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DG Justice, Freedom and Security**

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# **JAI-ACQUIS**

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- ◆ instruments published in 2008
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**I. ASYLUM****A. Legislative acts adopted after entry into force of the Amsterdam Treaty (1<sup>st</sup> May 1999)**

- Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status (OJ L 326 of 13 December 2005, p. 13);
- ▶ Council Decision 2004/927/EC of 22 December 2004 providing for certain areas covered by Title IV of Part Three of the Treaty establishing the European Community to be governed by the procedure laid down in Article 251 of that Treaty (OJ L 396 of 31 December 2004 p. 45);
- ❖ Decision No 573/2007/EC of the European Parliament and of the Council of 23 May 2007 establishing the European Refugee Fund for the period 2008 to 2013 as part of the General programme "Solidarity and Management of Migration Flows" and repealing Council Decision 2004/904/EC (OJ L 144 of 6 June 2007, p. 1)<sup>1</sup>;
- ❖ Commission Decision (2007/599/EC) of 29 November 2007 implementing decision No 573/2007/EC of the European Parliament and the Council as regards the adoption of the strategic guidelines 2008 to 2013 (OJ L326, 12 December 2007, p.29);
  - ❖ Commission Decision of 19 December 2007 laying down rules for the implementation of Decision No 573/2007/EC of the European Parliament and of the Council of 23 May 2007 establishing the European Refugee Fund for the period 2008 to 2013 as part of the General programme "Solidarity and Management of Migration Flows" as regards Member States' management and control systems, the rules for administrative and financial management and the eligibility of expenditure on projects co-financed by the Fund<sup>2</sup> (OJ L 7 of 10 January 2008, p. 1);
- Regulation (EC) No 1905/2006 of the European Parliament and of the Council of 18 December 2006 establishing a financing instrument for development cooperation (OJ L 378 of 27 December 2006, p. 41) – Thematic Programme on cooperation with third countries in the areas of migration and asylum (Article 16);
- ▶ Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted (OJ L 304 of 30 September 2004, p. 12);
- Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national (OJ L 50 of 25 of February 2003, p.1);
  - Commission Regulation (EC) No 1560/2003 of 2 September 2003 laying down detailed rules for the application of Council Regulation (EC) No 343/2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national (OJ L 222 of 5 September 2003, p. 1);
- Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers (OJ L 31 of 6 February 2003, p. 18);
- o Council Decision 2002/817/EC of 23 September 2002 on the conclusion of the Convention between the European Community and the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) concerning aid to refugees in the countries in the Near East (2002 to 2005) (OJ L 281 of 19 October 2002, p. 10);

<sup>1</sup> See also "ERF I" Decision: Council Decision 2000/596/EC of 28 September 2000 establishing a European Refugee Fund (OJ L 252 of 6 October 2000, p.12) and Commission Decision 2002/307/EC of 18 December 2001 laying down detailed rules for the implementation of Council Decision 2000/596/EC as regards management and control systems and procedures for making financial corrections in the context of actions co-financed by the European Refugee Fund (notified under document number C(2001) 4372) ( OJ L 106 of 23 April 2002, p. 11). See also "ERF II": Council Decision 2004/904/EC of 2 December 2004 establishing the European Refugee Fund for the period 2005 to 2010 (OJ L 381 of 28 December 2004 p. 52) and Commission Decision 2006/399/EC of 20 January 2006 laying down detailed rules for the implementation of Council Decision 2004/904/EC as regards the eligibility of expenditure within the framework of actions co-financed by the European Refugee Fund implemented in the Member States<sup>1</sup> (OJ L 162 of 14 June 2006, p. 1), Commission Decision 2006/400/EC of 20 January 2006 laying down detailed rules for the implementation of Council Decision 2004/904/EC as regards procedures for making financial corrections in the context of actions co-financed by the European Refugee Fund<sup>1</sup> (OJ L 162 of 14 June 2006, p. 11) and Commission Decision 2006/401/EC of 20 January 2006 laying down detailed rules for the implementation of Council Decision 2004/904/EC as regards Member States management and control systems, and rules for the administrative and financial management of projects co-financed by the European Refugee Fund<sup>1</sup>, (OJ L 162 of 14 June 2006, p. 20).

<sup>2</sup> Notified under document number C(2007)6396.

- o Council Decision 2002/223/EC of 19 December 2001 on the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) concerning additional funding in 2001 under the current EC-UNRWA Convention for the years 1999 to 2001 (OJ L 075 of 16 March 2002, p. 46);
- Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof (OJ L 212 of 7 August 2001, p. 12);
- Council Regulation (EC) No 2725/2000 of 11 December 2000 concerning the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of the Dublin Convention (OJ L 316 of 15 December 2000, p. 1);
  - o Council Regulation (EC) No 407/2002 of 28 February 2002 laying down certain rules to implement Regulation (EC) No 2725/2000 concerning the establishment of "Eurodac" for the comparison of fingerprints for the effective application of the Dublin Convention (OJ L 62 of 5 March 2002, p. 1);
- Regulation (EC) No 1987/2006 of the European Parliament and of the Council of 20 December 2006 on the establishment, operation and use of the second generation Schengen Information System (SIS II) (OJ L 381 of 28 December 2006, p. 4)<sup>3</sup>;
- Regulation (EC) No 1986/2006 of the European Parliament and of the Council of 20 December 2006 regarding access to the Second Generation Schengen Information System (SIS II) by the services in the Member States responsible for issuing vehicle registration certificates (OJ L 381 of 28 December 2006, p. 1)<sup>4</sup>;
- ❖ Regulation (EC) No 862/2007 of the European Parliament and of the Council of 11 July 2007 on Community statistics on migration and international protection and repealing Council Regulation (EEC) No 311/76 on the compilation of statistics on foreign workers (OJ L 199 of 31 July 2007, p. 23)<sup>5</sup>.

## B. International Agreements

- ◆ Council Decision 2008/147/EC of 28 January 2008 on the conclusion on behalf of the European Community of the Agreement between the European Community and the Swiss Confederation, concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in Switzerland (OJ L 53 of 27 February 2008, p. 3);
  - ◆ Agreement between the European Community and the Swiss Confederation, concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in Switzerland (OJ L 53 of 27 February 2008, p. 5);
- Council Decision of 21 February 2006 on the conclusion of an Agreement between the European Community and the Kingdom of Denmark extending to Denmark the provisions of Council Regulation (EC) No 343/2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national and Council Regulation (EC) No 2725/2000 concerning the establishment of "Eurodac" for the comparison of fingerprints for the effective application of the Dublin Convention (OJ L 66 of 8 March 2006, p. 37);
  - Agreement between the European Community and the Kingdom of Denmark extending to Denmark the provisions of Council Regulation (EC) No 343/2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national and Council Regulation (EC) No 2725/2000 concerning the establishment of "Eurodac" for the comparison of fingerprints for the effective application of the Dublin Convention, 21 February 2006 (OJ L 66 of 8 March 2006, p. 38)<sup>6</sup>;
- Council Decision of 21 February 2006 on the conclusion of a Protocol to the Agreement between the European Community and the Republic of Iceland and the Kingdom of Norway, concerning the criteria and mechanisms for

<sup>3</sup> This instrument is also mentioned under the section on "Schengen (horizontal issues / SIS)".

<sup>4</sup> This instrument is also mentioned under the section on "Schengen (horizontal issues / SIS)".

<sup>5</sup> This instrument is also mentioned under the section on "immigration".

<sup>6</sup> Information concerning the entry into force of the Agreement between the European Community and the Kingdom of Denmark extending to Denmark the provisions of Council Regulation (EC) No 343/2003 and Council Regulation (EC) No 2725/2000 concerning the establishment of Eurodac (OJ L 96 of 5 April 2006, p. 9).

establishing the State responsible for examining a request for asylum lodged in a Member State or in Iceland or Norway (OJ L 57 of 28 February 2006, p. 15);

- Protocol to the Agreement between the European Community and the Republic of Iceland and the Kingdom of Norway, concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in Iceland or Norway (OJ L 57 of 28 February 2006, p. 16);
- Council Decision 2001/258 of 15 March 2001 concerning the conclusion of an Agreement between the European Community and the Republic of Iceland and the Kingdom of Norway concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or Iceland or Norway (OJ L 93 of 3 April 2001, p. 38);
  - Agreement between the European Community and the Republic of Iceland and the Kingdom of Norway concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in Iceland or Norway (OJ L 93 of 3 April 2001, p. 40).

*Indicative list of agreements, conventions and protocols to which the new Member States must indirectly accede<sup>7</sup>*

- Convention relating to the Status of Refugees (Geneva, 28 July 1951)<sup>8</sup>;
- Protocol relating to the Status of Refugees (New-York, 31 January 1967).

**C. Other acts adopted before entry into force of the Amsterdam Treaty (1<sup>st</sup> May 1999)<sup>9</sup>**

- Council Resolution 97/C 221/03 of 26 June 1997 on unaccompanied minors who are nationals of third countries (OJ C 221 of 19 July 1997, p. 23);
- Council Decision (97/420/JHA) of 26 June 1997 on monitoring the implementation of instruments adopted concerning asylum (OJ L 178 of 7 July 1997, p. 6);
- Joint Position (96/196/JHA) of 4 March 1996 defined by the Council on the basis of Article K.3 of the Treaty on European Union on the harmonized application of the definition of the term 'refugee' in Article 1 of the Geneva Convention of 28 July 1951 relating to the status of refugees (OJ L 63 of 13 of March 1996, p. 2);
- Council Decision (96/198/JHA) of 4 March 1996 on an alert and emergency procedure for burden-sharing with regard to the admission and residence of displaced persons on a temporary basis (OJ L 063 of 13 of March 1996, p. 10);
- Council Decision of 23 November 1995 on publication in the Official Journal of the European Communities of acts and other texts adopted by the Council in the field of asylum and immigration (OJ C 274 of 19 of September 1996, p. 1);
- Council Resolution of 25 September 1995 on burden-sharing with regard to the admission and residence of displaced persons on a temporary basis (OJ C 262 of 7 October 1995, p. 1);
- Council Resolution of 20 June 1995 on minimum guarantees for asylum procedures (OJ L 274 of 19 September 1996, p. 13);
- Resolution adopted 30 November 1992 on a harmonised approach to questions concerning host third countries: Document WG I 1283;
- Resolution adopted 30 November 1992 on manifestly unfounded applications for asylum: Document WG I 1282 REV 1;
- Conclusions adopted the 30 November 1992 concerning countries in which there is generally no serious risk of persecutions: Document WG I 1281.

<sup>7</sup> This list contains Conventions for which the obligation to accede is not explicit, but results from the binding force of the EU Treaty itself or of secondary legislation, from Council Conclusions or from Article 10 TEC.

<sup>8</sup> Mentioned in the Treaty. Furthermore linked to the *acquis inter alia* through the Dublin and the Eurodac Regulations.

<sup>9</sup> Relevant insofar as the later legislation has not replaced them.

## II. EXTERNAL BORDERS

### A. Conventions to which accession is obligatory

None

### B. Joint Actions, Joint Positions (Maastricht Treaty); Common Positions, Framework Decisions and Decisions (Amsterdam Treaty) Instruments adopted under the TEC

- Joint Action 96/197/JHA of 4 March 1996 adopted by the Council on the basis of Article K.3 of the Treaty on European Union on airport transit arrangements (OJ L 063 of 13 March 1996, p. 8)<sup>10</sup>;
- Joint Position 96/622/JHA of 25 October 1996 defined by the Council on the basis of Article K.3 (2) (a) of the Treaty on European Union, on pre-frontier assistance and training assignments (OJ L 281 of 31 October 1996, p. 1);
- Joint Action 98/700/JHA of 3 December 1998 adopted by the Council on the basis of Article K.3 of the Treaty on European Union concerning the setting up of a European Image Archiving System (FADO - False and Authentic Documents) (OJ L 333 of 9 December 1998, p. 4);
- Council Decision 2000/261/JHA of 27 March 2000 on the improved exchange of information to combat counterfeit travel documents (OJ L 81 of 1 April 2000, p.1);
  - ▶ Commission Decision C(2004)248 of 5 February 2004 on the management and monitoring of the Schengen Facility;
  - ▶ Council Directive 2004/82/EC of 29 April on the obligation of carriers to communicate passenger data (OJ L 261 of 6 August 2004, p. 24)<sup>11</sup>;
  - ▶ Council Regulation (EC) No 2007/2004 of 26 October 2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (OJ L 349 of 25 November 2004, p. 1);
    - ❖ Regulation (EC) No 863/2007 of the European Parliament and of the Council of 11 July 2007 establishing a mechanism for the creation of Rapid Border Intervention Teams and amending Council Regulation (EC) No 2007/2004 as regards that mechanism and regulating the tasks and powers of guest officers (OJ L 199 of 31 July 2007, p. 30);
      - Council Decision (2005/358/EC) of 26 April 2005 designating the seat of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union, (OJ L 114 of 4 May 2005, p. 13);
  - ❖ Council Decision 2007/511/EC of 15 February on the conclusion, on behalf of the Community, and on the provisional application of the Arrangement between the European Community and the Republic of Iceland and the Kingdom of Norway on the modalities of the participation by those States in the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (OJ L 188 of 20 July 2007, p. 15);
  - ❖ Council Decision 2007/512/EC of 15 February on the signing, on behalf of the Community, and on the provisional application of the Arrangement between the European Community and the Republic of Iceland and the Kingdom of Norway on the modalities of the participation by those States in the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (OJ L 188 of 20 July 2007, p. 17);
    - ❖ Arrangement between the European Community and the Republic of Iceland and the Kingdom of Norway on the modalities of the participation by those States in the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (OJ L 188 of 20 July 2007, p. 19);
  - ▶ Council Regulation (EC) No 2252/2004 of 13 December 2004 on standards for security features and biometrics in passports and travel documents issued by Member States (OJ L 385 of 29 December 2004, p. 1);

<sup>10</sup> In relation between the Schengen States, Annex 3 of the Common Consular Instructions applies instead of this Joint Action.

<sup>11</sup> This instrument is also mentioned under the section on "Fight against illegal migration and return".

- Commission Decision of 28 February 2005 laying down the technical specifications on the standards for security features and biometrics in passports and travel documents issued by Member States (C(2005) 409 final);
- Commission decision of 28 June 2006 laying down the technical specifications on the standards for security features and biometrics in passports and travel documents issued by Member States (C (2006) 2909);
- Regulation (EC) N° 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across the borders (Schengen Borders Code) (OJ L 105 of 13 April 2006, p. 1)<sup>12</sup>;
- ◆ Regulation (EC) No 296/2008 of the European Parliament and of the Council of 11 March 2008 amending Regulation (EC) No 562/2006 establishing a Community Code on rules governing the movement of persons across borders (Schengen Borders Code), as regards the implementing powers conferred on the Commission (OJ L 97 of 9 April 2008, p. 60);
- Commission Recommendation of 6 November 2006 establishing a common "Practical Handbook for Border Guards (Schengen Handbook)" to be used by Member States' competent authorities when carrying out the border control of persons (C(2006) 5186 final);
- ◆ Commission Recommendation of 25 June 2008 amending the Recommendation establishing a common "Practical Handbook for Border Guards (Schengen Handbook)" to be used by Member States' competent authorities when carrying out the border control of persons (C (2006) 5186 final) (C (2008) 2976 final);
- Regulation (EC) No 1931/2006 of the European Parliament and of the Council of 20 December 2006 laying down rules on local border traffic at the external land borders of the Member States and amending the provisions of the Schengen Convention (OJ L 405 of 30 December 2006, p. 1. Corrigenda published in OJ L 29 of 3 February 2007, p. 3);
- ❖ Decision No 574/2007/EC of the European Parliament and of the Council of 23 May 2007 establishing the External Borders Fund for the period 2007 to 2013 as part of the General programme "Solidarity and Management of Migration Flows" (OJ L 144 of 6 June 2007, p. 22);
- ❖ Commission Decision (2007/599/EC) of 27 August 2007 implementing Decision No 574/2007/EC of the European Parliament and of the Council as regards the adoption of strategic guidelines for 2007 to 2013 (OJ L 233 of 6 September 2007, p. 3);
- ◆ Commission Decision (2008/456/EC) of 5 March 2008 laying down the rules for the implementation of Decision No 574/2007/EC of the European Parliament and of the Council of 23 May 2007 establishing the External Borders Fund for the period 2007 to 2013 as part of the General programme "Solidarity and Management of Migration Flows" as regards Member States' management and control systems, the rules for administrative and financial management and the eligibility of expenditure on projects co-financed by the Fund (notified under number C(2008) 789 final, OJ L 167 of 27 June 2008, p. 1).

## C. Other European Union Instruments and documents

- Council Recommendation 98/C 189/02 of 28 May 1998 on the provision of forgery detection equipment at ports of entry to the European Union (OJ C 189 of 17 June 1998, p. 19);
- Resolution 2000/C 310/01 of the representatives of the governments of the Member States, meeting within the Council of 17 October 2000 supplementing the Resolutions of 23 June 1981, 30 June 1982, 14 July 1986 and 10 July 1995 as regards the security characteristics of passports and other travel documents (OJ C 310 of 28 October 2000, p. 1).

<sup>12</sup> Regulation (EC) No 562/2006 repealed from the date of its entry into force (a) the Common Manual (OJ C313 of 16 December 2002, p. 97), including its annexes; (b) the decisions of the Schengen Executive Committee of 26 April 1994 (SCH/Com-ex (94) 1, rev 2), 22 December 1994 (SCH/Com-ex (94)17, rev. 4) and 20 December 1995 (SCH/Com-ex (95) 20, rev. 2); (c) Annex 7 to the Common Consular Instructions; (d) Council Regulation (EC) No 790/2001 of 24 April 2001 reserving to the Council implementing powers with regard to certain detailed provisions and practical procedures for carrying out border checks and surveillance (OJ L 116 of 26 April 2001, p. 5), modified by Decision 2004/927/CE OJ L 396 of 31 December 2004, p. 45); (e) Council Decision 2004/581/EC of 29 April 2004 determining the minimum indications to be used on signs at external border crossing points (OJ L 261 of 6 August 2004, p. 119); (f) Council Decision 2004/574/EC of 29 April 2004 amending the Common Manual (OJ L 261 of 6 August 2004, p. 36); (g) Council Regulation (EC) No 2133/2004 of 13 December 2004 on the requirement for the competent authorities of the Member States to stamp systematically the travel documents of third country nationals when they cross the external borders of the Member States and amending the provisions of the Convention implementing the Schengen agreement and the Common Manual to this end (OJ L 369 of 16 December 2004, p. 5).

