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IV

(Notices)

NOTICES FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND
AGENCIES

COUNCIL

CONSOLIDATED VERSION OF

COUNCIL DECISION

of 29 May 2000

concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part
in some of the provisions of the Schengen *acquis*

(2000/365/EC)

(2014/C 430/01)

NOTE TO THE READER

This publication contains the consolidated version of Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen *acquis* (OJ L 131, 1.6.2000, p. 43), as it results from the amendments introduced by Council Decision 2014/857/EU of 1 December 2014 concerning the notification of the United Kingdom of Great Britain and Northern Ireland of its wish to take part in some of the provisions of the Schengen *acquis* which are contained in acts of the Union in the field of police cooperation and judicial cooperation in criminal matters and amending Decisions 2000/365/EC and 2004/926/EC (OJ L 345, 1.12.2014, p. 1).

This publication has been produced for documentary purposes and does not involve the responsibility of the institutions of the European Union.

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Article 4 of the Protocol integrating the Schengen *acquis* into the framework of the European Union annexed to the Treaty on European Union and to the Treaty establishing the European Community, (hereinafter referred to as 'the Schengen Protocol'),

Having regard to the request by the Government of the United Kingdom of Great Britain and Northern Ireland, by its letters to the President of the Council of 20 May 1999, 9 July 1999 and 6 October 1999, to participate in certain provisions of the Schengen *acquis*, as specified in the said letters,

Having regard to the Opinion of 20 July 1999 of the Commission of the European Communities on the request,

Whereas the United Kingdom of Great Britain and Northern Ireland has a special position in respect of matters covered by Title IV of Part Three of the Treaty establishing the European Community, as recognised in the Protocol on the position of the United Kingdom and Ireland and in the Protocol on the application of certain aspects of Article 14 of the Treaty establishing the European Community to the United Kingdom and to Ireland, annexed by the Treaty of Amsterdam to the Treaty on European Union and to the Treaty establishing the European Community;

Whereas the Schengen *acquis* was conceived and functions as a coherent ensemble which has to be fully accepted and applied by all States supporting the principle of the abolition of checks on persons at their common borders;

Whereas the Schengen Protocol provides for the possibility of the United Kingdom of Great Britain and Northern Ireland to participate in some of the provisions of the Schengen *acquis*, because of the said special position of the United Kingdom;

Whereas the United Kingdom will assume the obligations of a Member State arising from the Articles of the 1990 Schengen Convention listed in this Decision;

Whereas having regard to the aforementioned special position of the United Kingdom, neither the United Kingdom nor the territories referred to in Article 5 participate by virtue of this Decision in the frontiers provisions of the 1990 Schengen Convention;

Whereas taking account of the serious matters addressed by Articles 26 and 27 of the 1990 Schengen Convention, the United Kingdom and Gibraltar will apply these articles;

Whereas the United Kingdom has requested to participate in the ensemble of the provisions of the Schengen *acquis* concerning the establishment and operation of the Schengen Information System (hereinafter referred to as the 'SIS'), except in respect of the provisions concerning the alerts referred to in Article 96 of the Schengen Convention of 1990 and the other provisions which relate to those alerts;

Whereas it is the view of the Council that any partial participation by the United Kingdom in the Schengen *acquis* must respect the coherence of the subject areas which constitute the ensemble of this *acquis*;

Whereas the Council thus recognises the right of the United Kingdom to make, in accordance with Article 4 of the Schengen Protocol, a request for partial participation, noting at the same time that it is necessary to consider the impact of such participation of the United Kingdom in the provisions concerning the establishment and operation of the SIS on the interpretation of the other relevant provisions of the Schengen *acquis* and on its financial implications;

Whereas the Mixed Committee, established pursuant to Article 3 of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the latter's association with the implementation, application, and development of the Schengen *acquis* ⁽¹⁾, has been informed about the preparation of this Decision in accordance with Article 5 of that Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The United Kingdom of Great Britain and Northern Ireland shall participate in the following provisions of the Schengen *acquis*:

(a) In respect of the provisions of the 1990 Convention implementing the Schengen Agreement of 14 June 1985, its related Final Act and Joint Statements:

(i) Articles 26 and 27(1);

Articles 39 and 40;

Articles 42 and 43 to the extent that they relate to Article 40;

Article 44;

Articles 46 and 47, except for Article 47(2)(c) and (4);

Articles 48 to 51;

Articles 52 and 53;

Articles 54 to 58;

Article 59;

Articles 61 to 66;

Articles 67 to 69;

Articles 71 to 73;

Articles 75 and 76;

⁽¹⁾ OJ L 176, 10.7.1999, p. 36.

Articles 126 to 130 to the extent that they relate to the provisions in which the United Kingdom participates by virtue of this subparagraph;

Declaration 3 to the Final Act concerning Article 71(2);

(ii) the following provisions concerning the Schengen Information System:

— Council Decision 2007/533/JHA of 12 June 2007 on the establishment, operation and use of the second generation Schengen Information System (SIS II) ⁽¹⁾;

— Commission Decision 2007/171/EC of 16 March 2007 laying down the network requirements for the Schengen Information System II (3rd pillar) ⁽²⁾;

(b) in respect of the provisions of the Agreements of Accession to the 1990 Convention implementing the Schengen Agreement of 14 June 1985, their Final Acts and Common Declarations:

(i) the Agreement signed on 19 December 1996 on Accession of the Kingdom of Denmark: Article 6;

(ii) the Agreement signed on 19 December 1996 on Accession of the Republic of Finland: Article 5;

(iii) the Agreement signed on 19 December 1996 on Accession of the Kingdom of Sweden: Article 5;

(c) in respect of the provisions of the following Decisions of the Executive Committee established by the 1990 Convention implementing the Schengen Agreement of 14 June 1985 to the extent that they relate to the provisions in which the United Kingdom participates by virtue of subparagraph (a) above:

SCH/Com-ex (94) 28 rev (certificate provided for in Article 75 for transport of drugs and/or psychotropic substances);

SCH/Com-ex (98) 26 def (setting up the Schengen implementing Convention Standing Committee), subject to an internal arrangement specifying the modalities of participation of United Kingdom experts in missions carried out under the auspices of the relevant Council Working Party.

Article 5

1. The United Kingdom shall notify in writing the President of the Council which of the provisions referred to in Article 1 it wishes to apply to the Channel Islands and the Isle of Man. An implementing decision on this request shall be taken by the Council acting with the unanimity of its Members referred to in Article 1 of the Schengen Protocol and of the representative of the Government of the United Kingdom.

