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COVER NOTE

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

date of receipt: 14 May 2014

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

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

Delegations will find attached Commission document SWD(2014) 166 final.

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Brussels, 14.5.2014
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COMMISSION STAFF WORKING DOCUMENT

Revised preliminary list of the former third pillar acquis

COMMISSION STAFF WORKING DOCUMENT

REVISED PRELIMINARY LIST OF THE FORMER THIRD PILLAR ACQUIS

Situation as of 14 May 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 updates the list SWD(2014) 109 final which was presented on 14 March 2014, taking into account comments formulated by delegations in the Friends of the Presidency Group on Protocol 36 and legislative developments which have occurred in the meantime. This list also includes a number of instruments which have been Lisbonised through their amendment by acts adopted after the entry into force of the Lisbon treaty.

It 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) to (3) of Protocol 36 will apply. It must be noted that the situation may still evolve before 1 December 2014, depending on the adoption of some proposals that aim at amending or repealing the former 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.

This list is without prejudice to future proposals on repeal of obsolete acts.

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	Replaced by the Convention on mutual assistance in criminal matters between the Member States of the European Union. Remains valid for AT, FR and IT It has also been considered as Schengen acquis, see mention below in the Schengen part of this document.
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	Remains valid for AT, FR and IT Part of it has also been considered as Schengen acquis, see mention below in the Schengen part of this document.
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	Replaced by the Directive 2014/42/EU of the European Parliament and of the Council of 3 April 2014 on the freezing and confiscation of instrumentalities and proceeds of crime in the European Union. The JA remains in force for DK and the UK
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	2000	Council Decision 2000/261/JHA of 27 March 2000 on the improved exchange of information to combat counterfeit travel documents	
25	2000	Council Decision 2000/375/JHA to combat child pornography on the internet	
26	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	Replaced by the Directive on reinforcing the protection of the euro against counterfeiting with criminal law sanctions of 6 May 2014 (not yet published in OJ). This Framework Decision remains in force for DK, UK
27	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)	
28	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	

29	2000	Council Act of 29 May 2000 establishing the Convention on mutual assistance in criminal matters between the Member States of the European Union	IE, IT and EL have not yet ratified. Replaced as from April 2017 by Directive 2014/41 on the European Investigation Order of 3 April 2014, for those measures covered by the scope of the Directive (all measures except controlled deliveries – Art; 12 MLA - and JITs - Art. 13 MLA) and for the Member States which participated in the adoption of the Directive (all except DK and IE) In part Schengen acquis, see mention below in the Schengen part of this document.
30	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.
31	2001	Council Framework Decision 2001/413/JHA of 28 May 2001 combating fraud and counterfeiting of non-cash means of payment	
32	2001	Council Decision 2001/419/JHA of 28 May 2001 on the transmission of samples of controlled substances	
33	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)	Amended by the Directive 2014/42/EU of the European Parliament and of the Council of 3 April 2014 on the freezing and confiscation of instrumentalities and proceeds of crime in the European Union.
34	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	Replaced as from April 2017 by Directive 2014/41 on the European Investigation Order of 3 April 2014, for those measures covered by the scope of the Directive (all measures except controlled deliveries – Art; 12 MLA - and JITs - Art. 13 MLA) and for the Member States which participated in the adoption of the Directive (all except DK and IE) In part Schengen acquis, see mention below in the Schengen part of this document.
35	2001	Council Decision 2001/887/JHA of 6 December 2001 on the protection of the euro against counterfeiting	

36	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	Replaced by the Directive on reinforcing the protection of the euro against counterfeiting with criminal law sanctions of 6 May 2014 (not yet published in OJ); This Framework Decision remains in force for DK, UK
37	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.
38	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.
39	2002	Council Decision 2002/348/JHA of 25 April 2002 concerning security in connection with football matches with an international dimension	
40	2002	Council Framework Decision 2002/465/JHA of 13 June 2002 on joint investigation teams	
41	2002	Council Framework Decision 2002/475/JHA of 13 June 2002 on combating terrorism	
42	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	
43	2002	Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States	
44	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.
45	2002	Council Decision 2002/956/JHA of 22 November 2002 setting up a European Network for the Protection of Public Figures	

