



## Statewatch Analysis

### The 'Third Pillar acquis' after the Treaty of Lisbon enters into force

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#### Introduction

The entry into force of the Treaty of Lisbon on 1 December 2009 has ended the 16-year life of the EU's 'third pillar', which concerned almost all Justice and Home Affairs matters from 1993-99, and policing and criminal law matters since then.

During these periods a large number of legal acts were adopted, and most of them are still in force as of 1 December 2009. Also, the Treaty of Amsterdam integrated the 'Schengen acquis' into the EU legal order, and much of this acquis (some of which concerns immigration law) is still in force too.

From 1 December on, EU measures concerning policing and criminal law will take the form of Regulations and Directives, subject to the normal effect of EU law (direct effect and supremacy) and the normal jurisdiction of the EU Court of Justice (in particular, references on the validity and interpretation of EU measures in this area from all courts and tribunals in all Member States, and the power of the Commission to sue Member States for infringement of the laws in this area). Any third pillar proposals not yet adopted by 30 November 2009 now have to be proposed again from scratch.

But what will happen to the third pillar measures adopted prior to the entry into force of the Treaty of Lisbon? The 'transitional protocol' to that Treaty tells us two things. First, there will be a five-year transitional period relating to the Court of Justice jurisdiction (ending 1 December 2014), in which the 'old' rules on that jurisdiction apply - meaning no infringement actions, and references only from the national courts of 17 Member States (all of the first 15 Member States except the UK, Ireland and Denmark, plus Latvia, Lithuania, Slovenia, Hungary and the Czech Republic).

Secondly, the old rules on the legal effect of third pillar measures (meaning no direct effect, and arguably no supremacy or damages liability - although the Court of Justice has not ruled on those issues) apply indefinitely.

However, the old rules on jurisdiction and legal effect cease to apply once a 'legacy' third pillar act is amended.

The annex to this analysis lists all of the 'legacy' third pillar acts which were adopted before the entry into force of the Treaty of Lisbon and are still in force, and all of the proposals for third pillar acts which lapsed when the Treaty of Lisbon entered into force.

Those third pillar measures which are no longer in force, because they have lapsed, or become obsolete, or have been repealed or annulled, are not generally listed. Some measures which will be repealed effective in the near future are mentioned, except for the Europol Convention and its protocols and implementing measures, since they will be repealed already as from 1 January 2010.

The annex also indicates which measures have been adopted but are not applicable yet - although the delay in their applicability does not alter the application of the transitional protocol (ie what matters is when the measures were adopted, not when they will start to apply).

It should be noted that a declaration to the Lisbon Treaty calls upon the EU institutions to transform the prior third pillar acts to new EU acts after the entry into force of the new Treaty, and the draft Stockholm programme also calls upon the Commission to submit a timetable to this effect for approval by the Council.

Any proposals made after the new Treaty is in force, even simply to convert old third pillar acts without amendment, will now be subject to the new Treaty's revised and extended rules on JHA opt-outs for the UK, Ireland and Denmark, as well as on decision-making on JHA matters (ie the Council will generally vote by qualified majority, the EP will generally have co-decision rights).

In some cases, the conversion of a Convention or Protocol into a new EU measure would mean that those measures would now apply to some Member States that had signed but not yet ratified the third pillar acts. In those cases, the effect of transforming the third pillar measure would go beyond changing the rules on ECJ jurisdiction and the legal effect of the measure.

The Annex also lists third pillar treaties which have come into force, or which were signed, before the Treaty of Lisbon came into force. Treaties already in force are presumably in the same position as legislation adopted before the entry into force of the Treaty of Lisbon, whereas treaties not yet concluded should arguably be treated the same way as pending legislative proposals now that the Treaty of Lisbon has entered into force.

