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NOTE

From: General Secretariat of the Council

To: Delegations

Subject: List of Union acts adopted before the entry into force of the Lisbon Treaty in the field of police cooperation and judicial cooperation in criminal matters which have been amended by an act applicable to the United Kingdom adopted after the entry into force of the Lisbon Treaty and which therefore remain applicable to the United Kingdom as amended or replaced

NOTE TO THE READER

This list has been established for transparency reasons and is published for information purposes only.

Protocol (No 36) on transitional provisions annexed to the Treaties provides in Article 10(4) that the United Kingdom may notify by 31 May 2014 at the latest that it does not to accept the full powers of the Commission and the Court of Justice with regard to acts in the field of police and judicial cooperation in criminal matters adopted before the entry into force of the Lisbon Treaty. The United Kingdom made this notification on 24 July 2013. As a consequence, the acts in question will cease to apply to the United Kingdom as from 1 December 2014.

However, in accordance with the third sentence of Article 10(4) of Protocol No 36, such acts which have been amended, i.e. by whatever drafting technique (amendment, replacement or repeal of the relevant act in whole or in part), after the entry into force of the Lisbon Treaty by an act which is applicable to the United Kingdom will not cease to apply to the United Kingdom and will therefore remain applicable to it as amended or replaced.

**List of Union acts adopted before the entry into force of the Lisbon Treaty
in the field of police cooperation and judicial cooperation in criminal matters
which have been amended by an act applicable to the United Kingdom
adopted after the entry into force of the Lisbon Treaty
and which therefore remain applicable to the United Kingdom as amended or replaced**

**I. Non-schengen *acquis* in the field of police and judicial cooperation in criminal matters
which has been amended or replaced by an act applicable to the United Kingdom
adopted after the entry into force of the Lisbon Treaty**

1. Council Act of 29 May 2000 establishing in accordance with Article 34 of the Treaty on European Union the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union and the said Convention signed on 29 May 2000 (OJ C 197, 12.7.2000, p. 1)

- Council Act of 16 October 2001 establishing, in accordance with Article 34 of the Treaty on European Union, the Protocol to the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union and the said Protocol signed on 16 October 2001 (OJ C 326, 21.11.2001, p. 1)

replaced, as regards corresponding provisions, by Directive 2014/41/EU of the European Parliament and of the Council of 3 April 2014 regarding the European Investigation Order in criminal matters (OJ L 130, 1.5.2014, p. 1)

2. Council Framework Decision 2001/220/JHA of 15 March 2001 on the standing of victims in criminal proceedings (OJ L 82, 22.3.2001, p. 1)

replaced by Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA (OJ L 315, 14.11.2012, p. 57)

3. Council Framework Decision 2002/629/JHA of 19 July 2002 on combating trafficking in human beings (OJ L 203, 1.8.2002, p. 1)

replaced by Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA (OJ L 101, 15.4.2011, p. 1)¹

4. Council Framework Decision 2003/577/JHA of 22 July 2003 on the execution in the European Union of orders freezing property or evidence (OJ L 196, 2.8.2003, p. 45)

replaced, as regards freezing of evidence, by Directive 2014/41/EU of the European Parliament and of the Council of 3 April 2014 regarding the European Investigation Order in criminal matters (OJ L 130, 1.5.2014, p. 1)

5. Council Framework Decision 2004/68/JHA of 22 December 2003 on combating the sexual exploitation of children and child pornography (OJ L 13, 20.1.2004, p. 44)

replaced by Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA (OJ L 335, 17.12.2011, p. 1)²

6. Council Framework Decision 2005/222/JHA of 24 February 2005 on attacks against information systems (OJ L 69, 16.3.2005, p. 67)

replaced by Directive 2013/40/EU of the European Parliament and of the Council of 12 August 2013 on attacks against information systems and replacing Council Framework Decision 2005/222/JHA (OJ L 218, 14.8.2013, p. 8)

7. Council Decision 2005/681/JHA of 20 September 2005 establishing the European Police College (CEPOL) and repealing Decision 2000/820/JHA (OJ L 256, 1.10.2005, p. 63)

amended by Regulation (EU) No 543/2014 of the European Parliament and of the Council of 15 May 2014 amending Decision 2005/681/JHA establishing the European Police College (CEPOL) (OJ L 163, 29.5.2014, p. 5)

¹ The United Kingdom has accepted that measure after its adoption, in accordance with Article 4 of Protocol No 21 (see Commission Decision 2011/169/EU of 14 October 2011, OJ L 271, 18.10.2012, p. 49).

