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 declaration 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’.

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