

EN

E-002956/2024

Answer given by Mr Brunner
on behalf of the European Commission
(8.4.2025)

1. The Commission considers ‘priority third parties’ as the parties for which the Council has authorised the Commission, as Union negotiator, to open negotiations and adopted negotiating directives for international agreements to be concluded between the Union and third parties on exchange of personal data with Europol¹.

2. In accordance with Article 23(5) of Regulation (EU) 2016/794², regardless of an international agreement enabling the exchange of personal data being in place, and while upholding all provisions on ownership and data protection as well as necessity and proportionality, Europol may receive personal data from third countries.

According to Regulation (EU) 2018/1862³, only the competent authorities of Member States can enter, modify or delete alerts in Schengen Information System (SIS), in line with the requirements and conditions set out in that Regulation, including when the underlying case for the alert is partially or fully based on information received from third parties. There is no obligation or procedure for the alert issuing Member State to inform other Member States or Europol on the source of information.

3. The Commission has no access to data in the SIS and no access to information on specific cases of bilateral information exchange between Europol and third countries on hit information. Pursuant to Article 48(4) of Regulation (EU) 2018/1862, Europol shall only communicate such information to third countries with the consent of the alert issuing Member State and in full compliance with EU law on data protection.

¹ The countries for which the Council has authorised the Commission to open negotiations for an agreement on the exchange of personal data are: Algeria, Egypt, Jordan, Israel, Lebanon, Morocco, Tunisia, and Türkiye (all in 2018), New Zealand (the only one -that so far entered into application on 15 August 2024), and Bolivia, Brazil, Ecuador, Mexico, and Peru (negotiations with Brazil were concluded and on 18 December 2024 the Commission adopted the proposals to sign and conclude the Agreement).

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.

³ Regulation (EU) 2018/1862 of the European Parliament and of the Council of 28 November 2018 on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters, amending and repealing Council Decision 2007/533/JHA, and repealing Regulation (EC) No 1986/2006 of the European Parliament and of the Council and Commission Decision 2010/261/EU, OJ L 312, 7.12.2018, p. 56.