European Commission,
DG Justice, Freedom and Security

ACQUIS OF THE EUROPEAN UNION
TITLE IV OF THE TEC
PART II OF THE TEC
TITLE VI OF THE TEU

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★ Instruments published in 2009
◆ instruments published in 2008
❖ instruments published in 2007
➢ instruments published in 2006
▪ instruments published in 2005
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● instruments published in 2003
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– all instruments until 31.12.2001
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I. ASYLUM

A. Legislative acts adopted after entry into force of the Amsterdam Treaty (1\textsuperscript{st} May 1999)

- 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 2004/83/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);

\textsuperscript{1} This instrument is also mentioned under the section on "immigration".
\textsuperscript{2} Notified under document number C(2007)6396.
\textsuperscript{3} Notified under document number C(2009)5251.
\textsuperscript{4} This instrument is also mentioned under the section on "immigration".
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 75 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);


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 2006/188/EC 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)⁸;

➢ Council Decision 2006/167/EC 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 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);

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⁵ This instrument is also mentioned under the section on "Schengen (horizontal issues / SIS)".
⁶ This instrument is also mentioned under the section on "Schengen (horizontal issues / SIS)".
⁷ This instrument is also mentioned under the section on "immigration".
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);

Council Decision 2009/487/EC of 24 October 2008 on the conclusion of a Protocol between the European Community, The Swiss Confederation and the Principality of Liechtenstein to the Agreement between the European Community and the Swiss Confederation concerning the criteria and the mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in Switzerland (OJ L 161 of 24 June 2009, p. 6);

Protocol between the European Community, The Swiss Confederation and the Principality of Liechtenstein to the Agreement between the European Community and the Swiss Confederation concerning the criteria and the mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in Switzerland (OJ L 161 of 24 June 2009, p. 8);


Agreement between the European Community and Antigua and Barbuda on the short-stay visa waiver (OJ L 169 of 30 June 2009, p. 3);

Council decision 2009/478/EC of 6 April 2009 on the signing and the provisional application of the Agreement between the European Community and Barbados on the short-stay visa waiver (OJ L 169 of 30 June 2009, p. 9);

Agreement between the European Community and Barbados on the short-stay visa waiver (OJ L 169 of 30 June 2009, p. 10);


Agreement between the European community and Republic of Mauritius on the short-stay visa waiver (OJ L 169 of 30 June 2009, p. 17);


Agreement between the European Community and the Commonwealth of the Bahamas on the short-stay visa waiver (OJ L 169 of 30 June 2009, p. 24);


Agreement between the European Community and the Republic of Seychelles on the short-stay visa waiver (OJ L 169 of 30 June 2009, p. 31);


Indicative list of agreements, conventions and protocols to which the new Member States must indirectly accede

- Convention relating to the Status of Refugees (Geneva, 28 July 1951);  

C. Other acts adopted before entry into force of the Amsterdam Treaty (1st May 1999)

- 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);
- 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 63 of 13 of March 1996, p. 10);
- 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);
- 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.

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9 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.
10 Mentioned in the Treaty. Furthermore linked to the acquis inter alia through the Dublin and the Eurodac Regulations.
11 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 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);
- 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 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);\(^{12}\)

\(^{12}\) This instrument is also mentioned under the section on "Fight against illegal migration and return".

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European Commission, DG JLS
- 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);


- 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);


C. Other European Union Instruments and documents


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)**

  - 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 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 327 of 12 December 2001, p. 1);
- 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);17
- 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 whose nationals are exempt from that requirement as regards the reciprocity mechanism.

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16 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).
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whose nationals are exempt from that requirement (OJ L 405 of 30 December 2006, p. 23. Corrigendum published in OJ L 29 of 3 February 2007, p. 10);


  - 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);


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);

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);


Commission Decision of 14 August 2002 laying down the technical specifications for the uniform format for residence permits for third country nationals (not published);


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 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);


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);


Decision No 895/2008 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 Bulgaria, Cyprus and Romania of certain documents as equivalent to their national visas for the purposes of transit through their territories (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 2007/822/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 2007/824/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);


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21 Also relevant for visas.
22 Also relevant for visas.
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);

- 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)\(^\text{23}\) (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);


IV. IMMIGRATION

ADMISSION

A. Legislative acts adopted after entry into force of the Amsterdam Treaty (1st May 1999)

- 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 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);27
- Directive 2004/38/EC of the Council of 29 April 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);

24 This instrument is also mentioned under the section on "asylum".
25 This instrument is also mentioned under the section on "asylum".
26 This instrument is also mentioned under the section on "asylum".
27 This instrument is also mentioned under the section on "EU citizenship".
Member States’ management and control systems, the rules for administrative and financial management and the eligibility of expenditure on projects co-financed by the Fund29 (OJ L167 of 27 June 2008, p. 69);


### B. Other acts adopted before entry into force of the Amsterdam Treaty (1st May 1999) 31

- 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)32;

### FIGHT AGAINST ILLEGAL MIGRATION AND RETURN

#### A. Legislative acts adopted after entry into force of the Amsterdam Treaty (1st 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);
- 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 L 261 of 6 August 2004, p. 28);
- 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);

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31 Relevant insofar as the later legislation has not replaced them.
32 Also relevant for expulsion.
33 This instrument is also mentioned under the section on "External borders".


