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PROPOSAL

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	17 September 2025
To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union
Subject:	Proposal for a COUNCIL DECISION authorising Member States to sign, in the interest of the European Union, the Third Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters

Delegations will find attached document COM(2025) 510 final.

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2025/0286 (NLE)

Proposal for a

COUNCIL DECISION

authorising Member States to sign, in the interest of the European Union, the Third Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

• Reasons for and objectives of the proposal

Objectives of the proposal

The present proposal concerns the decision of the Council of the European Union ('the Council') authorising Member States of the Union ('the Member States') to sign, in the interest of the Union, the Third Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters ('the Protocol')[1]. The aim of the Protocol is to strengthen the ability of states to respond effectively to crime by improving and supplementing the mutual assistance procedures set out in the 1959 European Convention on Mutual Assistance in Criminal Matters (the '1959 Convention') as well as its first two Additional Protocols.

The Commission will also submit a proposal for a decision of the Council authorising Member States to ratify the Protocol in the interest of the Union.

Since the Convention was first established in 1959 and entered into force in 1962, criminal activities have become ever more transnational, presenting complex challenges for law enforcement and judicial authorities. Crimes such as drug trafficking, terrorism, cybercrime and money laundering often involve perpetrators, witnesses and evidence located in multiple jurisdictions. As a result, international cooperation in criminal matters is essential – and this cooperation should be as rapid, effective and efficient as possible. While the Member States benefit from close internal cooperation in criminal matters, they must also engage effectively with third countries to tackle transnational threats.

Mutual assistance mechanisms serve as the cornerstone of this cooperation, enabling judicial and law enforcement authorities to request and provide evidence, carry out procedural acts, and support investigations that span national boundaries – within a framework that respects sovereignty and legal safeguards.

The Protocol responds to the evolving nature of crime, the movement of people across borders, and new technological developments. It modernises the existing provisions governing mutual assistance, thereby improving judicial and law enforcement cooperation. Key updates include: - putting in place common rules for cooperation concerning (i) the use of technical recording devices in the territory of another Party to the Protocol; and (ii) the interception of telecommunications; - increasing the number of circumstances in which hearings by videoconference may be requested; - prioritising electronic channels of communication between competent authorities; - introducing obligations related to timely execution of requests for mutual assistance; and - updating the provisions on the protection of personal data transferred from one Party to another as a result of the execution of a request made under the 1959 Convention or any of its Protocols.

Background

The purpose of the 1959 Convention is to strengthen the capacity of States Parties to effectively respond to crime by establishing common rules for international cooperation in criminal matters, specifically in the area of mutual assistance. As a foundational instrument in international criminal justice cooperation, the 1959 Convention is widely recognised and has been acceded to by both members of the Council of Europe and non-members, reflecting its broad regional and global relevance.

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[1] The text of the Protocol will be annexed to the proposal for a Council Decision authorising Member States to ratify, in the interest of the Union, the Protocol.

The 1959 Convention remains the principal legal basis for mutual assistance in criminal matters between Member States and third countries, particularly where no more specific bilateral or regional agreements exist. While the 1959 Convention's application between Member States has been largely superseded by Union law, it still applies to a limited extent where no corresponding Union provisions are in place. This ensures continuity and legal certainty in cross-border cooperation.

The 1959 Convention has been supplemented by two additional protocols: the Additional Protocol, signed in 1978 and entered into force in 1982, and the Second Additional Protocol, signed in 2001 and entered into force in 2004. The 1959 Convention is open to Member States of the Council of Europe, and to non-members upon invitation. To date, the 1959 Convention has 50 States Parties, including all 27 EU Member States. The Additional Protocol has 42 States Parties, including all 27 EU Member States, while the Second Additional Protocol has 42 States Parties, including 26 EU Member States. The 1959 Convention does not envisage that the European Union may accede to it.

