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COVER NOTE

from: Secretary-General of the European Commission,
signed by Mr Jordi AYET PUIGARNAU, Director

date of receipt: 14 March 2014

to: Mr Uwe CORSEPIUS, Secretary-General of the Council of the European
Union

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Subject: COMMISSION STAFF WORKING DOCUMENT
Preliminary list of the former third pillar acquis

Delegations will find attached Commission document SWD (2014) 109 final.

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Brussels, 14.3.2014
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COMMISSION STAFF WORKING DOCUMENT

Preliminary list of the former third pillar acquis

COMMISSION STAFF WORKING DOCUMENT

PRELIMINARY LIST OF THE FORMER THIRD PILLAR ACQUIS

Situation as of 14 March 2014

Article 10 (1) of Protocol 36 attached to the Treaty on the European Union provides for a transitional period before the full powers of the Commission and of the Court of Justice apply to the acts in the field of police cooperation and judicial cooperation in criminal matters ("former third pillar *acquis*") adopted before the entry into force of the Lisbon Treaty.

As of 1 December 2014, the transitional phase will come to an end. This will lift current limitations to the judicial control by the European Court of Justice and to the Commission's power to launch infringement proceedings, as the guardian of the Treaty over the area of police cooperation and judicial cooperation in criminal matters.

The attached list has been prepared by the Commission services with a view to assist Member States and to provide clarity on the third pillar acts to which Article 10 (1) of Protocol 36 will apply. It must be noted that this list is not final. It may still evolve before 1 December 2014, depending on the adoption of some proposals that aim at amending or repealing the third pillar acts concerned.

Although efforts have been made to make this list exhaustive, it has only indicative value; it does not replace the publication in the Official Journal or the notification of adopted instruments, which are the only authoritative formal sources of Union law.

N°	Year	Title	Comments
1	1995	Council Act of 10 March 1995, adopted on the basis of Article K.3 of the Treaty on the EU, drawing up the convention on simplified extradition procedures between the Member States of the European Union	
2	1995	Council Act of 26 July 1995 drawing up the Convention on the protection of the European Communities' financial interests	Would be replaced by the Directive on the fight against fraud to the Union's financial interests by means of criminal law (PIF) COM(2012)363, once adopted.
3	1996	Joint Action 96/277/JHA of 22 April 1996 concerning a framework for the exchange of liaison magistrates to improve judicial cooperation between the Member States of the European Union	
4	1996	Council Act of 27 September 1996 drawing up the Convention relating to extradition between the MS of the European Union	
5	1996	Joint Action 96/610/JHA 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	
6	1996	Joint Action 96/698/JHA on cooperation between customs authorities and business organizations in combating drug trafficking	
7	1996	Joint Action 96/699/JHA concerning the exchange of information on the chemical profiling of drugs to facilitate improved cooperation between Member States in combating illicit drug trafficking	
8	1996	Joint Action 96/747/JHA 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	
9	1996	Joint Action 96/750/JHA 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	

10	1996	Council Act of 27 September 1996 drawing up a Protocol to the Convention on the protection of the European Communities' financial interests	Would be replaced by the Directive on the fight against fraud to the Union's financial interests by means of criminal law (PIF) COM(2012)363, once adopted.
11	1996	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	Would be replaced by the Directive on the fight against fraud to the Union's financial interests by means of criminal law (PIF) COM(2012)363, once adopted.
12	1997	Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union	
13	1997	Joint Action 97/339/JHA of 26 May 1997 with regard to cooperation on law and order and security	
14	1997	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	
15	1997	Council Act of 19 June 1997 drawing up the Second Protocol of the Convention on the protection of the European Communities' financial interests	Would be replaced by the Directive on the fight against fraud to the Union's financial interests by means of criminal law (PIF) COM(2012)363, once adopted.
16	1997	Joint Action 97/827/JHA of 5 December 1997 establishing a mechanism for evaluating the application and implementation at national level of international undertakings in the fight against organized crime	
17	1997	Council Act of 18 December 1997 drawing up the Convention on mutual assistance and cooperation between customs administrations, known as the "Naples II Convention"	
18	1998	Council Act of 17 June 1998 drawing up the Convention on Driving Disqualifications	Never entered into force for lack of ratifications (only 7 ratifications made: BG, CY, ES, UK, IE, RO and SK).
19	1998	Joint Action 98/427/JHA of 29 June 1998 on good practice in mutual legal assistance in criminal matters	

