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**NOTE**

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From: General Secretariat of the Council  
To: Delegations

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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 cease to apply to the United Kingdom as from 1 December 2014 pursuant to Article 10(4), second sentence, of Protocol (No 36) on transitional provisions

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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, to which the United Kingdom will not have been authorised to re-participate in accordance with Article 10(5) of Protocol No 36, will cease to apply to the United Kingdom as from 1 December 2014.

For ease of reference, this list has been established by listing together with the main act, below it, the acts which have amended or implemented it or are otherwise intrinsically linked to that main act.

The list of acts to which the United Kingdom is authorised to re-participate in accordance with Article 10(5) of Protocol No 36 results from the combination of the Decisions adopted by the Council, with regard to Schengen *acquis*, (see Council Decision 2014/.../EU<sup>1\*</sup>) and by the Commission, with regard to non-Schengen *acquis* (see Commission Decision 2014/.../EU<sup>2\*</sup>).

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<sup>1</sup> Council Decision 2014/.../EU of 1 December 2014 concerning the notification of the United Kingdom of Great Britain and Northern Ireland of its wish to take part in some of the provisions of the Schengen *acquis* which are contained in acts of the Union in the field of police cooperation and judicial cooperation in criminal matters and amending Council Decisions 2000/365/EC and 2004/926/EC (OJ L ..., 1.12.2014, p. ..).

\* OJ: Please insert details of Decision in doc. 13146/14.

<sup>2</sup> Commission Decision 2014/.../EU of 1 December 2014 on the notification by the United Kingdom of Great Britain and Northern Ireland of its wish to participate in acts of the Union in the field of police cooperation and judicial cooperation in criminal matters adopted before the entry into force of the Treaty of Lisbon and which are not part of the Schengen *acquis* (OJ L ..., 1.12.2014, p. ..).

\* OJ: Please insert details of the relevant Commission Decision to be published the same day.

**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 cease to apply to the United Kingdom as from 1 December 2014  
pursuant to Article 10(4), second sentence, of Protocol (No 36) on transitional provisions**

**I. Non-schengen *acquis* in the field of police and judicial cooperation in criminal matters  
which cease to apply to the United Kingdom as from 1 December 2014**

1. Council Act of 10 March 1995 drawing up the Convention on simplified extradition procedure between the Member States of the European Union and the said Convention signed on 10 March 1995 (OJ C 78, 30.3.1995, p. 1)
2. Council Act of 26 July 1995 drawing up the Convention on the protection of the European Communities' financial interests and the said Convention signed on 26 July 1995 (OJ C 316, 27.11.1995, p. 48)
  - Council Act of 27 September 1996 drawing up a Protocol to the Convention on the protection of the European Communities' financial interests and the said Protocol signed on 27 September 1996 (OJ C 313, 23.10.1996, p. 1)
  - Council Act of 29 November 1996 drawing up, on the basis of Article K.3 of the Treaty on European Union, the Protocol on the interpretation, by way of preliminary rulings, by the Court of Justice of the European Communities of the Convention on the protection of the European Communities' financial interests and the said Protocol signed on 29 November 1996 (OJ C 151, 20.5.1997, p. 1)
  - Council Act of 19 June 1997 drawing up the Second Protocol of the Convention on the protection of the European Communities' financial interests and the said Second Protocol signed on 19 June 1997 (OJ C 221, 19.7.1997, p. 11)
3. Joint Action 96/277/JHA of 22 April 1996 adopted by the Council on the basis of Article K.3 of the Treaty on European Union, concerning a framework for the exchange of liaison magistrates to improve judicial cooperation between the Member States of the European Union (OJ L 105, 27.4.1996, p. 1)
4. Council Act of 27 September 1996 drawing up the Convention relating to extradition between the Member States of the European Union and the Convention signed on 27 September 1996 (OJ C 313, 23.10.1996, p. 11)
5. Joint Action 96/610/JHA of 15 October 1996 adopted by the Council on the basis of Article K.3 of the Treaty on European Union, concerning the creation and maintenance of a Directory of specialized counter-terrorist competences, skills and expertise to facilitate counter-terrorist cooperation between the Member States of the European Union (OJ L 273, 25.10.1996, p. 1)

