



Council of the
European Union

Brussels, 16 May 2022
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8983/22

LIMITE

PE-QE 55

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-000948/2022 - Sophia in 't Veld (Renew) 'Suspending Russian access to Interpol databases'

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 1 June 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-000948/2022
to the Council
Rule 138
Sophia in 't Veld (Renew)

Subject: Suspending Russian access to Interpol databases

Following the Russian invasion of Ukraine, several Interpol member states, including the UK, the United States, Canada, Australia and New Zealand, have requested 'the immediate suspension of Russia's access to its systems' because of 'very credible reports' that Russia committed war crimes against citizens during the invasion¹. According to Freedom House, Russia is responsible for 38 % of all Interpol red notices worldwide². Given that Interpol is increasingly connected to EU information systems for borders, migration and security via interoperability, and that negotiations for a cooperation agreement between the EU and Interpol are ongoing, it is essential that the Council study the risks posed to fundamental rights.

1. How will the Council ensure that politically motivated Interpol red notices will under no circumstances ever be used to detain third country citizens, in view of the fact that the negotiating mandate does not make any reference to the issue of politically motivated red notices and their significant negative impact on those affected?
2. Does the Council support the immediate suspension of Russia's access to Interpol databases, which will be directly linked to EU databases by the end of 2023?

¹ <https://www.france24.com/en/live-news/20220307-west-asks-for-russia-to-be-suspended-from-interpol>

² <https://freedomhouse.org/report/transnational-repression/russia>

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, among other things, the objective of providing the safeguards and guarantees needed to authorise controlled access to Interpol's databases in full compliance with EU data protection requirements and with fundamental rights. Obviously, the case-law of the Court, in particular Case C-505/19, will have to be observed in cooperation with Interpol.

In addition, 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 Documents database and the Interpol Travel Documents Associated with Notices database in such a way that no information shall be revealed to the owner of the Interpol alert. Article 9 of Regulations (EU) 2019/817 and (EU) 2019/818 on establishing a framework for interoperability and Article 9a of the amended Regulation (EC) No 767/2008 concerning the Visa Information System include a similar wording.

The Council is not a member of Interpol. The corrective measures that can be imposed on a member state of Interpol are decided upon by Interpol's Executive Committee whose members do not represent the positions of the member states from which they have been elected but rather the best interests of Interpol as an organisation. That said, the Council takes the risk of political abuse of red notices mentioned by the Honourable Member very seriously. At its meeting on 3 March 2022, the Council adopted a declaration³ welcoming the progress made by Interpol in setting up internal mechanisms to assess, prior to the publication and diffusion of red notices, any violation of Interpol's constitution. EU member states will continue to support Interpol in these efforts, and will invite Interpol on a regular basis to report to the Council at working group level. They have also called for a continued and regular exchange on the matter between Interpol and its 'National Central Bureaus'.

³ 6921/22.