20	1998	Joint Action 98/699/JHA of 3 December 1998 on money laundering, the identification, tracing, freezing, seizing and confiscation of instrumentalities and proceeds from crime	Would be replaced by the Directive of the European Parliament and of the Council on the freezing and confiscation of proceeds of crime in the European Union (COM(2012)85 final) in relation to Member States participating in the adoption of the Directive, once adopted.
21	1998	Joint Action 98/700/JHA of 3 December 1998 concerning the setting up of a European Image Archiving System (FADO)	
22	1999	Council Act of 3 December 1998 laying down the staff regulations applicable to Europol employees	These staff regulations apply to staff engaged by Europol before the Europol Council Decision of 2009 entered into force. Article 55(1) of the proposal for a new Europol Regulation (COM(2013)173 of 27/03/2013) proposes no change to the status of this Europol staff.
23	1999	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	Would be confirmed, through the reference in the Annex, by the proposed Directive amending 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, as regards the definition of drug, COM(2013)618 final, once adopted.
24	1999	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	These staff regulations apply to staff engaged by Europol before the Europol Council Decision of 2009 entered into force. Article 55(1) of the proposal for a new Europol Regulation (COM(2013)173 of 27/03/2013) proposes no change to the status of this Europol staff.
25	2000	Council Decision 2000/261/JHA of 27 March 2000 on the improved exchange of information to combat counterfeit travel documents	
26	2000	Council Decision 2000/375/JHA to combat child pornography on the internet	
27	2000	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	Would be replaced by the Directive on reinforcing the protection of the euro against counterfeiting with criminal law sanctions COM(2013)42, once adopted.
28	2000	Council Decision 2000/641/JHA of 17 October 2000 establishing a secretariat for the joint supervisory data-protection bodies set up by the Convention on the establishment of a European Police Office (Europol Convention), the Convention on the Use of Information Technology for Customs Purposes and the Convention implementing the Schengen Agreement on the gradual abolition of checks at the common borders (Schengen Convention)	

29	2000	Council Decision 2000/642/JHA of 17 October 2000 concerning arrangements between financial intelligence units of the Member States in respect of exchanging information	
30	2000	Council Act of 29 May 2000 establishing the Convention on mutual assistance in criminal matters between the Member States of the European Union	The Convention would be replaced by the Member States' initiative on a Directive on the European Investigation Order of 29 April 2010 (OJ C 165, 24.6.2010, p. 22), once adopted, for those measures covered by the scope of the Directive and for those Member States which participate in the adoption of the Directive.
31	2001	Council Framework Decision 2001/220/JHA of 15 March 2001 on the standing of victims in criminal proceedings	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 for all the Member States who participated in the adoption of the Directive. This Framework Decision remains in force for Denmark.
32	2001	Council Framework Decision 2001/413/JHA of 28 May 2001 combating fraud and counterfeiting of non-cash means of payment	
33	2001	Council Decision 2001/419/JHA of 28 May 2001 on the transmission of samples of controlled substances	
34	2001	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 (repealing Articles 1, 3, 5(1) and 8(2) of Joint Action 98/699/JHA)	
35	2001	Council Act of 16 October 2001 establishing the Protocol to the Convention on mutual assistance in criminal matters between the Member states of the European Union	The Protocol to the Convention would be replaced by the Member States' initiative on a Directive on the European Investigation Order of 29 April 2010 (OJ C 165, 24.6.2010, p. 22), once adopted, for those measures covered by the scope of the Directive and for those Member States which participate in the adoption of the Directive.
36	2001	Council Decision 2001/887/JHA of 6 December 2001 on the protection of the euro against counterfeiting	
37	2001	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	Would be replaced by the Directive on reinforcing the protection of the euro against counterfeiting with criminal law sanctions COM(2013)42 once adopted.