6. Joint Action 96/698/JHA of 29 November 1996 adopted by the Council on the basis of Article K.3 of the Treaty on European Union, on cooperation between customs authorities and business organizations in combating drug trafficking (OJ L 322, 12.12.1996, p. 3)
7. Joint Action 96/699/JHA of 29 November 1996 adopted by the Council on the basis of Article K.3 of the Treaty on European Union, concerning the exchange of information on the chemical profiling of drugs to facilitate improved cooperation between Member States in combating illicit drug trafficking (OJ L 322, 12.12.1996, p. 5)
8. Joint Action 96/747/JHA of 29 November 1996 adopted by the Council on the basis of Article K.3 of the Treaty on European Union, concerning the creation and maintenance of a directory of specialized competences, skills and expertise in the fight against international organized crime, in order to facilitate law enforcement cooperation between the Member States of the European Union (OJ L 342, 31.12.1996, p. 2)
9. Joint Action 96/750/JHA of 17 December 1996 adopted by the Council on the basis of Article K.3 of the Treaty on European Union, concerning the approximation of the laws and practices of the Member States of the European Union to combat drug addiction and to prevent and combat illegal drug trafficking (OJ L 342, 31.12.1996, p. 6)
10. Council Act of 26 May 1997 drawing up, on the basis of Article K.3(2)(c) of the Treaty on European Union, the Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union and the said Convention signed on 26 May 1997 (OJ C 195, 25.6.1997, p. 1)
  - Council Decision 2003/642/JHA of 22 July 2003 concerning the application to Gibraltar of the Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union (OJ L 226, 10.9.2003, p. 27)
11. Joint Action 97/339/JHA of 26 May 1997 adopted by the Council on the basis of Article K.3 of the Treaty on European Union with regard to cooperation on law and order and security (OJ L 147, 5.6.1997, p. 1)

12. Joint Action 97/372/JHA of 9 June 1997 adopted by the Council on the basis of Article K.3 of the Treaty on European Union, for the refining of targeting criteria, selection methods, etc., and collection of customs and police information (OJ L 159, 17.6.1997, p. 1)
13. Council Act of 17 June 1998 drawing up the Convention on Driving Disqualifications and the Convention signed on 17 June 1998 (OJ C 216, 10.7.1998, p. 1)
14. Joint Action 98/427/JHA of 29 June 1998 adopted by the Council on the basis of Article K.3 of the Treaty on European Union, on good practice in mutual legal assistance in criminal matters (OJ L 191, 7.7.1998, p. 1)
15. Joint Action 98/699/JHA of 3 December 1998 adopted by the Council on the basis of Article K.3 of the Treaty on European Union, on money laundering, the identification, tracing, freezing, seizing and confiscation of instrumentalities and the proceeds from crime (OJ L 333, 9.12.1998, p. 1)
16. Council Act of 3 December 1998 laying down the staff regulations applicable to Europol employees (OJ C 26, 30.1.1999, p. 23)
  - Council Decision of 2 December 1999 amending the Council Act of 3 December 1998 laying down the staff regulations applicable to Europol employees, with regard to the establishment of remuneration, pensions and other financial entitlements in euro (OJ C 364, 17.12.1999, p. 3)
17. Council Decision 2000/261/JHA of 27 March 2000 on the improved exchange of information to combat counterfeit travel documents (OJ L 81, 1.4.2000, p. 1)
18. Council Framework Decision 2000/383/JHA of 29 May 2000 on increasing protection by criminal penalties and other sanctions against counterfeiting in connection with the introduction of the euro (OJ L 140, 14.6.2000, p. 1)
  - Council Framework Decision 2001/888/JHA of 6 December 2001 amending Framework Decision 2000/383/JHA on increasing protection by criminal penalties and other sanctions against counterfeiting in connection with the introduction of the euro (OJ L 329, 14.12.2001, p. 3)
19. Council Framework Decision 2001/413/JHA of 28 May 2001 combating fraud and counterfeiting of non-cash means of payment (OJ L 149, 2.6.2001, p. 1)