## Annex

### A) Binding third pillar acts adopted - and still in force

#### 1) Schengen acquis (integrated into EU legal order 1.5.1999) - [2000] OJ L 239

##### a) *Schengen Convention:*

Articles 39-45, 47-49, 51, 54-58, 71-72, 75-76, 82, 91-119, 126-30; also some provisions of Schengen accession treaties

*Notes:* Arts 92-119 have been amended by Decisions concerning the SIS in 2005 and 2008 (see below); they are repealed with effect from when the decision setting up SIS II (adopted in 2007, see below) becomes operational

Arts 39(1), (2) and (3) were repealed by the Framework decision on exchange of data between law enforcement services (OJ 2006 L 386/89), Art. 12(1); Art. 47(4) was repealed by a 2003 Decision (OJ 2003 L 67/27); Art. 40(1) and (7) were amended by a 2003 Decision (OJ 2003 L 260/47)

Articles 49(a), 52, 53 and 73 were repealed by the 2000 EU mutual assistance Convention, Art. 2(2); Art. 50 was repealed by Art. 8(3) of the 2001 protocol to that Convention; but note that a few Member States have not ratified the Convention or the Protocol (see below)

Articles 59-60, 62-66 (extradition) were repealed by the Framework Decision on the European Arrest Warrant (OJ 2002 L 190/1), Art. 31(1)(e), but might still apply in a few cases where the effect of the EAW is restricted

Articles 67-69 were repealed by the Framework Decision on transfer of prisoners (OJ 2008 L 327/27), Art. 26(1), but this is not applicable yet (see below)

##### a) *Schengen Executive Committee Decisions/Declarations/Central Group acts:*

###### *i) repealed with effect from when SIS II Decision is operational:*

SCH/Com-ex (93) 16 - 14.12.1993 - Financial Regulations on the installation and operating costs for the Schengen C.SIS

SCH/Com-ex (97) 18 - 7.10.1997 - Contributions from Norway and Iceland to the C.SIS operating costs

SCH/Com-ex (97) 24 - 7.10.1997 - Future of the SIS

SCH/Com-ex (97) 35 - 15.12.1997 - Amendment to the C.SIS Financial Regulations

SCH/Com-ex (98) 11 - 21.4.1998 - C.SIS with 15/18 connections

SCH/Com-ex (99) Decl 2 Rev - 28.4.1999 - SIS-structure

SCH/Com-ex (99) 4 - 28.4.1999 - C.SIS installation costs

SCH/Com-ex (99) 5 - 28.4.1999 - SIRENE Manual  
SCH/Com-ex (96) Decl 5 - 18.4.1996 - Determination of the concept of third-country alien

*ii) other (within scope of third pillar)*

SCH/Com-ex (93) 10 - 14.12.1993 - Confirmation of the declarations by the Ministers and Secretaries of State of 19 June 1992 and 30 June 1993 on bringing into force *[nb - text no longer relevant]*  
SCH/Com-ex (93) 14 - 14.12.1993 - Improving practical cooperation between the judicial authorities to combat drug trafficking  
SCH/Com-ex (97) 2 Rev 2 - 25.4.1997 - Awarding the tender for the SIS II preliminary study  
SCH/Com-ex (97) 6 Rev 2 - 24.6.1997 - Schengen Manual on police cooperation in the field of public order and security  
SCH/Com-ex (97) 29 Rev 2 - 7.10.1997 - Bringing into force the Convention implementing the Schengen Agreement in Greece *[obviously obsolete]*  
SCH/Com-ex (98) 26 def - 16.9.1998 - Setting up of the Schengen implementing Convention Standing Committee *[note - proposed amendment under discussion]*  
SCH/Com-ex (98) 29 Rev - 23.6.1998 - Catch-all clause to cover the whole technical Schengen acquis  
SCH/Com-ex (98) 37 def 2 - 16.9.1998 - Action plan to combat illegal immigration *[partly first pillar]*  
SCH/Com-ex (98) 43 Rev - 16.12.1998 - Ad hoc Committee for Greece *[nb - obsolete]*  
SCH/Com-ex (98) 49 Rev 3 - 16.12.1998 - Bringing the Convention implementing the Schengen Agreement into force in Greece *[nb - obsolete]*  
SCH/Com-ex (98) 52 - 16.12.1998 - Handbook on cross-border police cooperation  
SCH/Com-ex (99) 3 - 28.4.1999 - Help Desk budget for 1999 *[nb - obsolete?]*  
SCH/Com-ex (99) 6 - 28.4.1999 - Telecomms situation  
SCH/Com-ex (99) 7 Rev 2 - 28.4.1999 - Liaison officers  
SCH/Com-ex (99) 8 Rev 2 - 28.4.1999 - Payments to informers  
SCH/Com-ex (99) 11 Rev 2 - 28.4.1999 - Agreement on cooperation in proceedings for road traffic offences  
SCH/Com-ex (96) Decl 6 - Rev 2 - 26.6.1996 - Declaration on extradition  
SCH/Com-ex (97) Decl 13 - Rev 2 - 21.4.1998 - Abduction of minors  
SCH/C (98) 117 - 27.10.1998 - Action plan to combat illegal immigration *[partly first pillar]*  
SCH/C (99) 25 - 22.3.1999 - General principles for the remuneration of informants and infiltrators