38	2002	Council Decision 2002/187/JHA of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime	Would be replaced by the Regulation of the European Parliament and of the Council on the European Union Agency for Criminal Justice Cooperation (Eurojust) COM(2013)535, once adopted.
39	2002	Council Decision 2002/188/JHA of 28 February 2002 concerning control measures and criminal sanctions in respect of the new synthetic drug PMMA	Would be confirmed, through the reference in the Annex, by the proposed Directive amending 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, as regards the definition of drug, COM(2013)618 final, once adopted.
40	2002	Council Decision 2002/348/JHA of 25 April 2002 concerning security in connection with football matches with an international dimension	
41	2002	Council Framework Decision 2002/465/JHA of 13 June 2002 on joint investigation teams	
42	2002	Council Framework Decision 2002/475/JHA of 13 June 2002 on combating terrorism	
43	2002	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	
44	2002	Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States	
45	2002	Council Framework Decision 2002/629/JHA on combating trafficking in human beings	Replaced by the Directive 2011/36/EU of the European Parliament and of the Council on preventing and combating trafficking in human beings and protecting its victims for all Member States who participated in the adoption of the Directive. This Framework Decision remains in force for Denmark.
46	2002	Council Decision 2002/956/JHA of 22 November 2002 setting up a European Network for the Protection of Public Figures	
47	2002	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	

48	2003	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	
49	2003	Council Framework Decision 2003/568/JHA of 22 July 2003 on combating corruption in the private sector	
50	2003	Council Framework Decision 2003/577/JHA of 22 July 2003 on the execution in the European Union of orders freezing property or evidence	Would be substituted by the Member States' initiative on a Directive on the European Investigation Order of 29 April 2010 (OJ C 165, 24.6.2010, p. 22), once adopted, for those measures covered by the scope of the Directive and for those Member States which participate in the adoption of the Directive.
51	2003	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	
52	2003	Council Decision 2003/659/JHA of 18 June 2003 amending Council Decision 2002/187/JHA setting up Eurojust with a view to reinforcing the fight against serious crime	Would be replaced by the Regulation of the European Parliament and of the Council on the European Union Agency for Criminal Justice Cooperation (Eurojust) COM(2013)535, once adopted.
53	2003	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	Would be confirmed, through the reference in the Annex, by the proposed Directive amending 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, as regards the definition of drug, COM(2013)618 final, once adopted.
54	2003	Council Decision 2003/335/JHA on the investigation and prosecution of genocide, crimes against humanity and war crimes	
55	2003	Council Framework Decision 2004/68/JHA of 22 December 2003 on combating the sexual exploitation of children and child pornography	Replaced by the Directive 2011/93/EU of the European Parliament and the Council on combating the sexual abuse and sexual exploitation of children and child pornography in relation to Member States who participated in the adoption of the Directive. This Framework Decision remains in force for Denmark.

