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COVER NOTE

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2020) 797 final/2
Subject:	ANNEX to the First Progress Report on the EU Security Union Strategy Status of implementation of legislation on security

Delegations will find attached document COM(2020) 797 final/2.

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Brussels, 9.12.2020
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ANNEX 1

ANNEX

to the

First Progress Report on the EU Security Union Strategy

Status of implementation of legislation on security

I. List of Directives and Framework Decisions where infringement procedures are ongoing

- **Prüm framework**¹: ongoing infringement procedures against 2 Member States.
- **Framework Decision on accreditation of forensic services**²: ongoing infringement procedures against 2 Member States.
- **Directive on combating child sexual abuse**³ (transposition deadline: 18.12.2013). Infringement procedures ongoing against 25 Member States.
- **Directive on attacks against information systems**⁴ (transposition deadline: 4.09.2015). Infringement procedures ongoing against 4 Member States.
- **Freezing and confiscation Directive**⁵ (transposition deadline: 04.10.2016). Infringements ongoing against 3 Member States.
- **Market Abuse Directive**⁶ (transposition deadline: 03.07.16). Infringement procedures ongoing against 4 Member States.
- **4th Anti-Money laundering Directive**⁷ (transposition deadline 16.06.2017), infringement procedures ongoing against 8 Member States.
- **Data Protection Law Enforcement Directive (LED)**⁸ (transposition deadline 06.05.2018), infringements procedures ongoing against 3 Member States.
- **EU Passenger Name Record Directive**⁹ (transposition deadline on 25.05.2018) Infringement procedure ongoing against 1 Member State.
- **Directive on the control of the acquisition and possession of weapons**¹⁰ (Firearms Directive) (transposition deadline: 14.09.2018). Infringement procedures ongoing against 25 Member States and the UK.
- **Legislative package on new psychoactive substances (NPS)**¹¹ (transposition deadline 23.11.2018). Infringement procedure for Directive (EU) 2017/2103 ongoing

¹ Council Decision 2008/615/JHA of 23 June 2008 on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime and 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.

² Council Framework Decision 2009/905/JHA of 30 November 2009 on Accreditation of forensic service providers carrying out laboratory activities.

³ Directive 2011/93/EU of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA.

⁴ Directive 2013/40/EU of 12 August 2013 on attacks against information systems and replacing Council Framework Decision 2005/222/JHA.

⁵ Directive 2014/42/EU of 3 April 2014 on the freezing and confiscation of instrumentalities and proceeds of crime in the European Union.

⁶ Directive 2014/57/EU of the European Parliament and of the Council of 16 April 2014 on criminal sanctions for market abuse (market abuse directive).

⁷ Directive (EU) 2015/849 of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012, and repealing Directive 2005/60/EC and Commission Directive 2006/70/EC.

⁸ Directive (EU) 2016/680 of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA.

⁹ Directive (EU) 2016/681 of 27 April 2016 on the use of passenger name record (PNR) data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime.

¹⁰ Directive (EU) 2017/853 of 17 May 2017 amending Council Directive 91/477/EEC on control of the acquisition and possession of weapons.

against 5 Member States and for Delegated Directive (EU) 2019/369 against 1 Member State.

- **Directive on the fight against fraud to the Union's financial interests** by means of criminal law¹² (transposition deadline: 06.07.2019). Infringement procedures ongoing against 3 Member States.
- **5th Anti-Money laundering Directive**¹³ (transposition deadline 10.01.2020); infringement procedures ongoing against 16 Member States.
- **Implementing Directive establishing technical specifications for the marking of firearms**¹⁴ (transposition deadline: 17.01.2020) infringement procedure ongoing against 18 Member States and the United Kingdom.
- **Implementing Directive on technical specifications for alarm and signal weapons**¹⁵ (transposition deadline: 17.01.2020). Infringement procedures are ongoing for 16 Member States and the UK.
- Council framework Decision 2009/905/JHA of 30 November 2009 on **Accreditation of forensic service providers carrying out laboratory activities** (transposition deadline with regard to DNA data 30.11.2013, and dactyloscopic data 30.11.2015). Infringement procedures are ongoing for 2 Member States.
- **Directive concerning measures for a high common level of security of networks and information systems across the Union (NIS Directive)**¹⁶ (transposition deadline: 09.05.2018). Infringement procedure ongoing against 3 Member States.
- **Victims' Rights Directive**¹⁷ (transposition deadline: 16.11.2015). Infringement procedure ongoing against 11 Member States.
- **Framework Decision on European Arrest Warrant**¹⁸ (transposition deadline: 31.12.2003). Infringement procedure ongoing against 7 Member States.
- **Framework Decision on custodial sentences**¹⁹ (transposition deadline: 5.12.2011). Infringement procedure ongoing against 1 Member State.

¹¹ Directive (EU) 2017/2103 of 15 November 2017 amending Council Framework Decision 2004/757/JHA in order to include new psychoactive substances in the definition of 'drug' and repealing Council Decision 2005/387/JHA; Commission Delegated Directive (EU) 2019/369 of 13 December 2018 amending the Annex to Council Framework Decision 2004/757/JHA as regards the inclusion of new psychoactive substances in the definition of 'drug'.

¹² Directive (EU) 2017/1371 of 5 July 2017 on the fight against fraud to the Union's financial interests by means of criminal law.

¹³ Directive (EU) 2018/843 of 30 May 2018 amending Directive (EU) 2015/849 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, and amending Directives 2009/138/EC and 2013/36/EU.