20. Council Decision 2001/419/JHA of 28 May 2001 on the transmission of samples of controlled substances (OJ L 150, 6.6.2001, p. 1)
21. Council Framework Decision 2001/500/JHA of 26 June 2001 on money laundering, the identification, tracing, freezing, seizing and confiscation of instrumentalities and the proceeds of crime (OJ L 182, 5.7.2001, p. 1)
22. Council Decision 2001/887/JHA of 6 December 2001 on the protection of the euro against counterfeiting (OJ L 329, 14.12.2001, p. 1)
23. Council Framework Decision 2002/475/JHA of 13 June 2002 on combating terrorism (OJ L 164, 22.6.2002, p. 3)
  - Council Framework Decision 2008/919/JHA of 28 November 2008 amending Framework Decision 2002/475/JHA on combating terrorism (OJ L 330, 9.12.2008, p. 21)
24. Council Decision 2002/494/JHA of 13 June 2002 setting up a European network of contact points in respect of persons responsible for genocide, crimes against humanity and war crimes (OJ L 167, 26.6.2002, p. 1)
25. Council Decision 2002/956/JHA of 28 November 2002 setting up a European Network for the Protection of Public Figures (OJ L 333, 10.12.2002, p. 1)
  - Council Decision 2009/796/JHA of 4 June 2009 amending Decision 2002/956/JHA setting up a European Network for the Protection of Public Figures (OJ L 283, 30.10.2009, p. 62)
26. Council Decision 2002/996/JHA of 28 November 2002 establishing a mechanism for evaluating the legal systems and their implementation at national level in the fight against terrorism (OJ L 349, 24.12.2002, p. 1)
27. Council Framework Decision 2003/568/JHA of 22 July 2003 on combating corruption in the private sector (OJ L 192, 31.7.2003, p. 54)
28. Council Decision 2003/335/JHA of 8 May 2003 on the investigation and prosecution of genocide, crimes against humanity and war crimes (OJ L 118, 14.5.2003, p. 12)

29. Council Framework Decision 2004/757/JHA of 25 October 2004 laying down minimum provisions on the constituent elements of criminal acts and penalties in the field of illicit drug trafficking (OJ L 335, 11.11.2004, p. 8)
30. Council Decision 2004/919/EC of 22 December 2004 on tackling vehicle crime with cross-border implications (OJ L 389, 30.12.2004, p. 28)
31. Council Common Position 2005/69/JHA of 24 January 2005 on exchanging certain data with Interpol (OJ L 27, 29.1.2005, p. 61)
32. Council Framework Decision 2005/212/JHA of 24 February 2005 on Confiscation of Crime-related Proceeds, Instrumentalities and Property (OJ L 68, 15.3.2005, p. 49)
33. Council Decision 2005/387/JHA of 10 May 2005 on the information exchange, risk-assessment and control of new psychoactive substances (OJ L 127, 20.5.2005, p. 32)
  - Council Decision 1999/615/JHA of 13 September 1999 defining 4-MTA as a new synthetic drug which is to be made subject to control measures and criminal penalties (OJ L 244, 16.9.1999, p. 1)
  - Council Decision 2002/188/JHA of 28 February 2002 concerning control measures and criminal sanctions in respect of the new synthetic drug PMMA (OJ L 63, 6.3.2002, p. 14)
  - Council Decision 2003/847/JHA of 27 November 2003 concerning control measures and criminal sanctions in respect of the new synthetic drugs 2C-I, 2C-T-2, 2C-T-7 and TMA-2 (OJ L 321, 6.12.2003, p. 64)
  - Council Decision 2008/206/JHA of 3 March 2008 defining 1-benzylpiperazine (BZP) as a new psychoactive substance which is to be made subject to control measures and criminal provisions (OJ L 63, 7.3.2008, p. 45)
34. Council Decision 2005/511/JHA of 12 July 2005 on protecting the euro against counterfeiting, by designating Europol as the Central Office for combating euro counterfeiting (OJ L 185, 16.7.2005, p. 35)