56	2004	Council Decision 2004/731/EC of 26 July 2004 concerning the conclusion of the Agreement between the European Union and Bosnia and Herzegovina on security procedures for the exchange of classified information	Due to the CFSP legal basis, the role of the Commission and the competence of the Court of Justice will not change at the end of the transitional period provided for in article 10 of Protocol 36. With regard to the UK, the agreement will remain binding on the UK under art. 216(2) TFEU.
57	2004	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 drug trafficking	Would be amended by the Directive of the European Parliament and of the Council amending 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, as regards the definition of drug COM(2013)618, once adopted.
58	2004	Council Decision of 2004/843/CFSP 26 July 2004 concerning the conclusion of the Agreement between the European Union and the Kingdom of Norway on security procedures for the exchange of classified information	Due to the CFSP legal basis, the role of the Commission and the competence of the Court of Justice will not change at the end of the transitional period provided for in article 10 of Protocol 36. With regard to the UK, the agreement will remain binding on the UK under art. 216(2) TFEU.
59	2004	Council Decision 2004/919/EC of 22 December 2004 on tackling vehicle crime with cross-border implications	
60	2005	Council Common Position 2005/69/JHA of 24 January 2005 on exchanging certain data with Interpol	
61	2005	Council Framework Decision 2005/212/JHA of 24 February 2005 on Confiscation of Crime-related Proceeds, Instrumentalities and Property	Articles 1 and 3 of this FD would be replaced by the Directive on the freezing and confiscation of proceeds of crime (COM (2012)85 final), once adopted, in relation to Member States participating in the adoption of this Directive.
62	2005	Council Framework Decision 2005/214/JHA of 24 February 2005 on the application of the principle of mutual recognition to financial penalties	
63	2005	Council Framework Decision 2005/222/JHA of 24 February 2005 on attacks against information systems	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 in relation to Member States who participated in the adoption of the Directive. This Framework Decision remains in force for Denmark.
64	2005	Council Decision 2005/296/CFSP, JHA of 24 January 2005 concerning the conclusion of the Agreement between the European Union and the former Yugoslav Republic of Macedonia on the security procedures for the exchange of classified information	Due to the CFSP legal basis, the role of the Commission and the competence of the Court of Justice will not change at the end of the transitional period provided for in article 10 of Protocol 36. With regard to the UK, the agreement will remain binding on the UK under art. 216(2) TFEU.

65	2005	Council Decision 2005/387/JHA of 10 May 2005 on the information exchange, risk-assessment and control of new psychoactive substances	Would be replaced and repealed by the proposed Regulation of the European Parliament and of the Council on new psychoactive substances COM(2013)619, once adopted
66	2005	Council Decision 2005/481/CFSP of 13 June 2005 concerning the conclusion of the Agreement between the European Union and Ukraine on the security procedures for the exchange of classified information	Due to the CFSP legal basis, the role of the Commission and the competence of the Court of Justice will not change at the end of the transitional period provided for in article 10 of Protocol 36. With regard to the UK, the agreement will remain binding on the UK under art. 216(2) TFEU.
67	2005	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	
68	2005	Council Decision 2005/671/JHA of 20 September 2005 on the exchange of information and cooperation concerning terrorist offences	
69	2005	Council Decision 2005/681/JHA of 20 September 2005 establishing the European Police College (CEPOL) and repealing Decision 2000/820/JHA	Would be replaced and repealed by the Europol Regulation (COM(2013)173 of 27/03/2013), once adopted.
70	2006	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	
71	2006	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	
72	2006	Council Framework Decision 2006/783/JHA of 6 October 2006 on the application of the principle of mutual recognitions to confiscation orders	
73	2006	Council Framework Decision 2006/960/JHA of 18 December 2006 on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the European Union, known as the "Swedish Initiative"	

