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'I/A' ITEM NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee/Council

Subject: Council Decision on the conclusion of the Agreement between the European Union, of the one part, and the Republic of Ecuador, of the other part, on cooperation between the European Union Agency for Law Enforcement Cooperation (Europol) and the Ecuadorian authorities competent for combating serious crime and terrorism
- adoption

1. On 15 May 2023, the Council adopted a Decision authorising the opening of negotiations with the Republic of Ecuador for an agreement between the European Union and the Republic of Ecuador on the exchange of personal data between the European Union Agency for Law Enforcement Cooperation (Europol) and the Ecuadorian authorities competent for fighting serious crime and terrorism¹.
2. On 24 October 2023, the Commission updated the Law Enforcement Working Party (Police) on the status of the negotiations between the European Union and the Republic of Ecuador. The discussion focused on broadening the scope of the negotiations to include the exchange of non-personal data².

¹ 8516/23 + ADD1.

² 14305/23.

3. On the basis of this decision and the discussion of 24 October 2023, the Commission carried out negotiations with the competent authorities of the Republic of Ecuador between June 2023 and February 2025.
4. The negotiations on the Agreement between the European Union and the Republic of Ecuador on cooperation between the European Union Agency for Law Enforcement Cooperation (Europol) and the Ecuadorian authorities competent for combating serious crime and terrorism ('the Agreement') were successfully finalised and the text of the Agreement was initialled on 3 March 2025.
5. On 22 May 2025, the Commission submitted to the Council:
 - a) a proposal for a Council Decision on the signing, on behalf of the European Union, of the Agreement between the European Union and the Republic of Ecuador on cooperation between the European Union Agency for Law Enforcement Cooperation (Europol) and the Ecuadorian authorities competent for combating serious crime and terrorism³ ('Decision on the signing'); and
 - b) a proposal for a Council Decision on the conclusion, on behalf of the European Union, of the Agreement between the European Union and the Republic of Ecuador on cooperation between the European Union Agency for Law Enforcement Cooperation (Europol) and the Ecuadorian authorities competent for combating serious crime and terrorism⁴ ('Decision on the conclusion').

³ 9295/25 + ADD 1.

⁴ 9297/25 + ADD 1.

6. On 24 June 2025, the Law Enforcement Working Party (Police) discussed these proposals and the text of the Agreement that was attached to them as an annex (ADD 1). No issues were raised during the meeting regarding the text of the Agreement. After the meeting, Member States proposed some changes. After a consultation period on the revised draft Decision on the signing and the revised draft Decision on the conclusion, Member States did not raise any additional issues on substance. Subsequently to this agreement at technical level, the lawyer-linguists revised the texts⁵.
7. On 18 July 2025, the Council adopted the Decision on the signing⁶ and, subsequently, the Agreement was signed on 23 September 2025.
8. The European Parliament was informed in accordance with Article 218(10) Treaty on the Functioning of the European Union (TFEU).
9. In accordance with Article 218(6) TFEU, the consent of the European Parliament is required before the Council adopts the Decision on the conclusion.
10. On 26 September 2025, the Council sent a request for consent to the European Parliament, and on 11 March 2026 the European Parliament gave its consent to the conclusion of the Agreement.

⁵ The revised texts of the decisions and the Agreement are set out in document 10960/25 (Decision on the signing), document 10965/25 (Decision on the conclusion) and document 10969/25 (Agreement). Ireland is bound by Regulation (EU) 2016/794 and is therefore taking part in the adoption of these Decisions. 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 TFEU, Denmark is not taking part in the adoption of these Decisions and is not bound by them or subject to their application.

⁶ 10960/25.

11. In view of the above, and subject to confirmation by the Permanent Representatives' Committee, the Council is invited to:

- adopt, as an “A” item, the draft Decision on the conclusion, as set out in document 10965/25, to which the Agreement is attached as set out in document 10969/25;
- agree that the text of the Decision on the conclusion, together with the text of the Agreement, will be published in the Official Journal;
- note that the European Parliament will be informed in accordance with Article 218(10) TFEU, and that the Council Decision will be transmitted to the European Parliament.