2. The following of the provisions of Article 1 shall apply to Gibraltar:

(a) As far as the provisions of the 1990 Convention implementing the Schengen Agreement of 14 June 1985, its related Final Act and Joint Statements are concerned:

Articles 26 and 27(1);

Article 39;

Article 44 to the extent that it does not relate to hot pursuit and cross border surveillance;

Articles 46 and 47, except for 47(2)(c) and (4);

Articles 48 to 51;

Articles 52 and 53;

Articles 54 to 58;

Article 59;

Articles 61 to 63;

Articles 65 to 66;

Articles 67 to 69;

⁽¹⁾ OJ L 205, 7.8.2007, p. 63.

⁽²⁾ OJ L 79, 20.3.2007, p. 29.

Articles 71 to 73;

Articles 75 and 76;

Articles 126 to 130 to the extent that they relate to the provisions in which Gibraltar participates by virtue of this subparagraph;

Declaration 3 to the Final Act concerning Article 71(2).

(b) In respect of the provisions of the Agreements of Accession to the 1990 Convention implementing the Schengen Agreement of 14 June 1985, their Final Acts and Common Declarations:

(i) the Agreement signed on 19 December 1996 on Accession of the Kingdom of Denmark: Article 6;

(ii) the Agreement signed on 19 December 1996 on Accession of the Republic of Finland: Article 5;

(iii) the Agreement signed on 19 December 1996 on Accession of the Kingdom of Sweden: Article 5.

(c) As far as the provisions of the Decisions of the Executive Committee established by the 1990 Convention implementing the Schengen Agreement of 14 June 1985 are concerned:

SCH/Com-ex (94) 28 rev (certificate provided for in Article 75 for transport of drugs and/or psychotropic substances).

3. Article 8(3) shall apply to the territories referred to in paragraphs 1 and 2 above.

Article 6

1. The provisions referred to in Article 1(a)(ii), as well as the other relevant provisions concerning the Schengen Information System adopted since 1 December 2009, but not yet put into effect, shall be put into effect, between the United Kingdom and the Member States and other States for which these provisions have already been put into effect, when the preconditions for the implementation of those provisions have been fulfilled, by an implementing decision taken by the Council.

2. Paragraph 1 shall apply *mutatis mutandis* to the putting into effect of the provisions referred to in Article 5 in respect of the territories concerned.

3. Any implementing decision under paragraphs 1 and 2 shall be taken by the Council, acting with the unanimity of its members referred to in Article 1 of the Schengen Protocol and of the representative of the Government of the United Kingdom.

4. The provisions of Article 75 of the 1990 Convention implementing the Schengen Agreement of 14 June 1985 and of Executive Committee Decision SCH/Com-ex (94) 28 rev (certificate provided for in Article 75 for transportation of drugs and/or psychotropic substances) shall be directly applicable in the United Kingdom.

Article 7

The United Kingdom shall bear all the costs involved in the technical achievement of its partial participation in the operation of the SIS.

Article 8

1. This Decision shall enter into force on the day following that of its publication in the *Official Journal of the European Communities*.

2. From the date of adoption of this Decision the United Kingdom of Great Britain and Northern Ireland shall be deemed irrevocably to have notified the President of the Council under Article 5 of the Schengen Protocol that it wishes to take part in all proposals and initiatives which build upon the Schengen *acquis* referred to in Article 1. Such participation shall cover the territories referred to in Article 5(1) and (2) respectively, to the extent that the proposals and initiatives build upon the provisions of the Schengen *acquis* to which those territories become bound.

3. Measures building upon the Schengen *acquis* referred to in Article 1 which have been adopted prior to the adoption of the Council decision referred to in Article 6 shall take effect for the United Kingdom on the date or dates on which the Council decides under Article 6 to put the *acquis* referred to in Article 1 into effect for the United Kingdom unless the measure itself provides for a later date.

Done at Brussels, 29 May 2000.

For the Council

The President

A. COSTA

**CONSOLIDATED VERSION OF
COUNCIL DECISION
of 22 December 2004
on the putting into effect of parts of the Schengen *acquis* by the United Kingdom of Great Britain
and Northern Ireland
(2004/926/EC)
(2014/C 430/02)**

NOTE TO THE READER

This publication contains the consolidated version of Council Decision 2004/926/EC of 22 December 2004 on the putting into effect of parts of the Schengen *acquis* by the United Kingdom of Great Britain and Northern Ireland (OJ L 395, 31.12.2004, p. 70), as it results from the amendments introduced by Council Decision 2014/857/EU of 1 December 2014 concerning the notification of the United Kingdom of Great Britain and Northern Ireland of its wish to take part in some of the provisions of the Schengen *acquis* which are contained in acts of the Union in the field of police cooperation and judicial cooperation in criminal matters and amending Decisions 2000/365/EC and 2004/926/EC (OJ L 345, 1.12.2014, p. 1).

This publication has been produced for documentary purposes and does not involve the responsibility of the institutions of the European Union.

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen *acquis* ⁽¹⁾, and in particular to article 6 thereof,

Whereas:

- (1) The United Kingdom has expressed its intention to commence implementation of the following parts of the Schengen *acquis*: Judicial cooperation, Drugs cooperation, Article 26 and Article 27 of the Schengen Convention, and Police cooperation.
- (2) The United Kingdom indicated to be ready to apply all provisions of the Schengen *acquis* referred to in Article 1 of Decision 2000/365/EC with the exception of those concerning the Schengen Information System.
- (3) The United Kingdom will continue to prepare for the implementation of the relevant provisions of the Schengen Information System and for data protection.
- (4) A questionnaire was forwarded to the United Kingdom, whose replies were recorded and a subsequent verification and evaluation visit was made to the United Kingdom in accordance with the procedures applicable in the area of police cooperation.
- (5) As regards the application of the Schengen *acquis* relating to the abovementioned areas, the questionnaire and the visit demonstrated that the requirements relating to legislation, manpower levels, training, infrastructure and material resources have been satisfied.
- (6) The preconditions for the implementation by the United Kingdom of those provisions of the Schengen *acquis* as listed in Article 1(a)(i), (b), (c)(i) and (d)(i) of Decision 2000/365/EC have been fulfilled, allowing these provisions and their later developments to be put into effect for the United Kingdom.
- (7) Decision 2000/365/EC defines, in its Article 5(2), which provisions of the Schengen *acquis* are applicable to Gibraltar.

⁽¹⁾ OJ L 131, 1.6.2000, p. 43.