**III. VISA****A. Conventions to which accession is obligatory**

None

**B. Joint Actions, Joint Positions (Maastricht Treaty);  
Common Positions, Framework Decisions and Decisions (Amsterdam Treaty)  
Instruments adopted under the TEC<sup>13</sup>**

- Council Regulation (EC) No 1683/95 of 29 May 1995 laying down a uniform format for visas (OJ L 164, of 14 July 1995, p. 1);
  - o Council Regulation (EC) No 334/2002 of 18 February 2002 amending Regulation (EC) No 1683/95 laying down a uniform format for visas (OJ L 53 of 23 February 2002, p. 7);
  - o Commission Decision of 7 February 1996 and Commission Decision of 3 June 2002 laying down further technical specifications for the uniform format for visas (not published);
  - ◆ Council Regulation (EC) No 856/2008 of 24 July 2008 amending Regulation (EC) No 1683/95 of 29 May 1995 laying down a uniform format for visas (OJ L 235 of 2 September 2008, p. 1);
- Council Regulation (EC) NO 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (OJ L 81 of 21 March 2001, p. 1);
  - Council Regulation (EC) No 2414/2001 of 7 December 2001 amending Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders of Member States and those whose nationals are exempt from that requirement (OJ L 327 of 12 December 2001, p. 1);
  - Council Regulation (EC) No 453/2003 of 6 March 2003 amending Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (OJ L 69 of 6 March 2003, p. 10)<sup>14</sup>;
  - Council Regulation (EC) No 851/2005 of 2 June 2005 amending Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement as regards the reciprocity mechanism (OJ L 141 of 4 June 2005, p. 3)<sup>15</sup>;
  - Statement on Council Regulation (EC), No 851/2005 of 2 June 2005 amending Regulation (EC) No 539/2001 as regards the reciprocity mechanism (OJ L 185 of 16 July 2005, p. 1);
  - Council Regulation (EC) No 1932/2006 of 21 December 2006 amending Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those

<sup>13</sup> See also, for information purpose, Council Regulation (EC) No 1295/2003 of 15 July 2003 relating to measures envisaged to facilitate the procedures for applying for and issuing visas for members of the Olympic family taking part in the 2004 Olympic or Paralympic Games in Athens (OJ L 183 of 20 July 2003, p. 1) and Regulation (EC) No 2046/2005 of the European Parliament and of the Council of 14 December 2005 relating to measures envisaged to facilitate the procedures for applying for and issuing visas for members of the Olympic family taking part in the 2006 Olympic and/or Paralympic Winter Games in Turin (OJ L 334 of 20 December 2005, p. 1).

<sup>14</sup> See also Communication from the Commission pursuant to Council Regulation (EC) No 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement as amended by Regulation (EC) No 2414/2001 of 7 December 2001 (OJ C 68 of 21 March 2003, p.1).

<sup>15</sup> See related notifications: notification by the Czech Republic concerning visa reciprocity (OJ C 163 of 5 July 2005, p. 1); notifications concerning visa reciprocity by the Slovak Republic, Estonia, Latvia, Lithuania, Greece, Germany, Czech Republic, Poland, Slovenia, Portugal, Cyprus, Malta, Hungary, Italy and Finland (OJ C 251 of 11 October 2005, p. 1); notification by Denmark concerning visa reciprocity (OJ C 277 of 10 November 2005, p. 1); notification by Sweden concerning visa reciprocity (OJ C 277 of 10 November 2005, p. 1); notification by the Republic of Austria concerning visa reciprocity (OJ C 277 of 10 November 2005, p. 2); notification by Iceland concerning visa reciprocity (OJ C 310 of 8 December 2005, p. 1); notification by the Slovak Republic concerning visa reciprocity (OJ C 327 of 23 December 2005, p. 1); notification by the Republic of Estonia concerning visa reciprocity (OJ C 327 of 23 December 2005, p. 2); notification by Estonia concerning visa reciprocity (OJ C 27 of 3 February 2006, p. 1); notification by Bulgaria concerning visa reciprocity (OJ C 75 of 3 April 2007, p. 5); notification by Romania concerning visa reciprocity (OJ C 75 of 3 April 2007, p. 6); notification by Romania concerning visa reciprocity (OJ C 19 of 25 January 2008, p. 1); notification by Bulgaria concerning visa reciprocity (OJ C 62 of 7 March 2008, p. 2); notification by Romania concerning visa reciprocity (OJ C 161 of 25 June 2008, p. 2); notification by Romania concerning visa reciprocity (OJ C 161 of 25 June 2008, p. 3).



whose nationals are exempt from that requirement (OJ L 405 of 30 December 2006, p. 23. Corrigendum OJ L 29 of 3 February 2007, p. 10);

- Council Regulation (EC) No 789/2001 of 24 April 2001 reserving to the Council implementing powers with regard to certain detailed provisions and practical procedures for examining visa applications (OJ L 116 of 26 April 2001, p. 2);
- Council Decision (2003/330/EC) of 19 December 2002 on declassifying the Schengen consultation network (technical specifications) (OJ L 116 of 13 May 2003, p. 22);
- ❖ Council Decision 2007/519/EC of 16 July 2007 amending Part 2 of the Schengen consultation network (technical specifications) (OJ L 192 of 24 July 2007, p. 26);
- ❖ Council Decision (2007/866/EC) of 6 December 2007 amending Part I of the Schengen consultation network (technical specifications) (OJ L 340 of 22 December 2007, p. 92);
- Council Regulation (EC) No 1091/2001 of 28 May 2001 on freedom of movement with a long-stay visa (OJ L 150 of 6 June 2001, p. 4);
- o Common Consular Instructions on visas for the diplomatic missions and consular posts (OJ C 313 of 16 December 2002, p. 1 and OJ C 326 of 22 December 2005, p. 1)<sup>16</sup>;
  - Council Decision 2003/454/EC of 13 June 2003 amending Annex 12 of the Common Consular Instructions and Annex 14a of the Common Manual on visa fees (OJ L 152 of 20 June 2003, p. 82);
  - Council Decision 2003/585/EC of 28 July 2003 amending Annex 2, Schedule A, of the Common Consular Instructions and Annex 5, Schedule A, of the Common Manual on the visa requirements for holders of Pakistani diplomatic passports (OJ L 198 of 6 August 2003, p. 13);
  - Council Decision 2003/586/EC of 28 July 2003 on the amendment of Annex 3, Part I, of the Common Consular Instructions and Annex 5a, Part I, of the Common Manual on third country nationals subject to airport visa requirements (OJ L 198 of 6 August 2003, p. 15);
  - ▶ Council Decision 2004/14 of 22 December 2003 amending the third subparagraph (Basic criteria for examining applications) of Part V of the Common Consular Instructions 22.12.2003 (OJ L 5 of 9 January 2004, p. 74);
  - ▶ Council Decision 2004/15 of 22 December 2003 amending point 1.2 of Part II of the Common Consular Instructions and drawing up a new Annex thereto (OJ L 5 of 9 January 2004, p. 76);
  - ▶ Council Decision 2004/16 of 22 December 2003 on downgrading Annex 5 to the Common Consular Instructions and the corresponding Annex 14b to the Common Manual and on declassifying Annexes 9 and 10 to the Common Consular Instructions and the corresponding Annexes 6b and 6c to the Common Manual (OJ L 5 of 9 January 2004, p. 78);
  - ▶ Council Decision 2004/17 of 22 December 2003 amending Part V, point 1.4, of the Common Consular Instructions and Part I, point 4.1.2 of the Common Manual as regards inclusion of the requirement to be in possession of travel medical insurance as one of the supporting documents for the grant of a uniform entry visa (OJ L 5 of 9 January 2004, p. 79);
  - Council Decision 2006/440/EC of 1 June 2006 amending Annex 12 to the Common Consular Instructions and Annex 14a to the Common Manual on the fees to be charged corresponding to the administrative costs of processing visa applications (OJ L 175 of 29 June 2006, p. 77);

<sup>16</sup> Publication of the Common Consular Instructions as adopted by the Executive Committee established by the Convention implementing the Schengen Agreement including subsequent modifications (Council Decision 2001/329/EC of 24 April 2001 updating part VI and Annexes 3, 6 and 13 of the Common Consular Instructions and Annexes 5(a), 6(a) and 8 to the Common Manual (OJ L 116 of 26 April 2001, p. 32); Council Decision 2001/420/EC of 28 May 2001 on the adaptation of Parts V and VI and Annex 13 of the Common Consular Instructions on Visas and Annex 6a to the Common Manual with regard to long-stay visas valid concurrently as short-stay visas, (OJ L 150 of 6 June 2001, p. 47); Council Decision 2002/44/EC of 20 December 2001 amending Part VII and Annex 12 to the Common Consular Instructions and Annex 14a to the Common Manual (OJ L 20 of 23 January 2002, p. 5); Council Decision 2002/354/EC of 25 April 2002 on the adaptation of Part III of, and the creation of an Annex 16 to, the Common Consular Instructions (OJ L 123 of 9 May 2002, p. 50); Council Decision 2002/585/EC of 12 July 2002 on the adaptation of parts III and VIII of the common consular instructions, (OJ L 187 of 16 July 2002, p. 44); Council Decision 2002/586/EC of 12 July 2002 on the amendment of part VI of the common consular instructions (OJ L 187 of 16 July 2002, p. 48). A proposal for a Regulation of the European Parliament and of the Council amending the Common Consular Instructions on visas for diplomatic missions and consular posts in relation to the introduction of biometrics including provisions on the organisation of the reception and processing of visa applications was presented by the Commission on 31 May 2006 (COM(2006)269 final).

- Council Decision (2006/684/EC) of 5 October 2006 amending Annex 2, Schedule A, to the Common Consular Instructions on the visa requirements for holders of Indonesian diplomatic and service passports (OJ L 208 of 12 October 2006, p. 29);
- ◆ Council Decision (2008/374/EC) of 29 April 2008 amending Annex 3, Part I, to the Common Consular Instructions on third-country nationals subject to airport visa requirements (OJ L 129 of 17 May 2008, p. 46);
- o Council Regulation (EC) No 333/2002 of 18 February 2002 on a uniform format for forms for affixing the visa issued by Member States to persons holding travel documents not recognised by the Member State drawing up the form (OJ L 53 of 23 February 2002, p. 4);
  - o Commission Decision of 12 August 2002 laying down the technical specifications for the uniform format for affixing the visa issued by Member States to persons holding travel documents not recognised by the Member State drawing up the form (not published);
- o Council Regulation No 1030/2002/EC of 13 June 2002 laying down a uniform format for residence permits for third-country nationals (OJ L 157 of 15 June 2002, p. 1) and Commission Decision of 14 August 2002 laying down the technical specifications for the uniform format for residence permits for third country nationals (not published);
  - ◆ Council Regulation (EC) No 380/2008 of 18 April 2008 amending Regulation (EC) No 1030/2002 laying down a uniform format for residence permits for third-country nationals (OJ L 115 of 29 April 2008, p. 1);
- Council Regulation (EC) No 415/2003 of 27 February 2003 on the issue of visas at the border, including the issue of such visas to seamen in transit (OJ L 64 of 7 March 2003, p. 1);
- Council Regulation 693/2003/EC of 14 April 2003 establishing a specific Facilitated Transit Document (FTD), a Facilitated Rail Transit Document (FRTD) and amending the Common Consular Instructions and the Common Manual (OJ L 99 of 17 April 2003, p. 8);
- Council Regulation No 694/2003 of 14 April 2003 on uniform formats for Facilitated Transit Documents (FTD and Facilitated Rail Transit Documents (FRTD) provided for in Regulation (EC) No 693/2003 (OJ L 99 of 17 April 2003, p. 15);
- ▶ Council Decision 2004/512/EC of 8 June 2004 establishing the Visa Information System (VIS) (OJ L 213 of 15 June 2004, p. 5)<sup>17</sup>;
  - Corrigendum to Council Decision 2004/512/EC of 8 June 2004 establishing the Visa Information System (VIS) (OJ L 271 of 30 September 2006, p. 85);
  - Commission Decision (2006/648/EC) of 22 September 2006 laying down the technical specifications on the standards for biometric features related to the development of the Visa Information System, (OJ L 267 of 27 September 2006, p. 41);
  - Commission Decision (2006/752/EC) of 3 November 2006 establishing the sites for the Visa Information System during the development phase (OJ L 305 of 4 November 2006, p. 13);
  - ◆ Commission Decision 2008/602/EC of 17 June 2008 laying down the physical architecture and requirements of the national interfaces and of the communication infrastructure between the central VIS and the national interfaces for the development phase (OJ L 194 of 23 July 2008, p. 3);
  - ◆ Commission Decision of 17 June 2008 laying down the physical architecture and requirements of the national interfaces and of the communication infrastructure between the central VIS and the national interfaces for the development phase (*notified under document number C(2008) 2693*) (OJ L 194 of 23 July 2008, p. 3)
  - ◆ Regulation (EC) No 767/2008 of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (VIS Regulation) (OJ L 218 of 13 August 2008, p. 60);
  - ◆ Council Decision 2008/633/JHA of 23 June 2008 concerning access for consultation of the Visa Information System (VIS) by designated authorities of Member States and by Europol for the purposes of the prevention, detection and investigation of terrorist offences and of other serious criminal offences (OJ L 218 of 13 August 2008, p. 129)
  - Council Decision 2005/367/CE of 14 April 2005 authorising Member States to ratify in the interests of the Community the Seafarer's Identity Document Convention of the International Labour Organisation (Convention 185) (OJ L 136 of 30 May 2005, p. 1);

<sup>17</sup> Corrigendum OJ L 271 of 30 September 2006, p. 85.

- Decision No 895/2006/EC of the European Parliament and of the Council of 14 June 2006 introducing a simplified regime for the control of persons at the external borders based on unilateral recognition by the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia of certain documents as equivalent to their national visas for the purposes of transit through their territories (OJ L 167 of 20 June 2006, p. 1)<sup>18</sup>;
- Decision No 896/2006/EC of the European Parliament and of the Council of 14 June 2006 establishing a simplified regime for the control of persons at the external borders based on the unilateral recognition by the Member States of certain residence permits issued by Switzerland and Liechtenstein for the purpose of transit through their territory (OJ L 167 of 20 June 2006, p. 8)<sup>19</sup>;
  - ◆ Decision No 586/2008 of the European Parliament and of the Council of 17 June 2008 amending Decision No 896/2006/EC establishing a simplified regime for the control of persons at the external borders based on the unilateral recognition by the Member States of certain residence permits issued by Switzerland and Liechtenstein for the purpose of transit through their territory (OJ L 162 of 21 June 2008, p. 27);
  - ◆ Decision No 582/2008 of the European Parliament and of the Council of 17 June 2008 introducing a simplified regime for the control of persons at the external borders based on the unilateral recognition by Bulgaria, Cyprus and Romania of certain documents as equivalent to their national visas for the purposes of transit through their territories (OJ L 161 of 20 June 2008, p. 30);
- ❖ Council Decision 2007/340/EC of 19 April 2007 on the conclusion of the Agreement between the European Community and the Russian Federation on the facilitation of the issuance of visas to the citizens of the European Union and the Russian Federation (OJ L 129 of 17 May 2007, p. 25);
- ❖ Council Decision 2007/821/EC of 8 November 2007 on the conclusion of the Agreement between the European Community and the Republic of Albania on the facilitation of the issuance of visas (OJ L 334 of 19 December 2007, p. 84);
- ❖ Council Decision 2007/822/EC of 8 November 2007 on the conclusion of the Agreement between the European Community and Bosnia and Herzegovina on the facilitation of the issuance of visas (OJ L 334 of 19 December 2007, p. 96);
- ❖ Council Decision 2007/823/EC of 8 November 2007 on the conclusion of the Agreement between the European Community and the Republic of Montenegro on the facilitation of the issuance of visas (OJ L 334 of 19 December 2007, p. 108);
- ❖ Council Decision 2007/824/EC of 8 November 2007 on the conclusion of the Agreement between the European Community and the Former Republic of Macedonia on the facilitation of the issuance of visas (OJ L 334 of 19 December 2007, p. 120);
- ❖ Council Decision 2007/825/EC of 8 November 2007 on the conclusion of the Agreement between the European Community and the Republic of Serbia on the facilitation of the issuance of visas (OJ L 334 of 19 December 2007, p. 136);
- ❖ Council Decision 2007/826/EC of 8 November 2007 on the conclusion of the Agreement between the European Community and the Republic of Moldova on the facilitation of the issuance of visas (OJ L 334 of 19 December 2007, p. 168);
- ❖ Council Decision 2007/840/EC of 29 November 2007 on the conclusion of the Agreement between the European Community and Ukraine on the facilitation of the issuance of visas (OJ L 332 of 18 December 2007, p. 66).

### C. Other European Union Instruments and documents

- Council Recommendation 96/C 80/01 of 4 March 1996 relating to local consular cooperation regarding visas (OJ C 80 of 18 March 1996, p. 1);
- Council Recommendation 1999/C 140/01 of 29 April 1999 on the provisions for the detection of falsified documents in the visa departments of representations abroad and in the offices of domestic authorities dealing with the issue or extension of visas (OJ C 140 of 20 May 1999, p. 1);

<sup>18</sup> Also relevant for visas.

<sup>19</sup> Also relevant for visas.

- Council Decision (2004/265/EC) of 8 March concerning the conclusion of the Memorandum of Understanding between the European Community and the National Tourism Administration of the People's Republic of China (ADS) (OJ L 83 of 30 March 2004, p. 12);
- ▶ Commission Recommendation 2004/645/EC of 16 September 2004 on the implementation by the consular offices of the Member States of the Memorandum of Understanding between the European Community and the National Tourism Administration of the People's Republic of China on visa and related issues concerning tourist groups from the People's Republic of China (ADS) (notified under document number C(2004) 2886) (OJ L 296 of 21 September 2004, p. 23);
- Recommendation of the European Parliament and of the Council 2005/761/EC of 28 September 2005 to facilitate the issue by the Member States of uniform short-stay visas for researchers from third countries travelling within the Community for the purpose of carrying out scientific research (OJ L 289 of 3 November 2005, p. 23);
- Council Recommendation (2005/762/EC) of 12 October 2005 to facilitate the admission of third-country nationals to carry out scientific research in the European Community (OJ L 289 of 3 November 2005, p. 26).

## IV. IMMIGRATION

### ADMISSION

#### A. Legislative acts adopted after entry into force of the Amsterdam Treaty (1<sup>st</sup> May 1999)

- ❖ Regulation (EC) No 862/2007 of the European Parliament and of the Council of 11 July 2007 on Community statistics on migration and international protection and repealing Council Regulation (EEC) No 311/76 on the compilation of statistics on foreign workers (OJ L 199 of 31 July 2007, p. 23)<sup>20</sup>;
- ❖ Regulation (EC) No 1905/2006 of the European Parliament and of the Council of 18 December 2006 establishing a financing instrument for development cooperation (OJ L 378 of 27 December 2006) – Thematic Programme on cooperation with third countries in the areas of migration and asylum (Article 16);
- Council Decision 2006/688/EC of 5 October 2006 on the establishment of a mutual information mechanism concerning Member States' measures in the areas of asylum and immigration (OJ L 283 of 14 October 2006, p. 40);
- Council Directive 2005/71/EC of 12 October 2005 on a specific procedure for admitting third-country nationals for the purposes of scientific research (OJ L 289 of 3 November 2005, p. 15);
- ▶ Council Decision 2004/927/EC of 22 December 2004 providing for certain areas covered by Title IV of Part Three of the Treaty establishing the European Community to be governed by the procedure laid down in Article 251 of that Treaty (OJ L 396 of 31 December 2004, p. 45);
- ▶ Council Directive 2004/114/EC of 13 December 2004 on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service (OJ L 375 of 23 December 2004, p. 12);
- ▶ Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC (Text with EEA relevance) (OJ L 158 of 30 April 2004, p. 77)<sup>21</sup>;
- Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long term residents (OJ L 16 of 23 of January 2004, p. 44);
- Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification (OJ L 251 of 3 October 2003, p. 12);
- o Council Regulation (EC) No 1030/2002 of 13 June 2002 laying down a uniform format for residence permits for third-country nationals (OJ L 157 of 15 June 2002, p. 1);
  - ◆ Council Decision 2008/381/EC of 14 May 2008 establishing a European Migration Network (OJ L 131 of 12 May 2008, p. 7);
- ❖ Council Decision N° 2007/435/EC of 25 June 2007 establishing the European Fund for the Integration of third-country nationals for the period 2007 to 2013 as part of the General programme "Solidarity and Management of Migration Flows, (OJ L 168 of 28 June 2007, p. 18);
  - ❖ Commission Decision (2007/599/EC) of 21 August 2007 implementing Council Decision 2007/435/EC as regards the adoption of strategic guidelines for 2007 to 2013 (C(2007)3926);
  - ◆ Commission Decision (2008/457/EC) of 5 March 2008 laying down the rules for the implementation of Council Decision 2007/435/EC establishing the European Fund for the integration of third-country nationals the period 2007 to 2013 as part of the General programme "Solidarity and Management of Migration Flows" as regards Member States' management and control systems, the rules for administrative and financial management and the eligibility of expenditure on projects co-financed by the Fund (OJ L167, 27 June 2008, p. 69).

