

**European Commission,
DG Justice, Freedom and Security**

ACQUIS OF THE EUROPEAN UNION

TITLE IV OF THE TEC
TITLE VI OF THE TEU

Update October 2005
JAI-ACQUIS

Consolidated and completely revised
new version
Cut-off-date: 07.10.2005

- instruments published in 2005
- ▶ instruments published in 2004
- instruments published in 2003
- instruments published in 2002
- all instruments until 31.12.2001

Table of contents

I.	ASYLUM.....	3
II.	EXTERNAL BORDERS	5
III.	VISA	7
IV.	MIGRATION.....	10
V.	EU CITIZENSHIP	14
VI.	ORGANISED CRIME, FRAUD AND CORRUPTION	16
VII.	DRUGS.....	23
VIII.	TERRORISM	26
IX.	POLICE COOPERATION.....	28
X.	CUSTOMS COOPERATION	30
XI.	JUDICIAL COOPERATION IN CIVIL MATTERS	32
XII.	JUDICIAL COOPERATION IN CRIMINAL MATTERS	36
XIII.	DATA PROTECTION.....	40
XIV.	HUMAN RIGHTS RELATED INSTRUMENTS	43

XV.	SCHENGEN (HORIZONTAL ISSUES) / SIS.....	44
XVI.	OTHER.....	47
XVII.	ANNEX.....	48

I. ASYLUM

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 Article 3(4) of the Act of Accession (see annex)*

- [Convention determining the State responsible for examining applications for asylum lodged in one of the Member States of the European Communities, signed in Dublin on 15 June 1990, entry into force 1st September 1997, OJ N° C 254 of 19 August 1997, p. 1]¹.

Measures taken for the application of the above Convention:

- Decision No 1/97 of 9 September 1997 of the Committee set up by Article 18 of the Dublin Convention of 15 June 1990, concerning provisions for the implementation of the Convention, OJ N° L 281 of 14 October 1997, p. 1 to 25;
- Decision No 2/97 of 9 September 1997 of the Committee set up by Article 18 of the Dublin Convention of 15 June 1990, establishing the Committee's Rules of Procedure, OJ N° L 281 of 14 October 1997, p. 26;
- Decision 1/98 of the Article 18 Committee of the Dublin Convention, concerning provisions for the implementation of the Convention, OJ L196 of 14 July 1998.
- Decision No 1/2000 of 31 October 2000 of the Committee set up by Article 18 of the Dublin Convention concerning the transfer of responsibility for family members in accordance with Article 3(4) and Article 9 of that Convention; OJ L 281 of 07 November 2000, p.1

d) *Indicative list of agreements, conventions and protocols to which the new Member States must accede (obligations arising indirectly from Article 2 of the Act of Accession) (see annex)²*

- Convention relating to the Status of Refugees (Geneva, 28 July 1951)³;
 - Protocol relating to the Status of Refugees (New-York, 31 January 1967);

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

- Joint Position of 4 March 1996 defined by the Council on the basis of Article K.3 of the Treaty on European Union on the harmonized application of the definition of the term 'refugee' in Article 1 of the Geneva Convention of 28 July 1951 relating to the status of refugees: OJ N° L 63 of 13 mars 1996;
- Council Decision of 28 September 2000 establishing a European Refugee Fund; OJ L 252 of 6 October 2000, p.12
 - ▶ Council Decision (2004/904/EC) of 2 December 2004 establishing the European Refugee Fund for the period 2005 to 2010 L381, 28.12.2004, p. 52.
- Council Regulation (EC) No 2725/2000 of 11 December 2000 concerning the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of the Dublin Convention, OJ L 316 of 15 December 2000 p.1

¹ This convention has been replaced by the Dublin II regulation. However, since this regulation will - as Title IV instrument - not be applicable to Denmark, the Dublin Convention still remains in place between Denmark and all other Member States until a specific agreement concerning Denmark's participation will be concluded. Such agreement has been signed and is expected to enter into force shortly.

² This list contains conventions for which the obligation to accede is not explicitly spelled out in the Act of Accession, but results from the binding force of the EU-Treaty itself or of secondary legislation, from Council Conclusions or from Article 10 EC, as referred to in Article 2 of the Act of Accession.

³ Mentioned in the Treaty. Furthermore linked to the *acquis inter alia* through the Dublin and the Eurodac Regulations.

- o Council Regulation (EC) No 407/2002 of 28 February 2002 laying down certain rules to implement Regulation (EC) No 2725/2000 concerning the establishment of "Eurodac" for the comparison of fingerprints for the effective application of the Dublin Convention. OJ L 62 of 05.03.2002 p. 1
- 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 07.08.2001, p. 12
- Council Decision 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 03.04.2001, 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 03.04.2001, p. 40
- Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers, OJ L 31 of 06.02.2003, p. 18.
- 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 25.02.2003, p.1.
 - Commission Regulation (EC) No 1560/2003 of 2 September 2003 laying down detailed rules for the application of Council Regulation (EC) No 343/2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national, OJ L 222 of 05 September 2003, p. 1
- ▶ 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, page 12

C. Other European Union Instruments and documents

- 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;
- Council Resolution of 20 June 1995 on minimum guarantees for asylum procedures : OJ N°274 of 19 September 1996, p. 13;
- Council Decision of 26 June 1997 on monitoring the implementation of instruments adopted concerning asylum, OJ N° L 178 of 7 July 1997, p. 6;

II. EXTERNAL BORDERS

A. Conventions to which accession is obligatory

None

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

- Joint Action 96/197/JHA of 4 March 1996 adopted by the Council on the basis of Article K.3 of the Treaty on European Union on airport transit arrangements, OJ L 063 of 13 March 1996, p. 8⁴;
- 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 N° L 281 of 31 October 1996, p. 1;
- Joint Action 98/700/JHA of 3 December 1998 adopted by the Council on the basis of Article K.3 of the Treaty on European Union concerning the setting up of a European Image Archiving System (FADO - False and Authentic Documents) OJ L 333 of 9 December 1998, p. 4.
- Council Decision 2000/261/JHA of 27 March 2000 on the improved exchange of information to combat counterfeit travel documents; OJ L 81 of 01 April 2000, p.1
- Council Decision 2000/751/EC of 30 November 2000 on declassifying certain parts of the Common Manual adopted by the Executive Committee established by the Convention implementing the Schengen Agreement of 14 June 1985, OJ L 303 of 2 December 2000, p. 29
- Council Regulation (EC) 2001/790 of 24 April 2001 reserving to the Council implementing powers with regard to certain detailed provisions and practical procedures for carrying out border checks and surveillance, OJ L 116 of 26 April 2001, p. 5
 - o Council Decision (EC) 2002/353 of 25 April 2002 on declassifying Part II of the Common Manual adopted by the Executive Committee established by the Convention implementing the Schengen Agreement of 14 June 1985, OJ L 123 of 09.05.2002 p. 49
- o Common Manual, OJ C 313 of 16.12.2002, p. 97. [Publication of the Common Manual as adopted by the Executive Committee established by the Convention implementing the Schengen Agreement including subsequent modifications; these modifications are listed in the footnote below since this published version is not a formally adopted legal instrument]⁵
 - Council Decision 2003/454/EC of 13 June 2003 amending Annex 12 of the Common Consular Instructions and Annex 14a of the Common Manual on visa fees, OJ L 152 of 20 June 2003, p. 82
 - Council Decision 2003/585/EC of 28 July 2003 amending Annex 2, Schedule A, of the Common Consular Instructions and Annex 5, Schedule A, of the Common Manual on the visa requirements for holders of Pakistani diplomatic passports, OJ L 198 of 6 August 2003, p. 13
 - Council Decision 2003/586/EC of 28 July 2003 on the amendment of Annex 3, Part I, of the Common Consular Instructions and Annex 5a, Part I, of the Common Manual on third country nationals subject to airport visa requirements, OJ L 198 of 6 August 2003, p. 15
 - ▶ Council Decision 2004/16 of 22 December 2003 on downgrading Annex 5 to the Common Consular Instructions and the corresponding Annex 14b to the Common Manual and on declassifying Annexes 9 and 10 to the Common Consular Instructions and the corresponding Annexes 6b and 6c to the Common Manual, OJ L 5 of 09.01.2004, p. 78
 - ▶ Council Decision 2004/17 of 22 December 2003 amending Part V, point 1.4, of the Common Consular Instructions and Part I, point 4.1.2 of the Common Manual as regards inclusion of the requirement to be in

⁴ In relation between the Schengen States Annex 3 of the Common Consular Instructions applies instead of this Joint Action.

⁵ - Council Decision (EC) 2002/352 of 25 April 2002 on the revision of the Common Manual, OJ L 123 of 09.05.2002 p. 47
- Council Decision (EC) 2002/587 of 12 July 2002 on the revision of the Common Manual, OJ L 187 of 16.07.2002, p. 50

possession of travel medical insurance as one of the supporting documents for the grant of a uniform entry visa, OJ L 5 of 09.01.2004, p. 79.

- ▶ Council Decision 2004/466/EC of 29.4.2004 amending the Common Manual in order to include provision for targeted border controls on accompanied minors, OJ L 157 of 30 April 2004, page 136.
 - ▶ Corrigendum to Council Decision 2004/466/EC of 29 April 2004 amending the Common Manual in order to include provision for targeted border controls on accompanied minors, OJ L 195 of 2 June 2004, page 44
- ▶ Council Decision (2004/574/CE) of 29 April 2004 amending the Common Manual, L 261 of 6 August 2004, page 36
- Council Decision of 13 June 2002 adopting an action programme for administrative cooperation in the fields of external borders, visas, asylum and immigration (ARGO programme), OJ L 161 of 19 June 2002, p. 11⁶
 - ▶ Council Decision 2004/867/EC of 13 December 2004 amending the decision 2002/463/EC adopting an action programme for administrative cooperation in the field of external borders, visas, asylum and immigration (ARGO programme), OJ L 371 of 18.12.2004, p. 48
 - ▶ Council Decision No 2004/581/EC of 29 April 2004 determining the minimum indications to be used on signs at external border crossing points, OJ L 261 of 6.8.2004, p. 119.
 - ▶ Council Directive 2004/82/EC of 29 April on the obligation of carriers to communicate passenger data, OJ L 261 of 6.8.2004, p. 24
 - ▶ Council Regulation (EC) No 2007/2004 of 26 October 2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union, OJ L 349 of 25 November 2004, page 1
 - Council Decision (2005/358/EC) of 26 April 2005 designating the seat of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union, OJ L 114, 04/05/2005, p. 13
 - ▶ Council Regulation (EC) No 2252/2004 of 13 December 2004 on standards for security features and biometrics in passports and travel documents issued by Member States, OJ L 385 of 29.12.2004, p. 1
 - Commission Decision of 28.2.2005 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
 - ▶ Council Regulation (EC) No 2133/2004 of 13 December 2004 on the requirement for the competent authorities of the Member States to stamp systematically the travel documents of third country nationals when crossing the external borders of the Member States and amending the provisions of the Convention implementing the Schengen Agreement and the common manual to this end , OJ L 369 of 16.12.2004, p. 5

C. Other European Union Instruments and documents

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

⁶ Some areas of the former Odysseus-programme, which is no longer in force, have been included within this programme.