In response to the recognised need to update the 1959 Convention and its Second Additional Protocol a proposal for a new protocol was included in the 2022–2025 terms of reference of the Committee of Experts on the Operation of European Conventions on Co-operation in Criminal Matters (PC-OC), as approved by the Committee of Ministers of the Council of Europe. This update was needed in particular to reflect the rapid changes in mutual assistance practices in recent years, including the increased use of video-conferencing and other technological tools, notably during the COVID-19 pandemic. In addition, there was a need to address certain shortcomings identified by practitioners.

The PC-OC drafted the new Protocol on the basis of proposals made by various delegations. Member States participated in the negotiations of the Protocol. The Protocol was finalised by the PC-OC at its 86th meeting (12-14 November 2024) and was adopted by the Committee of Ministers of the Council of Europe on 4 June 2025. It is envisaged to be opened for signature on 18-19 September 2025.

Reasons for the proposal

The Protocol will enter into force once three signatories have expressed their consent to be bound by the Protocol in accordance with its Article 10. The ceremony at which the Protocol will be signed is envisaged to take place on 18-19 September 2025.

The swift entry into force of the Protocol is in the interest of the Union for a number of reasons.

First, the Protocol will ensure that judicial and other competent authorities are better equipped to request and provide evidence and other assistance necessary for criminal investigations. By simplifying and accelerating existing mutual assistance procedures, the Protocol strengthens the ability of states to respond to cross-border threats. It supplements the original Convention and its first two Protocols, adapting them to today’s challenges.

Second, the Protocol will ensure that measures to obtain evidence and provide other assistance will be used in a manner that allows Member States to respect fundamental rights, including criminal procedural rights, the right to privacy and the right to the protection of personal data. In particular, in the absence of clear rules at international level for measures such as the use of technical recording devices, it may prove difficult to ensure that existing practices uphold legal certainty, the respect of fundamental rights and suspects' procedural guarantees in criminal investigations.

Third, the Protocol is in line with the Union's objectives set out in ProtectEU, the 2025 European Internal Security Strategy[2] to tighten the net on serious and organised crime by strengthening judicial cooperation and providing EU criminal justice systems with effective tools to address emerging threats. It complements existing EU and international instruments to which the EU and/or its Member States are parties and thus contributes to the EU's fight against transnational crime.

- **Consistency with existing policy provisions in the policy area**

The current Union legal framework includes instruments on judicial cooperation in criminal matters, in particular, Directive 2014/41/EU regarding the European Investigation Order in criminal matters and the 2000 Convention, established by the Council in accordance with Article 34 of the Treaty on European Union, on Mutual Assistance in Criminal Matters between the Member States of the European Union, as well as the 2001 Protocol to that Convention. The latter Convention and the 2001 Protocol still apply in the relations with Member States not bound by Directive 2014/41/EU. Furthermore, Regulation (EU) 2023/2844 (the Digitalisation Regulation) and Directive (EU) 2023/2843 (the Digitalisation Directive) set out a uniform legal framework for the use of electronic communication between competent authorities in judicial cooperation procedures in criminal matters, including for procedures under Directive 2014/41/EU. The current European Union legal framework also includes Council Framework Decision 2009/315/JHA on the organisation and content of the exchange of information extracted from the criminal record between Member States, and Regulation (EU) 2017/1939 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO'). Member States that participate in the enhanced cooperation should ensure that the EPPO can, in the exercise of its competences as provided for by Articles 22, 23 and 25 of Regulation (EU) 2017/1939, seek cooperation under the Protocol in the same way as national prosecutors of those Member States. These instruments and agreements relate, in particular, to Articles 1, 2, 3, 4, 5, 6 and 7 of the Protocol.