<sup>20</sup> This instrument is also mentioned under the section on "asylum".

<sup>21</sup> This instrument is also mentioned under the section on "EU citizenship".

**B. Other acts adopted before entry into force of the Amsterdam Treaty (1<sup>st</sup> May 1999)<sup>22</sup>**

- Joint principles for the exchange of data in CIREFI: Doc 9987/98 CIREFI 48;
- Council Resolution 97/C 221/03 of 26 June 1997 on unaccompanied minors who are nationals of third countries (OJ C 221 of 19 July 1997, p. 23);
- Joint action adopted by the Council on the basis of Article K.3.2.b of the Treaty on European Union concerning travel facilities for school pupils from third countries resident in a Member State (OJ L 327 of 19 December 1994, p. 1);
- Council Resolution of 30 November 1994 relating to the limitations on the admission of third-country nationals to the territory of the Member States for the purpose of pursuing activities as self-employed persons (OJ C 274 of 19 September 1996, p. 7);
- Council Conclusions of 30 November 1994 on the organization and development of the Centre for Information, Discussion and Exchange on the Crossing of Frontiers and Immigration (Cirefi) (OJ C 274 of 19 September 1996, p. 50)<sup>23</sup>;
- Council Resolution of 20 June 1994 on limitation on admission of third-country nationals to the territory of the Member States for employment (OJ C 274 of 19 September 1996, p. 3).

**FIGHT AGAINST ILLEGAL MIGRATION AND RETURN****A. Legislative acts adopted after entry into force of the Amsterdam Treaty (1<sup>st</sup> May 1999)**

- Council Decision 2005/267/EC of 16 March 2005 establishing a secure web-based Information and Coordination Network for Member States' Migration Management Services (OJ L 83 of 1 April 2005, p. 48);
  - Commission Decision of 15 December 2005 laying down detailed rules for the implementation of Council Decision 2005/267/EC establishing a secure web-based Information and Co-ordination Network for Member States' Migration Management Services (C(2005)5159);
- ▶ Council Decision 2004/573/EC of 29 April 2004 on the organisation of joint flights for removals from the territory of two or more Member States, of third-country nationals who are subjects of individual removal orders (OJ 261 of 6 August 2004, p. 28);
- ▶ Council Directive 2004/82/EC of 29 April 2004 on the obligation of carriers to communicate passenger data (OJ L 261 of 6 August 2004, p. 24)<sup>24</sup>;
- ▶ Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities (OJ L 261 of 6 August 2004, p. 19);
- ▶ Council Regulation (EC) No 377/2004 of 19 February 2004 on the creation of an immigration liaison officers network (OJ L 64 of 2 of March 2004, p. 1);
- Commission Decision of 29 September 2005 (2005/687/EC) on the format for the report on the activities of immigration liaison officers networks and on the situation in the host country in matters relating to illegal immigration (notified under document number C (2005) 1508 (OJ L 264 of 8 of October 2005, p. 8);
- Council Directive 2003/110/EC of 25 November 2003 on assistance in cases of transit for the purposes of removal by Air, (OJ L 321 of 06 of December 2003, p. 26);
- o 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 of 5 December 2002, p. 1)<sup>25</sup>;
- o Council Directive 2002/90/EC of 28 November 2002 defining the facilitation of unauthorised entry, transit and residence (OJ L 328 of 5 December 2002, p. 4);

<sup>22</sup> Relevant insofar as the later legislation has not replaced them.

<sup>23</sup> Also relevant for expulsion.

<sup>24</sup> This instrument is also mentioned under the section on "External borders".

<sup>25</sup> This instrument is also mentioned under the section on "organised crime, fraud and corruption".

- 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 of 10 of July 2001, p. 45);
- Council Directive 2001/40/EC of 28 May 2001 on the mutual recognition of decisions on the expulsion of third country nationals (OJ L 149 of 02 of June 2001, p. 34);
  - ▶ Council Decision 2004/191/EC of 23 February 2004 setting out the criteria and practical arrangements for the compensation of the financial imbalances resulting from the application of Directive 2001/40/EC on the mutual recognition of decisions on the expulsion of third-country nationals (OJ L 60 of 27 of February 2004, p. 55);
- ❖ Decision No 575/2007/EC of the European Parliament and of the Council of 23 May 2007 establishing the European Return Fund for the period 2008 to 2013 as part of the General programme "Solidarity and Management of Migration Flows" (OJ L 144 of 6 June 2007, p. 45);
  - ❖ Commission Decision (2007/837/EC) of 30 November 2007 implementing Decision No 575/2007/EC of the European Parliament and of the Council as regards the adoption of strategic guidelines for 2008 to 2013 (OJ L 330 of 15 December 2007, p. 48);
  - ◆ Commission Decision (2008/458/EC) of 5 March 2008 Laying down the rules for the implementation of Decision No 575/2007/EC of the European Parliament and of the Council of 23 May 2007 establishing the European Return Fund for the period 2008 to 2013 as part of the General programme "Solidarity and Management of Migration Flows" as regards Member States' management and control systems, the rules for administrative and financial management and the eligibility of expenditure on projects co-financed by the Fund (OJ L167, 27 June 2008, p. 135).

## B. International Agreements

- ❖ Council Decision 2007/341/EC of 19 April 2007 on the conclusion of the Agreement between the European Community and the Russian Federation on readmission (OJ L 129 of 17 May 2007, p. 38);
  - ❖ Agreement between the European Community and the Russian Federation on readmission (OJ L 129 of 17 May 2007, p. 40);
- Council Decision of 24 July 2006 on the conclusion, on behalf of the European Community, of the Protocol to prevent, suppress and punish trafficking in human beings, especially women and children, supplementing the United Nations Convention against Transnational Organised Crime concerning the provisions of the Protocol, in so far as the provisions of the Protocol fall within the scope of Part III, Title IV of the Treaty establishing the European Community (OJ L 262 of 22 September 2006, p. 51);
- Council Decision of 24 July 2006 on the conclusion, on behalf of the European Community, of the Protocol against the smuggling of migrants by land, sea and air, supplementing the United Nations Convention against Transnational Organised Crime concerning the provisions of the Protocol, in so far as the provisions of the Protocol fall within the scope of Part III, Title IV of the Treaty establishing the European Community (OJ L 262 of 22 September 2006, p. 34);
- Council Decision 2005/809/EC of 7 November 2005 concerning the conclusion of the Agreement between the European Community and the Republic of Albania on the readmission of persons residing without authorization (OJ 304 of 23 November 2005, p. 14);
  - Agreement between the European Community and the Republic of Albania on the readmission of persons residing without authorisation (OJ L 124 of 17 May 2005, p. 22);
  - Information relating to the entry into force of the Agreement between the European Community and the Republic of Albania on the readmission of persons residing without authorisation (OJ L 96 of 5 April 2006, p. 9);
- Council Decision 2005/372/EC of 3 March 2005 concerning the conclusion of the Agreement between the European Community and the Democratic Socialist Republic of Sri Lanka on the readmission of persons residing without authorisation (OJ L 124 of 17 May 2005, p.41);
  - Agreement between the European Community and the Democratic Socialist Republic of Sri Lanka on the readmission of persons residing without authorisation (OJ L 124 of 17 May 2005, p.43);

- Information relating to the entry into force of the Agreement between the European Community and the Democratic Socialist Republic of Sri Lanka on the readmission of persons residing without authorisation (OJ L 138 of 1 June 2005, p. 17);
- ▶ Council Decision 2004/424/EC of 21 April 2004 concerning the conclusion of the Agreement between the European Community and the Macao Special Administrative Region of the People's Republic of China on the readmission of persons residing without authorisation (OJ L 143 of 30 April 2004, p. 97);
  - ▶ Agreement between the European Community and the Macao Special Administrative Region of the People's Republic of China on the readmission of persons residing without authorisation (OJ L 143 of 30 April 2004, p. 99);
  - ▶ Information concerning the entry into force of the Agreement between the European Community and the Macao Special Administrative Region of the People's Republic of China on the readmission of persons residing without authorisation (OJ L 258 of 5 August 2004 p. 17);
- Council Decision of 17 December 2003 concerning the conclusion of the Agreement between the European Community and the Government of the Hong Kong Special Administrative Region of the People's Republic of China on the readmission of persons residing without authorisation (OJ L 17 of 24 of January 2004, p. 23);
  - ▶ Agreement between the European Community and the Government of the Hong Kong Special Administrative Region of the People's Republic of China on the readmission of persons residing without authorisation (OJ L 17 of 24 of January 2004, p. 25);
  - ▶ Information on the entry into force of the Agreement between the European Community and the Government of the Hong Kong Special Administrative Region of the People's Republic of China on the readmission of persons residing without authorisation (OJ L 64 of 2 March 2004, p. 38);
- ❖ Council Decision 2007/839/EC of 29 November 2007 concerning the conclusion of the Agreement between the European Community and Ukraine on readmission of persons - Agreement between the European Community and Ukraine on the readmission of persons (OJ L 332 of 18 December 2007, p. 46);
- ❖ Council Decision 2007/817/EC of 8 November 2007 on the conclusion of the Agreement between the European Community and the former Yugoslav Republic of Macedonia on the readmission of persons residing without authorisation - Agreement between the European Community and the former Yugoslav Republic of Macedonia on the readmission of persons residing without authorisation (OJ L 334 of 19 December 2007, p. 1);
- ❖ Council Decision 2007/818/EC of 8 November 2007 on the conclusion of the Agreement between the European Community and the Republic of Montenegro on the readmission of persons residing without authorisation - Agreement between the European Community and the Republic of Montenegro on the readmission of persons residing without authorisation (OJ L 334 of 19 December 2007, p. 25);
- ❖ Council Decision 2007/819/EC of 8 November 2007 on the conclusion of the Agreement between the European Community and the Republic of Serbia on the readmission of persons residing without authorisation - Agreement between the European Community and the Republic of Serbia on the readmission of persons residing without authorisation (OJ L 334 of 19 December 2007, p. 45);
- ❖ Council Decision 2007/820/EC of 8 November 2007 on the conclusion of the Agreement between the European Community and Bosnia and Herzegovina on the readmission of persons residing without authorisation - Agreement between the European Community and Bosnia and Herzegovina on the readmission of persons residing without authorisation (OJ L 334 of 19 December 2007, p. 65);

### **C. Other acts adopted before entry into force of the Amsterdam Treaty (1<sup>st</sup> May 1999)<sup>26</sup>**

- Council Decision on the inclusion of model readmission clauses in Community agreements and in agreements between the European Community, its Member States and third countries. Doc. 13409/99 MIGR 69;
- Council Resolution of 4 December 1997 on measures to be adopted on the combating of marriages of convenience (OJ C 382 of 16 December 1997, p. 1);

<sup>26</sup> Relevant insofar as the later legislation has not replaced them.



- Council Decision (97/340/JHA) of 26 May 1997 on the exchange of information concerning assistance for the voluntary repatriation of third-country nationals (OJ L 147 of 5 June 1997, p. 3);
- Council Recommendation of 27 September 1996 on combating the illegal employment of third-country nationals (OJ C 304 of 14 October 1996, p. 1);
- Council Conclusions of 4 March 1996 concerning readmission clauses for future mixed agreements: Documents 4272/96 ASIM 6 et 5457/96 ASIM 37;
- Council Recommendation of 22 December 1995 on concerted action and cooperation in carrying out expulsion measures (OJ C 5 of 10 January 1996, p. 3);
- Council Recommendation of 22 December 1995 on harmonizing means of combating illegal immigration and illegal employment and improving the relevant means of control (OJ C 5 of 10 January 1996, p. 1);
- Council Recommendation of 24 July 1995 on the guiding principles to be followed in drawing up protocols on the implementation of readmission agreements (OJ C 274 of 19 September 1996, p. 25);
- Council Recommendation of 30 November 1994 concerning the adoption of a standard travel document for the expulsion of third-country nationals (OJ C 274 of 19 September 1996, p. 18);
- Council Recommendation of 30 November 1994 concerning a specimen bilateral readmission agreement between a Member State and a third country (OJ C 274 of 19 September 1996, p. 20);
- Recommendation of the 1st June 1993 concerning checks on and expulsion of third country nationals residing or working without authorisation: Document WGI 1516;
- Recommendation of 30 November 1992 regarding practices followed by Member States on expulsion: Document WGI 1266;
- Recommendation of the 30 November 1992 concerning transit for the purpose of expulsion: Document WGI 1266.

**V. EU CITIZENSHIP**

- ❖ Council Decision 2007/252/EC of 19 April 2007 establishing for the period 2007-2013 the specific programme "Fundamental rights and citizenship" as part of the General programme "Fundamental Rights and Justice" (OJ L 110 of 27 April 2007, p. 33)<sup>27</sup>.

**A Free Movement and Right of Residence****European Union Instruments and documents**

- ▶ European Parliament and Council Directive 2004/38/EC on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States, amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC (OJ L 158 of 30 April 2004, p. 77)<sup>28</sup>.

**B. Electoral Rights****European Union Instruments and documents**

- Act concerning the election of the representatives of the European Parliament by direct universal suffrage, annexed to Council Decision 76/787/ECSC, EEC, Euratom of 20 September 1976 (OJ L 278 of 8 October 1976, p. 1), as last amended by Council Decision of 25 June 2002 and 23 September 2002 (OJ L 283 of 21 October 2002, p. 1);
  - Council Decision 2002/772/EC, Euratom amending the Act concerning the election of the representatives of the European Parliament by direct universal suffrage (OJ L 283 of 21 October 2002, p. 1);
- Council Directive 93/109/EC of 6 December 1993 laying down detailed arrangements for the exercise of the right to vote and stand as a candidate in elections to the European Parliament for citizens of the Union residing in a Member State of which they are not nationals (OJ L 329 of 30 December 1993, p. 34);
- Council Directive 94/80/EC of 19 December 1994 laying down detailed arrangements for the exercise of the right to vote and stand as a candidate in municipal elections for citizens of the Union residing in a Member State of which they are not nationals (OJ L 368 of 31 December 1994, p. 38);
- Council Directive 96/30/EC of 13 May 1996 amending Directive 94/80/EC laying down detailed arrangements for the exercise of the right to vote and to stand as a candidate in municipal elections by citizens of the Union residing in a Member State of which they are not nationals (OJ L 122 of 22 May 1996, p. 14);
- Act concerning the conditions of accession and the adjustments to the Treaties-Accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic (OJ L 236 of 23 September 2003, p. 33);
- Council Directive 2006/106/EC of 20 November 2006 adapting Directive 94/80/EC laying down detailed arrangements for the exercise of the right to vote and to stand as a candidate in municipal elections by citizens of the Union residing in a Member State of which they are not nationals, by reason of the accession of Bulgaria and Romania (OJ L 363 of 20 December 2006, p. 409).

**C. Diplomatic and Consular Protection in non-EU countries****European Union Instruments and documents**

- Decision of the Representatives of the Governments of the Member States meeting within the Council of 18 December 1995 regarding protection for citizens of the European Union by diplomatic and consular representations (OJ L 314 of 28 December 1995, p. 73);

<sup>27</sup> Corrigendum published in OJ L 141 of 2 June 2007, p. 83.

<sup>28</sup> This instrument is also mentioned under the section on "Immigration".

- Decision of the Representatives of the Governments of the Member States (96/409/CSFP) meeting within the Council of 25 June 1996 on the establishment of an emergency travel document (OJ L 168 of 6 July 1996, p. 4);
- ❖ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - Effective consular protection in third countries: the contribution of the European Union - Action Plan 2007-2009 of 5 December 2007, COM(2007)767 final;
- ❖ Commission Recommendation on reproducing the text of Article 20 TEC in passports of 5 December 2007, C/2007/5841/Final.

## VI. ORGANISED CRIME, FRAUD AND CORRUPTION

### A. Conventions to which accession is obligatory

#### a) *Indicative list of conventions and instruments to which the new Member States must accede in accordance with the Act of Accession*

- Convention of 26 July 1995 on the protection of the European Communities' Financial Interests (OJ C 316 of 27 November 1995, p. 49)<sup>29</sup>;
  - Protocol of 27 September 1996 to the Convention on the Protection of Community Financial Interests (OJ C 313 of 23 October 1996, p. 2)<sup>30</sup>;
  - Second Protocol to the Convention on the protection of the European Communities' financial interests (OJ C 221 of 19 July 1997, p. 12)<sup>31</sup>;
  - Protocol on the interpretation, by way of preliminary rulings by the Court of the European Communities of the Convention on the protection of the European Communities financial interests (OJ C 151 of 20 May 1997, p. 2);
- Convention of 26 May 1997 on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union (OJ C 195 of 25 June 1997, p. 2)<sup>32</sup>;
- 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 of 10 September 2003, p. 27).

### Europol

- Council Act of 26 July 1995 drawing up the Convention on the establishment of a European Police Office (OJ C 316 of 27 November 1995, p. 1);
  - Protocol of 23 July 1996 on the interpretation, by way of preliminary rulings, by the Court of Justice of the EC of the Convention on the establishment of a European Police Office (OJ C 299 of 9 October 1996, p. 2);
  - Protocol of 19 June 1997 on the privileges and immunities of Europol, the members of its organs, the Deputy Director and employees of Europol (OJ C 221 of 19 July 1997, p. 1);
  - Protocol of 30 November 2000 drawn up on the basis of Article 43(1) of the Convention on the establishment of a European Police Office (Europol Convention) amending Article 2 and the Annex to that Convention<sup>33</sup> (OJ C 358 of 13 December 2000, p. 1);
- o Council act of 28 November 2002 drawing up a Protocol amending the Convention on the establishment of a European Police Office (Europol Convention) and the Protocol on the privileges and immunities of Europol, the members of its organs, the deputy directors and the employees of Europol (OJ C 312 of 16 December 2002, p. 1);
- Council Act of 27 November 2003 drawing up, on the basis of Article 43(1) of the Convention on the Establishment of a European Police Office (Europol Convention), a Protocol amending that Convention (OJ C 2 of 6 January 2004, p. 1).

### Europol - Implementing measures

<sup>29</sup> Also relevant for judicial cooperation in criminal matters. See Explanatory report on the Convention on the protection of the European Communities' financial interests (OJ C 191 of 23 June 1997, p.1).

<sup>30</sup> Also relevant for judicial cooperation in criminal matters. See Explanatory Report on the Protocol to the Convention on the protection of the European Communities' financial interest (OJ C 11 of 15 January 1998, p.5).

<sup>31</sup> Also relevant for judicial cooperation in criminal matters. See Explanatory Report on the Second Protocol to the Convention on the protection of the European Communities' financial interest (OJ C 91 of 31 March 1999, p.8).

<sup>32</sup> Also relevant for judicial cooperation in criminal matters. See Explanatory report on the Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union (OJ C 391 of 15 December 1998, p.1).

<sup>33</sup> Extension of Europol's competence to money laundering in general, regardless of the type of offences from which the laundered proceeds originate.