III. VISA

A. Conventions to which accession is obligatory

None

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

- Council Regulation (EC) No 1683/95 of 29 May 1995 laying down a uniform format for visas, OJ L 164, of 14 July 1995, p. 1
 - o Council Regulation (EC) No 334/2002 of 18 February 2002 amending Regulation (EC) No 1683/95 laying down a uniform format for visas, OJ L 53 of 23.02.2002, p. 7;
- 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 21.03.2001, p. 1
- Council Regulation (EC) No 2414/2001 of 7 December 2001 amending Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders of Member States and those whose nationals are exempt from that requirement, OJ L 327 of 12 December 2001, p.1
 - Council Regulation (EC) No 453/2003 of 6 March 2003 amending Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement, OJ L 69 of 06.03.2003, p. 10.
 - [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 21.03.2003]⁷
 - 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 4.6.2005, p. 3
 - Statement on Council Regulation (EC), No 851/2005 of 2 June 2005 amending Regulation (EC) No 539/2001 as regards the reciprocity mechanism, OJ L 185 of 16.07.2005, p. 1
- Council Regulation (EC) NO 789/2001 of 24 April 2001 reserving to the Council implementing powers with regard to certain detailed provisions and practical procedures for examining visa applications, OJ L 116 of 26. April 2001, p. 2
- Council Regulation (EC) No 1091/2001 of 28 May 2001 on freedom of movement with a long-stay visa, OJ L 150 of 6 June 2001, p. 4
- o Common Consular Instructions on visas for the diplomatic missions and consular posts, OJ C 313 16.12.2002, p. 1 [Publication of the Common Consular Instructions as adopted by the Executive Committee established by the Convention implementing the Schengen Agreement including subsequent modifications; these modifications are listed in the footnote below since this published version is not a formally adopted legal instrument]⁸

⁷ just for information purposes.

⁸ - Council Decision 2001/329/EC of 24 April 2001 updating part VI and Annexes 3, 6 and 13 of the Common Consular Instructions and Annexes 5(a), 6(a) and 8 to the Common Manual, OJ L 116 of 26.04.2001, p. 32

- Council Decision 2001/420/EC of 28 May 2001 on the adaptation of Parts V and VI and Annex 13 of the Common Consular Instructions on Visas and Annex 6a to the Common Manual with regard to long-stay visas valid concurrently as short-stay visas, OJ L 150 of 06.06.2001, p. 47
- Council Decision 2002/44/EC of 20 December 2001 amending Part VII and Annex 12 to the Common Consular Instructions and Annex 14a to the Common Manual, OJ L 020 of 23.01.2002, p. 5
- Council Decision 2002/354/EC of 25 April 2002 on the adaptation of Part III of, and the creation of an Annex 16 to, the Common Consular Instructions, OJ L 123 of 09.05.2002, p. 50

- Council Decision 2003/454/EC of 13 June 2003 amending Annex 12 of the Common Consular Instructions and Annex 14a of the Common Manual on visa fees, OJ L 152 of 20 June 2003, p. 82
- Council Decision 2003/585/EC of 28 July 2003 amending Annex 2, Schedule A, of the Common Consular Instructions and Annex 5, Schedule A, of the Common Manual on the visa requirements for holders of Pakistani diplomatic passports, OJ L 198 of 6 August 2003, p. 13
- Council Decision 2003/586/EC of 28 July 2003 on the amendment of Annex 3, Part I, of the Common Consular Instructions and Annex 5a, Part I, of the Common Manual on third country nationals subject to airport visa requirements, OJ L 198 of 6 August 2003, p. 15
- ▶ Council Decision 2004/14 of 22 December 2003 amending the third subparagraph (Basic criteria for examining applications) of Part V of the Common Consular Instructions 22.12.2003, OJ L 5 of 09.01.2004, p. 74
- ▶ Council Decision 2004/15 of 22 December 2003 amending point 1.2 of Part II of the Common Consular Instructions and drawing up a new Annex thereto, OJ L 5 of 09.01.2004, p. 76
- ▶ Council Decision 2004/16 of 22 December 2003 on downgrading Annex 5 to the Common Consular Instructions and the corresponding Annex 14b to the Common Manual and on declassifying Annexes 9 and 10 to the Common Consular Instructions and the corresponding Annexes 6b and 6c to the Common Manual, OJ L 5 of 09.01.2004, p. 78
- ▶ Council Decision 2004/17 of 22 December 2003 amending Part V, point 1.4, of the Common Consular Instructions and Part I, point 4.1.2 of the Common Manual as regards inclusion of the requirement to be in possession of travel medical insurance as one of the supporting documents for the grant of a uniform entry visa, OJ L 5 of 09.01.2004, p. 79
- o Council Regulation (EC) No 333/2002 of 18 February 2002 on a uniform format for forms for affixing the visa issued by Member States to persons holding travel documents not recognised by the Member State drawing up the form, OJ L 53 of 23.02.2002, p. 4,
- Council Regulation (EC) No 415/2003 of 27 February 2003 on the issue of visas at the border, including the issue of such visas to seamen in transit, OJ L 64 of 07.03.2003, p. 1
- Council Regulation 693/2003/EC of 14 April 2003 establishing a specific Facilitated Transit Document (FTD), a Facilitated Rail Transit Document (FRTD) and amending the Common Consular Instructions and the Common Manual, OJ L 99 of 17.4.2003, p. 8
- Council Regulation No 694/2003 of 14 April 2003 on uniform formats for Facilitated Transit Documents (FTD) and Facilitated Rail Transit Documents (FRTD) provided for in Regulation (EC) No 693/2003, OJ L 99 of 17.4.2003, p. 15
- Council Regulation (EC) No 1295/2003 of 15 July 2003 relating to measures envisaged to facilitate the procedures for applying for and issuing visas for members of the Olympic family taking part in the 2004 Olympic or Paralympic Games in Athens, OJ L 183 of 20 July 2003, p. 1
- ▶ Council Decision 2004/512/EC of 8 June 2004 establishing the Visa Information System (VIS), OJ L 213 of 15 June 2004, p. 5
- Commission Decision C(2003) 5213 of 30/12/03 – Financial assistance for Lithuania in implementing the Facilitated Transit Document (FTD) and Facilitated Rail Transit Document (FRTD) scheme established by Council Regulation (EC) 693/2003 and Council Regulation (EC) 694/2003.
- ▶ Commission Decision C(2004)248 of 5 February 2004 on the management and monitoring of the Schengen Facility
- Council Decision (2005/367/CE) of 14 April 2005 authorising Member States to ratify in the interests of the Community the Seafarer's Identity Document Convention of the International Labour Organisation (Convention 185) (OJ L 136 of 30.5.2005, p. 1)

C. Other European Union Instruments and documents

-
- Council Decision 2002/585/EC of 12 July 2002 on the adaptation of parts III and VIII of the common consular instructions, OJ L 187 of 16.07.2002, p. 44
 - Council Decision 2002/586/EC of 12 July 2002 on the amendment of part VI of the common consular instructions, OJ L 187 of 16.07.2002, p. 48

- 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;
- Protocol nr 5. attached to the 2003 Act of Accession
- ▶ Commission Recommendation 2004/645/EC of 16 September 2004 on the implementation by the consular offices of the Member States of the Memorandum of Understanding between the European Community and the National Tourism Administration of the People's Republic of China on visa and related issues concerning tourist groups from the People's Republic of China (ADS) (notified under document number C(2004) 2886), OJ L 296 of 21 September 2004, page 23
- Notification by the Czech Republic concerning visa reciprocity, OJ C 163 of 5 July 2005, p. 1
- Notifications concerning visa reciprocity by the Slovak Republik, Estonia, Latvia, Lithuania, Greece, Germany, Czech Republic, Poland, Slovenia, Portugal, Cyprus, Malta, Hungary, Italy and Finland, OJ C 251 of 11.10.2005, p. 1-15.

IV. MIGRATION

Admission

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 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 N° L 327 of 19 December 1994, p. 1;
- o Council Regulation (EC) No 1030/2002 of 13 June 2002 laying down a uniform format for residence permits for third-country nationals, OJ L 157 of 15 June 2002, p. 1;
- Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification, OJ L 251 of 03.10.2003, p. 12
 - ▶ Council Regulation (EC) No 377/2004 of 19 February 2004 on the creation of an immigration liaison officers network, OJ L 64 of 2.3.2004, p. 1.
 - ▶ Commission Decision of 29 September 2005 on the format for the report on the activities of immigration liaison officers networks and on the situation in the host country in matters relating to illegal immigration (notified under document number C(2005) 1508), OJ L 264, 8.10.2005, p. 8.
 - ▶ Regulation (EC) N° 491/2004 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 10 March 2004 establishing a programme for financial and technical assistance to third countries in the areas of migration and asylum (AENEAS), OJ L 80 of 18.3.2004, p. 1

C. Other European Union Instruments and documents

- Text adopted by Ministers 11 June 1992 on acceptable/unacceptable travel documents: Document WGI 1506 REV 1;
- Council Resolution of 20 June 1994 on limitation on admission of third-country nationals to the territory of the Member States for employment : OJ C 274 of 19 September 1996, p. 3;
- 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 Resolution of 30 November 1994 on the admission of third-country nationals to the territory of the Member States for study purposes: OJ C 274 of 19 September 1996, p. 10;
- 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 et 51 (this instrument is also relevant for expulsion);
- Council Decision of 22 December 1995 on monitoring the implementation of instruments already adopted concerning admission of third-country nationals : OJ C 11 of 16 January 1996, p. 1;
- Council Resolution 96/C 80/02 of 4 March 1996 on the status of third-country nationals residing on a long-term basis in the territory of the Member States : OJ C 80 of 18 March 1996, p. 2;
- 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 to 27;

- Council Resolution of 4 December 1997 on measures to be adopted on the combating of marriages of convenience : OJ C 328 of 16 December 1997;
- Joint principles for the exchange of data in CIREFI: Doc 9987/98 CIREFI 48;
- Council Decision 98/701/JHA of 3 December 1998 on - common standards for filling in the uniform format for residence permits: - OJ L 333 of 9 December 1998, p. 8.
- ▶ COUNCIL DIRECTIVE 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are longterm residents, L 16 of 23.01.2004, p. 44
 - ▶ Council Directive 2004/114/EC of 13 December 2004 on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service, OJ L 375, 23.12.2004, p. 12.
 - ▶ Council Decision (2005/267/EC) of 16 March 2005 establishing a secure web-based Information and Co-ordination Network for Member States' Migration Management Services, OJ L 83 of 1.4.2005, p. 48.

