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**ENFOPOL 318
CRIMORG 166
CT 109
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RELEX 1146**

'I/A' ITEM NOTE

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

Subject: Council Decision on the conclusion, on behalf of the European Union, of the Agreement between the European Union and the Federative Republic of Brazil on cooperation with and through the European Union Agency for Law Enforcement Cooperation (Europol) and the Federal Police of Brazil - adoption

1. On 15 May 2023, the Council adopted a Decision authorising the opening of negotiations with the Federative Republic of Brazil for an agreement between the European Union and the Federative Republic of Brazil on the exchange of personal data between the European Union Agency for Law Enforcement Cooperation (Europol) and the Brazilian authorities competent for fighting serious crime and terrorism¹.
2. On the basis of this decision, the Commission carried out negotiations with the competent authorities of the Federative Republic of Brazil between July 2023 and October 2024.

¹ 8525/23.

3. The negotiations on the Agreement between the European Union and the Federative Republic of Brazil on cooperation with and through the European Union Agency for Law Enforcement Cooperation (Europol) and the Federal Police of Brazil ('the Agreement') were successfully finalised and the text of the Agreement was initialled on 18 October 2024.
4. On 18 December 2024, 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 Federative Republic of Brazil on cooperation with and through the European Union Agency for Law Enforcement Cooperation (Europol) and the Federal Police of Brazil² ('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 Federative Republic of Brazil on cooperation with and through the European Union Agency for Law Enforcement Cooperation (Europol) and the Federal Police of Brazil³ ('Decision on the conclusion').
5. On 23 January 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). At this meeting, as well as in writing, Member States proposed some changes. All Member States indicated that they could agree with, or at least did not oppose to, the texts as modified. Subsequently to this agreement at technical level, the lawyer-linguists revised the texts⁴.
6. On 24 February 2025, the Council adopted the Decision on the signing⁵ and, subsequently, the Agreement was signed on 5 March 2025.

² 17073/24 + ADD 1.

³ 17074/24 + ADD 1.

⁴ The revised texts of the decisions and the Agreement are set out in document 5616/25 (Decision on the signing), document 5617/25 (Decision on the conclusion) and document 5618/25 (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.

⁵ 5616/25.

7. The European Parliament was informed in accordance with Article 218(10) Treaty on the Functioning of the European Union (TFEU).
8. In accordance with Article 218(6) TFEU, the consent of the European Parliament is required before the Council adopts the Decision on the conclusion.
9. On 10 March 2025, the Council sent a request for consent to the European Parliament, and on 9 September 2025 the European Parliament gave its consent to the conclusion of the Agreement.
10. 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 5617/25, to which the Agreement is attached as set out in document 5618/25;
 - 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.