



Brussels, 14 February 2025
(OR. en)

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**Interinstitutional File:
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ENFOPOL 26
CRIMORG 8
CT 5
IXIM 15
COLAC 8
CORDROGUE 5
JAI 84

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: 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 Brazil

COUNCIL DECISION (EU) 2025/...

of ...

**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 Brazil**

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 88, in conjunction with Article 218(5) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Regulation (EU) 2016/794 of the European Parliament and of the Council¹ provides that it is possible for the European Union Agency for Law Enforcement Cooperation (Europol) to transfer personal data to an authority of a third country on the basis of, inter alia, an international agreement concluded between the Union and that third country pursuant to Article 218 of the Treaty on the Functioning of the European Union (TFEU), adducing adequate safeguards with respect to the protection of privacy and fundamental rights and freedoms of individuals.
- (2) On 15 May 2023, the Council authorised the Commission to open negotiations with the Federative Republic of Brazil for an agreement on the exchange of personal data between Europol and the Brazilian authorities competent for fighting serious crime and terrorism.
- (3) The negotiations for 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 concluded, and the text of the Agreement was initialled on 18 October 2024.

¹ Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA (OJ L 135, 24.5.2016, p. 53, ELI: <http://data.europa.eu/eli/reg/2016/794/oj>).

- (4) The Agreement establishes cooperative relations between Europol and the competent authorities of Brazil, and allows for the transfer of personal and non-personal data between them, with a view to combating serious crime and terrorism and protecting the security of the Union and its citizens.
- (5) The Agreement ensures full respect for the Charter of Fundamental Rights of the European Union (the ‘Charter’), including the right to respect for private and family life, recognised in Article 7 of the Charter, the right to the protection of personal data, recognised in Article 8 of the Charter, and the right to an effective remedy and to a fair trial, recognised in Article 47 of the Charter. The Agreement includes adequate safeguards for the protection of personal data transferred by Europol under the Agreement.
- (6) The Agreement does not affect, and is without prejudice to, the transfer of personal data or other forms of cooperation between the authorities responsible for safeguarding national security.
- (7) Ireland is bound by Regulation (EU) 2016/794 and is therefore taking part in the adoption of this Decision.
- (8) 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 this Decision and is not bound by it or subject to its application.

(9) The European Data Protection Supervisor delivered its Opinion 2/2025 on 10 February 2025.

(10) Therefore, the Agreement should be signed,

HAS ADOPTED THIS DECISION:

Article 1

The signing 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 is hereby authorised on behalf of the Union, subject to the conclusion of the said Agreement²⁺.

Article 2

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

Done at ..., ...

For the Council

The President

² The text of the Agreement will be published together with the decision on its conclusion.
⁺ Delegations/OJ: see document ST 5617/2025.