Fight against illegal migration

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

- Council Directive 2001/51/EC of 28 June 2001 supplementing the provisions of Article 26 of the Convention implementing the Schengen Agreement of 14 June 1985, OJ L 187 of 10.07.2001, p. 45
- o Council Framework Decision 2002/496 of 28 November 2002 on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence, OJ L 328 of 5 December 2002, p. 1;
 - o Council Directive 2002/90/EC of 28 November 2002 defining the facilitation of unauthorised entry, transit and residence, OJ L 328 of 5 December 2002, p. 4
- ▶ 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, page 19.
- ▶ Council Directive 2004/82/EC of 29 April 2004 on the obligation of carriers to communicate passenger data, OJ L 261 of 6 August 2004, page 24.

C. Other European Union Instruments and documents

- Council Recommendation of 22 December 1995 on harmonizing means of combating illegal immigration and illegal employment and improving the relevant means of control: OJ C5 of 10 January 1996, 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 Decision of 16 December 1996 on monitoring the implementation of instruments adopted by the Council concerning illegal immigration, readmission, the unlawful employment of third country nationals and cooperation in the implementation of expulsion order: OJ L 342 of 31 December 1996, p. 5;
- o Comprehensive plan to combat illegal immigration and trafficking of human beings in the European Union, OJ C 142 of 14 June 2002, p.23.

Return and readmission

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 Article 3(4) of the Act of Accession (see annex)*

- Agreement between the European Community and the Democratic Socialist Republic of Sri Lanka on the readmission of persons residing without authorisation, OJ L 124, 17/05/2005 p. 41-42
- Agreement between the European Community and the Republic of Albania on the readmission of persons residing without authorisation, OJ L 124, 17/05/2005 p. 22-40

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

- Council Directive 2001/40/EC of 28 May 2001 on the mutual recognition of decisions on the expulsion of third country nationals, OJ L 149 of 02.06.2001, p. 34
- Council Directive 2003/110/EC of 25 November 2003 on assistance in cases of transit for the purposes of removal by Air, OJ L 321 of 06.12.2003, p. 26
 - ▶ Council Decision of 23 February 2004 setting out the criteria and practical arrangements for the compensation of the financial imbalances resulting from the application of Directive 2001/40/EC on the mutual recognition of decisions on the expulsion of third-country nationals, OJ L 60 of 27.2.2004, p. 55
 - ▶ Council Decision of 17 December 2003 concerning the conclusion of the Agreement between the European Community and the Government of the Hong Kong Special Administrative Region of the People's Republic of China on the readmission of persons residing without authorisation, OJ L 17 of 24.01.2004, p. 23
 - ▶ 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 2.3.2004, p. 38
 - ▶ Council Decision 2004/424/EC of 21 April 2004 concerning the conclusion of the Agreement between the European Community and the Macao Special Administrative Region of the People's Republic of China on the readmission of persons residing without authorisation, OJ L 143 of 30 April 2004, p. 97⁹
- 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
- ▶ Council Decision (2004/573/EC) of 29 April 2004 on the organisation of joint flights for removals from the territory of two or more Member States, of third-country nationals who are subjects of individual removal orders, OJ 261 of 6 August 2004, page 28
- Council Decision (2005/372/EC) of 3 March 2005 concerning the conclusion of the Agreement between the European Community and the Democratic Socialist Republic of Sri Lanka on the readmission of persons residing without authorisation, OJ L 124, 17/05/2005, p. 41
- Council Decision (2005/371/EC) of 3 March 2005 on the signing of the Agreement between the European Community and the Republic of Albania on the readmission of persons residing without authorisation, OJ L 124, 17/05/2005, p. 21

C. Other European Union Instruments and documents

⁹ entered into force on June 1, 2004.

- Recommendation of 30 November 1992 regarding practices followed by Member States on expulsion: Document WGI 1266;
- Recommendation of the 30 November 1992 concerning transit for the purpose of expulsion: Document WGI 1266;
- Recommendation of the 1st June 1993 concerning checks on and expulsion of third country nationals residing or working without authorisation: Document WGI 1516;
- 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 to 24;
- 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 22 December 1995 on concerted action and cooperation in carrying out expulsion measures: OJ C 5 of 10 January 1996, p. 3 to 7;
- Council Conclusions of 4 March 1996 concerning readmission clauses for future mixed agreements: Documents 4272/96 ASIM 6 et 5457/96 ASIM 37;
- Mise à jour des clauses types de réadmission figurant dans les accords communautaires et dans les accords mixtes. Doc. 13409/99 MIGR 69;
- Council Decision of 26 May 1997 on the exchange of information concerning assistance for the voluntary repatriation of third-country nationals: OJ L 147 of 5 June 1997, p. 3
- o Return action programme -adopted on 28 november 2002 - Council document 14673/02

V. EU CITIZENSHIP

Free Movement and Right of Residence

European Union Instruments and documents

- Commission Regulation (EC) No 601/2005 of 18 April 2005 amending Annex I to Council Regulation (EC) No 866/2004 on a regime under Article 2 of Protocol No 10 to the Act of Accession, OJ L 99, 19/04/2005, p. 10
- [Council Directive (64/221/EEC) of 25 February 1964 on the coordination of special measures concerning the movement and residence of foreign nationals which are justified on grounds of public policy, public security or public health, OJ 56, 04/04/1964, P. 85]
- Regulation (EEC) No 1251/70 of the Commission of 29 June 1970 on the right of workers to remain in the territory of a Member State after having been employed in that State, OJ L 142, 30/06/1970, p.24
 - [Council Directive (72/194/EEC) of 18 May 1972 extending to workers the right to remain in the territory of a Member State after having been employed in that State the scope of the Directive of 25 February 1964 on coordination of special measures concerning the movement and residence of foreign nationals which are justified on grounds of public policy, public security or public health, OJ L 121, 26/05/1972, p. 32]
 - [Council Directive (73/148/EEC) of 21 May 1973 on the abolition of restrictions on movement and residence within the Community for nationals of Member States with regard to establishment and the provision of services; OJ L 172, 28/06/1973, p.14]
 - [Council Directive (75/34/EEC) of 17 December 1974 concerning the right of nationals of a Member State to remain in the territory of another Member State after having pursued therein an activity in a self-employed capacity, OJ L 14, 20/01/1975, p. 10]
 - [Council Directive (75/35/EEC) of 17 December 1974 extending the scope of Directive No 64/221/EEC on the coordination of special measures concerning the movement and residence of foreign nationals which are justified on ground of public policy, public security or public health to include nationals of a Member State who exercise the right to remain in the territory of another Member State after having pursued therein an activity of a self-employed capacity, OJ L 14, 20/01/1975, p.14]
 - [Council Directive (90/364/EEC) of 28 June 1990 on the right of residence, OJ L 180, 13/07/1990, p. 26]
 - [Council Directive (90/365/EEC) of 28 June 1990 on the right of residence for employees and self-employed persons who have ceased their occupational activity, OJ L 180, 13/07/1990, p. 28]
 - [Council Directive (93/96/EEC) of 29 October 1993 on the right of residence for students, OJ L 317, 18/12/1993, p. 59]
- ▶ European Parliament and Council Directive (2004/38/EC) on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States, amending Regulation (EEC) No 1612/68 and repealing directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC, OJ L 158, 30/04/2004, p. 77

B. Electoral Rights

European Union Instruments and documents

- Council Decision 76/787/ECSC, EEC, Euratom of 20 September 1976, relating to the Act concerning the election of the representatives of the European Parliament by direct universal suffrage, OJ L 278 of 8.10.1976, p. 5
- Council Decision 2002/772 amending the Act concerning the election of the representatives of the European Parliament by direct universal suffrage, OJ L 283 of 21.10.2002
- 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 30.12.1993, 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, 31/12/1994, p. 38

C. Diplomatic Protection

European Union Instruments and documents

- Decision of the Representatives of the Governments of the Member States meeting within the Council of 18 December 1995 regarding protection for citizens of the European Union by diplomatic and consular representations, OJ L 314, 28/12/1995, 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, 06/07/1996, 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 Article 3(4) of the Act of Accession (see annex)

- Convention of 26 July 1995 on the protection of the European Communities' Financial Interests: JO C 316 of 27 November 1995 (also relevant for judicial cooperation in penal matters);
 - Explanatory report on the convention on the protection of the European Communities' financial interests, OJ C 191 of 23 June 1997;
- Protocol of 27 September 1996 to the Convention on the Protection of Community Financial Interests: JO C 313 of 23 October 1996 (also relevant for judicial cooperation in penal matters);
 - Explanatory Report on the Protocol to the Convention on the protection of the European Communities' financial interest. OJ C 11 of 15 January 1998;
- Second Protocol to the Convention on the protection of the European Communities' financial interests : OJ C 221 of 19 July 1997;
 - Explanatory Report on the Second Protocol to the Convention on the protection of the European Communities' financial interest. OJ C 91 of 31 March 1999;(4)
- Protocol on the interpretation, by way of preliminary rulings by the Court of of the European Communities of the convention on the protection of the European Communities financial interests OJ C 151 of 20 May 1997 ;
- 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: JO C 195 of 25 June 1997 (also relevant for judicial cooperation in penal matters);
- Explanatory report on the Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union : OJ C 391 of 15 December 1998 ;
 - Council Decision 2003/642/JHA of 22 July 2003 concerning the application to Gibraltar of the Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union, OJ L 226 of 10 September 2003, p. 27

Europol

- Council Act of 26 July 1995 drawing up the Convention on the establishment of a European Police Office: JO C 316 of 27 November 1995, p. 1.
- Protocol of 23 July 1996 on the interpretation, by way of preliminary rulings, by the Court of Justice of the EC of the Convention on the establishment of a European Police Office: JO C 299 of 9 October 1996;
- 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 (extension of Europol's competence to money laundering in general, regardless of the type of offences from which the laundered proceeds originate); OJ C 358 of 13 December 2000, p.1
 - o Council act of 28 November 2002 drawing up a Protocol amending the Convention on the establishment of a European Police Office (Europol Convention) and the Protocol on the privileges and immunities of Europol, the members of its organs, the deputy directors and the employees of Europol : JO C 312 of 16.12.2002.
- ▶ Council Act of 27 November 2003 drawing up, on the basis of Article 43(1) of the Convention on the Establishment of a European Police Office (Europol Convention), a Protocol amending that Convention, OJ C 2 of 06.01.2004, p. 1.