- (8) An Agreement has been concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway on the establishment of rights and obligations between Ireland and the United Kingdom of Great Britain and Northern Ireland, on the one hand, and the Republic of Iceland and the Kingdom of Norway, on the other, in areas of the Schengen *acquis* which apply to these States ⁽¹⁾ On the basis of Article 2 of that Agreement, the Mixed Committee, established pursuant to Article 3 of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the latter's association with the implementation, application, and development of the Schengen *acquis* ⁽²⁾, has been consulted, in accordance with Article 4 thereof, about the preparation of this Decision,

HAS DECIDED AS FOLLOWS:

Article 1

The provisions referred to in Article 1(a)(i), (b), (c)(i) and (d) (i) of Decision 2000/365/EC shall be put into effect for the United Kingdom as from 1 January 2005.

The provisions referred to in Article 5(2) of Decision 2000/365/EC shall be put into effect for Gibraltar as from 1 January 2005.

The provisions of the acts constituting developments of the Schengen *acquis* adopted since Decision 2000/365/EC and listed in Annex I of this Decision shall be put into effect for the United Kingdom and for Gibraltar as from 1 January 2005.

The provisions of the acts constituting developments of the Schengen *acquis* adopted since Decision 2000/365/EC and listed in Annex II of this Decision shall be put into effect for the United Kingdom as from 1 January 2005.

As from 1 December 2014, the United Kingdom shall continue to apply the provisions referred to in Articles 1(a)(i), (b) and (c) and 5(2) of Decision 2000/365/EC, as amended by Council Decision No 857/2014/EU ⁽³⁾, as well as the provisions of the acts listed in Annexes I and II to this Decision, as amended by Decision No 857/2014/EU.

Article 2

Formal communications and transmission of decisions between the Gibraltar authorities, including the judicial authorities, and those of the Member States of the European Union (except the United Kingdom) for the purposes of this Decision shall be carried out in accordance with the procedure provided for in the arrangements relating to the Gibraltar authorities in the context of EU and EC instruments and related treaties (see Annex III to this Decision), concluded between Spain and the United Kingdom on 19 April 2000 and communicated to the Member States and the institutions of the European Union.

Article 3

This Decision shall take effect on the day following that of its publication in the *Official Journal of the European Union*.

Done at Brussels, 22 December 2004.

For the Council

The President

C. VEERMAN

⁽¹⁾ OJ L 15, 20.1.2000, p. 2.

⁽²⁾ OJ L 176, 10.7.1999, p. 36.

⁽³⁾ Council Decision No 857/2014/EU of 1 December 2014 concerning the notification of the United Kingdom of Great Britain and Northern Ireland of its wish to take part in some of the provisions of the Schengen *acquis* which are contained in acts of the Union in the field of police cooperation and judicial cooperation in criminal matters and amending Decisions 2000/365/EC and 2004/926/EC (OJ L 345, 1.12.2014, p. 1).

ANNEX I

List of developments of the Schengen *acquis*, which shall be put into effect for the United Kingdom of Great Britain and Northern Ireland and for Gibraltar

1. Council Act of 29 May 2000 establishing the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union (provisions referred to in Article 2(1) of the Convention) (OJ C 197, 12.7.2000, p. 1). The application of the Convention to Gibraltar will enter into effect when the European Convention on Mutual Assistance in Criminal Matters is extended to Gibraltar.
 2. Council Directive 2001/51/EC of 28 June 2001 supplementing the provisions of Article 26 of the Convention implementing the Schengen Agreement of 14 June 1985 (OJ L 187, 10.7.2001, p. 45).
 3. 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 (provisions referred to in Article 15 of the Protocol) (OJ C 326, 21.11.2001, p. 1). The Protocol will apply to Gibraltar when the European Convention on Mutual Assistance in Criminal Matters enters into effect in Gibraltar in accordance with Article 26 of that Convention.
 5. Council Directive 2002/90/EC of 28 November 2002 defining the facilitation of unauthorised entry, transit and residence (OJ L 328, 5.12.2002, p. 17).
 6. Council Regulation (EC) No 377/2004 of 19 February 2004 on the creation of an immigration liaison officers network (OJ L 64, 2.3.2004, p. 1).
 7. Council Directive 2004/82/EC of 29 April 2004 on the obligation of carriers to communicate passenger data (OJ L 261 6.8.2004, p. 24).
 8. 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 (OJ L 350, 30.12.2008, p. 60).
 9. Council Decision 2008/149/JHA 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* (OJ L 53, 27.2.2008, p. 50).
 10. Council Decision 2011/349/EU of 7 March 2011 on the conclusion on behalf of the European Union of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to 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*, relating in particular to judicial cooperation in criminal matters and police cooperation (OJ L 160, 18.6.2011, p. 1).
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ANNEX II

List of developments of the Schengen *acquis*, which shall be applied by the United Kingdom of Great Britain and Northern Ireland:

1. 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 (OJ L 248, 3.10.2000, p. 1).
 2. 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 (OJ L 260, 11.10.2003, p. 37).
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ANNEX III

Copy of letter

From: Mr Javier SOLANA, Secretary-General of the Council of the European Union
Date: 19 April 2000
To: Permanent Representatives of the Member States and to other institutions of the European Union
Subject: Gibraltar authorities in the context of EU and EC instruments and related treaties

I hereby circulate a document which contains agreed arrangements relating to Gibraltar authorities in the context of EU and EC instruments and related treaties ('the arrangements'), together with an exchange of correspondence between the Permanent Representatives of the United Kingdom and Spain, which, in accordance with paragraph 8 of the arrangements, are notified to the Permanent Representatives of the Member States and to the other institutions of the European Union for their information and for the purposes indicated in them.



United Kingdom
Permanent Representation
To the European Union

The Permanent Representative

19 April 2000

HE Mr Javier Elorza
Permanent Representative of Spain
to the European Union
BRUSSELS

Avenue d'Auderghem 10
1040 Brussels

Telephone: 0032 2 287 8211

Telex: 24312

Facsimile: 0032 2 287 8398

DID: 0032 2 287 8231

Dear Ambassador,

I refer to the discussions which have taken place between our two Governments to resolve certain difficulties which have arisen relating to Gibraltar authorities in the context of EU and EC instruments and related treaties. I now attach to this letter arrangements, as agreed in those discussions, relating to Gibraltar authorities in the context of EU and EC instruments and related treaties ("the arrangements") in the English and the Spanish languages, both texts having equal validity, which will take effect on 1 June 2000.

If the Government of Spain confirms its agreement to the arrangements, they will form an understanding to which our two Governments are committed.