- Act of the Management Board of Europol of 1 October 1998 laying down its rules of procedures (OJ C 26 of 30 January 1999, p. 82);
- Act of the Management Board of Europol of 15 October 1998 concerning the rights and obligations of Europol liaison officers (OJ C 26 of 30 January 1999, p. 86);
- Act of the Management Board of Europol of 15 October 1998 laying down the rules governing Europol's external relations with EU-related bodies (OJ C 26 of 30 January 1999, p. 89);
- Act of the Management Board of Europol of 27 September 1999 laying down the rules on Europol personnel files (OJ C 65 of 28 February 2001, p. 1);
- Council Act of 3 November 1998 laying down rules governing Europol's external relations with third states and non-European Union related bodies (OJ C 26 of 30 January 1999, p. 19);
- Council Act of 3 November 1998 adopting rules on the confidentiality of Europol information (OJ C 26 of 30 January 1999, p. 10);
  - Council Act of 5 June 2003 amending the Council Act of 3 November 1998 adopting rules on the confidentiality of Europol information (OJ C 152 of 28 June 2003, p. 1);
- Council Act of 3 November 1998 laying down rules concerning the receipt of information by Europol from third parties (OJ C 26 of 30 January 1999, p. 17);
- Council Act of 3 November 1998 adopting rules applicable to Europol analysis files (OJ C 26 of 30 January 1999, p. 1);
  - ❖ Council Decision of 15 October 2007 amending the Council Act adopting rules applicable to Europol analysis files (2007/673/EC) (OJ L 277 of 20 October 2007, p. 23);
- Council Act of 3 December 1998 laying down the staff regulations applicable to Europol employees (OJ C 26 of 30 January 1999, p. 23);
  - Decision of the Director of Europol of 3 July 2000 adapting the amounts mentioned in the Europol Staff Regulations to the euro (OJ C 65 of 28 February 2001, p. 10);
  - Decision of the Director of Europol of 3 July 2000 adapting to the euro the amounts mentioned in the Annex to the Decision of the Management Board of Europol of 16 November 1999 with respect to taxes and the salary adjustment decided by the Council (OJ C 65 of 28 February 2001, p. 12);
  - ❖ Decision of the Management Board of Europol of 18 July 2007 agreeing to the conditions and procedures laid down by Europol adapting the amounts mentioned in the Appendix to the Decision of the Europol Management Board of 16 November 1999 regarding taxes applicable to salaries and emoluments paid to Europol staff members for the benefit of Europol (OJ L 196 of 28 July 2007, p. 49);
  - 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 of 17 December 1999, p. 3);
  - Council Act of 15 March 2001 amending the Staff Regulations applicable to Europol employees (OJ C 112 of 12 April 2001, p. 1);
- o Council Act of 19 December 2002 amending the Staff Regulations applicable to Europol employees (OJ C 24 of 31 January 2003, p. 1);
  - Council Act of 5 June 2003 amending the Staff Regulations applicable to Europol employees (OJ C 152 of 28 June 2003, p. 2);
  - Council Act of 29 April 2004 amending Europol's staff regulations (OJ C 114 of 30 April 2004, p. 2);
  - Act of the Management Board of Europol of 29 September 2005 modifying the list of the Europol posts in Appendix 1 of the Europol Staff Regulations (OJ C 68 of 21 March 2006, p. 1);
  - ❖ Council Decision of 12 June 2007 adjusting the basic salaries and allowances applicable to Europol staff (OJ L 153 of 14 June 2007, p. 30);
- Council Act of 12 March 1999 on the rules governing the transmission of personal data by Europol to third states and third bodies (OJ C 88 of 30 March 1999, p. 1);

- o Council Act of 28 February 2002 amending the Council Act of 12 March 1999 adopting the rules governing the transmission of personal data by Europol to third States and third bodies (OJ C 76 of 27 March 2002, p. 1);
- Act of the joint Supervisory Board of Europol of 22 April 1999 laying down its rules of procedure (OJ C 149 of 20 May 1999, p. 1);
- Council Act of 4 October 1999 adopting the Financial Regulation applicable to the budget of Europol and repealing Council Act 1999/C 25/01 (OJ C 312 of 29 October 1999, p. 1);
- ❖ Budget for Europol for 2009 (OJ L 178 of 5 July 2008, p. 46);
- Council Decision of 27 March 2000 authorising the Director of Europol to enter into negotiations on agreements with third States and non-EU related bodies (OJ C 106 of 13 April 2000, p. 1);
  - Council Decision of 6 December 2001 amending the Council Decision of 27 March 2000 authorising the Director of Europol to enter into negotiations on agreements with third States and non-EU-related bodies (OJ C 358 of 15 December 2001, p. 1);
- o Council Decision of 13 June 2002 amending the Council Decision of 27 March 2000 authorising the Director of Europol to enter into negotiations on agreements with third States and non-EU related bodies (OJ C 150 of 22 June 2002, p. 1);
  - ▶ Council Decision 2004/773/EC of 25 October 2004 amending the Decision authorising the Director of Europol to enter into negotiations on agreements with third States and non-EU-related bodies (OJ L 342 of 18 November 2004, p. 27);
  - ▶ Council Decision of 2 December 2004 amending the Council Decision of 27 March 2000 authorising the Director of Europol to enter into negotiations on agreements with third States and non-EU related bodies (OJ C 317 of 22 December 2004, p. 1);
  - Council Decision, 2005/169/EC, of 24 February 2005 amending the Decision of 27 March 2000 authorising the Director of Europol to enter into negotiations on agreements with third States and non-EU related bodies (OJ L 56 of 2 March 2005, p. 14);
- ❖ Council Decision of 15 February 2007 amending the Decision of 27 March 2000 authorising the Director of Europol to enter into negotiations on agreements with third States and non-EU related bodies (OJ L 56 of 2 March 2005, p. 14);
- Council Decision of 17 October 2000 concerning arrangements for cooperation between financial intelligence units of the Member States in respect of exchanging information (OJ L 271 of 24 October 2000, p. 4);
- Council Act of 17 December 2001 appointing a Deputy Director of Europol (OJ C 371 of 28 December 2001, p. 1);
  - Council Decision of 24 February 2005 re-appointing a Deputy Director of Europol (OJ C 60 of 10 March 2005, p. 1);
  - Council Decision of 24 July 2006 appointing a Deputy Director of Europol (OJ L 212 of 2 August 2006, p. 15);
  - Council Decision of 28 February 2005 appointing the Director of Europol (OJ C 60 of 10 March 2005, p. 2);
- ◆ Notice of recruitment: Director (OJ C 194 A of 31 July 2008, p. 1);
- ❖ Decision by the Contracting Parties meeting within the Council 2007/413/JHA of 12 June 2007 adopting rules implementing Article 6a of the Convention on the establishment of a European Police Office (Europol Convention) (OJ L 155 of 15 June 2007, p. 78);
- ❖ Rules for access to Europol documents (OJ C 72 of 29 March 2007, p. 37);
- ❖ Decision of the Management Board of 20 March 2007 laying down the rules governing the arrangements regulating the administrative implementation of the participation of Europol officials in Joint Investigation teams (OJ C 72 of 29 March 2007, p. 35);
- ❖ Decision of the Management Board of 20 March 2007 laying down the rules governing the arrangements on the association of third parties' experts with the activities of analysis groups (OJ C 72 of 29 March 2007, p. 32);
- ❖ Decision of the Management Board of 20 March 2007 on the control mechanisms for retrievals from the computerised system of collected information (OJ C 72 of 29 March 2007, p. 30).

## Other measures relevant to Europol:

- Council Decision supplementing the definition of the form of crime "traffic in human beings" in the Annex to the Europol Convention (OJ C 26 of 30 January 1999, p. 21);
- Council recommendation to Member States in respect of requests made by Europol to initiate criminal investigations in specific cases (OJ C 289 of 28 September 2000, p. 8);
- Council recommendation of 30 November 2000 to Member States in respect of Europol's assistance to joint investigative teams set up by the Member States (OJ C 357 of 30 November 2000, p. 7);
- Council recommendation of 25 June 2001 on contact points maintaining a 24-hr service for combating high-tech crime (OJ C 187 of 3 July 2001, p. 5);
- Council Decision of 6 December 2001 extending Europol's mandate to deal with the serious forms of international crime listed in the Annex to the Europol Convention (OJ C 362 of 18 December 2001, p. 1)<sup>34</sup>;
  - Declarations to the Council Decision extending Europol's mandate to deal with the serious forms of international crime listed in the Annex to the Europol Convention (OJ C 362 of 18 December 2001, p. 2);
- Council Recommendation of 6 December 2001 setting a common scale for assessing threats to public figures visiting the European Union (OJ C 356 of 14 December 2001, p. 1);
- Council Resolution on 29 April 2004 on security at European Council meetings and other comparable events (OJ C 116 of 30 April 2004, p. 18);
- Council Regulation (EC) No 1338/2001 of 28 June 2001 laying down measures necessary for the protection of the euro against counterfeiting (OJ L 181 of 4 July 2001, p. 6);
- Council Decision of 6 December 2001 on the protection of the euro against counterfeiting (OJ L 329 of 14 December 2001, p. 1);
- Council Decision of 8 December 2003 concerning analysis and cooperation with regard to counterfeit euro coins (OJ L 325 of 12 December 2003 p. 44);
  - Council Decision of 8 December 2003 extending the effects of Decision 2003/861/EC concerning analysis and cooperation with regard to counterfeit euro coins to those Member States which have not adopted the euro as their single currency (OJ L 325 of 12 December 2003, p. 45);
  - Commission Decision 2005/37/EC of 29 October 2004 establishing the European Technical and Scientific Centre (ETSC) and providing for coordination of technical actions to protect the euro coins against counterfeiting (OJ L 19 of 21 January 2005, p. 73);
  - 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 of 16 July 2005, p. 35);
- ◆ Council Decision 2008/633/JHA of 23 June 2008 concerning access for consultation of the Visa Information System (VIS) by designated authorities of Member States and by Europol for the purposes of the prevention, detections and investigation of terrorist offences and of other serious criminal offences (OLJ 218 of 13 August 2008, p. 129).

### *b) Indicative list of international agreements, conventions and protocols to which the new Member States must indirectly accede<sup>35</sup>*

- UN Convention against Transnational Organized Crime, Palermo December 2000;
  - Protocol of 15 November 2000 to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nations Convention against Transnational Organized Crime;
  - Protocol of 15 November 2000 against the smuggling of migrants by land, sea and air, supplementing the United Nations Convention against Transnational Organized Crime;

<sup>34</sup> Herewith obsolete: Council Decision extending Europol's mandate to deal with forgery of money and means of payment (OJ C 149 of 28 May 1999, p.16).

<sup>35</sup> This list contains Conventions for which the obligation to accede is not explicit, but results from the binding force of the EU-Treaty itself or of secondary legislation, from Council Conclusions or from Article 10 EC.

- Protocol of 31 May 2001 against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime;
- ▶ Council Decision 2004/579/EC of 29 April 2004 on the conclusion, on behalf of the European Community, of the United Nations Convention Against Transnational Organised Crime (OJ L 261 of 6 August 2004, p. 69);
- Council Decision 2006/616/EC of 24 July 2006 on the conclusion, on behalf of the European Community, of the Protocol Against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention Against Transnational Organised Crime concerning the provisions of the Protocol, in so far as the provisions of this Protocol fall within the scope of Articles 179 and 181a of the Treaty establishing the European Community (OJ L 261 of 22 September 2006, p. 24);
- Council Decision 2006/617/EC of 24 July 2006 on the conclusion, on behalf of the European Community, of the Protocol Against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention Against Transnational Organised Crime concerning the provisions of the Protocol, in so far as the provisions of the Protocol fall within the scope of Part III, Title IV of the Treaty establishing the European Community (OJ L 261 of 22 September 2006, p. 34);
- Council Decision 2006/618/EC of 24 July 2006 on the conclusion, on behalf of the European Community, of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women And Children, supplementing the United Nations Convention Against Transnational Organised Crime concerning the provisions of the Protocol, in so far as the provisions of this Protocol fall within the scope of Articles 179 and 181a of the Treaty establishing the European Community (OJ L 261 of 22 September 2006, p. 44);
- Council Decision 2006/619/EC of 24 July 2006 on the conclusion, on behalf of the European Community, of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women And Children, supplementing the United Nations Convention Against Transnational Organised Crime concerning the provisions of the Protocol, in so far as the provisions of the Protocol fall within the scope of Part III, Title IV of the Treaty establishing the European Community (OJ L 261 of 22 September 2006, p. 51);
- UN Convention against Corruption, Merida 2003;
- Council of Europe Convention on Cybercrime of 23 November 2001<sup>36</sup>;
- Protocol to the Convention on cybercrime of the Council of Europe, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems, signed on 28 January 2003;
- Council of Europe Convention of 8 November 1990 on Money Laundering, Search, Seizure and Confiscation of the proceeds from crime<sup>37 38</sup>;
- Council of Europe Convention No 198 on laundering, seizure and confiscation of the proceeds from crime and financing of terrorism.

## **B. Joint Actions, Joint Positions (Maastricht Treaty); Common Positions, Framework Decisions and Decisions (Amsterdam Treaty) Instruments adopted under the TEC**

- Joint Action 95/73/JHA of 10 March 1995 adopted by the Council on the basis of Article K.3 of the Treaty on European Union concerning Europol Drugs Unit (OJ L 62 of 20 March 1995, p. 1);
- 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 of 31 December 1996, p. 2);

<sup>36</sup> A Framework Decision 2005/222/JHA on attacks against information system, building upon this Convention, has been adopted on 21 February 2005 (OJ L 69 of 16 March 2005, p.67).

<sup>37</sup> Also relevant for judicial cooperation in criminal matters.

<sup>38</sup> Linked to the acquis through the Joint Action on money laundering, the identification, detection, freezing or seizure of the instruments and proceeds of crime (OJ L 333 of 9 December 1998, p.1) which called on Member States to ensure that Articles 2 and 6 of the Convention are fully implemented. The Money Laundering Directives also refers to the Convention as a basis for fighting money laundering in the EU.



- Joint Action of 9 June 1997 for the refining of targeting criteria, selection methods and collection of customs and police information (OJ L 159 of 17 June 1997, p. 1);
- Joint Action 97/827/JHA of 5 December 1997 establishing a mechanism for evaluating the application and implementation at national level of international undertakings in the fight against organised crime (OJ L 344 of 15 December 1997, p. 7)<sup>39</sup>;
- Council Decision of 3 December 1998 instructing Europol to deal with crimes committed or likely to be committed in the course of terrorist activities against life, limb, personal freedom or property (OJ C 26 of 30 January 1999, p. 22);
- Joint Action 98//733/JHA of 21 December 1998 on make it a criminal offence to participate in a criminal organisation in the Member States of the European Union ( OJ L 351 of 29 December 1998, p. 1);
- Joint Action 98/699/JHA of 3 December 1998 on money laundering, the identification, detection, freezing or seizure of the instruments and proceeds of crime (OJ L 333 of 9 December 1998, p. 1);
- Council Decision 2000/375/JHA to combat child pornography on the Internet (OJ L 138 of 9 June 2000, p. 1);
- Council Decision 2000/642/JHA concerning arrangements for cooperation between financial intelligence units of the Member States in respect of exchanging information (OJ L 271 of 24 October 2000, p. 4);
- Council Framework Decision of 28 May 2001 combating fraud and counterfeiting of non-cash means of payment (OJ L 149 of 2 June 2001, p. 1);
- Council Framework Decision of 26 June 2001 on money laundering, the identification, tracing, freezing, seizing and confiscation of instrumentalities and the proceeds of crime (OJ L 182 of 5 July 2001, p. 1);
- o Council Framework Decision 2002/629/JHA of 19 July 2002 on combating trafficking in human beings (OJ L 203 of 1 August 2002, p. 1);
  - Council (Information) – EU plan on best practices, standards and procedures for combating and preventing trafficking in human beings (OJ C 311 of 9 December 2005, p. 1);
  - ❖ Commission Decision 2007/675/EC of 17 October 2007 setting up the Group of Experts on Trafficking in Human Beings (OJ L 277 of 20 October 2007, p. 29);
    - ◆ Commission Decision of 22 July 2008 on the appointment of members of the Group of experts on Trafficking in Human Beings (OJ L 194 of 23 July 2008, p. 12);
- o Council Decision (JHA) 187/2002 of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime (OJ L 63 of 6 March 2002, p. 1)<sup>40</sup>;
- o Rules of procedure of Eurojust (OJ C 286 of 22 November 2002, p. 1);
  - Council Decision 2003/659/JHA of 18 June 2003 amending Decision 2002/187/JHA setting up Eurojust with a view to reinforcing the fight against serious crime (OJ L245 of 29 September 2003, p. 44);
- o 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 of 5 December 2002, p. 1)<sup>41</sup>;
  - Council Framework Decision 2003/568/JHA of 22 July 2003 on combating corruption in the private sector (OJ L 192 of 31 July 2003, p. 54);
  - 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 of 12 March 2003, p. 27);
    - 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 of 10 August 2006, p. 31);
- ▶ Council Framework Decision 2004/68/JHA of 22 December 2003 on combating the sexual exploitation of children and child pornography (OJ L 13 of 20 January 2004, p. 44)<sup>42</sup>;

<sup>39</sup> Also relevant for judicial cooperation in criminal matters.

<sup>40</sup> Herewith obsolete: Council Decision of 14 December 2000 setting up a Provisional Judicial Cooperation Unit (OJ L 324 of 21 December 2000, p.2).

<sup>41</sup> This instrument is also mentioned under the section on "fight against illegal migration and return".

<sup>42</sup> Also relevant for judicial cooperation in criminal matters.

- Council Framework Decision 2005/212/JHA of 24 February 2005 on confiscation of crime-related proceeds, instrumentalities and property (OJ L 68 of 15 March 2005, p. 49);
- Council Framework Decision (2206/783/JHA) of 6 October 2006 on the application of mutual recognition to confiscation orders (OJ L 328 of 24 November 2006, p. 59);
- Council Framework Decision 2005/222/JHA of 24 February 2005 on attacks against information systems (OJ L 69 of 16 March 2005, p. 67);
- Council Directive 91/477/EEC of 18 June 1991 on control of the acquisition and possession of weapons (OJ L 256 of 13 September 1991, p. 51);
- ◆ Directive 2008/51/EC of the European Parliament and of the Council of 21 May 2008 amending Council Directive 91/477/EEC on control of the acquisition and possession of weapons (OJ L 179 of 8 July 2008, p. 5);
- Commission Recommendation 93/216/EEC of 25 February 1993 on the European firearms pass (OJ L 93 of 17 April 1993, p. 39);
- Commission Recommendation 96/129/EC of 12 January 1996 supplementing Recommendation 93/216/EEC on the European firearms pass (OJ L 30 of 8 February 1996, p. 47);
- ▶ Commission Recommendation of 28 December 2004 complementary to Recommendation 96/129/EC on the European firearms pass (OJ L 9 of 12 January 2005, p. 1);
- ❖ Council Decision 2007/845/JHA of 6 December 2007 concerning cooperation between Asset Recovery Offices of the Member States in the field of tracing and identification of proceeds from, or other property related to, crime (OL J 332 of 18 December 2007, p. 103).

### C. Other European Union Instruments and documents

- Resolution of 23 November 1995 on the Protection of Witnesses in the Fight Against International Organised Crime: (OJ C 327 of 7 December 1995)<sup>43</sup>;
- Resolution of 20 December 1996 on Individuals who co-operate with the judicial process in the fight against international organised crime (OJ C 10 of 11 January 1997)<sup>44</sup>;
- Council Action plan to combat organised crime of 28 April 1997 (OJ C 251 of 15 August 1997, p. 1);
- Pre-accession Pact on Organised Crime between the Member States of the European Union and the candidates of central and Eastern Europe and Cyprus (OJ C220 of 15 July 1998, p. 1);
- Council Resolution on the Prevention of Organised Crime with Reference to the Establishment of a Comprehensive Strategy for Combating it (OJ C 408 of 29 December 1998, p. 1);
- Communication concerning the taking up of activities of Europol (OJ L 185 of 1 July 1999, p. 1);
- European Union action plan on common action for the Russian Federation on combating organised crime (OJ C 106 of 13 April 2000, p. 5);
- The prevention and control of organised crime: a European Union strategy for the beginning of the new millennium, (OJ C 124 of 3 May 2000, p. 1);
- Decision of the European Central Bank of 8 November 2001 on certain conditions regarding access to the Counterfeit Monitoring System (CMS) (ECB/2001/11) (OJ L 337 of 20 December 2001, p. 49);
- Brussels Council Conclusions of 8 May 2003 on preventing and combating trafficking in human beings (OJ C 137 of 12 June 2003, p. 1);
- Joint declaration by the Ministers of Justice and Home Affairs of the Member States of the European Union and the candidate countries in association with the European Commission on the protection of commercial drivers engaged in export trade from becoming victims of organised crime (OJ C 24 of 31 January 2003, p. 9).