Europol - Implementing measures

- Act of the Management Board of Europol of 1 October 1998 laying down its rules of procedures, OJ C 26 of 30.1.1999, p. 82.;
- Act of the Management Board of Europol concerning the rights and obligations of Europol liaison officers. Adopted by the Management Board 15 October 1998: OJ C 26, 30.1.1999, 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, 30.1.1999, p. 89.
- Act of the Management Board of Europol of 27 September 1999 laying down the rules on Europol personnel files, OJ C 65 28/02/2001, p. 1
- Council Act laying down rules governing Europol's external relations with third states and non- European Union related bodies. Adopted 3 November 1998: OJ C 26, 30.1.1999, p.19.
- Council Act of 3 November 1998 adopting rules on the confidentiality of Europol information, OJ C 26, 30.1.1999, p. 10 .
 - Council Act of 5 June 2003 amending the Council Act of 3 November 1998 adopting rules on the confidentiality of Europol information, OJ C 152 of 28 June 2003, p. 1
- Council Act laying down rules concerning the receipt of information by Europol from third parties. Adopted 3 November 1998:OJ C 26, 30.1.1999, p. 17.
- Council Act adopting rules applicable to Europol analysis files. Adopted 3 November 1998: OJ C 26, 30.1.1999, p. 1.
- Council Act of 3 December 1998 laying down the staff regulations applicable to Europol employees, OJ C 26, 30.1.1999, p. 23.
 - a . Decision of the Director of Europol of 3 July 2000 adapting to the euro the amounts mentioned in the Europol Staff Regulations to the euro, OJ C 65 28/02/2001, p. 10
 - b. 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 28/02/2001, p. 12
 - c. Decision of the Management Board of Europol of 5 June 2003 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 C 152 28.06.2003 p. 17
 - d. Decision of the Management Board of Europol of 30 April 2004 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 C 160 17.06.2004 p. 1
- 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 12.04.2001, p. 1
 - Council Act of 19 December 2002 amending the Staff Regulations applicable to Europol employees, OJ C 24 of 31.01.2003, p.1.
 - Council Act of 5 June 2003 amending the Staff Regulations applicable to Europol employees, OJ C 152 of 28 June 2003, p. 2
- o Council Decision of 13 June 2002 adjusting the basic salaries and allowances applicable to Europol staff, OJ C 150 of 22 June 2002, p. 2¹⁰
 - Council Decision of 5 June 2003 adjusting the basic salaries and allowances applicable to Europol staff, OJ C 152 of 28 June 2003, p. 7

¹⁰ Replaces previous Council Decisions of 15 March 2001 adjusting the basic salaries and allowances applicable to Europol staff.

- ▶ Council Decision of 29 April 2004 adjusting the basic salaries and allowances applicable to Europol Staff, OJ C 114 , 30/04/2004, p 8
- ▶ Council Decision of 12 October 2005 adjusting the basic salaries and allowances applicable to Europol staff, OJ C 259 of 19.10.2005, p. 1.
- 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.
 - 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 27.03.2002, 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 appointing the Director and Deputy Directors of Europol. Adopted 29 April 1999. OJ C 149 of 28 May 1999;
- Council Act adopting the Financial Regulation applicable to the budget of Europol and repealing Council Act 1999/C 25/01. Adopted 4 October 1999. OJ C 312 of 29 October 1999, p. 1.
 - Amending Budget of Europol for 2003, OJ C 152 of 28 June 2003, p. 16
 - Europol Budget for 2004, OJ C 152 of 28 June 2003, p. 9
- Council Decision of 2 December 1999 adjusting the remuneration and allowances applicable to Europol employees. OJ C 364 of 17 December 1999;
- 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 C106 of 13 April 2000, p.1
- Council Decision of 6 December 2001 amending the Council Decision of 27 March 2000 authorising the Director of Europol to enter into negotiations on agreements with third States and non-EU-related bodies, OJ C 358 of 15 December 2001, p. 1
 - o Council Decision of 13 June 2002 amending the Council Decision of 27 March 2000 authorising the Director of Europol to enter into negotiations on agreements with third States and non-EU related bodies, OJ C 150 of 22 June 2002, p. 1
 - ▶ Council Decision 2004/773/EC of 25 October 2004 amending the Decision authorising the Director of Europol to enter into negotiations on agreements with third States and non-EU-related bodies, OJ L 342 of 18 November 2004, page 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 22.12.2004, 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, 02.03.2005, p. 14
- Council Decision of 17 October 2000 concerning arrangements for cooperation between financial intelligence units of the Member States in respect of exchanging information ; OJ L 271 of 24 October 2000, p. 4
- Council Act of 17 December 2001 appointing a Deputy Director of Europol, OJ C 371 of 28 December 2001, p. 1
- Council Act of 8 May 2003 appointing two Deputy Directors of Europol, OJ C 113 of 13.05.2003, p.1
- Council Decision of 28 February 2005 appointing the Director of Europol, OJ C 60, 10/03/2005, p 2
- Council Decision of 24 February 2005 re-appointing a Deputy Director of Europol, OJ C 60, 10/03/2005, p. 1

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 026 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 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 03/07/2001, 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.1¹¹
- 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 14/12/2001, p. 1
- Council resolution on 29 April 2004 on security at European Council meetings and other comparable events, OJ C 116, 30.4.2004, p. 18.
- Council Regulation (EC) No 1338/2001 of 28 June 2001 laying down measures necessary for the protection of the euro against counterfeiting, OJ L 181 04/07/2001, p. 6
- Council Decision of 6 December 2001 on the protection of the euro against counterfeiting, OJ L 329 of 14 December 2001, p. 1
- Council Decision of 8 December 2003 concerning analysis and cooperation with regard to counterfeit euro coins OJ L 325 12.12.2003 p. 44
- Council Decision of 8 December 2003 extending the effects of Decision 2003/861/EC concerning analysis and cooperation with regard to counterfeit euro coins to those Member States which have not adopted the euro as their single currency, OJ L 325 12.12.2003 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 21.01.2005, p. 73.
- Council Decision, 2005/511/JHA, of 12 July 2005 on protecting the euro against counterfeiting, by designating Europol as the Central Office for combating euro counterfeiting, OJ L 185 of 16 July 2005, p. 35

c) Indicative list of international agreements, conventions and protocols to which the new Member States must accede in accordance with Article 6(2) of the Act of Accession (see annex)

- UN Convention against Transnational Organized Crime, Palermo December 2000.
- Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nations Convention against Transnational Organized Crime (adopted 15 November 2000)
- Protocol against the smuggling of migrants by land, sea and air, supplementing the United Nations Convention against Transnational Organized Crime (adopted 15 November 2000)
- Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime (adopted 31 May 2001)
 - ▶ Council Decision 2004/579/EC of 29 April 2004 on the conclusion, on behalf of the European Community, of the United Nations Convention Against Transnational Organised Crime, OJ L 261 of 6 August 2004, page 69.
- ▶ UN Convention against Corruption, Merida 2004

d) Indicative list of agreements, conventions and protocols to which the new Member States must accede (obligations arising indirectly from Article 2 of the Act of Accession) (see annex)¹²

¹¹ Herewith obsolete: Council Decision extending Europol's mandate to deal with forgery of money and means of payment. OJ C 149 of 28 May 1999.

- Council of Europe Convention on Cybercrime, 23rd November 2001¹³.
 - 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 the 28th January 2003
- European Convention of 8 November 1990 on Money Laundering, Search, Seizure and Confiscation of the proceeds from crime (Council of Europe) (also relevant for judicial cooperation in penal matters);¹⁴
- Convention No 198 of the Council of Europe on laundering, seizure and confiscation of the proceeds from crime and financing of terrorism

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

- Joint Action (95/73/JHA) of 10 March 1995 adopted by the Council on the basis of Article K.3 of the Treaty on European Union concerning Europol Drugs Unit, OJ L 62 of 20 March 1995, p.1
- Joint Action (96/747/JHA) of 29 November 1996 adopted by the Council on the basis of Article K.3 of the Treaty on European Union, concerning the creation and maintenance of a directory of specialized competences, skills and expertise in the fight against international organized crime, in order to facilitate law enforcement cooperation between the Member States of the European Union, OJ L 342, 31.12.1996, 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;
- 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 (also relevant for judicial cooperation), OJ L 344, 15.12.1997, p. 7.
- 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 L 26, 30/01/1999, p. 3.
- Joint Action to make it a criminal offence to participate in a criminal organisation in the Member States of the European Union. OJ L 351 of 29 December 1998.
- 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;
- Council Decision to combat child pornography on the Internet ; OJ L 138 of 9 June 2000, p.1
- Council Decision concerning arrangements for cooperation between financial intelligence units of the Member States in respect of exchanging information; OJ L 271 of 24 October 2000, p.4
- Council Framework Decision of 28 May 2001 combating fraud and counterfeiting of non-cash means of payment, OJ L 149 of 02.06.2001, p. 1
- Council Framework Decision of 26 June 2001 on money laundering, the identification, tracing, freezing, seizing and confiscation of instrumentalities and the proceeds of crime, OJ L 182 of 05.07.2001, p. 1
- o Council Framework Decision (2002/629/JHA) of 19 July 2002 on combating trafficking in human beings, OJ L 203 of 01.08.2002, p. 1
- o Council decision (JHA) 187/2002 of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime, OJ L 63 of 06.03.2002, p. 1¹⁵

¹² 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, as referred to in Article 2 of the Act of Accession.

¹³ A framework decision, building upon this Convention, is in the final stages of adoption by the Council.

¹⁴ 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, 9.12.1998) which called on Member States to ensure that Articles 2 and 6 of the Convention are fully implemented. The 1991 Money Laundering Directive also refers to the Convention as a basis for fighting money laundering in the EU.

- o Rules of procedure of Eurojust, OJ C 286 of 22 November 2002, p. 1
- Council Decision 2003/659/JHA of 18 June 2003 amending Decision 2002/187/JHA setting up Eurojust with a view to reinforcing the fight against serious crime, OJ L245 of 29 September 2003, p. 44.
- 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 12.03.2003, p.27.
- Council Decision 2005/.../JHA (2005/C 188/12) of ... amending Decision 2003/170/JHA on the common use of liaison officers posted abroad by the law enforcement agencies of the Member States, OJ C 188, 2.8.2005, p. 19.
- ▶ Council Framework Decision 2004/68/JHA of 22 December 2003 on combating the sexual exploitation of children and child pornography, OJ L 13 of 20.01.2004, p. 44 (also relevant for judicial cooperation)
- Council Framework Decision (2005/212/JHA) of 24 February 2005 on confiscation of crime-related proceeds, instrumentalities and property, OJ L 68 15/03/2005, p. 49
- Council Framework Decision (2005/212/JHA) of 24 February 2005 on attacks against information systems, OJ L 69 16/03/2005, p. 67

C. Other European Union Instruments and documents

- Resolution of 23 November 1995 on the Protection of Witnesses in the Fight Against International Organised Crime: OJ C 327 of 7 December 1995 (also relevant for judicial cooperation in penal matters);
- Resolution of 20 December 1996 on Individuals who co-operate with the judicial process in the fight against international organised crime: JO C 10 of 11 January 1997 (also relevant for judicial cooperation in criminal matters).
- Action plan to combat organised crime (adopted by the Council on 28 April 1997): OJ C 251 of 15 August 1997;
- Pre-accession Pact on Organised Crime between the Member States of the European Union and the candidates of central and Eastern Europe and Cyprus. Official Reference OJ C220 of 15 July 1998;
- Council Resolution on the Prevention of Organised Crime with Reference to the Establishment of a Comprehensive Strategy for Combating it. Official reference OJ C 408 of 29 December 1998;
- Communication concerning the taking up of activities of Europol, OJ L 185 01/07/1999, 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. 5-12
- 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)
- Council Conclusions of 8 May 2003 (Brussels Declaration 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 31.01.2003, p.9.