**2) Maastricht era (1 Nov. 2003 to 1 May 1999)**

*a) Joint Actions*

1. Council Joint Action 94/795/JHA on crossing internal borders by organised school groups (OJ 1994 L 327/1)

2. Joint Action 98/700/JHA on European Imaging Archive System (OJ 1998 L 333/4)
3. Joint Action 96/277/JHA on exchange of liaison magistrates (OJ 1996 L 105/1)
4. Joint Action 96/443/JHA on racism and xenophobia (OJ 1996 L 185/5)  
*Note:* replaced by Framework Decision on subject (see below), as from 2010
5. Joint Action 96/750/JHA on drug trafficking (OJ 1996 L 342/6)
6. Joint Action 98/427/JHA on good practice in mutual legal assistance (OJ 1998 L 191/1)
7. Joint Action 98/699/JHA on money laundering and confiscation of proceeds (OJ 1998 L 333/1)  
*Note:* Framework Decision of 2001 amends and supplements this Joint Action in part (see below)
8. Joint Action 98/733/JHA on organised crime (OJ 1998 L 351/1)  
*Note:* repealed by Framework Decision on this issue as from 2010 (see below)
9. Joint Action 96/610/JHA on directory of specialist counter-terrorist expertise (OJ 1996 L 273/1)
10. Joint Action 96/698/JHA on customs and business cooperation in drug trafficking (OJ 1996 L 322/3)
11. Joint Action 96/699/JHA on exchange of information on chemical profiling of drugs (OJ 1996 L 322/5)
12. Joint Action 96/747/JHA on directory of expertise on international organised crime (OJ 1996 L 342/2)
13. Joint Action 97/339/JHA on cooperation in law and order (OJ 1997 L 147/1)
14. Joint Action 97/372/JHA on targeting criteria for police (OJ 1997 L 159/1)
15. Joint Action 97/827/JHA on evaluation (OJ 1997 L 344/7)
16. Joint Action 98/429/JHA on collective evaluation of application of *acquis* by applicant states (OJ 1998 L 191/8)
17. Joint Action 96/658/JHA on US Helms-Burton legislation (OJ 1996 L 309/7)

#### *b) Conventions*

1. Convention on simplified extradition (OJ 1995 C 78/1)  
- *Note:* not in force; 14 of the first 15 Member States have ratified; Italy has yet to ratify; Cyprus, Poland, Estonia, Lithuania, Slovenia and Latvia have ratified; thirteen Member States apply early (the exceptions are Netherlands, Cyprus, Estonia, Greece, Ireland, Slovenia and Portugal); largely replaced by Framework Decision on European Arrest Warrant, from 31 Dec. 2003 (see below)
2. Convention on fraud against EC budget (OJ 1995 C 316/48)
  - 2a. First Protocol to Convention on fraud against EC budget (OJ 1996 C 313/1)
  - 2b. ECJ Protocol to Convention on fraud against EC budget (OJ 1997 C 151/1)

- *Note*: all entered into force 17 October 2002; three Member States have not ratified (Czech Republic, Hungary and Malta); also Estonia has not ratified ECJ Protocol

2c. Second Protocol to Convention on fraud against EC budget (OJ 1997 C 221/12)

- *Note*: entered into force 19 May 2009; three Member States have not ratified (Czech Republic, Hungary and Malta)