I propose that, on receipt of your reply, we should each copy the arrangements, together with our exchange of correspondence, to the Secretary General of the Council with the request that he circulates the arrangements, together with this exchange of correspondence, to the Permanent Representatives of other Member States and to the other institutions of the European Union in accordance with paragraph 8 of the arrangements for their information and for the purposes indicated in them.

Yours sincerely
Stephen Wall

J S Wall



Bruselas, 19 de abril 2000

*El Embajador
Representante Permanente de España
ante la Unión Europea*

Excmo. Sr. Sir J. Stephen WALL
Embajador, Representante Permanente
del Reino Unido ante la Unión Europea
Bruselas.

Estimado Embajador

Le agradezco su carta de fecha 19 de abril de 2000 a la que se acompaña el régimen acordado en las conversaciones a las que Vd. se refiere, relativo a las autoridades de Gibraltar en el contexto de los instrumentos de la UE y de la CE y tratados conexos ("el régimen").

Le confirmo el acuerdo del Gobierno de España con dicho régimen, el cual constituirá un entendimiento con el que nuestros dos Gobiernos quedarán comprometidos.

Estoy de acuerdo en que, a la recepción de mi respuesta, cada uno de nosotros transmitamos copia de este régimen, así como de nuestro intercambio de correspondencia, al Secretario General del Consejo con el ruego de que distribuya dicho régimen, junto con ese intercambio de correspondencia, a los Representantes Permanentes de los demás Estados miembros y a las demás instituciones de la Unión Europea de conformidad con el apartado 8 de dicho régimen, para su información y a los efectos indicados en el mismo.

Javier ELQRZA
Javier ELQRZA

SECRETARIA DEL EMBAJADOR
ESPAÑA - CEE

TRADUCCION OFICIAL

Brussels, 19 April, 2000

His Excellency Sir J. Stephen WALL
Ambassador, Permanent Representative
of the United Kingdom to the European Union
BRUSSELS

Thank you for your letter dated 19 April to which are attached arrangements, as agreed in the discussions to which you refer, relating to Gibraltar authorities in the context of EU and EC instruments and related treaties ("the arrangements").

I confirm the agreement of the Government of Spain to the arrangements, which will form an understanding to which our two Governments are committed.

I agree that, on your receipt of my reply, we should each copy the arrangements, together with our exchange of correspondence, to the Secretary General of the Council with the request that he circulates the arrangements, together with this exchange of correspondence, to the Permanent Representatives of other Member States and to the other institutions of the European Union in accordance with paragraph 8 of the arrangements for their information and for the purposes indicated in them.

(signed)

Javier ELORZA

POSTBOXING ARRANGEMENTS

Agreed Arrangements relating to Gibraltar Authorities in the Context of EU and EC Instruments and Related Treaties

1. Taking account of the responsibility of the United Kingdom of Great Britain and Northern Ireland as the Member State responsible for Gibraltar, including its external relations, under the terms of Article 299.4 of the Treaty establishing the European Community, when in an instrument or treaty of the type specified in paragraph 5 a provision is included whereby a body, authority or service of one Member State of the European Union may communicate directly with those of another EU Member State or may take decisions with some effect in another EU Member State, such a provision will be implemented, in respect of a body, authority or service of Gibraltar (hereinafter referred to as 'Gibraltar authorities', in accordance with the procedure in paragraph 2, and in the cases specified therein, through the authority of the United Kingdom specified in paragraph 3. The obligations of an EU Member State under the relevant instrument or treaty remain those of the United Kingdom.
2. In order to implement such a provision, formal communications and decisions to be notified which are taken by or addressed to the Gibraltar authorities will be conveyed by the authority specified in paragraph 3 under cover of a note in the form attached for illustrative purposes in Annex 1. The authority specified in paragraph 3 will also ensure an appropriate response to any related enquiries. Where decisions are to be directly enforced by a court or other enforcement authority in another EU Member State without such notification, the documents containing those decisions by the Gibraltar authority will be certified as authentic by the authority specified in paragraph 3. To this effect the Gibraltar authority will make the necessary request to the authority specified in paragraph 3. The certification will take the form of a note based in Annex 1.
3. The authority of the United Kingdom mentioned in paragraphs 1 and 2 will be The United Kingdom Government/ Gibraltar Liaison Unit for EU Affairs of the Foreign and Commonwealth Office based in London or any United Kingdom body based in London which the Government of the United Kingdom may decide to designate.
4. The designation by the United Kingdom of a Gibraltar authority in application of any instrument or treaty specified in paragraph 5 that includes a provision such as that mentioned in paragraph 1 will also contain a reference to the authority specified in paragraph 3 in the terms of Annex 2.
5. These arrangements will apply as between EU Member States to:
 - a) Any present or future European Union or Community instrument or any present or future treaty concluded within the framework of the European Union or European Community;
 - b) Any present or future treaty related to the European Union or European Community to which all or a number of EU Member States or all or a number of EU and EFTA/EEA states are the only signatories or contracting parties;
 - c) The Council of Europe Conventions mentioned in the Convention of 19 June 1990 implementing the Schengen Agreement;
 - d) The following treaties related to instruments of the European Union:
 - The convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters done at the Hague on 15 November 1965.
 - The Convention on the Taking of Evidence Abroad in Civil or Commercial Matters done at the Hague on 18 March 1970.
 - The Convention on the Civil Aspects of International Child Abduction done at the Hague on 25 October 1980 (when extended to Gibraltar).
 - e) Other treaties to which both sides agree that these arrangements should apply. Where there is no such agreement, the two sides will nevertheless seek to avoid and to resolve any problems, which may arise.

In respect of the treaties specified in subparagraphs (a) and (b) these arrangements will also apply as between all the contracting parties to those treaties. Paragraphs 1 and 2 of these arrangements will be constructed accordingly.
6. The spirit of these arrangements will be respected to resolve questions that may arise in the application of any provisions of the kind described in paragraph 1, bearing in mind the desire of both sides to avoid problems concerning the designation of Gibraltar authorities.
7. These arrangements or any activity or measure taken for their implementation or as a result of them do not imply on the side of the Kingdom of Spain or on the side of the United Kingdom any change in their respective positions on the question of Gibraltar or on the limits of that territory.
8. These arrangements will be notified to the EU institutions and Member States for their information and for the purposes indicated in them.

