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**NOTE**

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From:	Presidency
To:	Delegations
Subject:	Draft Council Conclusions on strengthening the use of Interpol's Stolen and Lost Travel Documents (SLTD) database

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In the recent case of the missing Malaysian Airlines flight MH370, two Iranian nationals managed to board the aircraft using stolen passports of EU Member States. Even though these passports were recorded in the Interpol Stolen and Lost Travel Documents (SLTD) database as well as in the Schengen Information System (SIS) by the Member States concerned, at no point the travel documents of some of the passengers on the flight were checked against the SLTD database by the authorities of the country of departure, which was not an EU Member State. In the first week of the aircraft's disappearance, much attention and investigative resources were focused on ascertaining the identities of these two individuals, when the problem could have simply been avoided had these checks been carried out beforehand, although the EU Member States entered information in both Interpol and SIS systems.

In this context, the Presidency submits in annex draft Council Conclusions on strengthening the use of Interpol's Stolen and Lost Travel Document (SLTD) database. The revised version takes into account the comments made at the COSI Support Group meeting on 8 September and the comments sent in writing.

**Draft Council Conclusions on strengthening the use of Interpol's Stolen and Lost Travel Documents (SLTD) database.**

THE COUNCIL OF THE EUROPEAN UNION,

BEARING IN MIND that EU airports are key spots where law enforcement authorities' attention should be devoted to preventing passengers from travelling with stolen or lost travel documents and, consequently, from entering EU territory by using passports unlawfully,

EMPHASISING that in Article 3(4) of the Council Common Position 2005/69/JHA of 24 January 2005 on exchanging certain data with Interpol<sup>1</sup>, the following common action was requested: *“Member States shall ensure that their competent law enforcement authorities will query the Interpol database for the purpose of this Common Position each time when appropriate for the performance of their task. Member States shall ensure that they set up infrastructures required to facilitate consultation as soon as possible but at the latest by December 2005.”*,

CONSIDERING that the Interpol SLTD database records stolen and lost travel documents such as passports, identity cards, UN laissez-passer or visa stamps, as well as blank travel documents and currently contains about 43 million records from 163 countries, including 28 million records from EU Member States,

BEARING IN MIND that, in accordance with the Council Common Position 2005/69/JHA, Interpol provides any requesting Member State with the possibility to connect [...] to Interpol's data repository through two integrated solutions enabling law enforcement agencies to [...] integrate the national, SIS or Interpol searches into one search [...],

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<sup>1</sup> OJ L 27, 29.1.2005, p. 61.

ACKNOWLEDGING that while all EU Member States have implemented Article 3(1) of the Common Position 2005/69/JHA by providing all current and future passport data to Interpol, the Member States' implementation of Article 3(4) of this Common Position is at various stages of roll-out and use: to this day sixteen Member States have fully implemented the search tools for carrying out parallel searches in SIS and Interpol's SLTD, three have partially implemented the integrated and systematic search tools, while nine Member States have yet to proceed to their introduction,

BEARING IN MIND that the integrated and systematic use of the Interpol SLTD database has been raised on a regular basis to EU Member States through the monitoring and evaluation carried out by the EU Commission, as indicated in Article 4 of the Common Position 2005/69/JHA,

ACKNOWLEDGING that the EU integrated border-management strategy also needs the full implementation of a tool such as the one developed by Interpol to decrease the chances of criminals crossing EU borders, thus having a direct effect on the EU's internal security, including the risks related to terrorism, illegal migration or serious and organised crime,

INVITES MEMBER STATES TO:

1. Ensure that Article 3(4) of the Common Position 2005/69/JHA is fully implemented. The Council will revert to this issue by December 2015;
2. Make more extensive use of the possibility offered by Article 7(2) Schengen Border Code to consult, at the external borders, the relevant databases exclusively on stolen, misappropriated, lost and invalidated documents, including documents issued by Member States, in cases giving raise to reasonable doubt as to the authenticity or validity of the travel document or as to the identity of its holder.

INVITES THE EUROPEAN COMMISSION TO:

1. Monitor the implementation of the Common Position, in particular the provision of end-user access to SIS and Interpol's SLTD data in a single search, the extent of national coverage as well as the number of searches and hit;
2. In the light of the outcomes of the monitoring as referred to in point 1 consider submitting a recommendation to the Council, in accordance with Article 218 TFEU, in order to open the negotiations with Interpol with a view to concluding an agreement establishing a connection between SIS II and Interpol's SLTD database, in line with Article 55 of Council Decision 2007/533/JHA of 12 June 2007<sup>2</sup> enabling end users to access SIS II and Interpol's SLTD in a single search.

INVITES INTERPOL TO:

Engage with third countries to populate and search the SLTD database and ensure the highest level of quality.

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<sup>2</sup> OJ L 205, 7.8.2007, p. 63.