Moreover, the Union has adopted several directives that strengthen procedural rights of suspects and accused persons, namely Directives 2010/64/EU, 2012/13/EU, 2013/48/EU, (EU) 2016/343, (EU) 2016/800 and (EU) 2016/1919. These instruments relate, in particular, to Articles 2, 3 and 4 of the Protocol. One particular set of safeguards concerns the protection of personal data, which is a fundamental right enshrined in the EU Treaties and in the Charter of Fundamental Rights of the European Union. Personal data may only be processed in accordance with Regulation (EU) 2016/679 (the General Data Protection Regulation) and Directive (EU) 2016/680 (the Law Enforcement Directive). The fundamental right of everyone to the respect of their private and family life, home and communications includes as an essential element the respect for the privacy of one's communications. Electronic communications data can only be processed in accordance with Directive 2002/58/EC (the ePrivacy Directive). These instruments relate, in particular, to Article 7 of the Protocol.

Externally, the Union has concluded a number of agreements with third countries. These include the Agreements on Mutual Legal Assistance between the European Union and the United States of America, between the European Union and Japan and between the European Union and Norway and Iceland, as well as the Trade and Cooperation Agreement (TCA) between the Union and the UK. The TCA establishes a framework for mutual assistance by supplementing the 1959 Convention and its first two Additional Protocols.

[2] Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on ProtectEU: a European Internal Security Strategy, COM(2025) 148 final.

- **Consistency with other Union policies**

Other Union policies are not affected by the Protocol.

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

- **Legal basis**

Article 218(5) of the Treaty on the Functioning of the European Union (TFEU) provides that where the agreement envisaged does not relate exclusively or principally to the common foreign and security policy, the Commission is required to submit a proposal to the Council. The Council will adopt a decision authorising the signing of the agreement.

The substantive legal basis depends primarily on the objective and content of the envisaged act. The proposal has two main aims and components: (i) facilitating cooperation between judicial or other competent authorities in relation to proceedings in criminal matters; and (ii) protecting personal data in the context of such cooperation. Thus, the substantive legal bases are Article 82(1) and Article 16(2) TFEU.

• Union competence

The Protocol sets out rules in the field of mutual assistance in criminal matters. This falls, in principle, within shared competence between the Union and the Member States in accordance with Article 4(2)(j) TFEU. Moreover, the Protocol sets out rules in the field of the protection of personal data.

Pursuant to Article 3(2) TFEU, the Union has exclusive competence for the conclusion of an international agreement in so far as its conclusion may affect common rules or alter their scope. Certain parts of the Protocol, notably its rules on the protection of personal data, fall within an area covered to a large extent by internal rules which may be affected or whose scope be altered by those parts.

The Protocol thus falls within the Union's exclusive external competence. The signature of the Protocol by Member States, in the interest of the Union, may thus take place on the basis of Article 16(2), Article 82(1) and Article 218(5) TFEU.

- **Subsidiarity (for non-exclusive competence)**

Not applicable.

- **Proportionality**

The Union’s objectives with regard to this proposal, as set out in the section above entitled ‘Reasons for the proposal’, can only be achieved by entering into a binding international agreement providing for the necessary cooperation measures while ensuring appropriate protection of fundamental rights. The Protocol achieves this objective. Also, adhering to a multilateral agreement such as the Protocol is more efficient than entering into negotiations with individual non-EU countries at bilateral level. The Protocol's provisions are limited to what is necessary to achieve its main objectives. They strike a fair balance between the need to ensure effective judicial cooperation and the protection of fundamental rights of persons concerned by the measures covered by the Protocol.

- **Choice of the instrument**

This proposal for a Council decision is submitted in accordance with paragraph 5 of Article 218 TFEU, which envisages the Council's adoption of a decision authorising the signing of the agreement by the Member States in the interest of the Union. There is no other legal instrument that could be used to achieve this proposal's stated objective.

3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS

- **Ex-post evaluations/fitness checks of existing legislation**

Not applicable

- **Stakeholder consultations**

Not applicable

- **Collection and use of expertise**

Not applicable

- **Impact assessment**

Relevant impacts are presented in this explanatory memorandum.