Annex 1

SPECIMEN NOTE FROM THE AUTHORITY SPECIFIED IN PARAGRAPH 3

On behalf of the United Kingdom of Great Britain and Northern Ireland as the Member State responsible for Gibraltar, including its external relations, in accordance with Article 299(4) of the Treaty establishing the European Community, I attach a certificate in respect of (the company), signed by the Commissioner of Insurance, the supervisory authority for Gibraltar.

In accordance with the Article 14 of the Directive 88/375/EEC, as amended by Article 34 of Directive 92/49/EEC, the (name of company) has notified to the Commissioner of Insurance in Gibraltar its intention to provide services into (name of EU Member State). The process envisaged by Article 35 of Directive 92/49/EEC is that within one month of the notification the competent authorities of the home Member State shall communicate to the host Member State or Member State within the territory of which an undertaking intends to carry on business under the freedom to provide services:

- (a) A certificate attesting that the undertaking has the minimum solvency margin calculated in accordance with Article 16 and 17 of Directive 73/239/EEC;
- (b) The classes of insurance which the undertaking has been authorised to offer;
- (c) The nature of the risks which the undertaking proposes to cover in the Member State of the provision of services.

Annex 2

FORMULA TO BE USED BY THE UNITED KINGDOM WHEN DESIGNATING A GIBRALTAR AUTHORITY

In respect of the application of the (name of instrument) to Gibraltar, the United Kingdom, as the Member State responsible for Gibraltar, including its external relations, in accordance with Article 299(4) of the Treaty establishing the European Community, designates (name of Gibraltar authority) as the competent authority for the purposes of (relevant provision of the instrument). In accordance with arrangements notified in Council document XXXX of 2000:

1.1. One or more of the following alternatives will be used as appropriate

- any formal communications required under the relevant provisions of (name of instrument) which come from or are addressed to (name of Gibraltar authority),
- any decision taken by or addressed to (name of Gibraltar authority) which is to be notified under the relevant provisions of (name of instrument),

will be conveyed by (name of UK authority) under cover of a note. The (name of UK authority) will also ensure an appropriate response to any related enquiries.

Where decisions are to be directly enforced by a court or other enforcement authority in another Member State without the need of a formal previous notification

The documents containing such decisions of (name of Gibraltar authority) will be certified as authentic by the (name of UK authority). To this effect the (name of Gibraltar authority) will make the necessary request to the (name of UK authority). The certification will take the form of a note.

List of Union acts adopted before the entry into force of the Lisbon Treaty in the field of police cooperation and judicial cooperation in criminal matters which cease to apply to the United Kingdom as from 1 December 2014 pursuant to Article 10(4), second sentence, of Protocol (No 36) on transitional provisions

(2014/C 430/03)

NOTE TO THE READER

This list has been established for transparency reasons and is published for information purposes only.

Protocol (No 36) on transitional provisions annexed to the Treaties provides in Article 10(4) that the United Kingdom may notify by 31 May 2014 at the latest that it does not to accept the full powers of the Commission and the Court of Justice with regard to acts in the field of police and judicial cooperation in criminal matters adopted before the entry into force of the Lisbon Treaty. The United Kingdom made this notification on 24 July 2013. As a consequence, the acts in question, to which the United Kingdom will not have been authorised to re-participate in accordance with Article 10(5) of Protocol No 36, will cease to apply to the United Kingdom as from 1 December 2014.

For ease of reference, this list has been established by listing together with the main act, below it, the acts which have amended or implemented it or are otherwise intrinsically linked to that main act.

The list of acts to which the United Kingdom is authorised to re-participate in accordance with Article 10(5) of Protocol No 36 results from the combination of the Decisions adopted by the Council, with regard to Schengen *acquis*, (see Council Decision 2014/857/EU ⁽¹⁾) and by the Commission, with regard to non-Schengen *acquis* (see Commission Decision 2014/858/EU ⁽²⁾).

I. Non-Schengen *acquis* in the field of police and judicial cooperation in criminal matters which cease to apply to the United Kingdom as from 1 December 2014

1. Council Act of 10 March 1995 drawing up the Convention on simplified extradition procedure between the Member States of the European Union and the said Convention signed on 10 March 1995 (OJ C 78, 30.3.1995, p. 1)
2. Council Act of 26 July 1995 drawing up the Convention on the protection of the European Communities' financial interests and the said Convention signed on 26 July 1995 (OJ C 316, 27.11.1995, p. 48)
 - Council Act of 27 September 1996 drawing up a Protocol to the Convention on the protection of the European Communities' financial interests and the said Protocol signed on 27 September 1996 (OJ C 313, 23.10.1996, p. 1)
 - 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 and the said Protocol signed on 29 November 1996 (OJ C 151, 20.5.1997, p. 1)
 - Council Act of 19 June 1997 drawing up the Second Protocol of the Convention on the protection of the European Communities' financial interests and the said Second Protocol signed on 19 June 1997 (OJ C 221, 19.7.1997, p. 11)
3. Joint Action 96/277/JHA of 22 April 1996 adopted by the Council on the basis of Article K.3 of the Treaty on European Union, concerning a framework for the exchange of liaison magistrates to improve judicial cooperation between the Member States of the European Union (OJ L 105, 27.4.1996, p. 1)

⁽¹⁾ Council Decision 2014/857/EU of 1 December 2014 concerning the notification of the United Kingdom of Great Britain and Northern Ireland of its wish to take part in some of the provisions of the Schengen *acquis* which are contained in acts of the Union in the field of police cooperation and judicial cooperation in criminal matters and amending Council Decisions 2000/365/EC and 2004/926/EC (OJ L 345, 1.12.2014, p. 1).

⁽²⁾ Commission Decision 2014/858/EU of 1 December 2014 on the notification by the United Kingdom of Great Britain and Northern Ireland of its wish to participate in acts of the Union in the field of police cooperation and judicial cooperation in criminal matters adopted before the entry into force of the Treaty of Lisbon and which are not part of the Schengen *acquis* (OJ L 345, 1.12.2014, p. 6).