3. Convention on extradition (OJ 1996 C 313/11)

- *Note*: not in force; 14 of the first 15 Member States have ratified; Italy has yet to ratify; Cyprus, Poland, Estonia, Lithuania, Slovenia and Latvia have ratified; thirteen Member States apply early (the exceptions are Cyprus, Latvia, Estonia, Greece, Slovenia and Ireland); largely replaced by Framework Decision on European Arrest Warrant, adopted 13 June 2002, on 31 Dec. 2003 (see below)

4. Convention on corruption (OJ 1997 C 195/1)

- *Note*: entered into force 28 Sept. 2005; now in force in all Member States except Czech Republic and Malta

5. Driving Disqualification Convention (OJ 1998 C 216/1)

- *Note*: not in force; needs all of the first 15 Member States ratify; can be applied early among the first Member States to ratify; only Spain, UK and Ireland have ratified among first 15 Member States; Romania, Bulgaria, Cyprus and Slovakia have also ratified

6. Convention on Customs Information System (CIS) (OJ 1995 C 316/33)

6a. ECJ Protocol to CIS Convention (OJ 1997 C 151/15)

- *Note*: both measures entered into force 25 Dec. 2005; in force in all Member States; will be replaced by Decision with effect from 27 July 2011 (see below); Malta has not ratified ECJ Protocol

6b. Protocol to CIS Convention (OJ 1999 C 91/1)

- *Note*: entered into force 14 April 2008; in force in all Member States except Malta; also replaced by Decision with effect from 27 July 2011 (see below)

7. Naples II Convention (OJ 1998 C 24/1)

- *Note*: entered into force 25 June 2009; in force in all Member States

### 3) Title VI EU Police and Criminal Law

#### a) *Common Positions*

1. Combatting terrorism (OJ 2001 L 344/90)

- *Note*: also a CFSP measure

2. Application of specific measures to combat terrorism (OJ 2001 L 344/93)

- *Note*: many subsequent amendments to update list of 'terrorists'

3. Common Position on transfer of data to Interpol (OJ 2005 L 27/61)

#### b) *Decisions*

1. Exchange of information on counterfeit travel documents (OJ 2000 L 81/1)

2. Combatting child pornography on the Internet (OJ 2000 L 138/1)
3. Decision 2000/586/JHA: Procedure for amending Articles 40(4) and (5), 41(7) and 65(2) of Schengen Convention (OJ 2000 L 248/1)
4. Decision 2000/641/JHA: Joint Secretariat for third pillar data protection authorities (OJ 2000 L 271/1)
5. Decision 2000/642 concerning Member States' Financial intelligence units (FIUs) (OJ 2000 L 271/4)
6. Decision 2001/419/JHA on the transmission of samples of controlled substances (OJ 2001 L 150/1)
7. Decision 2001/887/JHA on protection of the euro against counterfeiting (OJ 2001 L 329/1)
8. Decision establishing Eurojust (OJ 2002 L 63/1)
9. Decision 2002/348/JHA concerning security in connection with football matches with an international dimension (OJ 2002 L 121/1)
10. Decision 2002/494 on exchange of information and contact points concerning genocide, crimes against humanity and war crimes (OJ 2002 L 167/1)
11. Decision on network for protection of public figures (OJ 2002 L 333/1)
12. Decision on evaluating Member States' implementation of international commitments regarding terrorism (OJ 2002 L 349/1)
13. Decision 2003/169 designating which provisions of the 1995 and 1996 EU extradition Conventions are related to the Schengen acquis (OJ 2003 L 76/25)
14. Decision 2003/170 on joint use of liaison officers (OJ 2003 L 67/27)
15. Decision 2003/335 on investigation and prosecution of genocide, crimes against humanity and war crimes (OJ 2003 L 118/12)
16. Decision extending Convention on corruption to Gibraltar (OJ 2003 L 226/27)
  - Note: this was not a legislative act, but a *sui generis* decision
17. Decision amending Eurojust decision (OJ 2003 L 245/44)
18. Decision amending Article 40, Schengen Convention to permit extended cross-border police surveillance (OJ 2003 L 260/37)
19. Decision on amending Sirene manual (OJ 2004 L 64/45)
  - Note: this will be repealed when once SIS II Decision applies
20. Decision on vehicle crime (OJ 2004 L 389/28)
21. Decision on future functionalities for SIS (OJ 2005 L 68/44)
  - Note: this will be repealed when once SIS II Decision applies
22. Decision on synthetic drugs (OJ 2005 L 127/32)
23. Decision designating Europol as the central office for counterfeiting the euro (OJ 2005 L 185/35)
24. Decision on exchange of information on terrorism (OJ 2005 L 253/22)
25. Decision on European police college (OJ 2005 L 256/63)
26. Decision on criminal record information exchange (OJ 2005 L 322/33)
  - Note: this is repealed by 2009 Framework Decision on criminal records exchange (see below), Art. 12(4) - as from 2012
27. Decision amending 2003 Decision on police liaison officers (OJ 2006 L 219/31)
28. Decision establishing 'criminal justice' programme (OJ 2007 L 58/13)
29. Decision establishing 'Crime prevention/fight against crime' programme (OJ 2007 L 58/7)