46	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	
47	2003	Council Framework Decision 2003/568/JHA of 22 July 2003 on combating corruption in the private sector	
48	2003	Council Framework Decision 2003/577/JHA of 22 July 2003 on the execution in the European Union of orders freezing property or evidence	Replaced by Directive 2014/41 on the European Investigation Order of 3 April 2014 for those measures covered by the scope of the Directive and for those Member States which participated in the adoption of the Directive (all except DK and IE).
49	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	
50	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.
51	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.
52	2003	Council Decision 2003/335/JHA on the investigation and prosecution of genocide, crimes against humanity and war crimes	
53	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 2011/92/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.
54	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.

55	2004	Council Decision 2004/919/EC of 22 December 2004 on tackling vehicle crime with cross-border implications	
56	2005	Council Common Position 2005/69/JHA of 24 January 2005 on exchanging certain data with Interpol	
57	2005	Council Framework Decision 2005/212/JHA of 24 February 2005 on Confiscation of Crime-related Proceeds, Instrumentalities and Property	Amended by the Directive 2014/42/EU of the European Parliament and of the Council of 3 April 2014 on the freezing and confiscation of instrumentalities and proceeds of crime in the European Union.
58	2005	Council Framework Decision 2005/214/JHA of 24 February 2005 on the application of the principle of mutual recognition to financial penalties	
59	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.
60	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
61	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	
62	2005	Council Decision 2005/671/JHA of 20 September 2005 on the exchange of information and cooperation concerning terrorist offences	
63	2005	Council Decision 2005/681/JHA of 20 September 2005 establishing the European Police College (CEPOL) and repealing Decision 2000/820/JHA	Amended by the Regulation of the European Parliament and of the Council amending Decision 2005/681/JHA establishing the European Police College (CEPOL) of 6 May 2014.
64	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	

65	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	Pending some Member State declarations, the agreement has not yet entered into force.
66	2006	Council Framework Decision 2006/783/JHA of 6 October 2006 on the application of the principle of mutual recognitions to confiscation orders	
67	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"	
68	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	
69	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	
70	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.
71	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.
72	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"	
73	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"	

74	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	
75	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	
76	2008	Council Framework Decision 2008/841/JHA of 24 October 2008 on the fight against organised crime	
77	2008	2008/852 Council Decision 2008/852/JHA of 24 October 2008 on a contact-point network against corruption	
78	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")	
79	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	
80	2008	Council Framework Decision 2008/919/JHA of 28 November 2008 amending Framework Decision 2002/475/JHA on combating terrorism	
81	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	
Cf. 122	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	This Decision, which is commented on under item 122 below, is also relevant to the non-Schengen acquis. It 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.
82	2008	Council Decision 2008/976/JHA of 16 December 2008 on the European Judicial Network	
83	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	Entirely replaced but not repealed by Directive 2014/41 on the European Investigation Order of 3 April 2014; FD remains in force for DK and IE.

84	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	
85	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	
86	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	
87	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.
88	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	
89	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	
90	2009	Council Decision 2009/902/JHA of 30 November 2009 setting up a European Crime Prevention Network (EUCPN) and repealing Decision 2001/427/JHA	
91	2009	Council Framework Decision 2009/905/JHA of 30 November 2009 on accreditation of forensic service providers carrying out laboratory activities	
92	2009	Council Decision 2009/917/JHA of 30 November 2009 on the use of information technology for customs purposes	

93	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	
94	2009	Agreement on mutual legal assistance between the European Union and the United States of America	
95	2009	Agreement on extradition between the European Union and the United States of America	
96	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	
97	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.
98	2009	Council Decision 2009/935/JHA of 30 November 2009 determining the list of third countries with which Europol shall conclude agreements	Amended by the Council Implementing Decision amending Decision 2009/935/JHA as regards the list of third States and organisations with which Europol shall conclude agreements of 6 May 2014.
99	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.
100	2009	Council Framework Decision 2009/948/JHA of 30 November 2009 on prevention and settlement of conflicts of exercise of jurisdiction in criminal matters	
101	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.