4. Council Act of 27 September 1996 drawing up the Convention relating to extradition between the Member States of the European Union and the Convention signed on 27 September 1996 (OJ C 313, 23.10.1996, p. 11)
5. Joint Action 96/610/JHA of 15 October 1996 adopted by the Council on the basis of Article K.3 of the Treaty on European Union, 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 (OJ L 273, 25.10.1996, p. 1)
6. Joint Action 96/698/JHA of 29 November 1996 adopted by the Council on the basis of Article K.3 of the Treaty on European Union, on cooperation between customs authorities and business organizations in combating drug trafficking (OJ L 322, 12.12.1996, p. 3)
7. Joint Action 96/699/JHA of 29 November 1996 adopted by the Council on the basis of Article K.3 of the Treaty on European Union, concerning the exchange of information on the chemical profiling of drugs to facilitate improved cooperation between Member States in combating illicit drug trafficking (OJ L 322, 12.12.1996, p. 5)
8. Joint Action 96/747/JHA of 29 November 1996 adopted by the Council on the basis of Article K.3 of the Treaty on European Union, 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 (OJ L 342, 31.12.1996, p. 2)
9. Joint Action 96/750/JHA of 17 December 1996 adopted by the Council on the basis of Article K.3 of the Treaty on European Union, 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 (OJ L 342, 31.12.1996, p. 6)
10. Council Act of 26 May 1997 drawing up, on the basis of Article K.3(2)(c) of the Treaty on European Union, the Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union and the said Convention signed on 26 May 1997 (OJ C 195, 25.6.1997, p. 1)
 - 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 (OJ L 226, 10.9.2003, p. 27)
11. Joint Action 97/339/JHA of 26 May 1997 adopted by the Council on the basis of Article K.3 of the Treaty on European Union with regard to cooperation on law and order and security (OJ L 147, 5.6.1997, p. 1)
12. 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 (OJ L 159, 17.6.1997, p. 1)
13. Council Act of 17 June 1998 drawing up the Convention on Driving Disqualifications and the Convention signed on 17 June 1998 (OJ C 216, 10.7.1998, p. 1)
14. Joint Action 98/427/JHA of 29 June 1998 adopted by the Council on the basis of Article K.3 of the Treaty on European Union, on good practice in mutual legal assistance in criminal matters (OJ L 191, 7.7.1998, p. 1)
15. Joint Action 98/699/JHA of 3 December 1998 adopted by the Council on the basis of Article K.3 of the Treaty on European Union, on money laundering, the identification, tracing, freezing, seizing and confiscation of instrumentalities and the proceeds from crime (OJ L 333, 9.12.1998, p. 1)
16. Council Act of 3 December 1998 laying down the staff regulations applicable to Europol employees (OJ C 26, 30.1.1999, p. 23)
 - Council Decision of 2 December 1999 amending the Council Act of 3 December 1998 laying down the staff regulations applicable to Europol employees, with regard to the establishment of remuneration, pensions and other financial entitlements in euro (OJ C 364, 17.12.1999, p. 3)
17. Council Decision 2000/261/JHA of 27 March 2000 on the improved exchange of information to combat counterfeit travel documents (OJ L 81, 1.4.2000, p. 1)

18. 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 (OJ L 140, 14.6.2000, p. 1)
 - 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 (OJ L 329, 14.12.2001, p. 3)
19. Council Framework Decision 2001/413/JHA of 28 May 2001 combating fraud and counterfeiting of non-cash means of payment (OJ L 149, 2.6.2001, p. 1)
20. Council Decision 2001/419/JHA of 28 May 2001 on the transmission of samples of controlled substances (OJ L 150, 6.6.2001, p. 1)
21. 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 (OJ L 182, 5.7.2001, p. 1)
22. Council Decision 2001/887/JHA of 6 December 2001 on the protection of the euro against counterfeiting (OJ L 329, 14.12.2001, p. 1)
23. Council Framework Decision 2002/475/JHA of 13 June 2002 on combating terrorism (OJ L 164, 22.6.2002, p. 3)
 - Council Framework Decision 2008/919/JHA of 28 November 2008 amending Framework Decision 2002/475/JHA on combating terrorism (OJ L 330, 9.12.2008, p. 21)
24. 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 (OJ L 167, 26.6.2002, p. 1)
25. Council Decision 2002/956/JHA of 28 November 2002 setting up a European Network for the Protection of Public Figures (OJ L 333, 10.12.2002, p. 1)
 - 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 (OJ L 283, 30.10.2009, p. 62)
26. 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 (OJ L 349, 24.12.2002, p. 1)
27. Council Framework Decision 2003/568/JHA of 22 July 2003 on combating corruption in the private sector (OJ L 192, 31.7.2003, p. 54)
28. Council Decision 2003/335/JHA of 8 May 2003 on the investigation and prosecution of genocide, crimes against humanity and war crimes (OJ L 118, 14.5.2003, p. 12)
29. 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 (OJ L 335, 11.11.2004, p. 8)
30. Council Decision 2004/919/EC of 22 December 2004 on tackling vehicle crime with cross-border implications (OJ L 389, 30.12.2004, p. 28)
31. Council Common Position 2005/69/JHA of 24 January 2005 on exchanging certain data with Interpol (OJ L 27, 29.1.2005, p. 61)
32. Council Framework Decision 2005/212/JHA of 24 February 2005 on Confiscation of Crime-related Proceeds, Instrumentalities and Property (OJ L 68, 15.3.2005, p. 49)
33. Council Decision 2005/387/JHA of 10 May 2005 on the information exchange, risk-assessment and control of new psychoactive substances (OJ L 127, 20.5.2005, p. 32)
 - 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 (OJ L 244, 16.9.1999, p. 1)
 - Council Decision 2002/188/JHA of 28 February 2002 concerning control measures and criminal sanctions in respect of the new synthetic drug PMMA (OJ L 63, 6.3.2002, p. 14)
 - 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 (OJ L 321, 6.12.2003, p. 64)

- 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 (OJ L 63, 7.3.2008, p. 45)
34. 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 (OJ L 185, 16.7.2005, p. 35)
35. Council Decision 2005/671/JHA of 20 September 2005 on the exchange of information and cooperation concerning terrorist offences (OJ L 253, 29.9.2005, p. 22)
36. 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 (OJ L 219, 10.8.2006, p. 31)
37. Council Decision 2008/615/JHA of 23 June 2008 on stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime (OJ L 210, 6.8.2008, p. 1) ⁽¹⁾
- 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 (OJ L 210, 6.8.2008, p. 12)
- Council Framework Decision 2009/905/JHA of 30 November 2009 on Accreditation of forensic service providers carrying out laboratory activities (OJ L 322, 9.12.2009, p. 14)
38. 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 (OJ L 210, 6.8.2008, p. 73)
39. Council Framework Decision 2008/841/JHA of 24 October 2008 on the fight against organised crime (OJ L 300, 11.11.2008, p. 42)
40. Council Decision 2008/852/JHA of 24 October 2008 on a contact-point network against corruption (OJ L 301, 12.11.2008, p. 38)
41. 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 (OJ L 328, 6.12.2008, p. 55)
42. 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 (OJ L 337, 16.12.2008, p. 102) ⁽²⁾
43. Council Decision 2009/902/JHA of 30 November 2009 setting up a European Crime Prevention Network (EUCPN) and repealing Decision 2001/427/JHA (OJ L 321, 8.12.2009, p. 44)
44. Agreement on mutual legal assistance between the European Union and the United States of America signed on 25 June 2003 (OJ L 181, 19.7.2003, p. 34)
- 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 (OJ L 291, 7.11.2009, p. 40)
45. Agreement on extradition between the European Union and the United States of America signed on 25 June 2003 (OJ L 181, 19.7.2003, p. 27)
- 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 (OJ L 291, 7.11.2009, p. 40)