74	2006	Council Decision 2006/467/CFSP of 21 November 2005 concerning the conclusion of the Agreement between the European Union and the Republic of Iceland on security procedures for the exchange of classified information	Due to the CFSP legal basis, the role of the Commission and the competence of the Court of Justice will not change at the end of the transitional period provided for in article 10 of Protocol 36. With regard to the UK, the agreement will remain binding on the UK under art. 216(2) TFEU.
75	2007	Council Decision 2007/274/JHA of 23 April 2007 concerning the conclusion of the Agreement between the European Union and the Government of the United States of America on the security of classified information	Due to the CFSP legal basis, the role of the Commission and the competence of the Court of Justice will not change at the end of the transitional period provided for in article 10 of Protocol 36. With regard to the UK, the agreement will remain binding on the UK under art. 216(2) TFEU.
76	2007	Council Decision 2007/412/JHA of 12 June 2007 amending Decision 2002/348/JHA concerning security in connection with football matches with an international dimension	
77	2007	Council Decision 2007/845/JHA of 6 December 2007 concerning cooperation between Asset Recovery Offices of the Member States in the field of tracing and identification of proceeds from, or property related to, crime	
78	2007	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), known as 2007 PNR Agreement	Superseded by the new 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 (OL L 215; 11.8.2012, p. 5) which entered into force on 1 July 2012.
78	2007	Council Decision 2007/274/JHA of 23 April 2007 concerning the conclusion of the Agreement between the European Union and the Government of the United States of America on the security of classified information	Due to the CFSP legal basis, the role of the Commission and the competence of the Court of Justice will not change at the end of the transitional period provided for in article 10 of Protocol 36. With regard to the UK, the agreement will remain binding on the UK under art. 216(2) TFEU.
79	2008	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	Would be confirmed, through a reference in the Annex, by the proposed Directive amending 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, as regards the definition of drug, COM(2013)618 final, once adopted.
80	2008	Council Decision 2008/426/JHA of 16 December 2008 on the strengthening of Eurojust and amending Decision 2002/187/JHA setting up Eurojust with a view to reinforcing the fight against serious crime	Would be replaced by the Regulation of the European Parliament and of the Council on the European Union Agency for Criminal Justice Cooperation (Eurojust) COM(2013)535, once adopted.

81	2008	Council Decision 2008/568/CFSP of 24 June 2005 concerning the conclusion of the Agreement between the European Union and the Swiss Confederation on security procedures for the exchange of classified information	Due to the CFSP legal basis, the role of the Commission and the competence of the Court of Justice will not change at the end of the transitional period provided for in article 10 of Protocol 36. With regard to the UK, the agreement will remain binding on the UK under art. 216(2) TFEU.
82	2008	Council Decision 2008/615/JHA of 23 June 2008 on stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime, known as the "Prüm Decision"	
83	2008	Council Decision 2008/616/JHA of 23 June 2008 on the implementation of Council Decision 2008/615/JHA on stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime, known as the "Prüm Implementation Decision"	
84	2008	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	
85	2008	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	
86	2008	Council Framework Decision 2008/675/JHA of 24 July 2008 on taking account of convictions in the Member States of the European Union in the course of new criminal proceedings	
87	2008	Council Framework Decision 2008/841/JHA of 24 October 2008 on the fight against organised crime	
88	2008	2008/852 Council Decision 2008/852/JHA of 24 October 2008 on a contact-point network against corruption	
89	2008	Council Framework Decision 2008/909/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purposes of their enforcement in the European Union ("transfer of prisoners")	
90	2008	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	
91	2008	Council Framework Decision 2008/919/JHA of 28 November 2008 amending Framework Decision 2002/475/JHA on combating terrorism	

92	2008	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	
93	2008	Council Decision 2008/976/JHA of 16 December 2008 on the European Judicial Network	
94	2008	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	Would be replaced by the Member States' initiative on a Directive on the European Investigation Order of 29 April 2010 (OJ C 165, 24.6.2010, p. 22), once adopted.
95	2009	Council Framework Decision 2009/299/JHA of 26 February 2009 amending Framework Decisions 2002/584/JHA, 2005/214/JHA, 2006/783/JHA, 2008/909/JHA and 2008/947/JHA, thereby enhancing the procedural rights of persons and fostering the application of the principle of mutual recognition to decisions rendered in the absence of the person concerned at the trial	
96	2009	Council Framework Decision 2009/315/JHA of 26 February 2009 on the organisation and content of the exchange of information extracted from the criminal record between Member States	
97	2009	Council Decision 2009/316/JHA of 6 April 2009 on the establishment of the European Criminal Records Information System (ECRIS) in application of Article 11 of Framework Decision 2009/315/JHA	
98	2009	Council Decision 2009/371/JHA establishing the European Police Office (Europol)	Would be replaced and repealed by the proposed Europol Regulation COM(2013)173 of 27 March 2013 once adopted.
99	2009	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	
100	2009	Council Framework Decision 2009/829/JHA of 23 October 2009 on the application, between Member States of the European Union, of the principle of mutual recognition to decisions of supervision measures as an alternative to provisional detention	
101	2009	Council Decision 2009/902/JHA of 30 November 2009 setting up a European Crime Prevention Network (EUCPN) and repealing Decision 2001/427/JHA	