B. International Agreements


34 Notified under document number C (2005) 1508.
35 This instrument is also mentioned under the section on "organised crime, fraud and corruption".
Agreement between the European Community and the Russian Federation on readmission (OJ L 129 of 17 May 2007, p. 40);


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 262 of 22 September 2006, p. 34);


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);


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);


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);


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);


authorization - 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);


C. Other acts adopted before entry into force of the Amsterdam Treaty (1st May 1999) 38

- 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);


- 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;


38 Relevant insofar as the later legislation has not replaced them.
V. EU CITIZENSHIP


A. Free Movement and Right of Residence

European Union Instruments and documents


B. Electoral Rights

European Union Instruments and documents

- 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);

C. Diplomatic and Consular Protection in non-EU countries

European Union Instruments and documents

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39 This instrument is also mentioned under the section on "Immigration".
− 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);

− 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);


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

- Second Protocol to the Convention on the protection of the European Communities’ financial interests (OJ C 221 of 19 July 1997, p. 12)\(^42\);
- Protocol on the interpretation, by way of preliminary rulings by the Court of the European Communities on 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)\(^43\);


Europol

- 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\(^44\) (OJ C 358 of 13 December 2000, p. 1);
- 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);

\(^44\) Extension of Europol’s competence to money laundering in general, regardless of the type of offences from which the laundered proceeds originate.
Europol - Implementing measures

- 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 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 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);
- Decision of the Management Board of Europol of 19 April 2009 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 105 of 25 April 2009, p. 18);
  - 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);
  - Council Act of 19 December 2002 amending the Staff Regulations applicable to Europol employees (OJ C 24 of 31 January 2003, p. 1);

\[45\] The ECD (Europol Council Decision of 6 April 2009 establishing the European Police Office (Europol) will repeal the Europol Convention as of 1 January 2010 when it becomes applicable. The measures implementing the Europol Decision (Council Decisions, Decisions of the Europol Management Board) will repeal and replace the respective Europol Convention implementing measures as soon as they are adopted and enter into force (currently under adoption).
• 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 2007/408/JHA of 12 June 2007 adjusting the basic salaries and allowances applicable to Europol staff (OJ L 153 of 14 June 2007, p. 30);
  ➢ Council Decision 2009/323/JHA of 6 April 2009 adjusting the basic salaries and allowances applicable to Europol staff (OJ L 95 of 9 April 2009, p. 46);
  − 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);
    ➢ 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 28 February 2009, p. 15);
  ➢ Council Decision 2009/167/EC of 26 February 2009 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 28 February 2009, p. 15);
  ➢ Council Decision 2006/531/EC 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);
• 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);
– 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 1339/2001 of 28 June 2001 laying down measures necessary for the protection of the euro against counterfeiting to those Member States which have not adopted the euro as their single currency (OJ L 181 of 4 July 2001, p. 11);
– 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 2003/861/EC 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 2003/862/EC 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 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 (OJ L 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

- UN Convention against Transnational Organized Crime, Palermo, December 2000;


- 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 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);


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46 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.
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;
    - 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\(^\text{47,48}\);
  - 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 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);
- 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)\(^{49}\);
- 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 98/699/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 2000/642/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 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);

\(^{47}\) Also relevant for judicial cooperation in criminal matters.
\(^{48}\) 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.
\(^{49}\) Also relevant for judicial cooperation in criminal matters.

- 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);

- 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);

- Rules of procedure of Eurojust (OJ C 286 of 22 November 2002, p. 1);


- 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 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);


\(^{50}\) This instrument is also mentioned under the section on “fight against illegal migration and return”.

\(^{51}\) Also relevant for judicial cooperation in criminal matters.
C. Other European Union Instruments and documents

- 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 C 220 of 15 July 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);
- "Communication of the Commission of 20 November 2008 on the proceeds of organised crime - "Ensuring that crime does not pay", COM(2008) 766 final";\(^{52}\)

D. Other Conventions (accession desirable)

- OECD-Convention on Combating Bribery of foreign public officials in International Business Transactions, of 17 December 1997\(^{54}\);
- Council of Europe Criminal Law convention on Corruption, opened to signature on 27 January 1999\(^{55}\);
- Council of Europe Civil Law convention on corruption, opened to signature on 4 November 1999.