⁽¹⁾ This act and the two acts listed together with it (the so-called 'Prüm Decisions') are subject to transitional measures as set out in Council Decision 2014/836/EU of 27 November 2014 determining certain consequential and transitional arrangements concerning the cessation of participation of the United Kingdom of Great Britain and Northern Ireland in certain acts of the Union in the field of police cooperation and judicial cooperation in criminal matters adopted before the entry into force of the Treaty of Lisbon (OJ L 343, 28.11.2014, p. 11) and to other specific measures as set out in Council Decision 2014/837/EU of 27 November 2014 determining certain direct financial consequences incurred as a result of the cessation of the participation of the United Kingdom of Great Britain and Northern Ireland in certain acts of the Union in the field of police cooperation and judicial cooperation in criminal matters adopted before the entry into force of the Treaty of Lisbon (OJ L 343, 28.11.2014, p. 17).

⁽²⁾ A statement to the minutes of the Council of 21 October 2014 has been made concerning this act whereby the United Kingdom 'commits to reconsidering in due course the merits of notifying its wish to participate in that measure. The United Kingdom will publish an assessment of the potential impacts of that measure for the purposes of such reconsideration'.

— 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 (OJ L 325, 11.12.2009, p. 4)

46. Council Framework Decision 2009/948/JHA of 30 November 2009 on prevention and settlement of conflicts of exercise of jurisdiction in criminal proceedings (OJ L 328, 15.12.2009, p. 42)

II. Schengen *acquis* in the field of police and judicial cooperation in criminal matters which cease to apply to the United Kingdom as from 1 December 2014

47. The following provisions and acts concerning the Convention of 19 June 1990 implementing the Schengen Agreement of 14 June 1985 (OJ L 239, 22.9.2000, p. 19)

— Article 27(2) and (3)

— Chapter 1 on police cooperation - Article 47(4)

— Accession Agreement Italy - Articles 2 and 4 - Declaration* on Articles 2 and 3

— Accession Agreement Spain - Articles 2 and 4 - Final Act, Part III, Declaration No 2

— Accession Agreement Portugal - Articles 2, 4, 5 and 6

— Accession Agreement Greece - Articles 2, 3, 4 and 5 - Final Act, Part III, Declaration No 2

— Accession Agreement Austria - Articles 2 and 4

— Accession Agreement Denmark - Articles 2 and 4 - Final Act, Part II, Declaration No 3

— Accession Agreement Finland - Articles 2 and 4 - Final Act, Part II, Declaration No 3

— Accession Agreement Sweden - Articles 2 and 4 - Final Act, Part II, Declaration No 3

** To the extent that it relates to Article 2*

48. Decision of the Executive Committee of 14 December 1993 on improving practical judicial cooperation for combating drug trafficking (SCH/Com-ex (93)14) (OJ L 239, 22.9.2000, p. 427)

49. Declaration of the Executive Committee of 26 June 1996 on extradition (SCH/Com-ex (96) Decl. 6 Rev. 2) (OJ L 239, 22.9.2000, p. 435)

50. Declaration of the Executive Committee of 9 February 1998 on the abduction of minors (SCH/Com-ex (97) Decl. 13 Rev. 2) (OJ L 239, 22.9.2000, p. 436)

51. Decision of the Executive Committee of 16 December 1998 on the Handbook on cross-border police cooperation (SCH/Com-ex (98)52) (OJ L 239, 22.9.2000, p. 408)

52. Decision of the Executive Committee of 28 April 1999 on the Schengen *acquis* relating to telecommunications (SCH/Com-ex (99)6) (OJ L 239, 22.9.2000, p. 409)

53. Decision of the Executive Committee of 28 April 1999 on general principles governing the payment of informers (SCH/Com-ex (99)8 Rev. 2) (OJ L 239, 22.9.2000, p. 417)

54. Decision of the Executive Committee of 28 April 1999 on the Agreement on cooperation in proceedings for road traffic offences (SCH/Com-ex (99)11 Rev. 2) (OJ L 239, 22.9.2000, p. 428)

55. 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 (OJ L 328, 5.12.2002, p. 1)

56. 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* (OJ L 67, 12.3.2003, p. 25)
 57. 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 (OJ L 67, 12.3.2003, p. 27)
 58. Council Decision 2008/173/EC of 18 February 2008 on the tests of the second generation Schengen Information System (SIS II) (OJ L 57, 1.3.2008, p. 14)
 59. 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) (OJ L 257, 30.9.2009, p. 41).
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List of Union acts adopted before the entry into force of the Lisbon Treaty in the field of police cooperation and judicial cooperation in criminal matters which have been amended by an act applicable to the United Kingdom adopted after the entry into force of the Lisbon Treaty and which therefore remain applicable to the United Kingdom as amended or replaced

(2014/C 430/04)

NOTE TO THE READER

This list has been established for transparency reasons and is published for information purposes only.

Protocol (No 36) on transitional provisions annexed to the Treaties provides in Article 10(4) that the United Kingdom may notify by 31 May 2014 at the latest that it does not to accept the full powers of the Commission and the Court of Justice with regard to acts in the field of police and judicial cooperation in criminal matters adopted before the entry into force of the Lisbon Treaty. The United Kingdom made this notification on 24 July 2013. As a consequence, the acts in question will cease to apply to the United Kingdom as from 1 December 2014.

However, in accordance with the third sentence of Article 10(4) of Protocol No 36, such acts which have been amended, i.e. by whatever drafting technique (amendment, replacement or repeal of the relevant act in whole or in part), after the entry into force of the Lisbon Treaty by an act which is applicable to the United Kingdom will not cease to apply to the United Kingdom and will therefore remain applicable to it as amended or replaced.