102	2009	Council Framework Decision 2009/905/JHA of 30 November 2009 on accreditation of forensic service providers carrying out laboratory activities	
103	2009	Council Decision 2009/917/JHA of 30 November 2009 on the use of information technology for customs purposes	
104	2009	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	
105	2009	Agreement on mutual legal assistance between the European Union and the United States of America	
106	2009	Agreement on extradition between the European Union and the United States of America	
107	2009	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	
108	2009	Council Decision 2009/934/JHA of 30 November 2009 adopting the implementing rules governing Europol's relations with partners, including the exchange of personal data and classified information	All legislative measures implementing the current Europol Council Decision would be repealed by Article 78 of the proposed Europol Regulation COM(2013)173 of 27 March 2013, once adopted.
109	2009	Council Decision 2009/935/JHA of 30 November 2009 determining the list of third countries with which Europol shall conclude agreements	All legislative measures implementing the current Europol Council Decision would be repealed by Article 78 of the proposed Europol Regulation COM(2013)173 of 27 March 2013, once adopted.
110	2009	Council Decision 2009/936/JHA of 30 November 2009 adopting the implementing rules for Europol analysis work files	All legislative measures implementing the current Europol Council Decision would be repealed by Article 78 of the proposed Europol Regulation COM(2013)173 of 27 March 2013, once adopted.
111	2009	Council Framework Decision 2009/948/JHA of 30 November 2009 on prevention and settlement of conflicts of exercise of jurisdiction in criminal matters	
112	2009	Council Decision 2009/968/JHA of 30 November 2009 adopting the rules on the confidentiality of Europol information	All legislative measures implementing the current Europol Council Decision would be repealed by Article 78 of the proposed Europol Regulation COM(2013)173 of 27 March 2013, once adopted.

113	2009	Council Decision 2010/348/EC of 17 November 2009 concerning the conclusion of the Agreement between the Government of the Russian Federation and the European Union on the protection of classified information	Due to the CFSP legal basis, the role of the Commission and the competence of the Court of Justice will not change at the end of the transitional period provided for in article 10 of Protocol 36. With regard to the UK, the agreement will remain binding on the UK under art. 216(2) TFEU.
114	2010	Council Decision 2010/759/EU of 2 December 2010 on submitting 4-methylmethcathinone (mephedrone) to control measures	Would be confirmed, through a reference in the Annex, by the proposed Directive amending 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, as regards the definition of drug, COM(2013) 618 final, once adopted.
115	2013	Council Decision 2013/129/EU of 7 March 2013 on subjecting 4-methylamphetamine to control measures	Would be confirmed, through a reference in the Annex, by the proposed Directive amending 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, as regards the definition of drug, COM(2013)618 final, once adopted.