D. Other Conventions (accession desirable)

¹⁵ Herewith obsolete: Council Decision of 14 December 2000 setting up a Provisional Judicial Cooperation Unit; OJ L 324 of 21/12/00, p.2

- OECD-Convention on Combating Bribery of foreign public officials in International Business Transactions, of 17 December 1997¹⁶; (also relevant for judicial cooperation in penal matters)
- Council of Europe Criminal Law convention on Corruption, opened to signature on 27 January 1999;¹⁷ (also relevant for judicial cooperation in penal matters)
- Council of Europe Civil Law convention on corruption, opened to signature on 4 November 1999.

¹⁶ As well as the members of OECD this Convention is open for signing or accession by non-members participating fully in the Working group on Bribery in International Transactions.

¹⁷ The Joint Positions of 6 October 1997 and 13 November 1997 on negotiations held in the Council of Europe and the OECD on the fight against Corruption have therefore been deleted.

VII. DRUGS

A. Conventions to which accession is obligatory

d) Indicative list of agreements, conventions and protocols to which the new Member States must accede (obligations arising indirectly from Article 2 of the Act of Accession) (see annex)¹⁸

- Single Convention on Narcotic Drugs (New York, 30 March 1961)¹⁹
- Protocol amending the Single Convention on Narcotic Drugs (Geneva, 25 March 1972);
- Convention on Psychotropic Substances (Vienna, 21 February 1971)²⁰;
- United Nations Convention against the Illicit Traffic in Narcotic Drugs and Psychotropic Substances (Vienna, 20 December 1988) (also relevant for judicial cooperation in criminal matters);
- 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 , 30/12/1995, p. 27
- 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, 07/03/2003, p. 30

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

- Joint Action of 10 March 1995 adopted by the Council on the basis of Article K.3 of the Treaty on European Union concerning the Europol Drugs Unit, OJ L 62, 20.03.1995 p. 1
- Joint Action of 29 November 1996 concerning the exchange of information on the chemical profiling of drugs to facilitate improved cooperation between Member States in combating illicit drug trafficking: OJ L 322 of 12 December 1996;
- 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, Official Journal L 342 , 31/12/1996, 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 (also relevant for judicial cooperation in criminal matters);
- Joint Action of 16 June 1997 concerning the information exchange, risk assessment and the control of new synthetic drugs: JO L 167 of 25 June 1997; This Joint Action is repealed and replaced by the Council Decision 2005/387/JHA (see below). Decisions taken by the Council based on Article 5 of that Joint Action shall continue to be legally valid.
- Council Decision 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;
- Council Decision of 28 May 2001 on the transmission of samples of controlled substances, OJ L 150 of 06.06.2001, p. 1
- o Council Decision of 28 February 2002 concerning control measures and criminal sanctions in respect of the new synthetic drug PMMA. OJ L63 of 06.03.2002 p 14

¹⁸ 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, as referred to in Article 2 of the Act of Accession.

¹⁹ 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.

²⁰ Linked to the acquis through the EU drugs policy.

- 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 06.12.2003, p. 64
- ▶ Council Framework Decision 2004/757/JHA of 25 October 2004 laying down minimum provisions on the constituent elements of criminal acts and penalties in the field of illicit drug trafficking, OJ L 335 of 11 November 2004, page 8
- Council Decision 2005/387/JHA of 10 May 2005 on the information exchange, risk-assessment and control of new psychoactive substances, OJ L 127 of 20.5.2005, p. 32

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 20/12/1990, p. 1
- Council Directive (92/109/EEC) of 14 December 1992 on the manufacture and the placing on the market of certain substances used in the illicit manufacture of narcotic drugs and psychotropic substances, OJ L 370 19/12/1992, p. 76
- Commission Regulation (EEC) No 3769/92 of 21 December 1992 implementing and amending Council Regulation (EEC) No 3677/90 laying down measures to be taken to discourage the diversion of certain substances to the illicit manufacture of narcotic drugs and psychotropic substances, OJ L 383 29/12/1992, P.17.
- Commission Regulation (EC) No 1610/2000 of 24 July 2000 amending Regulation (EEC) No 3769/92 implementing and amending Council Regulation (EEC) No 3677/90 laying down measures to be taken to discourage the diversion of certain substances to the illicit manufacture of narcotic drugs and psychotropic substances, OJ L 185, 25.7.2000, p. 30.
- Commission Regulation (EC) No 1232/2002 of 9 July 2002 replacing the Annex to Council Regulation (EEC) No 3677/90 laying down measures to be taken to discourage the diversion of certain substances to the illicit manufacture of narcotic drugs and psychotropic substances and amending Regulation (EEC) No 3769/92, OJ L 180, 10.7.2002, p. 5.
- Council Regulation (EEC) No 302/93 of 8 February 1993 on the establishment of a European Monitoring Centre for Drugs and Drug Addiction, OJ L 036 of 12 February 1993, p.1
 - Amended by:
 - Council Regulation (EC) No 3294/94 of 22 December 1994 amending Regulation (EEC) No 302/93 on the establishment of the European Monitoring Centre for Drugs and Drug Addiction, Official Journal L 341 , 30/12/1994, p. 7
 - Council Regulation 2220/2000/EC of 28 September 2000 amending Regulation (EEC) No 302/93 on the establishment of a European Monitoring Centre for Drugs and Drug Addiction, OJ L 253 of 07 October 2000, p.1
 - Council Decision of 28 September 2000 on the conclusion of an agreement between the European Community and the Kingdom of Norway on the participation of Norway in the work of the European Monitoring Centre for Drugs and Drug Addiction, OJ L 257 of 11 October 2000, p. 23
 - Council Regulation (EC) No 1651/2003 of 18 June 2003 amending Regulation (EEC) No 302/93 on the establishment of a European Monitoring Centre for Drugs and Drug Addiction, OJ L245 of 29 September 2003, p. 30.
- Resolution of 29 November 1996 on the drawing up of police/customs agreements in the fight against drugs: JO C 375 of 12 December 1996;
- Resolution of 29 November 1996 on measures to address the drug tourism problem within the EU: JO C 375 of 12 December 1996,
- Resolution of 16 December 1996 on measures to combat and dismantle the illicit cultivation and production of drugs within the EU: JO C 389 of 23 December 1996;
- Resolution of 20 December 1996 on Sentencing for Serious Illicit Drug Trafficking: JO C 10 of 11 January 1997.

- Council Recommendation on the alignment of law enforcement drug and diverted precursors seizure statistics STUP 29/2001, STUP 26/2001
- o Council Recommendation of 25 April 2002 on improving investigation methods in the fight against organised crime linked to organised drug trafficking: simultaneous investigations into drug trafficking by criminal organisations and their finances/assets, OJ C 114 of 15.05.2002, p.1
- o Council Recommendation of 25 April 2002 on the need to enhance cooperation and exchanges of information between the various operational units specialising in combating trafficking in precursors in the Member States of the European Union, OJ C 114 of 15.05.2002, p. 3
- Council Recommendation of 18 June 2003 on the prevention and reduction of health-related harm associated with drug dependence, OJ L 165, 03.07.2003 p. 31, Council Resolution on the importance of the role of the families in preventing drug abuse by adolescents. CORDROGUE 94 – 12.11.2003
- Council Resolution on combating the impact of psychoactive substances use on road accidents. CORDROGUE 97 – 13.11.2003
- Commission Directive (2003/101/EC) of 3 November 2003 amending Council Directive (92/109/EEC) on the manufacture and placing on the market of certain substances used in the illicit manufacture of narcotic drugs and psychotropic substances (text with EEA relevance), OJ L 286, 4.11.2003, p. 14.
- ▶ Council Resolution of 17 December 2003 on training for drug law enforcement officers, OJ C 38 of 12.02.2004, p. 1
- ▶ Council Recommendation of 30 March 2004 regarding guidelines for taking samples of seized drugs, OJ C 86 of 8.6.2004, 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 22.4.2004, page 6
- ▶ Regulation (EC) No 273/2004 of the European Parliament and of the Council of 11 February 2004 on drug precursors (Text with EEA relevance), OJ L 47, 18.2.2004, p. 1.
- Council Regulation (EC), No 111/2005, of 22 December 2004 laying down rules for the monitoring of trade between the Community and third countries in drug precursors, OJ L 22 of 26.01.2005, p. 1
- ▶ Commission Regulation (EC) No 1277/2005 of 27 July 2005 laying down implementation rules for Regulation (EC), No 273/2004 of the European Parliament and of the Council on drug precursors and for the Council Regulation (EC), No 111/2005 laying down rules for the monitoring of trade between the Community and third countries in drug precursors Text with EEA relevance, OJ L 202 of 03.08.2005, p. 7 Council Resolution on cannabis – CORDROGUE 59 – 07/07/2004 doc 11267/04
- EU Drugs Action Plan (2005-2008), OJ C 168 of 8.7.2005, p. 1

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) (also relevant for judicial co-operation in criminal matters).

VIII. TERRORISM

A. Conventions to which accession is obligatory

d) Indicative list of agreements, conventions and protocols to which the new Member States must accede (obligations arising indirectly from Article 2 of the Act of Accession) (see annex)²¹

- European Convention on the Suppression of Terrorism (Strasbourg, 27 January 1977)²²;
 - Protocol amending the European Convention on the Suppression of Terrorism of the Council of Europe (STE 190), signed on the 15th May 2003.

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

- Joint Action 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. 90²³
- Council Common Position of 27 December 2001 on the application of specific measures to combat terrorism, OJ L 344 of 28 December 2001, p. 93
- o Council Framework Decision of 13 June 2002 on combating terrorism, OJ L 164 of 22 June 2002, p. 3
- o Council Decision (2002/996/JHA) of 28 November 2002 establishing a mechanism for evaluating the legal systems and their implementation at national level in the fight against terrorism, OJ L 349 of 24 December 2002, p. 1.
- Council Decision (2003/48/JHA) of 19 December 2002 on the implementation of specific measures for police and judicial cooperation to combat terrorism in accordance with Article 4 of Common Position 2001/931/CFSP, OJ L 16 22/01/2003 p. 68
- Council Decision (2005/671/JAI) of 20 September 2005 on the exchange of information and co-operation concerning terrorist offences, OJ L 253, 29/09/2005, p.22

C. Other European Union Instruments and documents

- Declaration of 30 November 1993 on financing of terrorism.

²¹ 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, as referred to in Article 2 of the Act of Accession.

²² Referred to in various instruments of the acquis (96 Convention, i.e. art 3, art. 5, FD on combating terrorism, FD on the European Arrest Warrant).