- **Regulatory fitness and simplification**

Not applicable

- **Fundamental rights**

The Protocol provides safeguards allowing EU Member States to comply with their human rights obligations under international, EU and national law. These safeguards also prevent States parties from abusing this instrument in order to commit or legitimise human rights violations.

The Protocol covers international cooperation measures in criminal matters, namely: (i) mutual assistance procedures; (ii) a notification procedure for the use of technical recording devices in urgent situations; and (iii) a notification procedure for the interception of telecommunications in the territory of another party without that party's technical assistance. Such procedures are likely to affect fundamental rights such as the right to a fair trial, the right to privacy and the right to the protection of personal data. The Protocol follows a rights-based approach and provides for conditions and safeguards in line with international human rights instruments including the 1950 Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms. In particular, the Protocol contains dedicated rules on the protection of personal data. Where necessary, the Protocol provides a basis for parties to make certain reservations, declarations or notifications. It also includes additional grounds to refuse cooperation in response to a mutual assistance request or a notification in specific situations. In addition, it allows for the possibility to restrict the use of the notification procedure to certain criminal offences or to prohibit the collection of data in private homes and places not accessible to the public.

4. BUDGETARY IMPLICATIONS

There are no budgetary implications for the Union budget. Member States may have one-off costs when implementing the Protocol and there could be a moderate increase in costs for Member State authorities due to the expected rise in the number of requests for international cooperation.

5. OTHER ELEMENTS

- **Implementation plans and monitoring, evaluation and reporting arrangements**

There is no implementation plan. This is because Member States will be required to implement the Protocol following its signature and ratification.

- **Detailed explanation of the specific provisions of the proposal**

Article 1 of the Protocol addresses the channels of communication to be used for requests for mutual assistance, spontaneous information exchange, requests related to judicial records and requests for copies of convictions and measures, as well as laying of information in connection with proceeding. It replaces Article 15 of the 1959 Convention, as modified by Article 4 of the Second Additional Protocol, as well as Article 21(1) of the 1959 Convention. Article 1 identifies secure means of electronic communication as the preferred method. The provision further specifies the range of competent authorities which can make particular requests, depending on the subject.

Article 2 of the Protocol concerns hearings by video conference, replacing Article 9 of the Second Additional Protocol. This article reflects the development of practices which emerged during the COVID-19 pandemic and allows greater flexibility opt for a hearing by video conference, whenever appropriate. It sets out a procedure for requesting the hearing of a witness or an expert by video conference according to the rules set out in this article, which establish the necessary safeguards. The requested party will be obliged to agree to such a hearing, provided that the use of video conference is not contrary to the fundamental principles of that Party's law and that it has the technical means to carry it out. Parties may at their discretion facilitate video conferences involving the accused person or the suspect, but only with the agreement of the competent judicial authorities and the individual concerned, in accordance with national law and relevant international instruments.

Article 3 of the Protocol establishes a framework for the use of technical recording devices that record positions, sound or images in the territory of another party. The article provides that, whenever possible, requests to carry out such surveillance on the territory of another party should be made in advance. Requests may be refused on the grounds that the recording would not have been allowed in a similar domestic case according to the law of the requested party. Requests may also be refused on the grounds set out in Articles 2 and 5 of the 1959 Convention. These grounds include cases where the request concerns an offence which the requested party considers a political offence, or an offence connected with a political offence; or where the requested party considers that execution of the request is likely to prejudice the sovereignty, security, public order or other essential interests of its country. Article 3 also provides for urgent situations where it is not possible to make a request in advance of a technical recording device entering another country. In such cases, the party using the device is required to immediately notify the other party. That notified party must, as soon as possible and within 96 hours at the latest, indicate whether the device may remain active or whether it validates past activity. In cases where a recording would not have been allowed in a similar domestic case according to the law of the notified party, it may decide that the recording is not to be carried out or must be terminated. The procedure also allows the notified party to impose certain conditions, including: (i) that any material already recorded while the subject was on its territory may not be used, or that it may be used only under certain conditions; (ii) that the continuation or validation of the recording is dependent on the submission of a formal request for mutual assistance; or (iii) that the data recorded on its territory should be partially or fully destroyed. The notifying party may not use the recordings as evidence in criminal proceedings without explicit authorisation of the notified party. Article 3 also provides options for parties to declare that they will apply certain restrictions to the notification procedure. Such restrictions may include a prohibition on data collection in private homes and places not accessible to the public, and/or limiting authorisation to investigations concerning certain criminal offences.