I. Non-Schengen *acquis* in the field of police and judicial cooperation in criminal matters which has been amended or replaced by an act applicable to the United Kingdom adopted after the entry into force of the Lisbon Treaty

1. Council Act of 29 May 2000 establishing in accordance with Article 34 of the Treaty on European Union the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union and the said Convention signed on 29 May 2000 (OJ C 197, 12.7.2000, p. 1)
 - Council Act of 16 October 2001 establishing, in accordance with Article 34 of the Treaty on European Union, the Protocol to the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union and the said Protocol signed on 16 October 2001 (OJ C 326, 21.11.2001, p. 1)

replaced, as regards corresponding provisions, by Directive 2014/41/EU of the European Parliament and of the Council of 3 April 2014 regarding the European Investigation Order in criminal matters (OJ L 130, 1.5.2014, p. 1)

2. Council Framework Decision 2001/220/JHA of 15 March 2001 on the standing of victims in criminal proceedings (OJ L 82, 22.3.2001, p. 1)

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, and replacing Council Framework Decision 2001/220/JHA (OJ L 315, 14.11.2012, p. 57)

3. Council Framework Decision 2002/629/JHA of 19 July 2002 on combating trafficking in human beings (OJ L 203, 1.8.2002, p. 1)

replaced by Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA (OJ L 101, 15.4.2011, p. 1) ⁽¹⁾

4. Council Framework Decision 2003/577/JHA of 22 July 2003 on the execution in the European Union of orders freezing property or evidence (OJ L 196, 2.8.2003, p. 45)

replaced, as regards freezing of evidence, by Directive 2014/41/EU of the European Parliament and of the Council of 3 April 2014 regarding the European Investigation Order in criminal matters (OJ L 130, 1.5.2014, p. 1)

⁽¹⁾ The United Kingdom has accepted that measure after its adoption, in accordance with Article 4 of Protocol No 21 (see Commission Decision 2011/169/EU of 14 October 2011, OJ L 271, 18.10.2012, p. 49).

5. Council Framework Decision 2004/68/JHA of 22 December 2003 on combating the sexual exploitation of children and child pornography (OJ L 13, 20.1.2004, p. 44)

replaced by Directive 2011/93/EU of the European Parliament and of the Council 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 (OJ L 335, 17.12.2011, p. 1) ⁽¹⁾

6. Council Framework Decision 2005/222/JHA of 24 February 2005 on attacks against information systems (OJ L 69, 16.3.2005, p. 67)

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 (OJ L 218, 14.8.2013, p. 8)

7. Council Decision 2005/681/JHA of 20 September 2005 establishing the European Police College (CEPOL) and repealing Decision 2000/820/JHA (OJ L 256, 1.10.2005, p. 63)

amended by Regulation (EU) No 543/2014 of the European Parliament and of the Council of 15 May 2014 amending Decision 2005/681/JHA establishing the European Police College (CEPOL) (OJ L 163, 29.5.2014, p. 5)

8. 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 (OJ L 292, 21.10.2006, p. 1)

superseded by Council Decision 2014/835/EU of 27 November 2014 on the conclusion 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 (OJ L 343, 28.11.2014, p. 1)

9. Council Decision 2007/551/CFSP/JHA of 23 July 2007 on the signing, on behalf of the European Union, of an Agreement between the European Union and the United States of America on the processing and transfer of Passenger Name Record (PNR) data by air carriers to the United States Department of Homeland Security (DHS) (2007 PNR Agreement) (OJ L 204, 4.8.2007, p. 16)

superseded by Council Decision 2012/472/EU of 26 April 2012 on the conclusion of the Agreement between the United States of America and the European Union on the use and transfer of passenger name records to the United States Department of Homeland Security (OJ L 215, 11.8.2012, p. 4)

10. Council Decision 2008/651/CFSP/JHA of 30 June 2008 on the signing, on behalf of the European Union, of an Agreement between the European Union and Australia on the processing and transfer of European Union-sourced passenger name record (PNR) data by air carriers to the Australian Customs Service (OJ L 213, 8.8.2008, p. 47)

superseded by Council Decision 2012/381/EU of 13 December 2011 on the conclusion of the Agreement between the European Union and Australia on the processing and transfer of Passenger Name Record (PNR) data by air carriers to the Australian Customs and Border Protection Service (OJ L 186, 14.7.2012, p. 3)

11. 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 (OJ L 350, 30.12.2008, p. 72)

replaced by Directive 2014/41/EU of the European Parliament and of the Council of 3 April 2014 regarding the European Investigation Order in criminal matters (OJ L 130, 1.5.2014, p. 1)

12. Council Decision 2009/935/JHA of 30 November 2009 determining the list of third States and organisations with which Europol shall conclude agreements (OJ L 325, 11.12.2009, p. 12)

amended by Council implementing Decision 2014/269/EU of 6 May 2014 amending Decision 2009/935/JHA as regards the list of third States and organisations with which Europol shall conclude agreements (OJ L 138, 13.5.2014, p. 104)

⁽¹⁾ Corrigendum in OJ L 18, 21.1.2012, p. 7.

II. Schengen *acquis* in the field of police and judicial cooperation in criminal matters which has been amended or replaced by an act adopted after the entry into force of the Lisbon Treaty applicable to the United Kingdom

13. Chapter 2 of Title III (Articles 48 to 53, on mutual assistance in criminal matters), and Article 73 of the Convention of 19 June 1990 implementing the Schengen Agreement of 14 June 1985 (OJ L 239, 22.9.2000, p. 19)

replaced, as regards corresponding provisions, by Directive 2014/41/EU of the European Parliament and of the Council of 3 April 2014 regarding the European Investigation Order in criminal matters (OJ L 130, 1.5.2014, p. 1)

14. Decision of the Executive Committee of 16 September 1998 setting up a Standing Committee on the evaluation and implementation of Schengen (SCH/Com-ex (98) 26 def.) (OJ L 239, 22.9.2000, p. 138)

replaced by Council Regulation (EU) No 1053/2013 of 7 October 2013 establishing an evaluation and monitoring mechanism to verify the application of the Schengen *acquis* and repealing the Decision of the Executive Committee of 16 September 1998 setting up a Standing Committee on the evaluation and implementation of Schengen (OJ L 295, 6.11.2013, p. 27)

15. Council Decision 2008/149/JHA 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* and the Agreement signed on 26 October 2004 (OJ L 53, 27.2.2008, p. 50)

amended by the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to 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* signed on 28 February 2008, approved by Council Decision 2011/349/EU of 7 March 2011 on the conclusion on behalf of the European Union of the said Protocol relating in particular to judicial cooperation in criminal matters and police cooperation (OJ L 160, 18.6.2011, p. 1)

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