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\(^{52}\) Also relevant for judicial cooperation in criminal matters.
\(^{53}\) Also relevant for judicial cooperation in criminal matters.
\(^{54}\) 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.
\(^{55}\) Also relevant for judicial cooperation in criminal matters.
VII. DRUGS

A. Conventions to which accession is obligatory

- Single Convention on Narcotic Drugs (New York, 30 March 1961) 56;
  - Protocol amending the Single Convention on Narcotic Drugs (Geneva, 25 March 1972);
- Convention on Psychotropic Substances (Vienna, 21 February 1971) 57;
- United Nations Convention against the Illicit Traffic in Narcotic Drugs and Psychotropic Substances (Vienna, 20 December 1988) 58;
- 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);
- Agreement between the European Community and the Government of the People's Republic of China on drug precursors and substances frequently used in the illicit manufacture of narcotic drugs or psychotropic substances (OJ L 56 of 28 February 2009, p. 8);
- Information relating to the entry into force of the Agreement between the European Community and the Government of the People's Republic of China on drug precursors and substances frequently used in the illicit manufacture of narcotic drugs or psychotropic substances (OJ L 177 of 8 June 2009, p. 7).

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

- 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);

56 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.
57 Linked to the acquis through the EU drugs policy.
58 Also relevant for judicial cooperation in criminal matters.
− 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 (OJ 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);\(^59\);
− 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);
  • 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 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);
  − Council Decision 2000/602/EC 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);

\(^59\) Also relevant for judicial cooperation in criminal matters.
Council Decision 2006/914/EC 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);

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;
− 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);
− 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);
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)\(^61\).

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\(^61\) Also relevant for judicial cooperation in criminal matters.
VIII. TERRORISM

A. Conventions to which accession is obligatory

− Council of Europe Convention on the Suppression of Terrorism of 27 January 1977;

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);
− 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);
− 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 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);

62 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.

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Consolidated Acquis, cut-off-date October 2009

- 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);
IX. **POLICE COOPERATION**

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


**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 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);
- 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 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);

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65 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.


67 This instrument is also mentioned under the section on "judicial cooperation in criminal matters".


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);


C. Other European Union Instruments and documents\(^\text{70}\)

− 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);
− 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);
− 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)\(^\text{71}\);

\(^{68}\) This instrument is also mentioned under the section on "judicial cooperation in criminal matters".

\(^{69}\) This instrument is also mentioned under the section on "judicial cooperation in criminal matters".

\(^{70}\) 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).

\(^{71}\) 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 of 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. Corrigendum to the Protocol published in OJ C 56 of 5 March 2005, p. 46);


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);


D. Other Conventions (accession desirable)

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72 On the date of entry into force of this Convention (23.06.2009), the Convention on the provision of mutual assistance between customs administrations of 7 September 1967 ("Naples Convention") was repealed. Within the framework of the Naples I Convention, customs Directors General adopted the following declarations: Wiesbaden (1971), Dromoland 1 (1976), Istanbul 1 (1977), Istanbul 2 (1977), Iraklion (1978), London (1974), Munich (1975), Harrogate (1992).

73 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);
  - 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);
  - 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)\(^74\);

\(^74\) This Convention shall enter into force between Member States which have ratified it.

  \(^75\) Council Decision of 6 July 2007 on Signature by the Community of the Convention; the new Convention signed in Lugano on 30 October 2007.
  - Procès-verbal of rectification to the Convention on Jurisdiction and the Recognition and Enforcement of Judgements in Civil and Commercial matters, signed at Lugano on 30 October 2007 (OJ L 147 of 10 June 2009, p. 44);
Convention on jurisdiction and the recognition and enforcement of judgements in civil and commercial matters (OJ L 147 of 10 June 2009, p. 5);


b) Indicative list of agreements, conventions and protocols to which the new Member States must accede


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);


76 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.


 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 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);


\(^{77}\) 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 judgments in civil and commercial matters is also to be taken into account.


- 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);
  - 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)\(^78\);

- 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)\(^79\);

- 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 149 of 12 June 2009, p. 80);


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78 Entry into force on 1 July 2007.
79 Entry into force on 1 July 2007.
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

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 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);
  - 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

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\(^{82}\) 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).

\(^{83}\) 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).


between the Member States of the European Union and the 2001 Protocol thereto (OJ L 26 of 29 January 2004, p. 3)\(^87\);

\section*{b) Indicative list of agreements, conventions and protocols to which the new Member States must indirectly accede} \(^88\)

- European Convention on Extradition (Paris, 13 December 1957) \(^89\);
- 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) \(^90\);
- 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).