35. Council Decision 2005/671/JHA of 20 September 2005 on the exchange of information and cooperation concerning terrorist offences (OJ L 253, 29.9.2005, p. 22)
36. Council Decision 2006/560/JHA of 24 July 2006 amending Decision 2003/170/JHA on the common use of liaison officers posted abroad by the law enforcement agencies of the Member States (OJ L 219, 10.8.2006, p. 31)
37. Council Decision 2008/615/JHA of 23 June 2008 on stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime (OJ L 210, 6.8.2008, p. 1)<sup>3\*</sup>
  - Council Decision 2008/616/JHA of 23 June 2008 on the implementation of Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime (OJ L 210, 6.8.2008, p. 12)
  - Council Framework Decision 2009/905/JHA of 30 November 2009 on Accreditation of forensic service providers carrying out laboratory activities (OJ L 322, 9.12.2009, p. 14)
38. Council Decision 2008/617/JHA of 23 June 2008 on the improvement of cooperation between the special intervention units of the Member States of the European Union in crisis situations (OJ L 210, 6.8.2008, p. 73)
39. Council Framework Decision 2008/841/JHA of 24 October 2008 on the fight against organised crime (OJ L 300, 11.11.2008, p. 42)

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<sup>3</sup> This act and the two acts listed together with it (the so-called "Prüm Decisions") are subject to transitional measures as set out in Council Decision 2014/.../EU of 27 November 2014 determining certain consequential and transitional arrangements concerning the cessation of participation of the United Kingdom of Great Britain and Northern Ireland in certain acts of the Union in the field of police cooperation and judicial cooperation in criminal matters adopted before the entry into force of the Treaty of Lisbon (OJ L ..., 28.11. 2014, p. ...) and to other specific measures as set out in Council Decision 2014/.../EU of 27 November 2014 determining certain direct financial consequences incurred as a result of the cessation of the participation of the United Kingdom of Great Britain and Northern Ireland in certain acts of the Union in the field of police cooperation and judicial cooperation in criminal matters adopted before the entry into force of the Treaty of Lisbon (OJ L ..., 28.11. 2014, p. ...).

\* OJ: Pleas insert details of Decision in doc. 15308/14 and of Decision in doc. 15305/14.



40. Council Decision 2008/852/JHA of 24 October 2008 on a contact-point network against corruption (OJ L 301, 12.11.2008, p. 38)
41. Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law (OJ L 328, 6.12.2008, p. 55)
42. Council Framework Decision 2008/947/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments and probation decisions with a view to the supervision of probation measures and alternative sanctions (OJ L 337, 16.12.2008, p. 102)<sup>4</sup>
43. Council Decision 2009/902/JHA of 30 November 2009 setting up a European Crime Prevention Network (EUCPN) and repealing Decision 2001/427/JHA (OJ L 321, 8.12.2009, p. 44)
44. Agreement on mutual legal assistance between the European Union and the United States of America signed on 25 June 2003 (OJ L 181, 19.7.2003, p. 34)
  - Council Decision 2009/820/CFSP of 23 October 2009 on the conclusion on behalf of the European Union of the Agreement on extradition between the European Union and the United States of America and the Agreement on mutual legal assistance between the European Union and the United States of America (OJ L 291, 7.11.2009, p. 40)
45. Agreement on extradition between the European Union and the United States of America signed on 25 June 2003 (OJ L 181, 19.7.2003, p. 27)
  - Council Decision 2009/820/CFSP of 23 October 2009 on the conclusion, on behalf of the European Union of the Agreement on extradition between the European Union and the United States of America and the Agreement on mutual legal assistance between the European Union and the United States of America (OJ L 291, 7.11.2009, p. 40)
  - Council Decision 2009/933/CFSP of 30 November 2009 on the extension, on behalf of the European Union, of the territorial scope of the Agreement on extradition between the European Union and the United States of America (OJ L 325, 11.12.2009, p. 4)

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<sup>4</sup> A statement to the minutes of the Council of 21 October 2014 has been made concerning this act whereby the United Kingdom "*commits to reconsidering in due course the merits of notifying its wish to participate in that measure. The United Kingdom will publish an assessment of the potential impacts of that measure for the purposes of such reconsideration*".