¹⁴ Commission Implementing Directive (EU) 2019/68 of 16 January 2019 establishing technical specifications for the marking of firearms and their essential components under Council Directive 91/477/EEC on control of the acquisition and possession of weapons.

¹⁵ Commission Implementing Directive (EU) 2019/69 of 16 January 2019 laying down technical specifications for alarm and signal weapons under Council Directive 91/477/EEC on control of the acquisition and possession of weapons.

¹⁶ Directive (EU) 2016/1148 of 6 July 2016 concerning measures for a high common level of security of network and information systems across the Union.

¹⁷ Directive 2012/29/EU of 25 October 2012 establishing minimum standards for the rights, support and protection of victims of crime.

¹⁸ Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States.

¹⁹ 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 purpose of their enforcement in the European Union.

- **Framework Decision on financial penalties**²⁰ (transposition deadline: 22.3.2007). Infringement procedure ongoing against 1 Member State.
- **Framework Decision on supervision measures**²¹ (transposition deadline: 1.12.2012). Infringement procedure ongoing against 1 Member State.
- **Revised Audiovisual Media Services Directive** (transposition deadline: 19.09.2020). Infringement procedures launched against 23 Member States.

II. List of Directives to be transposed before end 2020 and in 2021

- Directive on **combating money laundering**²² (transposition deadline: December 2020).
- Directive facilitating the **use of financial and other information for the prevention, detection, investigation or prosecution of certain criminal offences**²³ (transposition deadline: 01.08.2021).
- Directive on **combating fraud and counterfeiting of non-cash means of payment**²⁴ (transposition deadline: May 2021).

III. List of legislations that still need to be approved by the co-legislators

- **Regulation on terrorist content on line**²⁵: trilogues ongoing
- **European Cybersecurity Industrial, Technology and Research Competence Centre and the Network of National Coordination Centres**²⁶: trilogues ongoing
- **Visa Information System (VIS)**²⁷ : provisional agreement found on 8 December 2020.
- **Consequential amendments on the European Travel Information and Authorisation System (ETIAS) regulation**²⁸ : Council adopted its position in May 2019, waiting for the European Parliament to adopt its position.

²⁰ Council Framework Decision 2005/214/JHA of 24 February 2005 on the application of the principle of mutual recognition to financial penalties.

²¹ 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 on supervision measures as an alternative to provisional detention.

²² Directive (EU) 2018/1673 of 23 October 2018 on combating money laundering by criminal law.

²³ Directive (EU) 2019/1153 of 20 June 2019 laying down rules facilitating the use of financial and other information for the prevention, detection, investigation or prosecution of certain criminal offences, and repealing Council Decision 2000/642/JHA.

²⁴ Directive (EU) 2019/713 of 17 April 2019 on combating fraud and counterfeiting of non-cash means of payment and replacing Council Framework Decision 2001/413/JHA.

²⁵ Proposal for a Regulation on preventing the dissemination of terrorist content online, COM(2018) 640 final, 12 September 2018.

²⁶ Proposal for a Regulation establishing the European Cybersecurity Industrial, Technology and Research Competence Centre and the Network of National Coordination Centres, COM(2018) 630 final, 12 September 2018.

²⁷ Proposal for a Regulation amending Regulation (EC) No 767/2008, Regulation (EC) No 810/2009, Regulation (EU) 2017/2226, Regulation (EU) 2016/399, Regulation XX/2018 [Interoperability Regulation], and Decision 2004/512/EC and repealing Council Decision 2008/633/JHA, COM (2018), 302 final, 16 May 2018.

²⁸ Regulation (EU) 2018/1240 of 12 September 2018 establishing a European Travel Information and Authorisation System (ETIAS) and amending Regulations (EU) No 1077/2011, (EU) No 515/2014, (EU) 2016/399, (EU) 2016/1624 and (EU) 2017/2226; and Regulation (EU) 2018/1241 of 12 September 2018

- **Regulation on cross-border access to e-evidence²⁹** and **Directive on harmonised rules on the appointment of legal representatives for the purpose of gathering evidence in criminal proceedings³⁰**: Council adopted its positions, waiting for the European Parliament to adopt its position.
- **Interim regulation on child sexual abuse on line³¹**: Council adopted its position, waiting for the European Parliament to adopt its position.
- **Regulation on the Space Programme of the Union³²**: trilogues ongoing.
- **European Defence Fund³³**: trilogues ongoing.

amending Regulation (EU) 2016/794 for the purpose of establishing a European Travel Information and Authorisation System (ETIAS).

²⁹ Proposal for a Regulation on European Production and Preservation Orders for electronic evidence in criminal matters, COM/2018/225 final, 17 April 2018.

³⁰ Proposal for a Directive laying down harmonised rules on the appointment of legal representatives for the purpose of gathering evidence in criminal proceedings, COM/2018/226, 17 April 2018

³¹ Proposal for a Regulation on a temporary derogation from certain provisions of Directive 2002/58/EC as regards the use of technologies by number independent interpersonal communications service providers for the processing of personal and other data for the purpose of combatting child sexual abuse online, COM(2020) 568 final, 10 September 2020.

³² Proposal for a Regulation establishing the space programme of the Union and the European Union Agency for the Space Programme COM(2018) 447 final, 6 June 2018.

³³ Proposal for a Regulation establishing the European Defence Fund, COM(2018) 476 final, 13 June 2018.