²³ Please see also Council Regulation (EC) No 2580/2001 of 27 December 2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism, OJ L344 of 28 December 2001, p. 70 (as amended by Commission Regulation (EC) No 745/2003 of 28 April 2003) and Council Decision of 28 October 2002 implementing Article 2(3) of Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism and repealing Decision 2002/460/EC, 2002/848/EC, OJ L295 of 30.10.2002, p. 12, and Council Decision of 27 June 2003 implementing Article 2(3) of Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism and repealing Decision 2002/974/EC, OJ L160 of 28 June 2003, p. 81, and Council Decision of 2 April 2004 implementing Article 2(3) of Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism and repealing Decision 2003/902/EC, OJ L 99 of 3 April 2004, p. 28. Please take into consideration further related Council decisions.

- Declaration on terrorism (La Gomera Declaration) of 14 October 1995 issued by the Ministers of Home Affairs and Justice;
- Interim Report on the evaluation of national anti-terrorist arrangements, 14306/3/04 Rev 3 ENFOPOL 155

IX. POLICE COOPERATION²⁴

A. Conventions to which accession is obligatory

Council Decision 2005/296/CFSP, JHA of 24 January 2005 concerning the conclusion of the Agreement between the European Union and the former Yugoslav Republic of Macedonia on the security procedures for the exchange of classified information, OJ L 94, 13.4.2005, p. 38 (Agreement annexed, OJ L 94, 13.4.2005, p. 39).

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

- Joint Action (97/339/JHA) of 26 May 1997 with regard to cooperation on law and order and security: JO L 147 of 5 June 1997, p. 1.
- [Council Decision (2000/820/JHA) of 22 December 2000 establishing a European Police College (CEPOL); OJ L 336 of 30 December 2000, p.1
 - ▶ Council Decision 2004/566/JHA of 26 July 2004 amending Decision 2000/820/JHA establishing a European Police College (CEPOL), OJ L 251 of 27.07.2004, p. 19
 - ▶ Council Decision 2004/567/JHA of 26 July 2004 amending Decision 2000/820/JHA establishing a European Police College (CEPOL), OJ L 251 of 27.07.2004, p. 20]
- Council Decision (2005/681/JHA) of 20 September 2005 establishing a European Police College (CEPOL) and repealing Decision 2000/820/JHA, OJ L 256 01/10/2005, p. 63
- Council Decision of 28 May 2001 setting up a European crime prevention network, OJ L 153 of 08.06.2001, p. 1
- o Council Decision (JHA) 348/2002 of 25 April 2002 concerning security in connection with football matches with an international dimension. OJ L 121 of 08.05.2002 p. 1
- o Council Decision of 13 June 2002 setting up a network of contact points in respect of persons responsible for genocide, crimes against humanity and war crimes. OJ L 167 of 26.6.2002, p.1.
- o Council Decision (2002/630/JHA) of 22 July 2002 establishing a framework programme on police and judicial cooperation in criminal matters (AGIS), OJ L 203 of 01.08.2002, p. 5²⁵
- o Council Decision of 28 November 2002 setting up a European Network for the Protection of Public Figures, OJ L 333 of 10.12.2002.
- Council Decision 2003/335/JHA of 8 May 2003 on the investigation and prosecution of genocide, crimes against humanity and war crimes, OJ L 118 of 14 May 2003, p. 12
 - ▶ Council Decision, 2004/919/EC, of 22 December 2004 on tackling vehicle crime with cross-border implications, OJ L 389 of 30.12.2004, p. 28
- Council Resolution of 17 November 2003 on the use by Member States of bans on access to venues of football matches with an international dimension, OJ C 281 of 22.11.2003, p. 1
- Council Common Position (2005/69/JHA) of 24 January 2005 on exchanging certain data with Interpol, OJ L 27 27/01/2005, p. 61

C. Other European Union Instruments and documents²⁶

- Recommandation sur la responsabilité des organisateurs de manifestations sportives (29-30 novembre 1993);

²⁴ Police action 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 CoE on 19 September 2001.

²⁵ This instrument is also mentioned under the section on "judicial co-operation in criminal matters". AGIS is a framework programme replacing the Grotius, Oisin, Stop, Hippocrate and Falcone programmes. It runs from 2003 till 2007.

²⁶ 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).

- Recommandation sur la criminalité contre l'environnement (29-30 novembre 1993);
- Council Recommendation of 22 April 1996 on guidelines for preventing and restraining disorder connected with football matches, (22 April 1996): OJ C 131 of 3 May 1996;
- 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;
- Resolution of 9 June 1997 on the exchange of DNA analysis results: OJ C 193 of 24 June 1997;
- Council resolution of 25 June 2001 on the exchange of DNA analysis results, OJ C 187 of 03.07.2001, p. 1
- Council resolution of 21 June 1999 concerning a hand book for international police cooperation and measures to prevent and control violence and disturbances in connection with international football matches. OJ C 196 of 13 June 1999 ;
- Council recommendation of 25 June 2001 on contact points maintaining a 24-hour service for combating high-tech crime, OJ C 187 of 3.7.2001, p. 5.
- o Council Resolution of 6 December 2001 concerning a handbook with recommendations for international police cooperation and measures to prevent and control violence and disturbances in connection with football matches with an international dimension, in which at least one Member State is involved, OJ C 22 of 24.01.2002, p.1
- o Council Recommendation of 13 June 2002 regarding cooperation between the competent national authorities of Member States responsible for the private security sector; OJ C 153 of 27 June 2002, p.1.

X. CUSTOMS COOPERATION

A. Conventions to which accession is obligatory

a) *Indicative list of conventions and instruments to which new Member States must accede in accordance with Article 3(4) of the Act of Accession (see annex)*

- Convention of 26 July 1995 on the use of information technology for customs purposes: JO C 316 of 27 November 1995;
- Protocol drawn up on the basis of Article K.3 of the Treaty on European Union, 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, 20.5.1997, p. 16
- Protocol of 29 November 1996 on the interpretation, by way of preliminary rulings, by the Court of Justice of the EC of the Convention on the use of information technology for customs purposes;+
- [Agreement of 26 July 1995 on provisional application between certain Member States of the EU of the Convention drawn up on the basis of Article K.3 of the Treaty on EU on the use of information technology for customs purposes (OJ C 316 of 27 November 1995, p. 0058-0064)²⁷]
- [Council Act of 12 March 1999 concerning 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 registration number of the means of transport in the convention. OJ C 91 of 31 March 1999, p. 2²⁸.] +
 - 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+
- Convention of 18 December 1997 on Mutual Assistance and Co-operation between customs administrations: (Naples II-Convention) OC J 24 of 23 January 1998²⁹;

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 on Cooperation between customs authorities and business organisations on combating drugs trafficking: OJ L 322 of 12 December 1996;

²⁷ Until Belgium and Germany will not have ratified the Convention on the use of information technology for customs purposes new Member States will have to accede also to this agreement. However, no ratification required, but simply a declaration of provisional application by the government. Not all new Member States may be able to make such declaration. Background: the Convention was agreed before Amsterdam and consequently a specific agreement on provisional application was necessary. Conventions which are concluded after Amsterdam enter automatically provisionally in force if a majority of Member States has ratified.

²⁸ Even though new Member States will not need to ratify this Protocol because of the provisions of Article 5 of the protocol they should be aware that their accession to the Conventions does include the Protocol.

²⁹ Dès son entrée en vigueur, cette convention remplace la convention pour l'assistance mutuelle entre les administrations douanières (dite "convention de Naples") signée à Rome le 7.9.1967. Dans le cadre de celle-ci, les directeurs généraux des douanes ont adopté les déclarations suivantes: Wiesbaden (1971), Dromoland 1 (1976), Istanbul 1 (1977), Istanbul 2 (1977), Iraklion (1978), London (1974), Munich (1975), Harrogate (1992).

C. Other European Union instruments and documents

- Resolution of 9 June 1997 concerning a handbook for joint customs surveillance operations: JO C 193 of 24 June 1997;
- Council Resolution of 2 October 2003 on a strategy for customs cooperation, OJ C 247 of 15.10.2003, p. 1

D. Other Conventions (accession desirable)

- Agreement of 26 July 1995 on provisional application between certain Member States of the EU of the Convention on the use of information technology for customs purposes: OJ C 316 of 27 November 1995;

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 Article 3(4) of the Act of Accession (see annex)*

- [Convention on jurisdiction and the enforcement of judgments in civil and commercial matters (Brussels, 27 September 1968)³⁰; Protocol on the interpretation by the Court of Justice of the Convention of 27 September 1968 (Luxembourg, 3 June 1971), consolidated version OJ C27, 26. 1; 1998, p. 1]
- as amended by
- Convention on the Accession of the Hellenic Republic to the Brussels Convention ([1982] OJ L 388, p. 1)
- Convention on the Accession of the Kingdom of Spain and the Portuguese Republic to the Brussels Convention ([1989] OJ L 285, p. 1)
- Convention on the Accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the Brussels Convention ([1997] OJ C 15, p. 2)

b) *Indicative list of agreements, conventions and protocols to which the new Member States must accede in accordance with Article 5(1) and 5(2) of the Act of Accession (see annex)*

- Convention on the Law applicable to Contractual Obligations (Rome, 19 June 1980); 1st Protocol to the Convention on the Law applicable to Contractual Obligations on Interpretation by the Court of Justice (Brussels, 19 December 1988) and 2nd Protocol to the Convention on the Law applicable to Contractual Obligations (Brussels, 19 December 1988);^{31 32}

As amended by:

- Convention on the Accession of the Hellenic Republic to the Rome Convention of 1980 (Luxembourg, 10 April 1984);
- Convention on the Accession of the Kingdom of Spain and the Portuguese Republic to the Rome Convention of 1980 (Funchal, 18 May 1992);
- 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;

d) *Indicative list of agreements, conventions and protocols to which the new Member States must accede (obligations arising indirectly from Article 2 of the Act of Accession) (see annex)³³*

- Convention on the Civil Aspects of International Child Abduction (The Hague, 25 October 1980)³⁴;

³⁰ The Brussels Convention has been largely replaced by Regulation 44/2001. However, this regulation, as a Title IV instrument, is not applicable to Denmark. Nor does it apply to certain overseas territories which fall within the geographical scope of the Brussels Convention. The Brussels Convention therefore continues to have a residual application. The conclusion of a specific agreement with Denmark is under way, as in the case of the Dublin Convention, supra, and options are being explored to resolve the situation of the overseas territories.

³¹ A consolidated version was published in OJ C 27, 26.1.1998, p.34.

This Convention, the Convention on Jurisdiction and Enforcement of Judgements in Civil and Commercial Matters (Lugano, 16 September 1988) and the Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgements in civil and commercial matters are covered under Chapter 5 of the accession-negotiations.

³² The Commission has presented a Green Paper on the conversion of the Rome Convention of 1980 on the law applicable to contractual obligations into a Community instrument and its modernisation (COM (2002) 654 final) of 14.1.2003)

³³ 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, as referred to in Article 2 of the Act of Accession.