### D. Other Conventions (accession desirable)

<sup>43</sup> Also relevant for judicial cooperation in criminal matters.

<sup>44</sup> Also relevant for judicial cooperation in criminal matters.

- OECD-Convention on Combating Bribery of foreign public officials in International Business Transactions, of 17 December 1997<sup>45</sup>;
- Council of Europe Criminal Law convention on Corruption, opened to signature on 27 January 1999<sup>46</sup>;
- Council of Europe Civil Law convention on corruption, opened to signature on 4 November 1999.

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<sup>45</sup> Also relevant for judicial cooperation in criminal matters. As well as the members of OECD this Convention is open for signature or accession by non-members participating fully in the Working group on Bribery in International Transactions.

<sup>46</sup> Also relevant for judicial cooperation in criminal matters. The Joint Positions of 6 October 1997 and 13 November 1997 on negotiations held in the Council of Europe and the OECD on the fight against Corruption have therefore been deleted.

## VII. DRUGS

### A. Conventions to which accession is obligatory

- Single Convention on Narcotic Drugs (New York, 30 March 1961)<sup>47</sup>;
  - Protocol amending the Single Convention on Narcotic Drugs (Geneva, 25 March 1972);
- Convention on Psychotropic Substances (Vienna, 21 February 1971)<sup>48</sup>;
- United Nations Convention against the Illicit Traffic in Narcotic Drugs and Psychotropic Substances (Vienna, 20 December 1988)<sup>49</sup>;
- Agreement between the European Community and the Republic of Peru on precursors and chemical substances frequently used in the illicit manufacture of narcotic drugs or psychotropic substances (OJ L 324 of 30 December 1995, p. 27);
- Agreement between the European Community and the United Mexican States on cooperation regarding the control of precursors and chemical substances frequently used in the illicit manufacture of narcotic drugs or psychotropic substances (OJ L 77 of 19 March 1997, p. 24);
- Agreement between the European Community and the United States of America on precursors and chemical substances frequently used in the illicit manufacture of narcotic drugs or psychotropic substances – Joint statement by the contracting parties concerning Article 7 (1) – Side instrument concerning Article 13 (OJ L 164 of 21 June 1997, p. 24);
- Agreement between the European Community and the Republic of Chile on precursors and chemical substances frequently used for the illicit manufacture of narcotic drugs and psychotropic substances (OJ L 336 of 11 December 1998, p. 48);
- Agreement between the European Community and the Turkish Republic on precursors and chemical substances frequently used in the illicit manufacture of narcotic drugs or psychotropic substances (OJ L 64 of 7 March 2003, p. 30).

### B. Joint Actions, Joint Positions (Maastricht Treaty); Common Positions, Framework Decisions and Decisions (Amsterdam Treaty) Instruments adopted under the TEC

- Joint Action 95/73/JHA of 10 March 1995 adopted by the Council on the basis of Article K.3 of the Treaty on European Union concerning the Europol Drugs Unit (OJ L 62 of 20 March 1995 p. 1);
- Joint Action of 29 November 1996 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 of 12 December 1996, p. 23);
- Joint Action of 29 November 1996 on Cooperation between customs authorities and business organisations on combating drugs trafficking (OJ L 322, 12 December 1996, p. 3);
- Joint Action of 16 December 1996 adopted by the Council on the basis of Article K.3 of the Treaty on European Union extending the mandate given to the Europol Drugs Unit (O J L 342 of 31 December 1996, p. 4);
- Joint Action of 17 December 1996 concerning the approximation of the laws and practices of the Member States of the EU to combat drug addiction and to prevent and combat illegal drug trafficking (OJ L 342 of 31 December 1996, p. 6)<sup>50</sup>;

<sup>47</sup> Linked to the acquis through the EU drugs policy, e.g. Drugs Conventions of 1961 and 1972 are indirectly quoted in the EU Action Plan on Drugs (2000-2004). Concerning the Convention of 1988 (to which the Community is part for article 12 on chemical precursors), the provisions of the relevant Council Regulation will apply.

<sup>48</sup> Linked to the acquis through the EU drugs policy.

<sup>49</sup> Also relevant for judicial cooperation in criminal matters.

<sup>50</sup> Also relevant for judicial cooperation in criminal matters.

- 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 of 16 September 1999, p. 1);
- Council Decision 2001/419/JHA of 28 May 2001 on the transmission of samples of controlled substances (OJ L 150 of 6 June 2001, p. 1);
- o 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 of 6 March 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 of 6 December 2003, p. 64);
- ▶ 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 of 11 November 2004, p. 8);
- Council Decision 2005/387/JHA of 10 May 2005 on the information exchange, risk-assessment and control of new psychoactive substances (OJ L 127 of 20 May 2005, p. 32)<sup>51</sup>;
- ◆ Council Decision 2008/206/JHA of 3 March 2008 on defining 1-benzylpiperazine (BZP) as a new psychoactive substance which is to be made subject to control measures and criminal provisions (OJ L 63 of 7 March 2008, p. 45).

### C. Other European Union Instruments and documents

- Council Regulation (EEC) No 3677/90 of 13 December 1990 laying down measures to be taken to discourage the diversion of certain substances to the illicit manufacture of narcotic drugs and psychotropic substances (OJ L 357 of 20 December 1990, p. 1);
  - Commission Regulation (EEC) No 3769/92 of 21 December 1992 implementing and amending Council Regulation (EEC) No 3677/90 laying down measures to be taken to discourage the diversion of certain substances to the illicit manufacture of narcotic drugs and psychotropic substances (OJ L 383 of 29 December 1992, p. 17);
  - Commission Regulation (EC) No 1610/2000 of 24 July 2000 amending Regulation (EEC) No 3769/92 implementing and amending Council Regulation (EEC) No 3677/90 laying down measures to be taken to discourage the diversion of certain substances to the illicit manufacture of narcotic drugs and psychotropic substances (OJ L 185 of 25 July 2000, p. 30);
  - o Commission Regulation (EC) No 1232/2002 of 9 July 2002 replacing the Annex to Council Regulation (EEC) No 3677/90 laying down measures to be taken to discourage the diversion of certain substances to the illicit manufacture of narcotic drugs and psychotropic substances and amending Regulation (EEC) No 3769/92 (OJ L 180 of 10 July 2002, p. 5);
- Council Directive 92/109/EEC of 14 December 1992 on the manufacture and the placing on the market of certain substances used in the illicit manufacture of narcotic drugs and psychotropic substances (OJ L 370 of 19 December 1992, p. 76);
- Commission Directive 2003/101/EC of 3 November 2003 amending Council Directive 92/109/EEC on the manufacture and placing on the market of certain substances used in the illicit manufacture of narcotic drugs and psychotropic substances (OJ L 286 of 4 November 2003, p. 14);
  - Council Decision of 28 September 2000 on the conclusion of an agreement between the European Community and the Kingdom of Norway on the participation of Norway in the work of the European Monitoring Centre for Drugs and Drug Addiction (OJ L 257 of 11 October 2000, p. 23);
- Council Decision of 13 November 2006 concerning the conclusion of the Agreement between the European Community and Kingdom of Norway on the revision of the amount of the financial contribution from Norway provided for in the Agreement between the European Community and Kingdom of Norway on the participation of Norway in the work of the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) (OJ L 349 of 12 December 2006, p. 47);

<sup>51</sup> This Council Decision repeals and deletes Joint Action of 16 June 1997 concerning the information exchange, risk assessment and the control of new synthetic drugs (OJ L 167 of 25 June 1997, p.1). Decisions taken by the Council based on Article 5 of that Joint Action shall continue to be legally valid.

- Agreement between the European Community and Kingdom of Norway on the revision of the amount of the financial contribution from Norway provided for in the Agreement between the European Community and Kingdom of Norway on the participation of Norway in the work of the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) (OJ L 349 of 12 December 2006, p 49);
- Resolution of 29 November 1996 on measures to address the drug tourism problem within the EU (OJ C 375 of 12 December 1996, p. 3),
- Resolution of 16 December 1996 on measures to combat and dismantle the illicit cultivation and production of drugs within the EU (OJ C 389 of 23 December 1996, p. 1);
- Resolution of 20 December 1996 on Sentencing for Serious Illicit Drug Trafficking (OJ C 10 of 11 January 1997, p. 3);
- Council Recommendation on the alignment of law enforcement drug and diverted precursors seizure statistics STUP 29/2001, STUP 26/2001;
- o Council Recommendation of 25 April 2002 on improving investigation methods in the fight against organised crime linked to organised drug trafficking: simultaneous investigations into drug trafficking by criminal organisations and their finances/assets (OJ C 114 of 15 May 2002, p. 1);
- o Council Recommendation of 25 April 2002 on the need to enhance cooperation and exchanges of information between the various operational units specialising in combating trafficking in precursors in the Member States of the European Union (OJ C 114 of 15 May 2002, p. 3);
- Council Recommendation of 18 June 2003 on the prevention and reduction of health-related harm associated with drug dependence (OJ L 165 of 3 July 2003 p. 31);
- Council Resolution on the importance of the role of the families in preventing drug abuse by adolescents. (CORDROGUE 94 12 November 2003);
- Council Resolution on combating the impact of psychoactive substances use on road accidents (CORDROGUE 97 – dated 13 November 2003);
- Council Resolution of 17 December 2003 on training for drug law enforcement officers (OJ C 38 of 12 February 2004, p. 1);
- ▶ Council Recommendation of 30 March 2004 regarding guidelines for taking samples of seized drugs (OJ C 86 of 8 June 2004, p. 10);
- Council Resolution of 27 November 2003 on the posting of liaison officers with particular expertise in drugs to Albania (OJ C 97 of 22 April 2004, p. 6);
- Regulation (EC) No 273/2004 of the European Parliament and of the Council of 11 February 2004 on drug precursors (OJ L 47 of 18 February 2004, p. 1);
- Council Regulation (EC) No 111/2005, of 22 December 2004 laying down rules for the monitoring of trade between the Community and third countries in drug precursors (OJ L 22 of 26 January 2005, p. 1);
- Commission Regulation (EC) No 1277/2005 of 27 July 2005 laying down implementation rules for Regulation (EC), No 273/2004 of the European Parliament and of the Council on drug precursors and for the Council Regulation (EC), No 111/2005 laying down rules for the monitoring of trade between the Community and third countries in drug precursors (OJ L 202 of 03 August 2005, p. 7);
- ▶ Council Resolution on cannabis – CORDROGUE 59 – 07/07/2004 doc 11267/04;
- EU Drugs Action Plan (2005-2008) (OJ C 168 of 8 July 2005, p. 1);
- Regulation (EC) No 1920/2006 of the European Parliament and of the Council of 12 December 2006 on the European Monitoring Centre for Drugs and Drug Addiction (recast) (OJ L 376 of 27 December 2006, p. 1);
- ◆ Council Decision (2008/375/EC) of 29 April 2008 concerning the conclusion of the Agreement between the European Community and the Republic of Turkey on the participation of the Republic of Turkey on the European Monitoring centre for Drugs and Drugs Addiction (OJ L 129 of 17 May 2008, p. 48).

## D. Other Conventions

- Agreement on illicit traffic by sea, implementing Article 17 of the United Nations Convention against illicit traffic in narcotic drugs and psychotropic substances (ETS No. 156 - Strasbourg, 31 January 1995)<sup>52</sup>;

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<sup>52</sup> Also relevant for judicial cooperation in criminal matters.

**VIII. TERRORISM****A. Conventions to which accession is obligatory<sup>53</sup>**

- Council of Europe Convention on the Suppression of Terrorism of 27 January 1977<sup>54</sup>;
- Protocol amending the Council of Europe Convention on the Suppression of Terrorism of the Council of Europe (STE 190), signed on 15 May 2003.

**B. Joint Actions, Joint Positions (Maastricht Treaty);  
Common Positions, Framework Decisions and Decisions (Amsterdam Treaty)  
Instruments adopted under the TEC**

- Joint Action (96/610/JHA) of 15 October 1996 concerning the creation and maintenance of a Directory of specialised counter-terrorist competences, skills and expertise to facilitate counter-terrorist-cooperation between the Member States of the EU (OJ L 273 of 25 October 1996, p. 1);
- Council Common Position of 27 December 2001 on combating terrorism (OJ L 344 of 28 December 2001, p. 90)<sup>55</sup>;
- Council Common Position of 27 December 2001 on the application of specific measures to combat terrorism (OJ L 344 of 28 December 2001, p. 93);
- o Council Framework Decision of 13 June 2002 on combating terrorism (OJ L 164 of 22 June 2002, p. 3);
- o 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 of 24 December 2002, p. 1);
- Council Decision 2003/48/JHA of 19 December 2002 on the implementation of specific measures for police and judicial cooperation to combat terrorism in accordance with Article 4 of Common Position 2001/931/CFSP (OJ L 16 of 22 January 2003, p. 68);
- Council Decision 2005/671/JHA of 20 September 2005 on the exchange of information and co-operation concerning terrorist offences (OJ L 253 of 29 September 2005, p. 22);
- Directive 2005/60/EC of the European Parliament and of the Council of 26 October 2005 on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing (OJ L 309 of 25 November 2005, p. 15).
- ❖ 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 of 4 of August 2007, p. 16)<sup>56</sup>;
- ◆ 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 of 8 of August 2008, p. 47);

<sup>53</sup> This list contains the Conventions for which the obligation to accede is not explicit, but results from the binding force of secondary legislation, from Council Conclusions or from Article 10 EC.

<sup>54</sup> Referred to in various instruments of the acquis (96 Convention, i.e. art 3, art. 5, FD on combating terrorism, FD on the European Arrest Warrant).

<sup>55</sup> See also Council Regulation (EC) No 2580/2001 of 27 December 2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism (OJ L344 of 28 December 2001, p. 70), as amended by Commission Regulation (EC) No 745/2003 of 28 April 2003; Council Decision of 28 October 2002 implementing Article 2(3) of Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism and repealing Decision 2002/460/EC, 2002/848/EC (OJ L295 of 30 October 2002, p. 12); Council Decision of 27 June 2003 implementing Article 2(3) of Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism and repealing Decision 2002/974/EC (OJ L160 of 28 June 2003, p. 81), and Council Decision of 2 April 2004 implementing Article 2(3) of Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism and repealing Decision 2003/902/EC (OJ L 99 of 3 April 2004, p. 28). Further related Council Decisions are also to be taken into account.

<sup>56</sup> This instrument is also mentioned under the section on "personal data protection".



- ◆ 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 of 8 of August 2008, p. 49).

### **C. Other European Union Instruments and documents**

- Declaration of 30 November 1993 on financing of terrorism;
- Declaration on terrorism (La Gomera Declaration) of 14 October 1995 issued by the Justice and Home Affairs Ministers;
- Interim Report on the evaluation of national anti-terrorist arrangements (14306/3/04 Rev 3 ENFOPOL 155);
- Commission Decision 2006/299/EC of 19 April 2006 setting up a group of experts to provide policy advice to the Commission on fighting violent radicalisation (OJ L 111 of 25 April 2006, p. 9);
- Communication of the Commission of a European Programme for Critical Infrastructure Protection : COM(2006) 786 of 12 December 2006;
- ❖ Communication "EU Action Plan fo the enhancement of the security of explosives and firearms: COM(2007) 651 of 6 November 2007.

**IX. POLICE COOPERATION<sup>57</sup>****A. Conventions to which accession is obligatory**

- Council Decision 2005/296/CFSP, JHA of 24 January 2005 concerning the conclusion of the Agreement between the European Union and the former Yugoslav Republic of Macedonia on the security procedures for the exchange of classified information (OJ L 94 of 13 April 2005, p. 38);
  - Related Agreement (OJ L 94 of 13 April 2005, p. 39).

**B. Joint Actions, Joint Positions (Maastricht Treaty);  
Common Positions, Framework Decisions and Decisions (Amsterdam Treaty)  
Instruments adopted under the TEC**

- Joint Action 97/339/JHA of 26 May 1997 with regard to cooperation on law and order and security (JO L 147 of 5 June 1997, p. 1);
- Council Decision 2005/681/JHA of 20 September 2005 establishing a European Police College (CEPOL) and repealing Decision 2000/820/JHA (OJ L 256 of 1 October 2005, p. 63)<sup>58</sup>;
- Council Decision of 28 May 2001 setting up a European crime prevention network (OJ L 153 of 8 June 2001, p. 1);
- o Council Decision (JHA) 2002/348 of 25 April 2002 concerning security in connection with football matches with an international dimension (OJ L 121 of 8 May 2002, p. 1);
  - ❖ Council Decision 2007/412/JHA of 12 June 2007 amending Decision 2002/348/JHA concerning security in connection with football matches with an international dimension (OJ L 155 of 15 June 2007, p. 76);
- o Council Decision of 13 June 2002 setting up a network of contact points in respect of persons responsible for genocide, crimes against humanity and war crimes (OJ L 167 of 26 June 2002, p. 1);
- o Council Decision of 28 November 2002 setting up a European Network for the Protection of Public Figures (OJ L 333 of 10 December 2002, p. 1);
- 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 of 14 May 2003, p. 12);
  - ▶ Council Decision, 2004/919/EC, of 22 December 2004 on tackling vehicle crime with cross-border implications (OJ L 389 of 30 December 2004, p. 28);
- Council Resolution of 17 November 2003 on the use by Member States of bans on access to venues of football matches with an international dimension (OJ C 281 of 22 November 2003, p. 1);
- Council Common Position 2005/69/JHA of 24 January 2005 on exchanging certain data with Interpol (OJ L 27 of 27 January 2005, p. 61);
- Council Framework Decision 2006/960/JHA of 18.12.2006 on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the European Union (OJ L 386 of 29 December 2006, p. 89)<sup>59</sup>;
- ❖ Council Decision of 12 February 2007 establishing for the period 2007 to 2013, as part of the General Programme on Fundamental Rights and Justice, the Specific Programme "Criminal Justice" (OJ L 58 of 24 February 2007, p. 13)<sup>60</sup>;

<sup>57</sup> Police cooperation should be in accordance with the European Code of Police Ethics, Council of Europe Recommendation (2001) 10, adopted by the Committee of Ministers of the Council of Europe on 19 September 2001.

<sup>58</sup> See Council Decision 2000/820/JHA of 22 December 2000 establishing a European Police College (CEPOL) (OJ L 336 of 30 December 2000, p.1) and subsequent Council Decisions 2004/566/JHA of 26 July 2004 amending Decision 2000/820/JHA establishing a European Police College (CEPOL) (OJ L 251 of 27 July 2004, p. 19) and 2004/567/JHA of 26 July 2004 amending Decision 2000/820/JHA establishing a European Police College (CEPOL) (OJ L 251 of 27 July 2004, p. 20).

<sup>59</sup> Corrigendum OJ L 75 of 15 March 2007, p. 26.

<sup>60</sup> This instrument is also mentioned under the section on "judicial cooperation in criminal matters".