30. Decision establishing SIS II (Criminal law/policing aspects) (OJ 2007 L 205/63)
  - *Note:* this Decision is not yet applied
31. Decision amending Decision on football hooligans (OJ 2007 L 155/76)
32. Decision establishing an asset recovery network (OJ 2007 L 332/103)
33. Decision on cross-border intervention teams (OJ 2008 L 210/73)
34. Decision on cross-border police cooperation (Prum Treaty Decision) (OJ 2008 L 210/1)
  - *Note:* Application date is 26 Aug. 2011 (for Chapter 2)
35. Decision on cross-border police cooperation (Prum Treaty Decision) (OJ 2008 L 210/12)
  - *Note:* application date is the same as Prum treaty decision
36. Decision on law enforcement access to VIS (OJ 2008 L 218/129)
  - *Note:* application date to be set by Council; latest planned date for start of VIS operations is Dec. 2010; legality challenged by UK (Case C-482/08 *UK v Council*, pending)
37. Decision establishing an anti-corruption network (OJ 2008 L 301/38)
38. Decision on migration from SIS to SIS II (OJ 2008 L 299/43)
  - *Note:* there was a proposal to amend this Decision (see below), which lapsed when the Lisbon Treaty entered into force
39. Decision amending Decision establishing Eurojust (OJ 2009 L 138/14)
  - *Application date (for Member States):* 4 June 2011
40. Decision on the European Judicial Network (OJ 2008 L 348/130)
41. Decision implementing the Framework Decision on the exchange of criminal records (OJ 2009 L 93/33)
  - *Application date:* 7 April 2012
42. Decision establishing Europol (OJ 2009 L 121/37)
  - *Application date:* 1 Jan. 2010
43. Decision amending the Decision establishing a network for the protection of public figures (OJ 2009 L 283/62)
44. Decision on a crime prevention network (not yet published)
45. Decision on Customs Information System (not yet published)
  - *Application date:* 27 July 2011
46. Decision extending US/EU extradition treaty to Aruba, etc. (not yet published)
  - Note:* this is not a legislative act, but a *sui generis* decision

### c) Framework Decisions

1. Criminal sanctions for counterfeiting the euro (OJ 2000 L 140/1)
2. Framework Decision 2001/220/JHA on the status of victims (OJ 2001 L 82/1)
3. Framework Decision 2001/413/JHA on payment card fraud and counterfeiting (OJ 2001 L 149/1)
4. Framework Decision 2001/500 on money laundering, the identification, tracing, freezing, seizing and confiscation of instrumentalities and the proceeds from crime (OJ 2001 L 182/1)
5. Framework Decision 2001/888/JHA on criminal records for counterfeiting the euro
6. Framework Decision on terrorism (OJ 2002 L 164/3)