Article 4 of the Protocol sets out a framework for Parties to request that another Party intercepts telecommunications in the context of criminal investigations. The requested Party

may refuse execution, on the same grounds that it may refuse requests made under Article 3. The requested Party may also impose conditions on the execution of requests, such as requiring destruction of irrelevant recorded data, notifying the intercepted individual after the measure, limiting the use of the evidence to the purposes specified in the request, or imposing any other conditions applicable in a similar domestic case. Judicial authorities in the requested Party may destroy parts of the records deemed irrelevant or covered by legal privilege before transmitting them to the requesting Party. Article 4 also allows Parties to apply by mutual agreement the notification procedure provided in Article 3 to the interception of telecommunications in the territory of another Party without the technical assistance of that Party.

Article 5 of the Protocol sets out rules on the payment of costs involved in the provision of mutual assistance, replacing Article 20 of the 1959 Convention, as modified by Article 5 of the Second Additional Protocol. The article sets out a list of particular costs that will be refunded by the requesting Party, unless the Parties agree otherwise. The list of particular costs that will be refunded by the requesting Party has been expanded to include 'the costs which are incurred by telecommunications operators or service providers in executing requests for the interception of telecommunications, as well as the costs arising from the transcription, decoding and decrypting of the intercepted communications when applicable'.

Article 6 of the Protocol addresses the issue of timely execution of mutual assistance requests in criminal matters. It establishes a general principle that such requests should be handled with the same celerity and priority as comparable domestic cases.

Article 7 of the Protocol addresses data protection, replacing Article 26 of the Second Additional Protocol. It provides that personal data transferred as a result of the execution of a request made under the Convention or its Protocols may only be used by the receiving Party (i) for the purpose of proceedings to which the Convention or any of its Protocols apply; (ii) for judicial or administrative proceedings which are directly linked; or (iii) for preventing an immediate and serious threat to public security. Data may be used for other purposes, if prior consent is provided by either the transferring Party or the data subject. Parties may refuse to transfer personal data obtained as a result of the execution of a request made under the Convention or its Protocols where such data are protected under their national legislation, and/or when the receiving Party is not bound by the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No. 108), as modernised by the Protocol amending this Convention (CETS No. 223), unless the receiving Party undertakes to afford such protection to the data as is required by the transferring Party. Any Party that transfers personal data obtained as a result of a request made under the Convention or its Protocols may require the receiving Party to provide information of the use made of the data. Finally, any Party may, by a declaration, require that, within the framework of procedures for which it could have refused or limited the transmission or the use of personal data in accordance with the provisions of the Convention or one of its Protocols, personal data which it transmits to another Party not be used by the latter unless with its previous consent.

The remaining articles of the Protocol provide for: the friendly settlement of difficulties regarding the interpretation of the Convention and its protocols (Article 8); a summary of how the provisions of the Protocol relate to existing provisions in the Convention and its Additional Protocols (Article 9); principles governing the Parties' signature of the Protocol and its entry into force (Article 10); accession to the Protocol (Article 11); its territorial application (Article 12); reservations and declarations (Article 13); denunciation (Article 14); and notifications (Article 15). Article 9, in particular, provides that the provisions of the Protocol are without prejudice to Article 26 of the 1959 Convention. The latter

provision concerns the relationship between the 1959 Convention and other agreements, and allows Parties, which provide mutual assistance on the basis of uniform legislation, to exclude as between themselves the application of the 1959 Convention and to notify the Secretary General of the Council of Europe accordingly.

