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COVER NOTE

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Brussels, 23.6.2021
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ANNEX 1

ANNEX

to the

**Communication from the Commission to the European Parliament and the Council
on the Second Progress Report on the implementation of the EU Security Union
Strategy**

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

Ongoing infringement procedures are open against:

- 2 Member States (IT, EL), **Prüm framework**¹ (transposition deadlines: 26 August 2009 and 26 August 2011).
- 1 Member State (BE), **Framework Decision on accreditation of forensic services**² (transposition deadline: 30 May 2016).
- 21 Member States (all except CY, IE, DK, FR, LT and NL), **Directive on combating child sexual abuse**³ (transposition deadline: 18.12.2013).
- 10 Member States (AT, BE, BG, CZ, EE, IT, LU, PL, SE, SI), **Directive on attacks against information systems**⁴ (transposition deadline: 4.09.2015).
- 1 Member State (LU), **Freezing and confiscation Directive**⁵ (transposition deadline: 04.10.2016).
- 4 Member States. (AT, ES, FR, IT), **Market Abuse Directive**⁶ (transposition deadline: 03.07.16).
- 5 Member States (SK, DE, RO, PT, LU), **4th Anti-Money laundering Directive**⁷ (transposition deadline 16.06.2017).
- 2 Member States (DE, ES), **Data Protection Law Enforcement Directive (LED)**⁸ (transposition deadline 06.05.2018).
- 1 Member State (SI), **EU Passenger Name Record Directive**⁹ (transposition deadline on 25.05.2018).
- 25 Member States (all except IT and HR) and the United Kingdom, **Directive on the control of the acquisition and possession of weapons**¹⁰ (Firearms Directive) (transposition deadlines: 14.09.2018 and 14.12.2019). Overall 42 infringement procedures on the two deadlines 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.

- 5 Member States (AT, FI, IE, PT, SI) for Directive (EU) 2017/2103, and 1 Member State (IE) for Delegated Directive (EU) 2019/369, **Legislative package on new psychoactive substances (NPS)**¹¹ (transposition deadline 23.11.2018).
- 2 Member States (AT, IE), **Directive on the fight against fraud to the Union's financial interests** by means of criminal law¹² (transposition deadline: 06.07.2019).
- 16 Member States (IE, PL, NL, ES, HU, AT, LU, EL, BE, SI, SK, RO, PT, CY, EE, CZ) and the United Kingdom, **5th Anti-Money laundering Directive**¹³ (transposition deadline 10.01.2020).
- 10 Member States (IT, LU, ES, EL, RO, CY, BE, AT, SE, DE), **Directive on combating money laundering**¹⁴ (transposition deadline: 03.12.2020).
- 4 Member States (BG, DE, PL, PT), **Directive on combatting terrorism**¹⁵ (transposition deadline: 8.9.2018).
- 18 Member States (AT, BE, BG, CY, CZ, DE, EL, ES, FI, HR, HU, IE, IT, LU, PL, RO, SE, SI) and the United Kingdom, **Implementing Directive establishing technical specifications for the marking of firearms**¹⁶ (transposition deadline: 17.01.2020).
- 16 Member States (BG, CY, CZ, EL, ES, FI, HR, HU, IE, IT, LU, NL, PL, RO, SE, SI) and the United Kingdom, **Implementing Directive on technical specifications for alarm and signal weapons**¹⁷ (transposition deadline: 17.01.2020).
- 1 Member State (RO), **Directive concerning measures for a high common level of security of networks and information systems across the Union (NIS Directive)**¹⁸ (transposition deadline: 09.05.2018).
- 4 Member States (BE, BG, MT, RO), **Victims' Rights Directive**¹⁹ (transposition deadline: 16.11.2015).
- 15 Member States (AT, BE, CY, CZ, DE, EE, EL, ES, HU, IE, IT, LT, NL, PL, SE), **Framework Decision on European Arrest Warrant**²⁰ (transposition deadline: 31.12.2003).

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

¹⁵ Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA.

¹⁶ 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.

¹⁷ 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.

¹⁸ 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.

¹⁹ Directive 2012/29/EU of 25 October 2012 establishing minimum standards for the rights, support and protection of victims of crime.

- 1 Member State (IE), **Framework Decision on custodial sentences**²¹ (transposition deadline: 5.12.2011).
- 1 Member State (IE), **Framework Decision on financial penalties**²² (transposition deadline: 22.3.2007).
- 1 Member State (IE), **Framework Decision on supervision measures**²³ (transposition deadline: 1.12.2012).
- 20 Member States (all except BG, DK, HU, LT, LV, NL, SE) and the United Kingdom, **Revised Audiovisual Media Services Directive**²⁴ (transposition deadline: 19.09.2020).

II. List of Directives to be transposed in 2021

- Directive facilitating the **use of financial and other information for the prevention, detection, investigation or prosecution of certain criminal offences**²⁵ (transposition deadline: 01.08.2021).
- Directive on **combating fraud and counterfeiting of non-cash means of payment**²⁶ (transposition deadline: 31.05.2021).

III. Legislation that still need to be approved by the co-legislators

- **Visa Information System (VIS)**²⁷: provisional agreement found on 8 December 2020.
- **Regulation on cross-border access to e-evidence**²⁸ and **Directive on harmonised rules on the appointment of legal representatives for the purpose of gathering evidence in criminal proceedings**²⁹: ongoing trilogues.
- **Interim regulation on child sexual abuse on line**³⁰: political agreement.

²⁰ Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States.

²¹ 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.

²² Council Framework Decision 2005/214/JHA of 24 February 2005 on the application of the principle of mutual recognition to financial penalties.

²³ 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.

²⁴ Directive (EU) 2018/1808 of the European Parliament and of the Council of 14 November 2018 amending Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) in view of changing market realities.

²⁵ 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.

²⁶ 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.

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

²⁹ 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.

- **Strengthening of Europol's mandate**³¹: discussions in Council and European Parliament ongoing.
- **Amending the Regulation on the establishment, operation and use of the Schengen Information System (SIS)**³²: discussions in Council and European Parliament ongoing.
- **Cooperation agreement between the European Union and Interpol**³³: discussions in Council ongoing.
- **Directive on measures for high common level of cybersecurity across the Union (NIS2)**³⁴.
- **Directive on the resilience of critical entities**³⁵.

³⁰ 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.

³¹ Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) 2016/794, as regards Europol's cooperation with private parties, the processing of personal data by Europol in support of criminal investigations, and Europol's role on research and innovation, COM(2020) 796 final, 9 December 2020.

³² Commission Proposal for a Regulation of the European Parliament and the Council amending Regulation (EU) 2018/1862 on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters as regards the entry of alerts by Europol, COM(2020) 791 final, 9 December 2020.

³³ Recommendation for a Council Decision to authorise the opening of negotiations for a Cooperation agreement between the European Union and the International Criminal Police Organisation (ICPO-INTERPOL), COM(2021) 177 final, 14 April 2021.

³⁴ Proposal for a Directive of the European Parliament and of the Council on measures for a high common level of cybersecurity across the Union, repealing Directive (EU) 2016/1148, COM(2020) 823 final, 16 December 2020.

³⁵ Proposal for a Directive of the European Parliament and of the Council on the resilience of critical entities COM/2020/829 final.