- ❖ Council Decision of 12 February 2007 establishing for the period 2007 to 2013, as part of the General Programme on Security and Safeguarding Liberties, the Specific Programme "Prevention of and Fight against Crime" (OJ L 58 of 24 February 2007, p. 7)<sup>61</sup>;
- ❖ Council Decision of 12 February 2007 establishing for the period 2007 to 2013, as part of the General Programme on Security and Safeguarding Liberties, the Specific Programme "Prevention, Preparedness and Consequence Management of Terrorism and other Security related risks" (OJ L 58 of 24 February 2007, p. 1)<sup>62</sup>.
- ◆ Council Decision 2008/615/JHA of 23 June 2008 on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime (OJ L 210 of 6 August 2008, p. 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 of 6 August 2008, p. 12);
- ◆ 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 of 6 August 2008, p. 73);
- ◆ Council Decision 2008/633/JHA of 23 June 2008 concerning access for consultation on the Visa Information System (VIS) by designated authorities of Member States and by Europol for the purposes of the prevention, detection and investigation of terrorist offences and of other serious criminal offences (OJ L 218, of 13 of August 2008, p. 129).

### C. Other European Union Instruments and documents<sup>63</sup>

- Council Recommendation of 22 April 1996 on guidelines for preventing and restraining disorder connected with football matches, (OJ C 131 of 3 May 1996, p. 1);
- Resolution of 9 June 1997 on preventing and restraining football hooliganism through the exchange of experience, exclusion from stadiums and media policy (OJ C 193 of 24 June 1997, p.1);
- Resolution of 9 June 1997 on the exchange of DNA analysis results (OJ C 193 of 24 June 1997, p. 2);
- Council resolution of 25 June 2001 on the exchange of DNA analysis results (OJ C 187 of 3 July 2001, p. 1);
- Council recommendation of 25 June 2001 on contact points maintaining a 24-hour service for combating high-tech crime (OJ C 187 of 3 July 2001, p. 5);
- o Council Resolution of 6 December 2001 concerning a handbook with recommendations for international police cooperation and measures to prevent and control violence and disturbances in connection with football matches with an international dimension, in which at least one Member State is involved (OJ C 22 of 24 January 2002, p. 1);
- o Council Recommendation of 13 June 2002 regarding cooperation between the competent national authorities of Member States responsible for the private security sector (OJ C 153 of 27 June 2002, p. 1);
- Council Recommendation of 27 April 2006 on the drawing up of agreements between police, customs and other specialised law enforcement services in relation to the prevention and combating of crime (OJ C 124 of 25 May 2006, p. 1)<sup>64</sup>;
- ◆ Commission Decision of 25 March 2008 setting up the "Platform on Electronic Data Retention for the investigation, detection and prosecution of serious crime" group of experts (2008/324/EC) (OJ L 111 of 23 April 2008, p. 11).

<sup>61</sup> This instrument is also mentioned under the section on "judicial cooperation in criminal matters".

<sup>62</sup> This instrument is also mentioned under the section on "judicial cooperation in criminal matters".

<sup>63</sup> Attention is also drawn to the Council of Europe Recommendation n° R (87) 15 laying down rules for the use of personal data in the police sector (referred to in Article 129 of the Convention implementing the Schengen Agreement).

<sup>64</sup> Also relevant for customs cooperation. Member States are requested to give effect to this Recommendation in replacement of the Council Resolution of 29 November 1996 on the drawing up of police/customs agreements in the fight against drugs (OJ C 375 of 12 December 1996, p.1).

**X. CUSTOMS COOPERATION****A. Conventions to which accession is obligatory**

- Convention drawn up on the basis of Article K.3 of the Treaty on European Union, on the use of information technology for customs purposes (OJ C 316 of 27 November 1995, p. 33);
  - 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 use of information technology for customs purposes - Declaration concerning the simultaneous adoption of the Convention on the use of information technology for customs purposes and the Protocol on the interpretation by way of preliminary rulings, by the Court of Justice of the European Communities, of that Convention - Declaration made pursuant to Article 2 (OJ C 151 of 20 May 1997, p. 15);
  - Council Act of 12 March 1999 drawing up, on the basis on Article K.3 of the Treaty on European Union, the Protocol on the scope of the laundering of proceeds in the Convention on the use of information technology for customs purposes and the inclusion of the registration number of the means of transport in the Convention (OJ C 91 of 31 March 1999, p. 2);
  - Council act of 8 May 2003 drawing up a Protocol amending, as regards the creation of a customs files identification database, the Convention on the use of information technology for customs purposes (OJ C 139 of 13 June 2003, p. 1)<sup>65</sup>;
- Convention of 18 December 1997 on Mutual Assistance and Co-operation between customs administrations (Naples II-Convention) (OJ C 24 of 23 January 1998, p. 1)<sup>66</sup>.

**B. Joint Actions, Joint Positions (Maastricht Treaty);  
Common Positions, Framework Decisions and Decisions (Amsterdam Treaty)  
Instruments adopted under the TEC****C. Other European Union instruments and documents**

- Resolution of 9 June 1997 concerning a handbook for joint customs surveillance operations (OJ C 193 of 24 June 1997, p. 4);
- Council Resolution of 2 October 2003 on a strategy for customs cooperation (OJ C 247 of 15 October 2003, p. 1);
- Council Recommendation of 27 April 2006 on the drawing up of agreements between police, customs and other specialised law enforcement services in relation to the prevention and combating of crime (OJ C 124 of 25 February 2006, p. 1)<sup>67</sup>.

**D. Other Conventions (accession desirable)**

<sup>65</sup> Corrigendum to the Protocol established in accordance with Article 34 of the Treaty on European Union, amending, as regards the creation of a customs files identification database, the Convention on the use of information technology for customs purposes, (OJ C 56 of 5 March 2005, p.46).

<sup>66</sup> On the date of entry into force of this Convention, the Convention on the provision of mutual assistance between customs administrations of 7 September 1967 ("Naples Convention") shall be repealed. Within the framework of the Naples I Convention, customs Directors General adopted the following declarations: Wiesbaden (1971), Dromoland I (1976), Istanbul I (1977), Istanbul 2 (1977), Iraklion (1978), London (1974), Munich (1975), Harrogate (1992).

<sup>67</sup> Also relevant for police cooperation. Member States are requested to give effect to this Recommendation in replacement of the Council Resolution of 29 November 1996 on the drawing up of police/customs agreements in the fight against drugs (OJ C 375 of 12 December 1996, p.1).

**XI. JUDICIAL COOPERATION IN CIVIL MATTERS****A. Conventions to which accession is obligatory***a) Indicative list of conventions and instruments to which the new Member States must accede in accordance with the Act of Accession*

- Brussels Convention of 27 September 1968 on jurisdiction and the enforcement of judgments in civil and commercial matters (consolidated version OJ C 27 of 26 January 1998, p. 34);
- Luxembourg Protocol of 3 June 1971 on the interpretation by the Court of Justice of the Convention of 27 September 1968 (OJ C 27 of 26 January 1998, p. 1);
  - Convention on the Accession of the Hellenic Republic to the Brussels Convention (OJ L 388 of 31 December 1982, p. 1);
  - Convention on the Accession of the Kingdom of Spain and the Portuguese Republic to the Brussels Convention (OJ L 285 of 3 October 1989, p. 1);
  - Convention on the Accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the Brussels Convention (OJ C 15 of 15 January of 1997, p. 1);
- Rome Convention of 19 June 1980 on the Law applicable to Contractual Obligations (OJ C 27 of 26 November 1998, p. 34);
- 1st Protocol to the Convention on the Law applicable to Contractual Obligations on Interpretation by the Court of Justice of 19 December 1988 (OJ C 334 of 30 December 2005, p. 1);
- 2nd Protocol to the Convention on the Law applicable to Contractual Obligations conferring the Court of Justice powers to interpret the 1980 Convention of 19 December 1988 (OJ C 334 of 30 December 2005, p. 1)<sup>68</sup>;
  - Luxembourg Convention of 10 of April 1984 on the Accession of the Hellenic Republic to the Rome Convention of 1980 (OJ L 146 of 31 May 1984, p. 1);
  - Funchal Convention of 18 May 1992 on the Accession of the Kingdom of Spain and the Portuguese Republic to the Rome Convention of 1980 (OJ L 333 of 18 November 1992, p. 1);
  - Convention of 29 November 1996 on the Accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the Rome Convention of 1980 (OJ C 15 of 15 January 1997, p. 10).
  - Convention on the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the Convention on the law applicable to contractual obligations opened for signature in Rome on 19 June 1980 , and to the First and Second Protocols on its interpretation by the Court of Justice of the European Communities (OJ C 169 of 8 July 2005, p. 1)<sup>69</sup>;
- ❖ Council Decision of 8 November 2007 concerning the accession of Bulgaria and Romania to the Convention on the Law applicable to Contractual Obligations, opened for signature in Rome on 19 June 1980 No 2007/856/EC (OJ L 347 of 29 December 2007, p. 1);
- Convention on Jurisdiction and the Recognition and Enforcement of Judgements in Civil and Commercial matters<sup>70</sup> - Protocol 1 on certain questions of jurisdiction, procedure and enforcement – Protocol 2 on the uniform interpretation of the Convention and on the Standing Committee. (OJ L 339 of 21 December 2007, p. 3);
- ❖ Decision No 1149/2007/EC of the European Parliament and of the Council of 11 July 2007 establishing for the period 2007-2013 the Specific Programme Civil Justice as part of the General Programme Fundamental Rights and Justice (OJ L 257 of 3 October 2007, p. 16).

<sup>68</sup> The Commission has presented a proposal for a Regulation of the European Parliament and of the Council on the law applicable to contractual obligations (Rome I), COM (2005)650 final of 15 December 2005.

<sup>69</sup> This Convention shall enter into force between Member States which have ratified it.

<sup>70</sup> Council Decision of 6 July 2007 on Signature by the Community of the Convention; the new Convention signed in Lugano on 30 October 2007.

*b) Indicative list of agreements, conventions and protocols to which the new Member States must accede<sup>71</sup>*

- The Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction<sup>72</sup>.

## **B. Joint Actions, Joint Positions (Maastricht Treaty);**

### **Instruments adopted under the TEC**

- Joint Action of 22 November 1996 adopted by the Council on the basis of Articles J.3 and K.3 of the Treaty on European Union concerning measures protecting against the effects of the extra-territorial application of legislation adopted by a third country, and actions based thereon or resulting therefrom (OJ L 309 of 29 November 1996, p. 7);
- Council Regulation (EC) No 1346/2000 of 29 May 2000 on insolvency proceedings (OJ L 160 of 30 June 2000, p. 1);
  - Council Regulation (EC) No 603/2005 of 12 April 2005 amending the lists of insolvency proceedings, winding-up proceedings and liquidators in Annexes A, B and C to Regulation (EC) No 1346/2000 on insolvency proceedings (OJ L 100 of 20 April, 2005, p. 1);
  - Council Regulation (EC) No 694/2006 of 27 April 2006 amending the lists of insolvency proceedings, winding-up proceedings and liquidators in Annexes A, B and C to Regulation (EC) No 1346/2000 on insolvency proceedings, (OJ L 121 of 6 May 2006, p. 1);
  - ❖ Council Regulation (EC) No 681/2007 of 13 June 2007 amending the lists of insolvency proceedings, winding-up proceedings and liquidators in Annexes A, B and C to Regulation (EC) No 1346/2000 on insolvency proceedings (OJ L 159 of 20 June 2007, p. 1);
- Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000 (OJ L 338 of 23 December 2003, p. 1)<sup>73</sup>;
  - ▶ Council Regulation (EC) No 2116/2004 of 2 December 2004 amending Regulation (EC) No 2201/2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000, as regards treaties with the Holy See (OJ L 367 of 14 December 2004, p. 1);
    - Information relating to courts and redress procedures pursuant to Article 68 of Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000 (OJ C 40 of 17 February 2005, p. 2);
  - ❖ Regulation EC No 1393/2007 of the European Parliament and of the Council of 13 November 2007 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents), and repealing Council Regulation No 1348/2000 (OJ L 324 of 10 December 2007, p. 79);
- Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ L 012 of 16 January 2001, p. 1);
  - Corrigendum to Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ L 307 of 24 November 2001, p. 28);

<sup>71</sup> This list contains the Conventions for which the obligation to accede is not explicit, but results from the binding force of secondary legislation, from Council Conclusions or from Article 10 EC.

<sup>72</sup> This Convention is being referred to the Council Regulation (EC) No. 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgements in matrimonial matters and in matters of parental responsibility, repealing Regulation (EC) No 1347/2000 and amending Regulation (EC) No 44/2001.

<sup>73</sup> This Regulation repealed Council Regulations 1347/2000 (Brussels II) of 29 May 2000 on jurisdiction and the recognition and enforcement of judgements in matrimonial matters and in matters of parental responsibility for children of both spouses (OJ L 160 of 30 June 2000, p.19) and 1185/2002 (list of Courts) of 1 July 2002 amending the list of competent courts in Annex I to Council Regulation (EC) No 1347/2000 of 29 May 2000 on jurisdiction and the recognition and enforcement of judgments in matrimonial matters and in matters of parental responsibility for children of both spouses (OJ L 173 of 3 July 2002, p. 3) as from 1 March 2005. Member States notified their competent courts by 1 August 2004 for application as from 1 March 2005.

- o Commission Regulation (EC) No 1496/2002 of 21 August 2002 amending Annex I (the rules of jurisdiction referred to in Article 3(2) and Article 4(2) and Annex II (the list of competent courts and authorities) to Council Regulation (EC) No 44/2001 on jurisdiction and the recognition and enforcement of judgements in civil and commercial matters (OJ L 225 of 22 August 2002, p. 13)<sup>74</sup>;
- ▶ Commission Regulation (EC) No 1937/2004 of 9 November 2004 amending Annexes I, II, III and IV to Council Regulation (EC) No 44/2001 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ L 334 of 10 November 2004, p. 3);
- ▶ Commission Regulation (EC) No 2245/2004 of 27 December 2004 amending Annexes I, II, III and IV to Council Regulation (EC) No 44/2001 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ L 381 of 28 December 2004, p. 10);
- Council Decision of 28 May 2001, 2001/470/EC, establishing a European Judicial Network in civil and commercial matters (OJ L 174 of 27 June 2001, p. 25);
- Council Regulation (EC) No 1206/2001 of 28 May 2001 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters (OJ L 174 of 27 June 2001, p. 1);
- o Council Regulation (EC) NO 743/2002 of 25 April 2002 establishing a general Community framework of activities to facilitate the implementation of judicial cooperation in civil matters (OJ L 115 of 1 May 2002, p. 1);
- Council Decision (2003/93/EC) of 19 December 2002 authorising the Member States, in the interest of the Community, to sign the 1996 Hague Convention on jurisdiction, applicable law, recognition, enforcement and cooperation in respect of parental responsibility and measures for the protection of children (OJ L 48 of 21 February 2003, p. 1);
- ◆ Council Decision 2008/431/EC of 5 June 2008 authorising certain Member States to ratify, or accede to, in the interest of the European Community, the 1996 Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in respect of Parental Responsibility and Measures for the Protection of Children and authorising certain Member States to make a declaration on the application of the relevant internal rules of Community law (OJ L 151 of 11 June 2008, p. 36);
- ◆ Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in respect of Parental Responsibility and Measures for the Protection of Children (OJ L 151 of 11 June 2008, p. 39);
- Council Directive 2003/8/EC of 27 January 2003 to improve access to justice in cross-border disputes by establishing minimum common rules relating to legal aid for such disputes (OJ L 26 of 31 January 2003, p. 41);
  - ▶ Commission Decision 2004/844/EC of 9 November 2004 establishing a form for legal aid applications under Council Directive 2003/8/EC to improve access to justice in cross-border disputes by establishing minimum common rules relating to legal aid for such disputes (OJ L 365 of 10 December 2004, p. 27);
  - Commission Decision 2005/630/EC of 26 August 2005 establishing a form for the transmission of legal aid applications under Council Directive 2003/8/EC (OJ L 225 of 31 August 2005, p. 23);
  - ▶ Council Directive 2004/80/EC of 29 April 2004 relating to compensation to crime victims (OJ L 261 of 6 August 2004, p. 15);
  - Commission Decision (2006/337/EC) of 19 April 2006 establishing standard forms for the transmission of applications and decisions pursuant to Council Directive 2004/80/EC relating to compensation to crime victims (OJ L 125 of 12 May 2006, p. 25);
- ▶ Regulation (EC) No 805/2004 of the European Parliament and of the Council of 21 April 2004 creating a European Enforcement Order for uncontested claims (OJ L 143 of 30 April 2004, p. 15);
- Commission Regulation (EC) No 1869/2005 of 16 November 2005 replacing the Annexes to Regulation (EC) N° 805/2004 of the European Parliament and of the Council creating a European Enforcement Order for uncontested claims (OJ L 300 of 17 November 2005, p. 6);
- Council Decision (2006/325/EC) of 27 April 2006 concerning the conclusion of the Agreement between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgements in civil and commercial matters (OJ L 120 of 5 May 2006, p. 22);

<sup>74</sup> The Statement of the Council and the Commission on Articles 15 and 73 of the Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgements in civil and commercial matters is also to be taken into account.

- ❖ Information concerning the date of entry into force of the Agreement between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgements in civil and commercial matters (OJ L 94 of 4 April 2007, p. 70)<sup>75</sup>;
- Council Decision (2006/326/EC) of 27 April 2006 concerning the conclusion of the Agreement between the European Community and the Kingdom of Denmark on the service of judicial and extrajudicial documents in civil and commercial matters (OJ L 120 of 5 May 2006, p. 23);
- ❖ Information concerning the date of entry into force of the Agreement between the European Community and the Kingdom of Denmark on the service of judicial and extrajudicial documents in civil and commercial matters (OJ L 94 of 4 April 2007, p. 70)<sup>76</sup>;
- Regulation (EC) No 1896/2006 of the European Parliament and of the Council of 12 December 2006 creating a European order for payment procedure (OJ L 399 of 30 December 2006, p. 1);
- ❖ Regulation (EC) No 861/2007 of the European Parliament and of the Council of 11 July 2007 establishing a European Small Claims Procedure (OJ L 199 of 31 July 2007, p. 1);
- ❖ Regulation (EC) No 864/2007 of the European Parliament and of the Council of 11 July 2007 on the law applicable to non-contractual obligations (Rome II) (OJ L 199 of 31 July 2007, p. 40);
- ◆ Directive 2008/52/EC of the European Parliament and of the Council of 21 May 2008 on certain aspects of mediation in civil and commercial matters (OJ L 136 of 24 May 2008, p. 3);
- ◆ Regulation (EC) No 593/2008 of the European Parliament and of the Council of 17 June 2008 on the law applicable to contractual obligations (Rome I) (OJ L 177 of 4 July 2008, p. 6).

## C. Other European Union Instruments and documents

- Programme of measures for implementation of the principle of mutual recognition of decisions in civil and commercial matters (OJ C 12 of 15 January 2001, p. 1);
  - ▶ Communication of the European Commission launching a European Day of Civil Justice (C(2003)1553 of 8 May 2003);
- Group of experts on the property consequences of marriage and other forms of union and on succession and wills in the European Union ("PRM-III/IV") (OJ C 51 of 1 March 2006, p. 3).

## D. Other Conventions

<sup>75</sup> Entry into force on 1 July 2007.

<sup>76</sup> Entry into force on 1 July 2007.