7. Framework Decision on European arrest warrant (OJ 2002 L 190/1)
8. Framework Decision on joint investigation teams (OJ 2002 L 162/1)
9. Framework Decision on trafficking in humans (OJ 2002 L 203/1)
  - *Note*: there is a proposal to repeal this measure (see below)
10. Framework Decision on the penal framework to prevent the facilitation of illegal entry and residence (OJ 2002 L 328/1)
11. Framework Decision on environmental crime (OJ 2003 L 29/55)
  - Note*: annulled by Court of Justice - Case C-176/03 *Commission v Council*, judgment of 13 Sept. 2005
12. Framework Decision on the execution of orders freezing assets and evidence (OJ 2003 L 196/45)
13. Framework Decision on corruption in private sector (OJ 2003 L 192/54)
14. Framework Decision on the sexual exploitation of children and child pornography (OJ 2004 L 13/44)
  - *Note*: there is a proposal to repeal this measure (see below)
- FD 15. Framework Decision on illicit drug trafficking (OJ 2004 L 335/8)
- FD 16. Framework Decision on mutual recognition of financial penalties (OJ 2005 L 76/16)
- FD 17. Framework Decision concerning attacks on information systems (OJ 2005 L 69/67)
- FD 18. Framework Decision on confiscation (OJ 2005 L 68/49)
- FD 19. Framework Decision concerning criminal sanctions for pollution resulting from shipping (OJ 2005 L 255/164)
  - *Note*: annulled by the Court of Justice (judgment of 23 Oct. 2007 in Case C-440/05, *Commission v Council*)
- FD 20. Framework Decision on the execution of confiscation orders (OJ 2006 L 328/59)
- FD 21. Framework decision on exchange of data between law enforcement services (OJ 2006 L 386/89)
- FD 22. Framework decision on taking account of prior convictions in another Member State (OJ 2008 L 220/32)
  - *Deadline to apply*: 15 Aug. 2010
- FD 23. Framework Decision on organised crime (OJ 2008 L 300/42)
  - *Deadline to apply*: 11 May 2010 (Art. 10)
- FD 24. Framework Decision on the transfer of custodial sentences (OJ 2008 L 327/27)
  - *Deadline to apply*: 5 Dec. 2011 (Art. 29(1))
- FD 25. Framework Decision on data protection in the sphere of criminal law and policing (OJ 2008 L 350/60)
  - *Deadline to apply*: 27 Nov. 2010 (Art. 29(1))
- FD 26. Framework Decision on mutual recognition of alternative sanctions and suspended sentences (OJ 2008 L 337/102)
  - *Deadline to apply*: 6 Dec. 2011 (Art. 25(1))
- FD 27. Framework Decision on racism and xenophobia (OJ 2008 L 328/55)
  - *Deadline to apply*: 28 Nov. 2010 (Art. 10(1))
- FD 28. Framework Decision amending the framework decision on terrorism (OJ 2008 L 330/21)
  - *Deadline to apply*: 9 Dec. 2010 (Art. 3(1))
- FD 29. Framework Decision on European evidence warrant (OJ 2008 L 350/72)

- *Deadline to apply*: 19 Jan. 2011 (Art. 23(1))
- FD 30. Framework decision on criminal record exchange (OJ 2009 L 93/23)
  - *Deadline to apply*: 27 April 2012 (Art. 13(1))
- FD 31. Framework Decision on ‘in absentia’ trials (OJ 2009 L 81/24)
  - *Deadline to apply*: 28 Mar. 2011 (Art. 8(1)); can be extended to 1 Jan. 2014 (Art. 8(3)).
- FD 32. Framework decision on mutual recognition of pre-trial supervision orders (OJ 2009 L 294/20)
  - *Deadline to apply*: 1 Dec 2012
- FD 33. Framework decision on conflicts of jurisdiction (not yet published)
  - *Deadline to apply*: 30 months after publication
- FD 34. Framework decision on accreditation of forensic laboratory activities (not yet published)
  - *Deadline to apply*: 4 years and 20 days after publication

### *Conventions*

1. Mutual assistance on criminal matters (OJ 2000 C 197/1)
  - *Note*: entered into force 23 August 2005; in force in 23 Member States (all except Italy, Ireland, Luxembourg, Greece)
2. Protocol to May 2000 Mutual Assistance Convention (OJ 2001 C 326/1)
  - *Note*: entered into force on 5 Oct. 2005; in force in 22 Member States (not Estonia, Italy, Ireland, Luxembourg, Greece)
3. Protocol to Customs Information System Convention, regarding customs files (OJ 2003 C 139/1)
  - *Note*: entered into force on 15 Oct. 2007; in force in 23 Member States (all except Belgium, Greece, Italy, and Ireland); would be replaced by proposed Decision (see below)