² Corrigendum in OJ L 18, 21.1.2012, p. 7.

8. Council Decision 2006/697/EC of 27 June 2006 on the signing of the Agreement between the European Union and the Republic of Iceland and the Kingdom of Norway on the surrender procedure between the Member States of the European Union and Iceland and Norway (OJ L 292, 21.10.2006, p. 1)

superseded by Council Decision 2014/.../EU of 27 November 2014 on the conclusion of the Agreement between the European Union and the Republic of Iceland and the Kingdom of Norway on the surrender procedure between the Member States of the European Union and Iceland and Norway (OJ L ..., 28.11.2014, p. ..)*

9. Council Decision 2007/551/CFSP/JHA of 23 July 2007 on the signing, on behalf of the European Union, of an Agreement between the European Union and the United States of America on the processing and transfer of Passenger Name Record (PNR) data by air carriers to the United States Department of Homeland Security (DHS) (2007 PNR Agreement) (OJ L 204, 4.8.2007, p. 16)

superseded by Council Decision 2012/472/EU of 26 April 2012 on the conclusion of the Agreement between the United States of America and the European Union on the use and transfer of passenger name records to the United States Department of Homeland Security (OJ L 215, 11.8.2012, p. 4)

10. Council Decision 2008/651/CFSP/JHA of 30 June 2008 on the signing, on behalf of the European Union, of an Agreement between the European Union and Australia on the processing and transfer of European Union-sourced passenger name record (PNR) data by air carriers to the Australian Customs Service (OJ L 213, 8.8.2008, p. 47)

superseded by Council Decision 2012/381/EU of 13 December 2011 on the conclusion of the Agreement between the European Union and Australia on the processing and transfer of Passenger Name Record (PNR) data by air carriers to the Australian Customs and Border Protection Service (OJ L 186, 14.7.2012, p. 3)

* OJ: Please insert details of Decision in doc. 5307/10.

11. Council Framework Decision 2008/978/JHA of 18 December 2008 on the European evidence warrant for the purpose of obtaining objects, documents and data for use in proceedings in criminal matters (OJ L 350, 30.12.2008, p. 72)

replaced by Directive 2014/41/EU of the European Parliament and of the Council of 3 April 2014 regarding the European Investigation Order in criminal matters (OJ L 130, 1.5.2014, p. 1)

12. Council Decision 2009/935/JHA of 30 November 2009 determining the list of third States and organisations with which Europol shall conclude agreements (OJ L 325, 11.12.2009, p. 12)

amended by Council implementing Decision 2014/269/EU of 6 May 2014 amending Decision 2009/935/JHA as regards the list of third States and organisations with which Europol shall conclude agreements (OJ L 138, 13.5.2014, p. 104)

II. Schengen *acquis* in the field of police and judicial cooperation in criminal matters which has been amended or replaced by an act adopted after the entry into force of the Lisbon Treaty applicable to the United Kingdom

13. Chapter 2 of Title III (Articles 48 to 53, on mutual assistance in criminal matters), and Article 73 of the Convention of 19 June 1990 implementing the Schengen Agreement of 14 June 1985 (OJ L 239, 22.9.2000, p. 19)

replaced, as regards corresponding provisions, by Directive 2014/41/EU of the European Parliament and of the Council of 3 April 2014 regarding the European Investigation Order in criminal matters (OJ L 130, 1.5.2014, p. 1)

14. Decision of the Executive Committee of 16 September 1998 setting up a Standing Committee on the evaluation and implementation of Schengen (SCH/Com-ex (98) 26 def.) (OJ L 239, 22.9.2000, p. 138)

replaced by Council Regulation (EU) No 1053/2013 of 7 October 2013 establishing an evaluation and monitoring mechanism to verify the application of the Schengen *acquis* and repealing the Decision of the Executive Committee of 16 September 1998 setting up a Standing Committee on the evaluation and implementation of Schengen (OJ L 295, 6.11.2013, p. 27)

15. Council Decision 2008/149/JHA of 28 January 2008 on the conclusion on behalf of the European Union of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* and the Agreement signed on 26 October 2004 (OJ L 53, 27.2.2008, p. 50)

amended by the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* signed on 28 February 2008, approved by Council Decision 2011/349/EU of 7 March 2011 on the conclusion on behalf of the European Union of the said Protocol relating in particular to judicial cooperation in criminal matters and police cooperation (OJ L 160, 18.6.2011, p. 1)