**XII. JUDICIAL CO-OPERATION IN CRIMINAL MATTERS****A. Conventions to which accession is obligatory***a) Indicative list of conventions and instruments to which new Member States must accede in accordance with the Act of Accession*

- Convention of 10 March 1995 on Simplified Extradition Procedures between the Member States of the European Union (OJ C 78 of 30 March 1995 p. 2)<sup>77</sup>;
- Convention drawn up on the basis of Article K.3 of the Treaty on European Union, of 27 September 1996 relating to Extradition between the Member States of the European Union (OJ C 313 of 23 October 1996, p. 12);<sup>78</sup>
  - Convention signed in Schengen on 19 June 1990 Implementing the Schengen Agreement of 14 June 1985 (CISA), Chapter III, Articles 54-58, Application of the ne bis in idem Principle (OJ L 239 of 22 September 2000, p. 19);
  - 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 of 12 March 2003, p. 25);
- Convention drawn up on the basis of Article K.3 of the Treaty on European Union on Driving Disqualifications (OJ C 216 of 10 July 1998, p. 1)<sup>79</sup>;
- Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union (OJ C 197 of 12 July 2000, p. 3)<sup>80</sup>;
  - Protocol of 16 October 2001 to the Convention on mutual assistance in criminal matters between the Member States of the European Union (OJ C 326 of 21 November 2001, p. 1)<sup>81</sup>;
  - Council Decision of 17 December 2003 on the signing of the Agreement between the European Union and the Republic of Iceland and the Kingdom of Norway on the application of certain provisions of the Convention of 29 May 2000 on Mutual Assistance in Criminal Matters between the Member States of the European Union and the 2001 Protocol thereto (OJ L 26 of 29 January 2004, p. 1);
    - ▶ Agreement between the European Union and the Republic of Iceland and the Kingdom of Norway on the application of certain provisions of the Convention of 29 May 2000 on Mutual Assistance in Criminal Matters between the Member States of the European Union and the 2001 Protocol thereto (OJ L 26 of 29 January 2004, p. 3)<sup>82</sup>;

<sup>77</sup> Although this instrument is replaced by the Framework Decision on the European arrest warrant, some Member States declared at the time of adoption of the Framework Decision, in conformity with its Article 32 that, as executing Member States they would continue to deal with requests relating to acts committed before 1 January 2004 respectively 1 November 1993 in accordance with the formerly applicable extradition system. It is therefore necessary for new Member States to ratify the 1995 and 1996 European conventions on extradition. See Explanatory report on the Convention on simplified extradition procedure between the Member State of the European Union (OJ C 375 of 12 December 1996, p. 4).

<sup>78</sup> Although this instrument is to be replaced by the Framework Decision on the European arrest warrant, some Member States declared at the time of adoption of the Framework Decision in conformity with its Article 32 that as executing Member States they would continue to deal with requests relating to acts committed before 1 January 2004 respectively 1 November 1993 in accordance with the formerly applicable extradition system. It is therefore necessary for new Member States to ratify the 1995 and 1996 European conventions on extradition. See Explanatory report on the Convention on extradition procedure between the Member States of the European Union (OJ C 191 of 23 June 1997, p. 13).

<sup>79</sup> See Explanatory report on the Convention on Driving Disqualifications (OJ C 211 of 23 July 1999, p.1).

<sup>80</sup> See explanatory report on the Convention of 29 May 2000 on Mutual Assistance in Criminal Matters between the Member States of the European Union (OJ C 379 of 29 December 2000, p.7). See also final Report on the first evaluation exercise — mutual legal assistance in criminal matters, (OJ C 216 of 1 August 2001, p. 14).

<sup>81</sup> See explanatory report to the Protocol to the 2000 Convention on mutual assistance in criminal matters between the Member States of the European Union (OJ C 257 of 24 October 2002, p. 1).

<sup>82</sup> See Council Decision of 17 December 2003 on the signing of the Agreement between the European Union and the Republic of Iceland and the Kingdom of Norway on the application of certain provisions of the Convention of 29 May 2000 on Mutual Assistance in Criminal Matters between the Member States of the European Union and the 2001 Protocol thereto (OJ L 26 of 29 January 2004, p. 1).

*b) Indicative list of agreements, conventions and protocols to which the new Member States must indirectly accede<sup>83</sup>*

- European Convention on Extradition (Paris, 13 December 1957)<sup>84</sup>;
- The first additional Protocol to the European Convention on Extradition (Strasbourg, 15 October 1975);
- The second additional Protocol to the European Convention on Extradition (Strasbourg, 17 March 1978);
- European Convention on Mutual Legal Assistance in Criminal Matters (Strasbourg, 20 April 1959)<sup>85</sup>;
- The first additional Protocol to the European Convention on Mutual Legal Assistance in Criminal Matters (Strasbourg, 17 March 1978);
- The second additional protocol to the European Convention on Mutual Legal Assistance in Criminal Matters (Strasbourg, 8 November 2001).

**B. Joint Actions, Joint Positions (Maastricht Treaty);  
Common Positions, Framework Decisions and Decisions (Amsterdam Treaty)  
Instruments adopted under the TEC<sup>86</sup>**

- Joint Action of 22 April 1996 concerning a framework for the exchange of liaison magistrates to improve judicial cooperation between the Member States of the European Union (OJ L 105 of 27 April 1996, p. 1);
- Joint Action (96/443/JHA) of 15 July 1996 concerning Action to Combat Racism and Xenophobia (OJ L 185 of 24 July 1996, p. 5);
- Joint Action of 29 June 1998 on Good Practice in Mutual Legal Assistance in Criminal Matters (OJ L 191 of 7 July 1998, p. 1);
- Joint Action (98/428/JHA) of 29 June 1998 on the creation of a European Judicial Network (EJN) (OJ L 191 of 7 July 1998, p. 4);
- Council 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 140 of 14 June 2000, p. 1);
  - Council Framework Decision 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 of 14 December 2001, p. 3);
- Council Framework Decision of 15 March 2001 on the standing of victims in criminal proceedings (OJ L82 of 22 March 2001, p. 1);
- o Council Framework Decision of 13 June 2002 on joint investigation teams (OJ L 162 of 20 June 2002, p. 1);
- o Council Framework Decision (2002/584/JHA) of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States (OJ L 190 of 18 July 2002, p. 1)<sup>87</sup>;
  - Statements provided for in Article 31(2) of Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedure between Member States (OJ L 246 of 29 September 2003, p. 1);
- o Council decision (JHA) 187/2002 of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime (OJ L 63 of 06 March 2002, p. 1)<sup>88</sup>;

<sup>83</sup> This list contains the Conventions for which the obligation to accede is not explicitly spelled out in the Act of Accession, but results from the binding force of secondary legislation, from Council Conclusions or from Article 10 EC.

<sup>84</sup> Linked to the acquis through the 1995 (Art. 1, 1st para) and 1996 Conventions on extradition which refer to this Convention. This instrument will be replaced by the European arrest warrant but there are still specific rules in force as regards France, Austria and Italy.

<sup>85</sup> Linked to the acquis through the 2000 Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union (Art.1, para1 a).

<sup>86</sup> Council Framework Decision (2003/80/JHA) of 27 January 2003 on the protection of the environment through criminal law (OJ L 29, 05 February 2003, p. 55) was annulled by the Judgment of the Court of Justice of 13 September 2005, Case C-176/03, *Commission v. Council*.

<sup>87</sup> See Statements made by certain Member States on the adoption of the Framework Decision (OJ L 190 of 18 July 2002, p. 19).

- o Rules of procedure of Eurojust (OJ C 286 of 22 November 2002, p. 1);
- Council Decision 2003/659/JHA of 18 June 2003 amending Decision 2002/187/JHA setting up Eurojust with a view to reinforcing the fight against serious crime (OJ L245 of 29 September 2003, p. 44)<sup>89</sup>;
- Council Decision of 6 June 2003 2003/516/EC concerning the signature of the Agreements between the European Union and the United States of America on extradition and mutual legal assistance in criminal matters (OJ L 181 of 19 June 2003, p. 25);
- 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 of 2 August 2003, p. 45);
- ▶ Council resolution of 29 April 2004 on security at European Council meetings and other comparable events (OJ C 116 30 April 2004 p. 18);
- Council Framework Decision (2005/214/JHA) of 24 February 2005 on the application of the principle of mutual recognition to financial penalties (OJ L 76 of 22 March 2005, p. 16);
- Council Framework Decision (2005/212/JHA) of 24 February 2005 on Confiscation of Crime-Related Proceeds, Instrumentalities and Property (OJ L 68 of 15 March 2005, p. 49);
- Council Framework Decision 2005/667/JHA of 12 July 2005 to strengthen the criminal-law framework for the enforcement of the law against ship-source pollution (OJ L 255 of 30 September 2005, p. 164);
- Council Decision 2005/876/JHA of 21 November 2005 on the exchange of information extracted from the criminal record (OJ L 322 of 9 December 2005, p. 33);
- Council Decision 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 of 21 October 2006, p. 1) and subsequent Agreement (OJ L 292 of 21 October 2006, p. 2);
- ❖ Council Decision of 12 February 2007 establishing for the period 2007 to 2013, as part of the General Programme on Fundamental Rights and Justice, the Specific Programme "Criminal Justice" (OJ L 58 of 24 February 2007, p. 13)<sup>90</sup>;
- ❖ Council Decision of 12 February 2007 establishing for the period 2007 to 2013, as part of the General Programme on Security and Safeguarding Liberties, the Specific Programme "Prevention of and Fight against Crime" (OJ L 58 of 24 February 2007, p. 7)<sup>91</sup>;
- ❖ Council Decision of 12 February 2007 establishing for the period 2007 to 2013, as part of the General Programme on Security and Safeguarding Liberties, the Specific Programme "Prevention, Preparedness and Consequence Management of Terrorism and other Security related risks" (OJ L 58 of 24 February 2007, p. 1)<sup>92</sup>;
- ◆ Council Framework Decision 2008/675/JHA of 24 July 2008 on taking account of convictions in the member States of the European Union in the course of new criminal proceedings (OJ L 220 of 15 August 2008, p. 32).

### C. Other European Union Instruments and documents

- Council Resolution on increasing protection by penal sanctions against counterfeiting in connection with the introduction of the euro (OJ C 171 of 18 June 1999, p. 1);
- Programme of measures to implement the principle of mutual recognition of decisions in criminal matters (OJ C 12 of 15 January 2001, p. 10);
- Council recommendation of 8 May 2003 on a model agreement for setting up a joint investigation team (JIT) (OJ C 121 of 23 May 2003, p. 1).

### D. Other Conventions (accession desirable)

<sup>88</sup> Herewith obsolete: Council Decision of 14 December 2000 setting up a Provisional Judicial Cooperation Unit (OJ L 324 of 21 December 2000, p. 2). This instrument is also mentioned under Fight against organised crime.

<sup>89</sup> This instrument is also mentioned under Fight against organised crime.

<sup>90</sup> This instrument is also mentioned under the section on "police cooperation".

<sup>91</sup> This instrument is also mentioned under the section on "police cooperation".

<sup>92</sup> This instrument is also mentioned under the section on "police cooperation".

- Convention on the Transfer of Sentenced Persons (Strasbourg, 21 March 1983);
  - Additional Protocol to the Convention on the Transfer of Sentenced Persons (Strasbourg, 18 December 1997).

### XIII. PERSONAL DATA PROTECTION

#### A. LEGISLATIVE DOCUMENTS AND OTHER RELEVANT LEGAL TEXTS

- [Directive 95/46/EC](#) of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (OJ L 281 of 23 November 1995, p. 31; amended by [Regulation \(EC\) No 1882/2003](#) of the European Parliament and of the Council of 29 September 2003 adapting to Council Decision 1999/468/EC the provisions relating to committees which assist the Commission in the exercise of its implementing powers laid down in instruments subject to the procedure referred to in Article 251 of the EC Treaty (OJ L 284 of 31 October 2003, p. 1);
  - ◆ Commission Decision (2008/393/EC) of 8 May 2008 pursuant to Directive 95/46/EC of the European Parliament and of the Council on the adequate protection of personal data in Jersey (notified under document number C(2008) 1746) (Text with EEE relevance) (OJ L 138 of 28 May 2008, p. 21);
- [Regulation \(EC\) 45/2001](#) of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8 of 12 January 2001, p. 1);
- [Directive 2002/58/EC](#) of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications) (OJ L 201 of 31 July 2002, p. 37);
  - [Directive 2006/24/EC](#) of the European Parliament and of the Council of 15 March 2006 on the retention of data generated or processed in connection with the provision of publicly available electronic communications services or of public communications networks and amending Directive 2002/58/EC (OJ L 105 of 13 April 2006, p. 54);
- Article 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR);
- [Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data](#) (ETS 108, Council of Europe, Strasbourg, 28 January 1981);
  - [Additional Protocol](#) to the Convention regarding supervisory authorities and transborder data flows (ETS 181, Council of Europe, Strasbourg, 8 November 2001);
- [United Nations guidelines concerning Computerized personal data files](#), adopted by General Assembly resolution 45/95 of 14 December 1990;
- Organisation for Economic Co-operation and Development (OECD): [Recommendation of the Council concerning guidelines governing the protection of privacy and transborder flows of personal data](#), adopted by the Council on 23 September 1980.

#### B. POLICY DOCUMENTS

- [Commission's first report](#) on the transposition of the Data Protection Directive of 16 May 2003 (COM (2003) 265 final);
- Communication from the Commission to the Council and the Parliament - Transfer of Air Passenger Name Record (PNR) Data: A Global EU Approach of 16 December 2003 ([COM \(2003\) 0826 final](#));
- ❖ Communication from the Commission to the European Parliament and the Council on Promoting Data Protection by Privacy Enhancing Technologies (PETs) of 2 May 2007 ([COM \(2007\) 0228 final](#));
- ❖ Communication on the follow-up of the Work programme for a better implementation of the Data Protection Directive of 7 March 2007 ([COM \(2007\) 87 final](#)).

## C. COMMISSION DECISIONS ON THE ADEQUACY OF THE PROTECTION OF PERSONAL DATA IN THIRD COUNTRIES

### ARGENTINA

- Commission Decision 2003/490/EC of 30 June 2003 pursuant to Directive 95/46/EC of the European Parliament and of the Council on the adequate protection of personal data in Argentina ([OJ L 168 of 5 July 2003, p. 19](#)).

### CANADA

- [Commission Decision 2002/2/EC](#) of 20 December 2001 on the adequate protection of personal data provided by the Canadian Personal Information Protection and Electronic Documents Act (OJ L 2 of 4 January 2002, p. 13);
  - [Commission Decision 2006/253/EC](#) of 6 September 2005 on the adequate protection of personal data contained in the Passenger Name Record of air passengers transferred to the Canada Border Services Agency (OJ L 091, 29 March 2006, p. 49).

### GUERNSEY

- [Commission Decision](#) of 21 November 2003 on the adequate protection of personal data in Guernsey (OJ L 308 of 25 November 2003, p. 27).

### ISLE OF MAN

- ▶ [Commission Decision 2004/411/EC](#) of 28 April 2004 on the adequate protection of personal data in the Isle of Man (OJ L 151 of 30 April 2004, p. 48).

### SWITZERLAND

- [Commission Decision 2000/518/EC](#) of 26 July 2000, (OJ L 215 of 25 August 2000, p. 1);
- Commission Staff Document – The application of Commission Decision 2000/518/EC of 26 July 2000 pursuant to Directive 95/46/EC of the European Parliament and of the Council on the adequate protection of personal data provided in Switzerland of 20 October 2004 ([SEC\(2004\)1322](#)).

### UNITED STATES OF AMERICA

#### Transfer of Air Passenger Name Record Data<sup>93</sup>

- [Commission Staff Working Paper](#) on the Joint Review of the implementation by the U.S. Bureau of Customs and Border Protection of the Undertakings set out in Commission Decision 2004/535/EC of 14 May 2004 (Redacted version - 2005);
- ❖ 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 of 4 August 2007, p. 16](#))<sup>94</sup>;

<sup>93</sup> See also the Communication from the Commission to the Council on the signing, on behalf of the European Union, and on the provisional application of an Agreement between the European Union and the United States of America on the transfer to and use of PNR data by the United States Department of Homeland Security, Bureau of Customs and Border Protection (SEC (2006) 1276) of 4 October 2006. This agreement follows the annulment by the Court of Justice of previous "PNR agreement" on 30 May 2006 the Court of Justice ruled in Joined Cases C-317/04 and 318/04 and annulled both 17 May 2004 Council Decision 2004/496/EC, approving the Agreement with the United States of America on PNR on behalf of the Community, signed on 28 May 2004, and the Adequacy Decision adopted by the Commission on 14 May 2004. The 2007 PNR Agreement replaces all earlier PNR agreements, in particular the 2006 PNR Agreement ("Council Decision 2006/729/CFSP/JHA of 16 October 2006 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" ([OJ L 298 of 27 October 2006, p. 27](#)); and the "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" ([OJ L 298 of 27 October 2006, p. 29](#)). See also the Communication from the Commission to the Council on the signing, on behalf of the European Union, and on the provisional application of an Agreement between the European Union and the United States of America on the transfer to and use of PNR data by the United States Department of Homeland Security, Bureau of Customs and Border Protection (SEC (2006) 1276) of 4 October 2006, following the annulment by the European Court of Justice of the "2004 PNR agreement" on 30 May 2006 the Court of Justice ruled in Joined Cases C-317/04 and 318/04 and annulled both 17 May 2004 Council Decision 2004/496/EC, approving the Agreement with the United States of America on PNR on behalf of the Community, signed on 28 May 2004, and the Adequacy Decision adopted by the Commission on 14 May 2004.

<sup>94</sup> This instrument is also mentioned under the section on "terrorism".

- ❖ 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 of 4 August 2007, p. 18](#)).

#### Safe Harbour

- [Commission Decision 2000/520/EC](#) of 26 July 2000 (OJ L 215 of 25 August 2000, p. 7);
- Commission Staff Working Document – The application of Commission Decision 520/2000/EC of 26 July 2000 pursuant to Directive 95/46 of the European Parliament and of the Council on the adequate protection of personal data provided by the Safe Harbour Privacy Principles and related Frequently Asked Questions issued by the US Department of Commerce, of 13 February 2002 ([SEC \(2002\) 196](#));
- ▶ Commission Staff Working Document – The implementation of Commission Decision 520/2000/EC on the adequate protection of personal data provided by the Safe Harbour privacy Principles and related Frequently Asked Questions issued by the US Department of Commerce, of 20 October 2004 ([SEC\(2004\)1323](#)).

### D. MODEL CONTRACTS FOR THE TRANSFER OF PERSONAL DATA TO THIRD COUNTRIES

- [Commission Decision 2001/497/EC](#) of 15 June 2001 on standard contractual clauses for the transfer of personal data to third countries under the Directive 95/46/EC (OJ L 181 of 4 July 2001, p. 19);
  - ▶ [Commission Decision 2004/915/EC](#) of 27 December 2004 amending Decision 2001/497/EC as regards the introduction of an alternative set of standard contractual clauses for the transfer of personal data to third countries (OJ L 385 of 29 December 2004, p. 74);
- [Commission Decision 2002/16/EC](#) of 27 December 2001 on standard contractual clauses for the transfer of personal data to processors established in third countries under Directive 95/46/EC (OJ L 6 of 10 January 2002, p. 52);
- Commission Staff Working Document on the implementation of the Commission decisions on standard contractual clauses for the transfer of personal data to third countries (2001/497/EC and 2002/16/EC), of 20 January 2006 ([SEC \(2006\) 95](#)).

### E. EUROPEAN DATA PROTECTION SUPERVISOR

- [Decision No 1247/2002/EC](#) of the European Parliament, of the Council and of the Commission of 1 July 2002 on the regulations and general conditions governing the performance of the European Data-protection Supervisor's duties (OJ L 183 of 12 July 2002, p. 1);
- ▶ [Decision No 2004/55/EC](#) of the European Parliament and of the Council of 22 December 2003 appointing the independent supervisory body provided for in Article 286 of the EC Treaty (European Data Protection Supervisor) (OJ L 12, 17 January 2004, p. 47);
- European Parliament – Implementing rules relating to Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8 of 12 January 2001, p. 1) – Bureau Decision of 22 June 2005 ([OJ C 308 of 6 December 2005, p. 1](#)).