SCHENGEN MEASURES

116	1990	<p><u>Convention implementing the Schengen Agreement of 1985</u>,</p> <p>Art 27(2) (3), 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 71, 72, 73, 126, 127, 128, 129, 130</p> <p>Final Act - Declaration N° 3 (concerning Art 71(2))</p> <p><u>Accession Agreements</u>: Italy, Spain, Portugal, Greece, Austria, Denmark, Finland, Sweden.</p> <p>Council Decision 1999/439/EC of 17 May 1999 on the conclusion of the Agreement with the Republic of Iceland and the Kingdom of Norway concerning the latter's association with the implementation, application and development of the Schengen <i>acquis</i></p> <p>Council Decision 2007/801/EC of 6 December 2007 on the full application of the provisions of the Schengen <i>acquis</i> in the Czech Republic, the Republic of Estonia, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic</p> <p>Council Decision 2008/149/EC 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 <i>acquis</i></p>	<p>Art 27 (2) and (3) has been repealed by the Framework Decision 2002/946 and Directive 2002/90/EC.</p> <p>Art 39 (1), (2) (3) and 46 - to the extent that these provisions have not been replaced by Council Framework Decision 2006/960/JHA.</p> <p>Art 40(1)(7) as amended and completed by the Council Decision 2003/725/JHA</p> <p>Art 47(4) was repealed by the Council Decision 2003/170/JHA</p> <p>Art 48, 50, 51, as supplemented by the 2000 Convention on Mutual assistance,</p> <p>Art 49(a), 52, 53 and 73 were repealed by the 2000 Convention on Mutual Assistance.</p> <p>Art 61, 62(1)(2), 63, 65 and 66 were repealed by the Council Decision 2003/169/JHA of 27 February 2003.</p>
117	1993	SCH/Com-ex (93) 14 of 14 December 1993 on improving practical judicial cooperation for combating drug trafficking	It has been replaced by the Convention of 29 May 2000 on Mutual Legal Assistance in criminal matters between the Member States.
118	1996	Declaration of the Executive Committee of 2 June 1996 on extradition (SCH/Com-ex (96) Decl. 6 Rev. 2	
119	1998	SCH/Com-ex (98) 26 def. of 16 September 1998 setting up a Standing Committee on the evaluation and implementation of Schengen	Repealed with effect from 26 November 2013, with transitional provisions detailed in art. 23 of Council Regulation 1053/2013 of 7 October 2013 establishing an evaluation and monitoring mechanism to verify the

				application of the Schengen <i>acquis</i> and repealing the Decision of the Executive Committee of 16 September 1998 setting up a Standing Committee on the evaluation and implementation of Schengen.
120	1998	SCH/Com-ex (98)52 of 16 December 1998 on the Handbook on cross-border police cooperation		
121	1999	SCH/Com-ex (99)6 of 28 April 1999 on the Schengen <i>acquis</i> relating to telecommunications		
122	1999	SCH/Com-ex (99)7 rev 2 of 28 April 1999 on liaison officers		
123	1999	SCH/Com-ex (99)8 rev 2 of 28 April 1999 on general principles governing the payment of informers		
124	1999	SCH/Com-ex (99) 11 rev 2 of 28 April 1999 (agreement on cooperation in proceedings for road traffic offences)		
125	2000	Council Decision 2000/586/JHA of 28 September 2000 establishing a procedure for amending Articles 40(4) and (5), 41(7) and 65(2) of the Convention implementing the Schengen Agreement of 14 June 1985 on the gradual abolition of checks at common borders		
126	2002	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		
127	2003	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		
128	2003	Council Decision 2003/725/JHA of 2 October 2003 amending the provisions of Article 40(1) and (7) of the Convention implementing the Schengen Agreement of 14 June 1985 on the gradual abolition of checks at common borders		
129	2007	Commission Decision 2007/171/EC of 16 March 2007 laying down the network requirements for the Schengen Information System II (third pillar)		

130	2007	Council Decision 2007/533/JHA of 12 June 2007 on the establishment, operation and use of the second generation Schengen Information System (SIS II)	
131	2008	Council Decision 2008/173/EC of 18 February 2008 on the tests of the second generation Schengen Information System (SIS II)	
132	2008	Council Decision 2008/328/EC of 18 April 2008 amending the Decision of the Executive Committee set up by the 1990 Schengen Convention, amending the Financial Regulation on the costs of installing and operating the technical support function for the Schengen Information System (C.SIS)	
133	2008	Council Decision 2008/149/JAI 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	
134	2008	Council Decision 2008/633/JHA of 23 June 2008 concerning access for consultation of the Visa Information System (VIS) by designated authorities of Member States and by Europol for the purposes of the prevention, detection and investigation of terrorist offences and of other serious criminal offences	
135	2008	Council Framework Decision 2008/977/JHA of 27 November 2008 on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters	Would be repealed by the proposed Directive of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data by competent authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and the free movement of such data (COM(2012)10 final), once adopted.
136	2009	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)	