2025/0286 (NLE)

Proposal for a

COUNCIL DECISION

authorising Member States to sign, in the interest of the European Union, the Third Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 16(2) and Article 82(1), in conjunction with Article 218(5) thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) The Third Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters ('the Protocol') was adopted by the Committee of Ministers of the Council of Europe on 4 June 2025, and is envisaged to be opened for signature on 18-19 September 2025.

(2) The Protocol provides for procedures that improve and facilitate mutual legal assistance. Member States becoming a Party to it should support the European Union's efforts in combating organised crime and other forms of crime at international level. It facilitates cooperation between the Member State Parties and third-country Parties to the Protocol while ensuring a high level of protection of individuals. To that end, the Protocol contains dedicated rules on the protection of personal data transferred to third-country Parties in the context of such cooperation.

(3) The Union is competent to adopt rules in the areas covered by the Protocol and has exercised that competence through the adoption of various legal acts such as Directive 2014/41/EU of the European Parliament and the Council[(1)] and Directive 2016/680/EU of the European Parliament and the Council[(2)]. Certain parts of the Protocol, such as the rules on the protection of personal data, fall within areas covered to a large extent by common rules within the meaning of Article 3(2) of the Treaty on the Functioning of the European Union that may be affected, or the scope of which may be altered, by the Protocol.

(4) A number of reservations, declarations and notifications may be relevant to ensure compatibility of the Protocol with Union law and policies, as well as the uniform application of the Protocol amongst Member States in their relation with third-country

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(1) Directive 2014/41/EU of the European Parliament and of the Council of 3 April 2014 regarding the European Investigation Order in criminal matters (OJ L 130, 1.5.2014, pp. 1, ELI: http://data.europa.eu/eli/dir/2014/41/oj).

(2) Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA (OJ L 119, 4.5.2016, p. 89, ELI: http://data.europa.eu/eli/dir/2016/680/oj).

Parties, and the effective application of the Protocol. However, no reservations, declarations or notifications shall be made by Member States at the time of signing or before the adoption of the Decision of the Council authorising the Member States to ratify the Protocol in the interest of the Union.

(5) Member States that participate in the enhanced cooperation established by Council Regulation (EU) 2017/1939[3] should ensure that the European Public Prosecutor's Office can, in the exercise of its competences as provided for in Articles 22, 23 and 25 of that Regulation, seek cooperation under the Protocol in the same way as national prosecutors of those Member States.

(6) The European Data Protection Supervisor was consulted in accordance with Regulation (EU) 2018/1725 of the European Parliament and of the Council[4] and delivered an opinion on [...].

(7) [In accordance with Article 3 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Ireland has notified [, by letter of …,] its wish to take part in the adoption and application of this Decision.] [OR] [In accordance with Articles 1 and 2 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this Decision and is not bound by it or subject to its application.]

(8) In accordance with Articles 1 and 2 of Protocol No 22 on the position of the Kingdom of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, the Kingdom of Denmark is not taking part in the adoption of this Decision and is not bound by it or subject to its application.

(9) The Union cannot sign the Protocol, as only states can be parties thereto. Member States should therefore be authorised to sign the Protocol, acting jointly in the interest of the Union,

HAS ADOPTED THIS DECISION:

Article 1

The Member States are hereby authorised to sign, in the interest of the Union, the Third Additional Protocol to the European Convention on Mutual Assistance in criminal matters ('the Protocol')[5].

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[3] Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO') (OJ L 283, 31.10.2017, p. 1, ELI: http://data.europa.eu/eli/reg/2017/1939/oj).

[4] Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39, ELI: http://data.europa.eu/eli/reg/2018/1725/oj).

[5] The text of the Protocol will be published together with the decision authorising the ratification.

Article 2

This Decision shall enter into force on the date of its adoption.

Done at Brussels,

For the Council
The President
[...]