B. Joint Actions, Joint Positions (Maastricht Treaty); Common Positions, Framework Decisions and Decisions (Amsterdam 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 N° L 309 of 29 November 1996, p. 7;
- Council Regulation (EC) No 1346/2000 of 29 May 2000 on insolvency proceedings (entry into force : 31/5/2002) – OJ L 160 of 30.6.2000, p.1.
 - Council regulation (EC) No 603/2005 of 12 April 2005 amending the lists of insolvency proceedings, winding-up proceedings and liquidators in Annexes A, B and C to Regulation (EC) No 1346/2000 on insolvency proceedings OJ L 100 , 20/04/2005, p 1.
- Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000, OJ L 338 of 23.12.2003, p. 1³⁵
 - ▶ Council Regulation (EC) No 2116/2004 of 2 December 2004 amending Regulation (EC) No 2201/2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000, as regards treaties with the Holy See, OJ L 367 of 14.12.2004, p. 1
 - [Council Regulation (EC) No 1347/2000 of 29 May 2000 on jurisdiction and the recognition and enforcement of judgements in matrimonial matters and in matters of parental responsibility for children of both spouses (entry into force : 1/3/2001) – OJ L 160 of 30 June 2000, p.19³⁶]
 - o [Commission Regulation (EC) No 1185/2002 of 1 July 2002 amending the list of competent courts in Annex I to Council Regulation (EC) No 1347/2000 of 29 May 2000 on jurisdiction and the recognition and enforcement of judgments in matrimonial matters and in matters of parental responsibility for children of both spouses, OJ L 173 of 3 July 2002, p. 3]³⁷
- Council Regulation (EC) No 1348/2000 of 29 May 2000 on the service in the Member States of judicial and extrajudicial documents in civil and commercial matters (entry into force : 31 May 2001) – OJ L 160 of 30 June 2000, p.37³⁸
- Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (entry into force 01 March 2002); OJ L 012 of 16 January 2001, p.1³⁹

³⁴ Note: This convention is being referred to the Council regulation (EC) No. 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgements in matrimonial matters and in matters of parental responsibility, repealing Regulation (EC) No 1347/2000 and amending Regulation (EC) No 44/2001.

³⁵ This Regulation will abrogate the regulations 1347/2000 (Brussels II) and 1185/2002 (list of Courts) as from 1.3.2005. Member States shall notify their competent courts by 1.8.2004 for application as from 1.3.2005.

³⁶ With the entry into force of Regulation No 2201/2003 as from 1.3.2005 this instrument will be obsolete. (The Convention on Jurisdiction, Recognition and Enforcement of Decisions in Matrimonial Matters ("Brussels II") of 28 May 1998 has already become obsolete.)

³⁷ With the entry into force of Regulation No 2201/2003 as from 1.3.2005 this instrument will be obsolete.

³⁸ Relevant information in order to operate the regulation can be found in:

- 2001/781/EC Commission Decision of 25 September 2001 adopting a manual of receiving agencies and a glossary of documents that may be served under Council Regulation (EC) No 1348/2000 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters, OJ L 298 15.11.2001, p. 1

- 2002/350/EC Commission Decision of 3 April 2002 amending Commission Decision 2001/781/EC adopting a manual of receiving agencies and a glossary of documents that may be served under Council Regulation (EC) No 1348/2000 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters, OJ L 125, 13.5.2002 p. 1.

- Information communicated by Member States under Article 23 of Council Regulation (EC) No 1348/2000 of 29 May 2000 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters, OJ C 151, 22.5.2001, p. 4 and its updates from 18.7.2001 (OJ C 202, p. 10), 6.10.2001 (OJ C 282, p. 2), 17.1.2002 (OJ C 13, p. 2) and 11.6.2003 (OJ C 136, p. 11), 11.2.2004 (OJ C 37, p.12)..

³⁹ Après l'entrée en vigueur du règlement (CE) n° 44/2001, la Convention de Bruxelles de 1968 [Convention de Bruxelles concernant la compétence judiciaire et l'exécution des décisions en matière civile et commerciale", 27 septembre 1968] continue pour l'instant à s'appliquer aux relations des Etats membres avec le Danemark et quelques territoires d'outre mer. La Commission a été autorisée par le Conseil à ouvrir des négociations avec le Danemark en vue d'un accord entre la Communauté européenne et le Royaume du Danemark

- Corrigendum to Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ L 12 of 16.1.2001) - OJ L 307 of 24 November 2001, p. 28.
 - o Commission Regulation (EC) No 1496/2002 of 21 August 2002 amending Annex I (the rules of jurisdiction referred to in Article 3(2) and Article 4(2)) and Annex II (the list of competent courts and authorities) to Council Regulation (EC) No 44/2001 on jurisdiction and the recognition and enforcement of judgements in civil and commercial matters, OJ L 225 of 22 August 2002, p. 13⁴⁰
 - ▶ Commission Regulation (EC) No 1937/2004 of 9 November 2004 amending Annexes I, II, III and IV to Council Regulation (EC) No 44/2001 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters, OJ L 334 of 10 November 2004, page 3
 - ▶ Commission Regulation (EC) No 2245/2004 of 27 December 2004 amending Annexes I, II, III and IV to Council Regulation (EC) No 44/2001 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters, OJ L 381,28/12/2004, p. 10
- Council decision of 28 May 2001, 2001/470/EC, establishing a European Judicial Network in civil and commercial matters, OJ L 174 of 27.06.2001, p. 25⁴¹
- Council regulation (EC) No 1206/2001 of 28 May 2001 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters, OJ L 174 of 27.06.2001, p. 1⁴²
- 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 01.05.2002 p. 1
- o [Council Decision of 18 November 2002 authorising the Member States, in the interest of the Community, to ratify or accede to the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, 1996 (the HNS Convention), OJ L337, 13.12.2002, p.55].⁴³
- o [Council Decision 2002/762/EC of 19 September 2002 authorising the Member States, in the interest of the Community, to sign, ratify or accede to the International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001 (the Bunkers Convention), OJ L256, 25.9.2002, p.7].⁴⁴
- Council Decision of 19 December 2002 authorising the Member States, in the interest of the Community, to sign the 1996 Hague Convention on jurisdiction, applicable law, recognition, enforcement and cooperation in respect of parental responsibility and measures for the protection of children, OJ L 048 of 21.02.2003, p. 1.
- Council Directive 2003/8/EC of 27 January 2003 to improve access to justice in cross-border disputes by establishing minimum common rules relating to legal aid for such disputes, OJ L 026 of 31.01.2003, p. 41-47 .
- ▶ Commission Decision 2004/844/EC of 9 November 2004 establishing a form for legal aid applications under Council Directive 2003/8/EC to improve access to justice in cross-border disputes by establishing minimum common rules relating to legal aid for such disputes (notified under document number C(2004) 4285), OJ L 365 of 10/12/2004, p. 27
- Commission Decision 2005/630/EC of 26 August 2005 establishing a form for the transmission of legal aid applications under Council Directive 2003/8/EC, OJ L 225, 31/08/2005, p. 23
- Council Decision 2003/882/EC of 27 November 2003 authorising the Member States which are Contracting Parties to the Paris Convention of 29 July 1960 on Third Party Liability in the Field of Nuclear Energy to sign, in the interest of the European Community, the Protocol amending that Convention, OJ L 338 of 23.12.2003, p. 30
- ▶ COUNCIL DECISION of 8 March 2004 authorising the Member States which are Contracting Parties to the Paris Convention of 29 July 1960 on Third Party Liability in the Field of Nuclear Energy to ratify, in the interest of the European Community, the Protocol amending that Convention, or to accede to it, OJ L 97 of 1.4.2004, p. 53

étendant à celui-ci les dispositions du règlement (CE) n° 44/2001. La Commission étudie aussi les options pour ressoudre la question de l'application de la Convention aux territoires français et néerlandais d'outre mer.

⁴⁰ Please take also into consideration the Statement of the Council and the Commission on Articles 15 and 73 of the Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgements in civil and commercial matters.

⁴¹ This Decision applies as from 1 December 2002, except for Articles 2 and 20 which shall apply from the date of notification of the Decision to the Member States to which it is addressed.

⁴² This Regulation applies as from 1 January 2004, except for Articles 19,1 and 22, which shall apply from 1 July 2001

⁴³ Should be covered by chapter on transport.

⁴⁴ Should be covered by chapter on transport.

- ▶ [Council Decision 2004/246/EC of 2 March 2004 authorising the Member States to sign, ratify or accede to, in the interest of the European Community, the Protocol of 2003 to the International Convention on the Establishment of an International Fund for Oil Pollution Damage, 1992, and authorising Austria and Luxembourg, in the interest of the European Community, to accede to the underlying instruments, OJ No L 78 of 16.3.2004].
- ▶ Council Directive 2004/80/EC of 29 April 2004 relating to compensation to crime victims, OJ L 261, 6.8.2004, p.15.
- ▶ Regulation (EC) No 805/2004 of the European Parliament and of the Council of 21 April 2004 creating a European Enforcement Order for uncontested claims, OJ L 143, 30.4.2004, p.15.

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.
- ▶ Communication of the European Commission on the creation of European journey of civil justice / C (2003) 1553 of 8 May 2003 /
 - Information relating to courts and redress procedures pursuant to Article 68 of Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000, OJ C 40, 17.02.2005, p. 2.

D. Other Conventions

- [Convention on Jurisdiction and Enforcement of Judgments in Civil and Commercial Matters (Lugano, 16 September 1988)]⁴⁵

⁴⁵ A new Convention between the European Community and the "Lugano" states is under preparation, in order to replace the current Lugano Convention.

XII. JUDICIAL CO-OPERATION IN CRIMINAL MATTERS

A. Conventions to which accession is obligatory

a) *Indicative list of conventions and instruments to which new Member States must accede in (see annex)*

- Convention of 10 March 1995 on Simplified Extradition Procedures between the Member States of the European Union: JO C nr 78 of 30 March 1995;⁴⁶
- Explanatory report on simplified extradition procedure between the Member State of the European Union. OJ C 375 of 12 December 1996
- Convention drawn up on the basis of Article K.3 of the Treaty on European Union, of 27 September 1996 relating to Extradition between the Member States of the European Union: JO C 313 of 23 October 1996, p. 12.⁴⁷
- Explanatory report extradition procedure between the Member State of the European Union. OJ C 191/13 of 23 June 1997
- 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 22.9.2000, 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 12.03.2003, p. 25.
- Convention drawn up on the basis of Article K.3 of the Treaty on European Union on Driving Disqualification. Official Reference OJ C 216 of 10 July 1998 ;
- Explanatory report on the Convention on Driving Disqualification. JO C 211 of 23 July 1999
- Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union OJ C 197 of 12 July 2000, p.3
 - Explanatory report on the Convention of 29 May 2000 on Mutual Assistance in Criminal Matters between the Member States of the European Union (Text approved by the Council on 30 November 2000); OJ C 379 of 29 December 2000, p.7
 - Final Report on the first evaluation exercise — mutual legal assistance in criminal matters, OJ C 216 of 01.08.2001, p. 14
- Protocol of 16.10.2001 to the Convention on mutual assistance in criminal matters between the Member States of the European Union, OJ C 326 of 21 November 2001, p.1
 - o Explanatory report to the Protocol to the 2000 Convention on mutual assistance in criminal matters between the Member States of the European Union (Text approved by the Council on 14 October 2002), OJ C 257 of 24.10.2002, p. 1
- ▶ Council Decision of 17 December 2003 on the signing of the Agreement between the European Union and the Republic of Iceland and the Kingdom of Norway on the application of certain provisions of the Convention of 29

⁴⁶ Although this instrument will in the long run 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.

