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**Interinstitutional File:
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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL DECISION on the conclusion 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 conclusion
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(6), second subparagraph, point (a)(v), and Article 218(7) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament¹,

¹ Consent of ... (not yet published in the Official Journal).

Whereas:

- (1) Regulation (EU) 2016/794 of the European Parliament and of the Council² 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 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>).

- (2) In accordance with Council Decision (EU) 2025/...³⁺, 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’) was signed on ...⁺⁺, subject to its conclusion at a later date.
- (3) 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.
- (4) 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.

³ 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 (OJ L, ..., ELI: ...).

⁺ OJ: please insert in the text the number of the Decision contained in document ST 5616/2025 and insert the number, date and OJ reference to that Decision in the footnote.

⁺⁺ OJ: please insert the date of signature of the Agreement contained in document ST 5618/2025.

- (5) 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.
- (6) Pursuant to Article 218(7) TFEU, it is appropriate for the Council to authorise the Commission to approve, on the Union's behalf, amendments to Annexes II and III to the Agreement.
- (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) The Agreement should be approved on behalf of the Union,

HAS ADOPTED THIS DECISION:

Article 1

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 approved on behalf of the Union⁴.

Article 2

For the purposes of Article 31(2) of the Agreement, the position to be taken on behalf of the Union on amendments to Annexes II and III to the Agreement shall be approved by the Commission after consultation with the Council.

Article 3

This Decision shall enter into force on the date of its adoption⁵.

Done at ..., ...

For the Council

The President

⁴ The text of the Agreement is published in OJ L, ..., ELI: ... [OJ: please insert OJ reference for document ST 5618/2025].

⁵ The date of entry into force of the Agreement will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.