### **4) Lapsed Measures (asterisk indicates active discussion)**

#### *a) Decisions*

1. French initiative for Decision establishing a judicial training network (OJ 2001 C 18/9)
2. Swedish initiative on special forensic profiling analysis of synthetic drugs, Dec. 2000 (OJ 2001 C 10/1)
3. Swedish initiative for a Decision amending definition of ‘forgery’ and ‘means of payment’ in Europol Annex (OJ 2001 C 225/10)
4. Spanish initiative to establish European institute of police studies (OJ 2002 C 42/6)
5. Danish initiative on exchange of information on disqualifications (OJ 2002 C 223/17)
6. Belgian initiative on contact points for restorative justice programmes (OJ 2002 C 242/20)
7. Initiative from the Netherlands on cross-border police cooperation (OJ 2005 C 101/36)
8. Commission proposal for Decision extending role of EU Human Rights Agency into policing and criminal matters (COM (2005) 280, 30 June 2005)

9. Commission proposal for Decision on SIS communications infrastructure (COM (2007) 306, 11 June 2007)
- \*10. Commission proposal for Decision on Schengen evaluation system (COM (2009) 105, 4 March 2009)
- \*11. Commission proposal for Decision on agency to manage SIS and VIS (COM (2009) 294, 24 June 2009)
- \*12. Commission proposal for Decision on access to Eurodac by law enforcement authorities (COM (2009) 344, 10 Sep. 2009)
- \*13. Commission proposal for Decision amending Decision on migration from SIS to SIS II (COM (2009) 509, 29 Sep. 2009)

#### *b) Framework Decisions*

1. German initiative on breaches of EC public procurement law (OJ 2000 C 253/3)
2. Greek proposal concerning trafficking in human organs (OJ 2003 C 100/27)
3. Greek proposal concerning 'double jeopardy' principle (OJ 2003 C 100/24)
4. Initiative of UK, France, Ireland and Sweden for framework decision on data retention (Council doc. 8958/04, 28 Apr. 2004)
5. Initiative of Belgium for framework decision on mutual recognition as regards prohibitions following convictions for sexual offences against children (OJ 2007 C 295/18)
6. Commission proposal for framework decision on the principle of 'availability' for information in the sphere of policing (COM (2005) 490, 12 Oct. 2005)
- \*7. Commission proposal for framework decision on passenger name records (COM (2007) 654, 6 Nov. 2007)
- \*8. Commission proposal for framework decision on sexual exploitation of children (COM (2009) 135, 25 March 2009)
- \*9. Commission proposal for framework decision on trafficking in persons (COM (2009) 136, 25 March 2009)
- \*10. Initiative of sixteen Member States (Belgium, Bulgaria, Czech Republic, Denmark, Estonia, Greece, Spain, France, Lithuania, Latvia, Hungary, Netherlands, Romania, Slovenia, Slovakia and Sweden) for framework decision on the transfer of criminal proceedings (OJ 2009 C 219/7)
- \*11. Commission proposal for Framework Decision on the right to interpretation and translation in the framework of criminal proceedings (COM (2009) 338, 8 July 2009)

#### **5) International treaties**

##### *in force:*

1. Schengen association agreement with Norway and Iceland (OJ 1999 L 176)
2. Schengen association agreement with Switzerland (OJ 2008 L 53)
3. Treaties with US on mutual assistance and extradition (OJ 2003 L 181/25)

##### *signed, not yet concluded:*

1. Treaty with Norway and Iceland on mutual assistance (OJ 2004 C 26/1)
2. Treaty with Norway and Iceland for treaty on extradition (OJ 2006 L 292)
3. Treaty with USA on passenger name data (OJ 2006 L 298) - provisionally in force
4. Protocol to EC-Swiss Schengen agreement regarding Liechtenstein (2006)
5. Treaty with Australia on passenger name data (OJ 2008 L 218) - provisionally in force
6. Treaty with Norway and Iceland associating them with Prum Decisions (2009)
7. Treaty with Japan on mutual assistance (2009)
8. Treaty with USA regarding SWIFT system (2009) - provisionally in force

See also Statewatch's Observatory on the Lisbon Treaty:

<http://www.statewatch.org/euconstitution.htm>

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