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'I' ITEM NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee
Subject: Interoperability between EU information systems
- Approval of a letter

1. In a letter of 1 February 2019 addressed to all 28 EU Member States, the Secretary General of Interpol asked that the draft Regulations of the European Parliament and of the Council establishing a framework for interoperability between EU information systems¹ be amended so that the modalities of consulting Interpol databases through the European Search Portal ('ESP') are defined only in a cooperation agreement between Interpol and the EU, and not in these draft interoperability Regulations.
2. On 13 February 2019, the Permanent Representatives Committee confirmed the final compromise reached with the European Parliament on this file².

¹ 10178/18 and 10190/18.

² 5691/19.

3. The draft interoperability Regulations are currently being revised by the lawyer-linguists with a view to adoption by the European Parliament during the second plenary session in April and by the Council in mid-May.
4. During the **JHA Counsellors** meeting of 5 February 2019, delegations indicated that they would like a coordinated reply to be sent by the Presidency to Interpol on behalf of all Member States. A draft letter was discussed during the **JHA Counsellors** meeting on 6 March 2019. Following comments made by four Member States, a revised version of the letter was submitted to delegations through a silence procedure ending on 20 March 2019 at 17.30, which was broken by one Member State.
5. To accommodate the concerns of that Member State, the draft letter to Interpol was revised and submitted to a silence procedure which ended without comments from delegations on 22 March 2019 at 15.00.
6. The Permanent Representatives Committee is therefore asked to give its agreement to sending the letter in annex to this note to Interpol.



Mr Jürgen Stock
Secretary-General
Interpol
200 Quai Charles de Gaulle
69006 LYON
France

Brussels, 27 March 2019

Subject: Interoperability of EU information systems

Dear Mr Stock,

Thank you for your letter of 1 February 2019. As it has been addressed to all Member States, they have asked the Romanian Presidency to reply on their behalf.

During its meeting of 13 February 2019, Coreper approved the texts of both draft Regulations establishing a framework for interoperability between EU information systems that were negotiated with the European Parliament during the Austrian and Romanian Presidencies.

I am confident that this new framework for interoperability between EU information systems will be decisive in detecting security threats and combatting identity fraud. It will also contribute to improving checks at external borders and to preventing and combatting illegal immigration. Interpol remains a key partner in this context, as demonstrated by the current practice required by the Schengen Borders Code of directly querying Interpol databases at border control – a practice which will remain valid even after the entry into force of the interoperability Regulations.

While I understand that data owners' information is enshrined in Interpol's Rules on Data Processing, it is equally important that the principles of querying databases through the European Search Portal are in line with the EU data protection framework. The interoperability components were designed to overcome certain structural shortcomings in the EU information management architecture, while fully respecting data protection rules. Therefore, the requirements of the EU data protection rules will guide the course of action on this matter.

With regard to the idea of an Interpol-EU cooperation agreement, I would like to stress that Member States are open to exploring this possibility. In terms of procedure, the Commission should first table a proposal for a Council Decision authorising the Commission to start negotiations with Interpol with a view to concluding such an agreement. At the end of the negotiations, it will be for the Council to take a decision on the conclusion. Member States are confident that such an agreement would benefit the cooperation between them, Interpol and the EU.

On behalf of the Member States, I wish to thank you for your close cooperation.

Yours sincerely,

Luminița Odobescu

Chair of the Permanent Representatives Committee (Part 2)

Copy to: Mr Dimitris AVRAMOPOULOS, Commissioner
Mr Julian KING, Commissioner
Ms Paraskevi MICHOU, Director-General, DG HOME