46. Council Framework Decision 2009/948/JHA of 30 November 2009 on prevention and settlement of conflicts of exercise of jurisdiction in criminal proceedings (OJ L 328, 15.12.2009, p. 42)

**II. Schengen *acquis* in the field of police and judicial cooperation in criminal matters which cease to apply to the United Kingdom as from 1 December 2014**

47. The following provisions and acts concerning the Convention of 19 June 1990 implementing the Schengen Agreement of 14 June 1985 (OJ L 239, 22.9.2000, p. 19)

- Article 27(2) and (3)
- Chapter 1 on police cooperation - Article 47(4)
- Accession Agreement Italy - Articles 2 and 4 - Declaration\* on Articles 2 and 3
- Accession Agreement Spain - Articles 2 and 4 - Final Act, Part III, Declaration No 2
- Accession Agreement Portugal - Articles 2, 4, 5 and 6
- Accession Agreement Greece - Articles 2, 3, 4 and 5 - Final Act, Part III, Declaration No 2
- Accession Agreement Austria - Articles 2 and 4
- Accession Agreement Denmark - Articles 2 and 4 - Final Act, Part II, Declaration No 3
- Accession Agreement Finland - Articles 2 and 4 - Final Act, Part II, Declaration No 3
- Accession Agreement Sweden - Articles 2 and 4 - Final Act, Part II, Declaration No 3

\* *To the extent that it relates to Article 2*

48. Decision of the Executive Committee of 14 December 1993 on improving practical judicial cooperation for combating drug trafficking (SCH/Com-ex (93)14) (OJ L 239, 22.9.2000, p. 427)
49. Declaration of the Executive Committee of 26 June 1996 on extradition (SCH/Com-ex (96) Decl. 6 Rev. 2) (OJ L 239, 22.9.2000, p. 435)

50. Declaration of the Executive Committee of 9 February 1998 on the abduction of minors (SCH/Com-ex (97) Decl. 13 Rev. 2) (OJ L 239, 22.9.2000, p. 436)
51. Decision of the Executive Committee of 16 December 1998 on the Handbook on cross-border police cooperation (SCH/Com-ex (98)52) (OJ L 239, 22.9.2000, p. 408)
52. Decision of the Executive Committee of 28 April 1999 on the Schengen *acquis* relating to telecommunications (SCH/Com-ex (99)6) (OJ L 239, 22.9.2000, p. 409)
53. Decision of the Executive Committee of 28 April 1999 on general principles governing the payment of informers (SCH/Com-ex (99)8 Rev. 2) (OJ L 239, 22.9.2000, p. 417)
54. Decision of the Executive Committee of 28 April 1999 on the Agreement on cooperation in proceedings for road traffic offences (SCH/Com-ex (99)11 Rev. 2) (OJ L 239, 22.9.2000, p. 428)
55. Council Framework Decision 2002/946/JHA of 28 November 2002 on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence (OJ L 328, 5.12.2002, p. 1)
56. Council Decision 2003/169/JHA of 27 February 2003 determining which provisions of the 1995 Convention on simplified extradition procedure between the Member States of the European Union and of the 1996 Convention relating to extradition between the Member States of the European Union constitute developments of the Schengen *acquis* in accordance with the Agreement concerning the Republic of Iceland's and the Kingdom of Norway's association with the implementation, application and development of the Schengen *acquis* (OJ L 67, 12.3.2003, p. 25)
57. Council Decision 2003/170/JHA of 27 February 2003 on the common use of liaison officers posted abroad by the law enforcement agencies of the Member States (OJ L 67, 12.3.2003, p. 27)
58. Council Decision 2008/173/EC of 18 February 2008 on the tests of the second generation Schengen Information System (SIS II) (OJ L 57, 1.3.2008, p. 14)
59. Commission Decision 2009/724/JHA of 17 September 2009 laying down the date for the completion of migration from the Schengen Information System (SIS 1+) to the second generation Schengen Information System (SIS II) (OJ L 257, 30.9.2009, p. 41).