

# EP Pleads for Strong Safeguards in Future EU-Interpol Agreement

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## News

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On 5 July 2022, the European Parliament (EP) addressed several recommendations to the Commission and the Council regarding the negotiations for a cooperation agreement between the EU and Interpol. Authorised by the Council in 2021, the Commission is currently negotiating the agreement on behalf of the EU with Interpol. It is to be concluded by the end of 2022 and aims to establish reinforced cooperation between the EU and Interpol, including access to Interpol's databases and the strengthening of operational cooperation. The recommendations address the following issues:

- Data protection, processing and storage of personal data, judicial redress;
- Interoperability;
- Transfer of data and onwards transfers;
- Red notices and diffusions;
- Russia.



According to MEPs, the final agreement must take robust measures to guarantee compliance with the principles relating to the processing of personal data, as set out in the EU data protection acquis, and the accuracy of personal data received in the context of this cooperation. The purposes for which data may be transferred should be clearly indicated and it must be ensured that data processing incompatible with the initial purpose is prohibited. The agreement should also clearly outline Interpol's obligations to notify personal data breaches to the relevant EU agencies and Member State authorities. Independent bodies responsible for data protection with effective powers of investigation and intervention must oversee data consultations. Furthermore, the Commission must guarantee that Interpol does not retain data for longer than is necessary for the purpose for which it was transferred and ensure effective and enforceable rights to administrative and judicial redress.

Regarding possible future enhanced connection between the EU's and Interpol's information systems in the fields of police and judicial cooperation, asylum and migration, and integrated borders management and visas, MEPs called for the need to include adequate mitigation measures and non-discrimination mechanisms as well as to take measures for improved data quality.

Transfer of sensitive personal data, revealing, for example, racial or ethnic origins, political opinions, sexual orientation, etc. as well as biometric data should only be allowed in exceptional circumstances and where such transfer is necessary and proportionate in the individual case for preventing or combating criminal offences that fall within the scope of the agreement. Moreover, the agreement must explicitly lay down a rule that data transferred by the EU to Interpol are not used for requesting, handing down or executing a death penalty or cruel and inhuman treatment.

The EP called on the Commission to negotiate a firm requirement that Interpol improves the transparency of its red notices and diffusions review system. Interpol should be requested to produce, update and make available procedural and substantive tools on the legal handling of red notices and diffusions, ensuring the consistent and transparent processing of requests, reviews, challenges, corrections and deletions. Other measures to increase transparency and accountability of Interpol's red notice system should include the uniform compilation of statistical data on the processing of red notices and diffusions in annual reports, Interpol's encouragement to increase its efforts in countering the abuse of its system by authoritarian regimes, and better human resources for the review of red notices and diffusions.

Given Russia's current blatant breaches of international law and disregard for the rules-based international system, Interpol's Executive Committee and General Secretariat should take immediate and firm measures to revoke the access rights of Russia and Belarus to Interpol's systems. The EP strongly recommended the Commission putting forward enhanced monitoring measures, in the context of this agreement, regarding notices and diffusions issued before the war in Ukraine by Russian authorities.

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