with the notification of the breach.

Parliament recommended that oversight of the data consulted be done by one or more independent bodies responsible for data protection. It recommended that the Commission guarantee that Interpol does not retain data for longer than is necessary for the purpose for which it was transferred and ensure effective and enforceable rights to administrative and judicial redress.

Interoperability

Members considered that law enforcement cooperation and information sharing are important tools to combat crime and terrorism and pursue justice, but they need to be **targeted and subject to appropriate and predefined safeguards** and oversight.

Parliament recommended that particular attention be paid to fundamental rights challenges and the necessity of adequate mitigating measures and non-discrimination mechanisms, as well as improved data quality and protection with a view to the establishment of frameworks for future development of an enhanced connection between the EU's and Interpol's information systems in the fields of police and judicial cooperation, asylum and migration, as well as integrated borders management and visas.

The terms of the future cooperation agreement with Interpol should provide the safeguards and guarantees needed to give Member States and relevant EU agencies controlled access to Interpol's databases via the ESP as required to carry out their tasks, in line with their access rights and EU or national law covering such access and in full compliance with EU data protection requirements and fundamental rights.

Transfer of data and onwards transfers

Parliament stressed that the transfer of personal data revealing racial or ethnic origins, political opinions, religious or philosophical beliefs, trade-union membership, genetic data, biometric data for the purpose of uniquely identifying a natural person and data concerning a person's health and sex life or sexual orientation, should only be allowed in exceptional circumstances and where such transfer is necessary and proportionate in the individual case for preventing or combating criminal offences that fall within the scope of the agreement.

Members emphasised that the agreement must provide appropriate safeguards to address the specific risks of processing special categories of data, especially for minors and victims of offences.

Moreover, the agreement should explicitly lay down that personal data transferred by the EU to Interpol will not be used to request, hand down or execute a death penalty or any form of cruel and inhuman treatment, and that personal data will not be transferred if there is any risk that the data will be used for this purpose.

Red notices and diffusions

Parliament called on the Commission to negotiate a firm requirement that Interpol improve the **transparency of its red notices and diffusions review system**. In order to improve efficiency and increase transparency, it recommended an annual publication of statistical data on the processing of red notices and diffusions. The Commission should ensure that statistical data on EU Member States' handling of requests for red notice arrests and diffusions are collected for all Member States.

Russia

Given the current special circumstances, notably Russia's blatant breaches of international law and disregard for the rules-based international system, Interpol's Executive Committee and General Secretariat should take immediate and firm measures to **revoke the access rights of Russia and Belarus to Interpol's systems**. Parliament strongly recommended that the Commission put forward enhanced monitoring measures, in the context of this agreement, regarding notices and diffusions issued before the war in Ukraine by Russian authorities.

Lastly, Members demanded that the agreement provide for the possibility of its suspension or termination in case of any breach of its provisions, notably those on personal data. They recalled that Parliament has

consenting power on the conclusion of the envisaged cooperation agreement and that it should thus be closely involved in the negotiating process.