SCHENGEN MEASURES

102	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>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 59 to 66 were replaced, in relations between the Member States and subject to the transitional provision in article 32 of Framework Decision 2002/584/JHA, by Council FD 2002/584/JHA on the European Arrest Warrant and the surrender procedures between MS.</p> <p>Art. 48 to 53 and art. 73 are replaced, between Member States and subject to the transitional provision in article 35 of Directive 2014/41, by Directive 2014/41 on the European Investigation Order.</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>
103	1993	SCH/Com-ex (93) 14 of 14 December 1993 on improving practical judicial cooperation for combating drug trafficking	
Cf. 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	Replaced by the Convention on mutual assistance in criminal matters between the Member States of the European Union. Remains valid for AT, FR and IT

104	1996	Declaration of the Executive Committee of 2 June 1996 on extradition (SCH/Com-ex (96) Decl. 6 Rev. 2	Article 1 of 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, and in particular of Article 66 of the Schengen Convention.
Cf. 4	1996	Council Act of 27 September 1996 drawing up the Convention relating to extradition between the MS of the European Union	Replaced by the Convention on mutual assistance in criminal matters between the Member States of the European Union. Remains valid for AT, FR and IT Article 2 of Council Decision 2003/169/JHA of 27 February 2003 qualifies Articles 2, 6, 8, 9 and 13 of the 1996 Extradition Convention and Article 1 thereof, to the extent that that Article is pertinent to those other Articles, as developments of the provisions of the Schengen acquis, and in particular of Article 61, Article 62(1) and (2), and Articles 63 and 65 of the Schengen Convention.
105	1998	Declaration of the Executive Committee of 9 February 1998 on the abduction of minors (SCH/Com-ex (97) decl. 13 rev 2)	
106	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.
107	1998	SCH/Com-ex (98)52 of 16 December 1998 on the Handbook on cross-border police cooperation	
108	1999	SCH/Com-ex (99)6 of 28 April 1999 on the Schengen acquis relating to telecommunications	
109	1999	SCH/Com-ex (99)7 rev 2 of 28 April 1999 on liaison officers	

110	1999	SCH/Com-ex (99)8 rev 2 of 28 April 1999 on general principles governing the payment of informers	
111	1999	SCH/Com-ex (99) 11 rev 2 of 28 April 1999 (agreement on cooperation in proceedings for road traffic offences)	
Cf. 29	2000	Council Act of 29 May 2000 establishing the Convention on mutual assistance in criminal matters between the Member States of the European Union	IE, IT and EL have not yet ratified. The provisions of Art. 3, 5, 6, 7, 12 and 23 and, to the extent relevant to Art. 12, of Art. 15 and 16, to the extent relevant to the Articles referred to, of Art. 1, constitute measures amending or building upon the Schengen acquis applicable to the associated countries. Replaced as from April 2017 by Directive on the European Investigation Order of 14 March 2014 (OJ L 130, 1.5.14, p. 1), for those measures covered by the scope of the Directive (all measures except controlled deliveries – Art; 12 MLA - and JITs - Art. 13 MLA) and for the Member States which participated in the adoption of the Directive (all except DK and IE)
112	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	
Cf. 34	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	Article 8 of the Protocol constitutes a measure amending or based upon the Schengen acquis applicable to the associated countries. Replaced as from April 2017 by Directive on the European Investigation Order of 14 March 2014 (OJ L 130, 1.5.14, p. 1), for those measures covered by the scope of the Directive (all measures except controlled deliveries – Art; 12 MLA - and JITs - Art. 13 MLA) and for the Member States which participated in the adoption of the Directive
113	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	

114	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	
115	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	
116	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	
117	2007	Commission Decision 2007/171/EC of 16 March 2007 laying down the network requirements for the Schengen Information System II (third pillar)	
118	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)	
119	2008	Council Decision 2008/173/EC of 18 February 2008 on the tests of the second generation Schengen Information System (SIS II)	
120	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	This agreement was amended through the conclusion of the Protocol on the accession of Liechtenstein to it (OJ L 160, 18.6.2011, p. 3)
121	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	

122	2008	prevention, detection and investigation of terrorist offences and of other serious criminal offences 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. This Decision is also relevant to the non-Schengen acquis.
123	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)	