## **XIV. HUMAN RIGHTS RELATED INSTRUMENTS**

### **A. Conventions to which accession is obligatory<sup>95</sup>**

- European Convention for the Protection of Human Rights and Fundamental Freedoms (Rome, 4 November 1950) as amended by Protocol No. 11 and its Protocol of 1952<sup>96</sup>;
  - Protocol N°4 of 1963 to the European Convention for the Protection of Human Rights and Fundamental Freedoms (Rome, 4 November 1950) and its Protocol of 1952;
  - Protocol N°6 concerning the abolition of the death penalty of 1983;
- UN Convention on the elimination of all forms of racial discrimination (New-York; 7 March 1966)<sup>97</sup>;
- Council of Europe Convention on the protection of individuals with regard to automatic processing of personal data (Strasbourg, 28 January 1981)<sup>98</sup>;
- European Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Strasbourg, 26 November 1987)<sup>99</sup>;
- UN Convention on the rights of the child (New-York, 20 November 1989).

### **B. Joint Actions, Joint Positions (Maastricht Treaty); Common Positions, Framework Decisions and Decisions (Amsterdam Treaty) Instruments adopted under the TEC**

- Council Decision establishing a secretariat for the joint supervisory data-protection bodies set up by the Convention on the Establishment of a European Police Office (Europol Convention), the Convention on the Use of Information Technology for Customs Purposes and the Convention implementing the Schengen Agreement on the gradual abolition of checks at the common borders (Schengen Convention) (OJ L 271 of 24 October 2000, p.1).

### **C. Other European Union Instruments and documents**

- Charter of fundamental rights of the European Union (OJ C 364 of 18 December 2000, p.1);
- ❖ Council Regulation (EC) No 168/2007 of 15 February 2007 establishing a European Union Agency for Fundamental Rights (OJ L 53 of 22 February 2007, p. 1);
  - ◆ Council Decision of 10 October 2008 implementing Regulation (EC) No 168/2007 as regards the adoption of a Multi-annual Framework for the European Agency for Fundamental Rights for 2007-2012 (OJ L 63 of 7 March 2008, p. 14).

### **D. Other Conventions (accession desirable)**

The following protocols to the European Convention for the Protection of Human Rights and Fundamental Freedoms (Rome, 4 November 1950) as amended by Protocol No. 11:

- Protocol N°4 of 1963;
- Protocol N°7 of 1984;
- Protocol N°12 of 2000;

<sup>95</sup> This list contains the Conventions for which the obligation to accede is not explicit, but results from the binding force of secondary legislation, from Council Conclusions or from Article 10 EC.

<sup>96</sup> Linked to the acquis through Art. 6 EU of the EC Treaty. Protocol No. 11 has replaced Protocols 2, 3, 5, 8, 9 and 10

<sup>97</sup> Linked to the acquis through Art. 6 EU and 13 of the EC Treaty.

<sup>98</sup> Data protection in Schengen is based on this agreement (see Art. 115 Schengen Agreement). Attention is also drawn to the Council of Europe Recommendation n° R (87) 15 visant à réglementer l'utilisation de données à caractère personnel dans le secteur de la police (referred to in Article 129 of the Convention implementing the Schengen Agreement).

<sup>99</sup> Linked to the acquis through Art. 6 EU of the EC Treaty.



- Protocol N°13 of 2002.

**XV. SCHENGEN (HORIZONTAL ISSUES) / SIS<sup>100</sup>**

- Council Decision 1999/435/EC of 20 May 1999 concerning the definition of the Schengen acquis for the purpose of determining, in conformity with the relevant provisions of the Treaty establishing the European Community and the Treaty on European Union, the legal basis for each of the provisions or decision which constitute the acquis (OJ L 176 of 10 July 1999, p. 1);
- The Schengen acquis as referred to in Article 1(2) of Council Decision 1999/435/EC of 20 May 1999 (OJ L 239 of 22 September 2000, p. 1);
- Council Decision 1999/436/EC of 20 May 1999 determining, in conformity with the relevant provisions of the Treaty establishing the European Community and the Treaty on European Union, the legal basis for each of the provisions or decisions which constitute the Schengen acquis (OJ L 176 of 10 July 1999, p. 17);
- Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two states with the implementation, application and development of the Schengen acquis (OJ L 176 of 10 July 1999, p. 31);
- Council Decision 1999/439/EC of 17 May 1999 on the conclusion of the agreement with the Republic of Iceland and the Kingdom of Norway concerning the latter's association with the implementation, application and development of the Schengen acquis (OJ L 176 of 10 July 1999, p. 35);
- Council Decision 2000/29/EC of 28 June 1999 on the Agreement with 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 (OJ L 15 of 20 January 2000, p. 1);
- Decision No 1/1999 of the EU/Iceland and Norway Mixed Committee established by 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 in the implementation, application and development of the Schengen acquis adopting its Rules of Procedure (OJ C 211 of 23 July 1999, p. 9);
  - ▶ Amended by Decision No 1/2004 of the EU/Iceland and Norway Mixed Committee established by 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 in the implementation, application and development of the Schengen acquis (OJ C 308 of 14 December 2004, p. 1);
- Council Decision 2000/777/EC of 1 December 2000 on the application of the Schengen acquis in Denmark, Finland and Sweden, and in Iceland and Norway (OJ L 309 of 9 December 2000, p. 24);
- Council Decision 1999/848/EC of 13 December 1999 on the full application of the Schengen acquis in Greece (OJ L 327 of 21 December 1999, p. 58);
- 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 of 01 June 2000, p. 43);
- o Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen acquis (OJ L 64 of 7 March 2002, p. 20);
  - ▶ Council Decision (EC) 2004/926 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 of 31 December 2004, p. 70);
- ❖ Council Decision of 6 December 2007 (2007/801/EC) on the full application of the provisions of the Schengen acquis in the Czech Republic, the Republic of Estonia, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic (OJ L 323 of 8 December 2007, p. 34);
- ◆ Council Decision (2008/146/EC) of 28 January 2008 on the conclusion, on behalf of the European Community, of the Agreement between the European Union, the European Community and the Swiss Confederation, on the Swiss

<sup>100</sup> 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 of 10 July 2001, p. 45) is listed under the section on migration.

Confederation's association with the implementation, application and development of the Schengen acquis (OJ L 53 of 27 February 2008, p. 1);

- ◆ Council decision 2008/149/JHA of 28 January 2008 on the conclusion, on behalf of the European Community, 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 of 27 February 2008, p. 50);
- ◆ Council Decision (2008/261/EC) of 28 February 2008 on the signature, on behalf of the European Community, and on the provisional application of certain provisions 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* (OJ L 83, 26.3.2008, p. 3);
- ◆ Council Decision (2008/262/EC) of 28 February 2008 on the signature, on behalf of the European Union, and on the provisional application of certain provisions 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* (OJ L 83, 26.3.2008, p.5) Corrigendum (OJ L 110, 22.4.2008, p. 16);
  - ▶ Decision N° 1/2004 of the EU/Switzerland Mixed Committee established by the Agreement concluded between the European Union, the European Community and the Swiss Confederation concerning the latter's association in the implementation, application and development of the Schengen *acquis* of 26 October 2004 adopting its Rules of Procedure (OJ C 308 of 14 December 2004, p. 2);
- ◆ Decision No 1/2008 of the EU/Switzerland Mixed Committee established by the Agreement concluded between the European Union, the European Community and the Swiss Confederation concerning the latter's association in the implementation, application and development of the Schengen acquis of 28 February 2008 amending its Rules of Procedure (OJ L 83, 26.3.2008, p. 37);
- 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 of 3 October 2000, p. 1);
- Council Decision 2000/645/EC of 17 October 2000 correcting the Schengen acquis as contained in Schengen Executive Committee SCH/Com-ex (94)15 rev (OJ L 272 of 25 October 2000, p. 24);
- Council Decision 2000/641/JHA of 17 October 2000 establishing a secretariat for the joint supervisory data-protection bodies set up by the Convention on the Establishment of a European Police Office (Europol Convention), the Convention on the Use of Information Technology for Customs Purposes and the Convention implementing the Schengen Agreement on the gradual abolition of checks at the common borders (Schengen Convention) (OJ L 271 of 24 October 2000, p. 1);
- 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 of 11 October 2003, p. 37);
- Council Decision 2000/265/EC of 27 March 2000 on the establishment of a financial regulation governing the budgetary aspects of the management by the Deputy Secretary-General of the Council, of contracts concluded in his name, on behalf of certain Member States, relating to the installation and the functioning of the communication infrastructure for the Schengen environment, Sisnet (OJ L 85 of 6 April 2000, p. 12);
- Council Decision 2000/664/EC of 23 October 2000 amending Decision 2000/265/EC on the establishment of a financial regulation governing the budgetary aspects of the management by the Deputy Secretary-General of the Council of contracts concluded in his name, on behalf of certain Member States, relating to the installation and the functioning of the communication infrastructure for the Schengen environment, "SISNET" (OJ L 278 of 31 October 2000, p. 24);
- Council Decision 2003/171/EC of 27 February 2003 amending Decision 2000/265/EC on the establishment of a financial regulation governing the budgetary aspects of the management by the Deputy Secretary-General of the Council, of contracts concluded in his name, on behalf of certain Member States, relating to the installation and the functioning of the communication infrastructure for the Schengen environment, "Sisnet" (OJ L 69 of 13 March 2003, p. 10);

- Council Decision of 27 November 2003 on the repeal of the Financial Regulation governing the budgetary aspects of the management by the Secretary-General of the Council, of contracts concluded in his name, on behalf of certain Member States, relating to the installation and the functioning of the "Help Desk Server" of the Management Unit and of the Sirene Network Phase II (OJ L 318 of 3 December 2003, p. 23);
- Council Regulation (EC) No 2424/2001 of 6 December 2001 on the development of the second generation Schengen Information System (SIS II) (OJ L 328 of 13 December 2001, p. 4);
  - Council Regulation (EC) No 1988/2006 of 21 December 2006 amending Regulation (EC) No 2424/2001 on the development of the second generation Schengen Information System (SIS II) (OJ L 411 of 30 December 2006, p. 4; Corrigendum OJ L 27 of 2 February 2007, p. 3);
- Council Decision 2001/886/JHA of 6 December 2001 on the development of the second generation Schengen Information System (SIS II) (OJ L 328 of 13 December 2001, p. 1);
  - Council Decision (2006/1007/JHA) of 21 December 2006 amending Decision 2001/886/JHA of 6 December 2001 on the development of the second generation Schengen Information System (SIS II) (OJ L 411 of 30 December 2006, p. 78; Corrigendum OJ L 27 of 2 February 2007, p. 43);
- ❖ Commission Decision (2007/170/EC) of 16 March 2007 laying down the network requirements for the Schengen Information System II (1<sup>st</sup> pillar) (OJ L 79 of 30 March 2007, p. 20);
- ❖ Commission Decision (2007/171/EC) of 16 March 2007 laying down the network requirements for the Schengen Information System II (3<sup>rd</sup> pillar) (OJ L 79 of 20 March 2007, p. 29);
- Council Decision of 27 November 2003 on the repeal of the decision authorising the Secretary-General of the Council in the context of the integration of the Schengen acquis into the framework of the European Union to act as representative of certain Member States for the purposes of concluding contracts relating to the installation and the functioning of the "Help Desk Server" of the Management Unit and of the Sirene Network Phase II and to manage such contracts (OJ L 318 of 3 December 2003, p. 22);
- ▶ Council Regulation (EC) No 378/2004 of 19 February 2004 on procedures for amending the Sirene Manual (OJ L 64 of 2 March 2004, p. 5);
  - ▶ Council Decision 2004/201/JHA of 19 February 2004 on procedures for amending the Sirene Manual (OJ L 64 of 2 March 2004, p. 45);
  - Commission Decision 2006/757/EC of 22 September 2006 on amending the Sirene Manual (OJ L 317 of 16 November 2006, p. 1);
  - Commission Decision 2006/758/EC of 22 September 2006 on amending the Sirene Manual (OJ L 317 of 16 November 2006, p. 48);
- ◆ Council Decision 2008/422/EC of 5 June 2008 on declassifying Annex 4 to the SIRENE Manual adopted by the Executive Committee established by the Convention implementing the Schengen Agreement of 14 June 1985 (1990 Schengen Convention) (OJ L 149 of 7 June 2008, p. 78);
- ▶ Council Regulation (EC) No 871/2004 of 29 April 2004 concerning the introduction of some new functions for the Schengen Information System, including in the fight against terrorism (OJ L 162 of 30 April 2004, p. 29);
- Council Decision 2005/451/JHA of 13 June 2005 fixing the date of application of certain provisions of Regulation (EC) No 871/2004 concerning the introduction of some new functions for the Schengen Information System, including the fight against terrorism (OJ L 158 of 21 June 2005, p. 26);
- Council Decision 2005/728/JHA of 12 October 2005 fixing the date of application of certain provisions of Regulation (EC) No 871/2004 concerning the introduction of some new functions for the Schengen Information System, including the fight against terrorism (OJ L 273 of 19 October 2005, p. 26);
- Council Decision (2006/628/EC) of 24 July 2006 fixing the date of application of Article 1(4) and (5) of Regulation No 871/2004 concerning the introduction of some new functions for the Schengen Information System, including in the fight against terrorism (OJ L 256 of 20 September 2006, p. 15);
- Regulation (EC) No 1160/2005 of 6 July 2005 amending the Convention implementing the Schengen Agreement of 14 June 1985 on the gradual abolition of checks at common borders, as regards access to the Schengen Information System by the services in the Member States responsible for issuing registration certificates for vehicles (Text with EEA relevance) (OJ L 191 of 22 July 2005, p. 18);

- Council Decision (2005/211/JHA) of 24 February 2005 concerning the introduction of some new functions for the Schengen Information System, including in the fight against terrorism (OJ L 068 of 15 March 2005, p. 44);
- Council Decision 2005/719/JHA of 12 October 2005 fixing the date of application of certain provisions of Decision 2005/211/JHA concerning the introduction of some new functions for the Schengen Information System, including the fight against terrorism (OJ L 271 of 15 October 2005, p. 54);
- Council Decision 2005/727/JHA of 12 October 2005 fixing the date of application of certain provisions of Decision 2005/211/JHA concerning the introduction of some new functions for the Schengen Information System, including the fight against terrorism (OJ L 273 of 19 October 2005, p. 25);
- Council Decision 2005/728/JHA of 12 October 2005 fixing the date of application of certain provisions of Decision 2005/211/JHA concerning the introduction of some new functions for the Schengen Information System, including the fight against terrorism (OJ L 273 of 19 October 2005, p. 26);
- Council Decision 2006/228/JHA of 9 March 2006 fixing the date of application of certain provisions of Decision 2005/211/JHA concerning the introduction of some new functions for the Schengen Information System, including the fight against terrorism (OJ L 81 of 18 March 2006, p. 45);
- Council Decision 2006/229/JHA of 9 March 2006 fixing the date of application of certain provisions of Decision 2005/211/JHA concerning the introduction of some new functions for the Schengen Information System, including in the fight against terrorism (OJ L 81 of 18 March 2006, p. 46);
- Council Decision 2006/631/JHA of 24 July 2006 fixing the date of application of certain provisions of Decision 2005/211/JHA concerning the introduction of some new functions for the Schengen Information System, including the fight against terrorism (OJ L 256 of 20 September 2006, p. 18);
- ❖ Council Decision (2007/471/EC) of 12 June 2007 on the application of the provisions of the Schengen *acquis* relating to the Schengen Information System in the Czech Republic, the Republic of Estonia, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic (OJ L 179 of 7 July 2007, p. 46);
- Regulation (EC) No 1986/2006 of the European Parliament and of the Council of 20 December 2006 regarding access to the Second Generation Schengen Information System (SIS II) by the services in the Member States responsible for issuing vehicle registration certificates (OJ L 381 of 28 December 2006, p. 1)<sup>101</sup>;
- Regulation (EC) No 1987/2006 of the European Parliament and of the Council of 20 December 2006 on the establishment, operation and use of the second generation Schengen Information System (SIS II) (OJ L 381 of 28 December 2006, p. 4)<sup>102</sup>;
- ❖ Council Decision 2007/533/JHA of 12 June 2007 on the establishment, operation and use of the second generation Schengen Information System (SIS II) (OJ L 205 of 7 August 2007, p. 63);
- ❖ Council Decision (2007/472/EC) of 25 June 2007 amending the Decision of the Executive Committee set up by the 1990 Schengen Convention, amending the Financial Regulation on the costs of installing and operating the technical support function for the Schengen Information System (C.SIS) (OJ L 179 of 7 July 2007, p. 50);
- ◆ Council Decision 2008/328/EC of 18 April 2008 amending the Decision of the Executive Committee set up by the 1990 Schengen Convention, amending the Financial Regulation on the costs of installing and operating the technical support function for the Schengen Information System (C.SIS) (OJ L 113 of 25 April 2008, p. 21);
- ◆ Council Regulation (EC) No 189/2008 of 18 February 2008 on the tests of the second generation Schengen Information System (SIS II) (OJ L 57 of 1 March 2008, p. 1);
- ◆ Council Decision 2008/173/EC of 18 February 2008 on the tests of the second generation Schengen Information System (SIS II) (OJ L 57 of 1 March 2008, p. 14);
- ◆ Commission Decision 2008/333/EC of 4 March 2008 adopting the SIRENE Manual and other implementing measures for the second generation Schengen Information System (SIS II) (notified under document number C(2008) 774) (OJ L 123 of 8 May 2008, p. 1);
- ◆ Commission Decision 2008/334/JHA of 4 March 2008 adopting the SIRENE Manual and other implementing measures for the second generation Schengen Information System (SIS II) (OJ L 123 of 8 May 2008, p. 39);
- ◆ Council Decision 2008/421/EC of 5 June 2008 on the application of the provisions of the Schengen *acquis* relating to the Schengen Information System in the Swiss Confederation (OJ L 149 of 7 June 2008, p. 74).

<sup>101</sup> This instrument is also mentioned under the section on "asylum".

<sup>102</sup> This instrument is also mentioned under the section on "asylum".

**XVI. OTHER****A. Conventions to which accession is obligatory**

None

**B. Joint Actions, Joint Positions (Maastricht Treaty);  
Common Positions, Framework Decisions and Decisions (Amsterdam Treaty)  
Instruments adopted under the TEC**

- Joint Action to institute a mechanism for the collective evaluation of the adoption, application and effective implementation by the candidate countries of the Acquis of the European Union in the field of justice and home affairs (OJ L 191 of 7 July 1998, p. 8);
- Commission Decision, 2005/516/, of 22 April 2005 establishing the European Security Research Advisory Board (OJ L 191 of 22 July 2005, p. 70).

**C. Other European Union Instruments and documents**

- Action Plan of the Council and the Commission on how best to implement the provisions of the Treaty of Amsterdam on an area of freedom, security and justice - Text adopted by the Justice and Home Affairs Council of 3 December 1998 (OJ C 019 , 23 January 1999 p. 1);
- The Hague Programme: strengthening freedom, security and justice in the European Union (OJ C 053 of 03 March 2005, p. 1);
- Council and Commission Action Plan implementing the Hague Programme on strengthening freedom, security and justice in the European Union (OJ C 198 of 12 August 2005, p. 1);
- ▶ Council Decision of 22 December 2004 providing for certain areas covered by Title IV of part Three of the Treaty establishing the European Community to be governed by the procedure laid down in Article 251 of that Treaty (OJ L 396 of 31 December 2004, p. 45);
- ▶ Cooperation Agreement between The European Central Bank - ECB – and The International Criminal Police Organisation – INTERPOL (OJ C 134 of 12 May 2004 p. 6);
- Council – Information concerning the declarations by the French Republic and the Republic of Hungary on their acceptance of the jurisdiction of the Court of Justice to give preliminary rulings on the acts referred to in Article 35 of the Treaty on European Union (OJ C 318 of 14 December 2005, p. 1);
- Council – Information concerning the declarations by the French Republic and the Republic of Hungary on their acceptance of the jurisdiction of the Court of Justice to give preliminary rulings on the acts referred to in Article 35 of the Treaty on European Union (OJ L 327 of 14 December 2005, p. 19).