



Council of the
European Union

Brussels, 2 May 2022
(OR. en)

8579/22

LIMITE

PE-QE 48

REPLY TO PARLIAMENTARY QUESTION

From:	General Secretariat of the Council
To:	Permanent Representations of the Member States
Subject:	PRELIMINARY DRAFT REPLY TO QUESTION FOR WRITTEN ANSWER E-000585/2022 - Cornelia Ernst (The Left) 'Improper use of Interpol alerts'

1. Delegations will find attached:
 - the text of the above question for written answer;
 - a preliminary draft reply prepared by the General Secretariat.
2. If no comments have been received from delegations by 18 May 2022 (17.00), this preliminary draft reply will be submitted to the Permanent Representatives Committee (Part 1) and to the Council for approval.

Any comments received will be examined by the Working Party on General Affairs.

**Question for written answer E-000585/2022/rev.1
to the Council**
Rule 138
Cornelia Ernst (The Left)

Subject: Improper use of Interpol alerts

The ETIAS Regulation regulates, among other things, search requests to the Stolen and Lost Travel Documents database (SLTD) and the Travel Documents Associated with Notices database (TDAWN). Europol should also cooperate more closely with Interpol. At the request of the Council, the Commission is also negotiating opening clauses for Europol, Frontex, Eurojust, eu-LISA and the European Public Prosecutor's Office with regard to access to Interpol databases.

1. How do the Council and the Member States intend to ensure that searches of Interpol databases via ETIAS or by Europol do not encourage the misuse of searches?
2. What possibilities does the Council's see for supporting the Member States in exchanges over improper search requests, and what other options has Interpol proposed in this regard?
3. Has the Commission invited the Commission to support the Member States in detecting improper search requests and to organise a workshop, for example, to determine further steps?

Article 12 of Regulation (EU) 2018/1240 establishing a European Travel Information and Authorisation System (ETIAS) provides that ETIAS ‘shall query the Interpol Stolen and Lost Travel Document database (SLTD) and the Interpol Travel Documents Associated with Notices database (TDAWN) [...] in such a way that no information shall be revealed to the owner of the Interpol alert’, making the misuse of queries launched against Interpol databases impossible.

The negotiating mandate for a cooperation agreement between the EU and Interpol referred to by the Honourable Member provides that, in the course of the negotiations, the Commission should aim to achieve, inter alia, the objective to provide the safeguards and guarantees needed to authorise controlled access to Interpol’s databases in full compliance with EU data protection requirements and fundamental rights.

The Council has not asked the Commission to organise a workshop on the issue referred to by the Honourable Member. Interpol has not proposed any other options.