



2025/2640

19.12.2025

**COUNCIL DECISION (EU) 2025/2640**

**of 16 December 2025**

**authorising the opening of negotiations for a framework agreement between the European Union and the United States of America on the reciprocal exchange of information for security screenings and identity verifications relating to border procedures and visa applications**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 16(2) and Article 77(2), in conjunction with Article 218(3) and (4), thereof,

Having regard to the recommendation from the European Commission,

Whereas:

- (1) The United States of America (the 'United States') has introduced a new requirement for admission to and further participation in the United States Visa Waiver Program, which enables citizens of participating countries to travel to the United States visa-free for a maximum of 90 days for the purposes of tourism or business. The new requirement entails the conclusion of an enhanced border security partnership (the 'EBSP') with the United States Department of Homeland Security. As a consequence, there is a need for a common framework on the Union side for information exchange in the context of the EBSP, aimed at facilitating and increasing the certainty of information exchange between partners. Negotiations should therefore be opened with a view to concluding a framework agreement between the Union and the United States on the reciprocal exchange of information for the security screening and verification of the identity of travellers necessary to determine whether a traveller's entry or stay would pose a risk to public security or public order (the 'framework agreement'). It should be possible for information exchanged to support the screening and verification of the identity of travellers to be used subsequently, without prejudice to the application of relevant frameworks for information exchange with the United States, including on law enforcement and criminal matters such as agreements on preventing and combatting serious crime ('PCSC agreements') and agreements on mutual legal assistance ('MLA agreements'), and only when necessary and authorised by bilateral agreement or arrangement, to support the competent authorities in their ensuing efforts to address irregular migration and to prevent, detect and combat serious crime and terrorist offences, provided that those efforts are taking place in the context of border management and border control.
- (2) The framework agreement should not affect the functioning of other agreements between the Union or its Member States and the United States, including PCSC agreements for law enforcement or MLA agreements for criminal matters.
- (3) The framework agreement should aim to reflect the Member States' commitment to participate in the United States Visa Waiver Program. As such, it is essential for the Union to clearly signal that, in light of the opening of negotiations on the framework agreement, the United States should assess only after an appropriate period of time whether Member States have concluded a bilateral EBSP agreement or arrangement.

- (4) The framework agreement should respect fundamental rights and observe the principles recognised by the Charter of Fundamental Rights of the Union (the ‘Charter’), in particular the right to liberty and security recognised in Article 6 of the Charter, the right to private and family life recognised in Article 7 of the Charter, the right to the protection of personal data recognised in Article 8 of the Charter, the right to an effective remedy and to a fair trial recognised in Article 47 of the Charter, the presumption of innocence and right of defence recognised in Article 48 of the Charter and the principles of legality and proportionality of criminal offences and penalties recognised in Article 49 of the Charter. The framework agreement should be applied in accordance with those rights and principles and having due regard to the principle of proportionality in accordance with Article 52(1) of the Charter. The framework agreement should also be in line with Chapter V of Regulation (EU) 2016/679 of the European Parliament and of the Council <sup>(1)</sup> and Chapter V of Directive (EU) 2016/680 of the European Parliament and of the Council <sup>(2)</sup> and the principles of Regulation (EU) 2024/1689 of the European Parliament and of the Council <sup>(3)</sup>.
- (5) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 of the European Parliament <sup>(4)</sup> and of the Council and delivered an opinion on 17 September 2025.
- (6) The framework agreement should allow for the conclusion of bilateral arrangements and agreements between the Member States and the United States on matters covered by the framework agreement provided that the provisions of such bilateral arrangements and agreements are compatible with those of the framework agreement and with Union law. Bilateral arrangements or agreements on matters covered by the framework agreement and concluded prior to the entry into force of the framework agreement should be aligned with the framework agreement.
- (7) The Commission should be nominated as the Union negotiator.
- (8) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union (TEU) and to the Treaty on the Functioning of the European Union (TFEU), Denmark is not taking part in the adoption of this Decision and is not bound by it or subject to its application.
- (9) This Decision constitutes a development of the provisions of the Schengen *acquis* in which Ireland does not take part in accordance with Protocol No 19 on the Schengen *acquis* integrated into the framework of the European Union, annexed to the TEU and the TFEU, and, subject to the application of Article 4 of that Protocol, Ireland is not bound by it or subject to its application,

HAS ADOPTED THIS DECISION:

#### Article 1

The Commission is hereby authorised to open negotiations for a framework agreement between the European Union and the United States of America on the reciprocal exchange of information for the security screening and verification of the identity of travellers necessary to determine whether their entry or stay would pose a risk to public security or public order.

The negotiations shall be conducted on the basis of the negotiating directives of the Council set out in the addendum to this Decision.

- <sup>(1)</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1, ELI: <http://data.europa.eu/eli/reg/2016/679/oj>).
- <sup>(2)</sup> Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA (OJ L 119, 4.5.2016, p. 89, ELI: <http://data.europa.eu/eli/dir/2016/680/oj>).
- <sup>(3)</sup> Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence and amending Regulations (EC) No 300/2008, (EU) No 167/2013, (EU) No 168/2013, (EU) 2018/858, (EU) 2018/1139 and (EU) 2019/2144 and Directives 2014/90/EU, (EU) 2016/797 and (EU) 2020/1828 (Artificial Intelligence Act) (OJ L, 2024/1689, 12.7.2024, ELI: <http://data.europa.eu/eli/reg/2024/1689/oj>).
- <sup>(4)</sup> Regulation (EU) 2018/1725 of the European Parliament of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39, ELI: <http://data.europa.eu/eli/reg/2018/1725/oj>).

*Article 2*

The Commission is hereby nominated as the Union negotiator.

*Article 3*

The negotiations referred to in Article 1 shall be conducted in consultation with the Council Working Party on JHA Information Exchange (IXIM), which is designated as a special committee within the meaning of Article 218(4) TFEU, subject to any guidance which the Council may subsequently issue to the Commission.

The Commission shall report to the Council on the conduct, the progress and the outcome of the negotiations on a regular basis and whenever requested by the Council, and shall forward the relevant documents to it as early as possible in order to allow the members of the Council reasonable time to prepare themselves properly for the working party discussions on the forthcoming negotiations of the framework agreement.

Where appropriate, or where requested by the Council, the Commission shall produce a written report.

*Article 4*

This Decision is addressed to the Commission.

Done at Brussels, 16 December 2025.

*For the Council*

*The President*

M. BJERRE