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

- 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);

\begin{itemize}
  \item Council decision 2008/976/JHA of 16 December 2008 on the European Judicial Network (OJ L 348 of 24 December 2008, p. 130);
  \item 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);
    \begin{itemize}
      \item 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);
    \end{itemize}
  \item Council Framework Decision of 15 March 2001 on the standing of victims in criminal proceedings (OJ L82 of 22 March 2001, p. 1);
  \item Council Framework Decision of 13 June 2002 on joint investigation teams (OJ L 162 of 20 June 2002, p. 1);
    \begin{itemize}
      \item 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);
    \end{itemize}
  \item 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);
\end{itemize}

\begin{footnotes}
88 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.
89 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.
90 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).
\end{footnotes}
o Rules of procedure of Eurojust (OJ C 286 of 22 November 2002, p. 1);


- 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 2008/977/JHA of 27 November 2008 on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters (OJ L 350 of 30 December 2008, p. 60);


- Council Framework Decision 2008/947/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments and probation decisions with a view to the supervision of probation measures and alternative sanctions (OJ L 337 of 16 December 2008, p. 102);


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\(^{92}\) This instrument is also mentioned under Fight against organised crime.

\(^{93}\) This instrument is also mentioned under the section on "police cooperation".

\(^{94}\) This instrument is also mentioned under the section on "police cooperation".

\(^{95}\) This instrument is also mentioned under the section on "police cooperation".

Declaration by the Netherlands concerning Article 28 of the Framework Decision (OJ L 265 of 9 October 2009, p. 41);

Council Framework Decision 2009/315/JHA of 26 February 2009 on the organisation and content of the exchange of information extracted from the criminal record between Member States (OJ L 93 of 7 April 2009, p. 23);


Council Framework Decision 2008/913/JHA on combating certain forms and expressions of racism and xenophobia by means of criminal law (OJ L 328 of 6 December 2008, p. 55);

Council Framework Decision 2008/909/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union (OJ L 327 of 5 December 2008, p. 27);


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)

- Convention on the Transfer of Sentenced Persons (Strasbourg, 21 March 1983);
XIII. PERSONAL DATA PROTECTION

A. LEGISLATIVE DOCUMENTS AND OTHER RELEVANT LEGAL TEXTS


− 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);


− 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;


B. POLICY DOCUMENTS


• 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);


\(^{96}\) Notified under document number C(2008) 1746.
C. COMMISSION DECISIONS ON THE ADEQUACY OF THE PROTECTION OF PERSONAL DATA IN THIRD COUNTRIES

ARGENTINA

CANADA

GUERNSEY

ISLE OF MAN

SWITZERLAND

UNITED STATES OF AMERICA
Transfer of Air Passenger Name Record Data


\(^98\) This instrument is also mentioned under the section on "terrorism".

Safe Harbour

D. MODEL CONTRACTS FOR THE TRANSFER OF PERSONAL DATA TO THIRD COUNTRIES
  - 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);

E. EUROPEAN DATA PROTECTION SUPERVISOR
XIV. HUMAN RIGHTS RELATED INSTRUMENTS

A. Conventions to which accession is obligatory

- 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);
- Council of Europe Convention on the protection of individuals with regard to automatic processing of personal data (Strasbourg, 28 January 1981);
- European Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Strasbourg, 26 November 1987);

B. Joint Actions, Joint Positions (Maastricht Treaty); Common Positions, Framework Decisions and Decisions (Amsterdam Treaty)


C. Other European Union Instruments and documents

- Charter of fundamental rights of the European Union (OJ C 364 of 18 December 2000, p.1);

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;

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99 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.
100 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.
101 Linked to the acquis through Art. 6 EU and 13 of the EC Treaty.
102 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).
103 Linked to the acquis through Art. 6 EU of the EC Treaty.
XV. SCHENGEN (HORIZONTAL ISSUES) / SIS

− 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);
− 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 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);
− 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 2007/801/EC of 6 December 2007 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 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 of 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 published in 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 of 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 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 C 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 2003/836/EC 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);


- Commission Decision 2009/720/EC of 17 September 2009 laying down the date for the completion of migration from the Schengen Information System (SIS I+) to the second generation Schengen Information System (SIS II) (OJ L 257 of 30 September 2009, p. 26);

- Council Decision 2003/835/EC 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 Decision 2003/835/EC 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 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 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.
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 68 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);


- 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);


\(^\text{105}\) This instrument is also mentioned under the section on "asylum".

\(^\text{106}\) 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);

C. Other European Union Instruments and documents

- 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 – 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);