⁴⁷ Although this instrument will in the long run 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.

May 2000 on Mutual Assistance in Criminal Matters between the Member States of the European Union and the 2001 Protocol thereto, OJ L 26 of 29.01.2004, p. 1

- ▶ Agreement between the European Union and the Republic of Iceland and the Kingdom of Norway on the application of certain provisions of the Convention of 29 May 2000 on Mutual Assistance in Criminal Matters between the Member States of the European Union and the 2001 Protocol thereto, OJ L 26 of 29.01.2004, p.3

d) Indicative list of agreements, conventions and protocols to which the new Member States must accede (obligations arising indirectly from Article 2 of the Act of Accession) (see annex)⁴⁸

- Convention européenne d'extradition (Paris, 13 décembre 1957)⁴⁹;
 - 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);+
- Convention européenne d'entraide judiciaire en matière pénale (Strasbourg, 20 avril 1959)⁵⁰;
 - The first additional Protocol to the European Convention on Mutual Legal Assistance in Criminal Matters (Strasbourg, 17 March 1978)+
 - The second additional protocol to the European Convention on Mutual Legal Assistance in Criminal Matters (Strasbourg, 8 November 2001)+

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

- 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.
- Joint Action of 15 July 1996 concerning Action to Combat Racism and Xenophobia: OJ L 185 of 24 July 1996;
- Joint Action of 29 June 1998 on Good Practice in Mutual Legal Assistance in Criminal Matters. Official Reference OJ L 191 of 7 July 1998;
- Joint Action of 29 June 1998 on the creation of a European Judicial Network (EJN). Official Reference OJ L 191 of 7 July 1998;
- 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 L140 of 14/06/00, p.1
- Council Framework Decision of 6 December 2001 amending Framework Decision 2000/383/JHA on increasing protection by criminal penalties and other sanctions against counterfeiting in connection with the introduction of the euro, OJ L 329 of 14 December 2001, p. 3
- Council Framework Decision of 15 March 2001 on the standing of victims in criminal proceedings, OJ L82 of 22.03.2001, p. 1
- o Council Framework Decision of 13 June 2002 on joint investigation teams, OJ L 162 of 20 June 2002, p. 1
- o Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States - Statements made by certain Member States on the adoption of the Framework Decision, OJ L 190 of 18 July 2002, p. 1

⁴⁸ 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, as referred to in Article 2 of the Act of Accession.

⁴⁹ 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 arrest warrant but there are still specific rules in force as regards France, Austria and Italy.

⁵⁰ Linked to the acquis through the 2000 Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union (Art.1, para 1 a).

- 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 L246 of 29 September 2003, p. 1
- o Council Decision (2002/630/JHA) of 22 July 2002 establishing a framework programme on police and judicial cooperation in criminal matters (AGIS), OJ L 203 of 01.08.2002, p. 5⁵¹
- o Council decision (JHA) 187/2002 of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime, OJ L 63 of 06.03.2002, p. 1⁵²
 - o Rules of procedure of Eurojust, OJ C 286 of 22 November 2002, p. 1⁵³
 - Council Decision 2003/659/JHA of 18 June 2003 amending Decision 2002/187/JHA setting up Eurojust with a view to reinforcing the fight against serious crime, OJ L245 of 29 September 2003, p. 44⁵⁴.
- [Council Framework Decision (2003/80/JHA) of 27 January 2003 on the protection of the environment through criminal law, OJ L 29, 05/02/2003, p. 55: annulled by the Judgment of the Court of Justice of 13 September 2005, Case C-176/03, Commission v. Council]
- Council Decision of 6 June 2003 2003/516/EC concerning the signature of the Agreements between the European Union and the United States of America on extradition and mutual legal assistance in criminal matters, OJ L 181 of 19 June 2003, p. 25
- Council Framework Decision 2003/577/JHA of 22 July 2003 on the execution in the European Union of orders freezing property or evidence, OJ L 196 of 2 August 2003, p. 45
 - ▶ Council resolution of 29 April 2004 on security at European Council meetings and other comparable events OJ C 116 30.04.2004 p. 18
 - Council Framework Decision (2005/214/JHA) of 24 February 2005 on the application of the principle of mutual recognition to financial penalties, OJ L 76, 22/03/2005, p. 16
 - Council Framework Decision (2005/212/JHA) of 24 February 2005 on Confiscation of Crime-Related Proceeds, Instrumentalities and Property, OJ L 68, 15/03/2005, p 49
 - Council Framework Decision 2005/667/JHA of 12 July 2005 to strengthen the criminal-law framework for the enforcement of the law against ship-source pollution, OJ L 255, 30.9.2005, p. 164.

C. Other European Union Instruments and documents

- Council Directive 91/477/EEC of 18 June 1991 on control of the acquisition and possession of weapons, OJ L 256, 13.9.1991, p. 51
- Commission Recommendation 93/216/EEC of 25 February 1993 on the European firearms pass, OJ L 93, 17.4.1993, p. 39
- Commission Recommendation 96/129/EC of 12 January 1996 supplementing Recommendation 93/216/EEC on the European firearms pass, OJ L 30, 8.2.1996, p. 47
 - ▶ Commission Recommendation of 28 December 2004 complementary to Recommendation 96/129/EC on the European firearms pass, OJ L9, 12/01/2005, p. 1
- Council Resolution on increasing protection by penal sanctions against counterfeiting in connection with the introduction of the euro. Adopted 28 May 1999. OJ C 171 of 18 June 1999.
- Programme of measures to implement the principle of mutual recognition of decisions in criminal matters; OJ C 12 of 15/01/01, 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

⁵¹ AGIS is a framework programme replacing the Grotius, Oisin, Stop, Hippocrate and Falcone programmes. It runs from 2003 till 2007. This instrument is also mentioned under the section on "police co-operation".

⁵² Herewith obsolete: Council Decision of 14 December 2000 setting up a Provisional Judicial Cooperation Unit; OJ L 324 of 21/12/00, p.2. This instrument is also mentioned under Fight against organised crime.

⁵³ This instrument is also mentioned under Fight against organised crime.

⁵⁴ This instrument is also mentioned under Fight against organised crime.

D. Other Conventions (accession desirable)

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

XIII. DATA PROTECTION ACQUIS

A. LEGISLATIVE DOCUMENTS

- Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data, OJ L 281, 23.11.1995, p. 31.
- Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications), OJ L 201, 31.7.2002, p. 37.
- 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, 12.1.2001, p. 1.
- Treaty on the European Union (TEU): Article 6
- European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR): Article 8
- Convention 108/81 for the Protection of Individuals with regard to Automatic Processing of Personal Data (Strasbourg, 28 January 1981)
 - Additional Protocol to the Convention regarding supervisory authorities and transborder data flows (Moscow, 4 October 2001).
- EU Charter of Fundamental Rights of 7 December 2000

B. CASE LAW

- Judgement of the European Court of Justice of 20 May 2003, Joint Cases C-465/00, C-138/01 and C-139/01
- Judgment of the European Court of Justice of 6 November 2003, Case C-101/01 - Bodil Lindqvist

C. REPORT ON THE TRANSPOSITION OF THE DIRECTIVE 95/46/EC

- Commission's first report on the transposition of the Data Protection Directive (16.05.2003)

D. COMMISSION DECISION ON THE ADEQUACY OF THE PROTECTION OF PERSONAL DATA IN THIRD COUNTRIES

ARGENTINA

- Commission Decision C (2003) 1731 of 30 June 2003 - OJ L 168, 5.7.2003

CANADA

- Commission Decision 2002/2/EC of 20.12.2001 on the adequate protection of personal data provided by the Canadian Personal Information Protection and Electronic Documents Act - OJ L 2/13 of 4.1.2002

SWITZERLAND

- Report on the application of Commission Decision 2000/518/EC of 26 July 2000 pursuant to Directive 95/46/EC
- Commission Decision 2000/518/EC of 26.7.2000 - OJ L 215 of 25.8.2000, p. 1.

UNITED STATES

Transfer of Air Passenger Name Record Data

- Council Decision of 17 May 2004 on the conclusion of an Agreement between the European Community and the United States of America on the processing and transfer of PNR data by Air Carriers to the United States Department of Homeland Security, Bureau of Customs and Border Protection (2004/496/EC)
- Agreement between the European Community and the United States of America on the processing and transfer of PNR data by air carriers to the United States Department of Homeland Security, Bureau of Customs and Border Protection signed in Washington on 28.5.2004
- Commission Decision of 14 May 2004 on the adequate protection of personal data contained in the Passenger Name Record of air passengers transferred to the United States' Bureau of Customs and Border Protection
- Communication from the Commission to the Council and the Parliament of 16.12.2003

Safe Harbor

- Commission Staff Working Document - The implementation of Commission Decision 520/2000/EC on the adequate protection of personal data provided by the Safe Harbour privacy Principles and related Frequently Asked Questions issued by the US Department of Commerce, SEC(2004)1323
- Commission Staff Working Document - The application of Commission Decision 520/2000/EC of 26 July 2000 pursuant to Directive 95/46 of the European Parliament and of the Council on the adequate protection of personal data provided by the Safe Harbour Privacy Principles and related Frequently Asked Questions issued by the US Department of Commerce, 14.02.2002
- Commission Decision 2000/520/EC of 26.7.2000 - OJ L 215 of 25.8.2000, p. 7.

GUERNSEY

- Commission Decision of 21 November 2003 on the adequate protection of personal data in Guernsey - OJ L 308, 25.11.2003

ISLE OF MAN

- Commission Decision 2004/411/EC of 28.4.2004 on the adequate protection of personal data in the Isle of Man

E. 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
- Commission Decision 2001/497/EC of 15 June 2001 on standard contractual clauses for the transfer of personal data to third countries under the Directive 95/46/EC.
- Commission Decision 2002/16/EC of 27 December 2001 on standard contractual clauses for the transfer of personal data to processors established in third countries under Directive 95/46/EC

F. EUROPEAN DATA PROTECTION SUPERVISOR

- Decision No. 2004/55/EC of the European Parliament and of the Council of 22 December 2003 appointing the independent supervisory body provided for in Article 286 of the EC Treaty (European Data Protection Supervisor), OJ L 12, 17.1.2004, p. 47.
- Decision No 1247/2002/EC of the European Parliament, of the Council and of the Commission of 1 July 2002 on the regulations and general conditions governing the performance of the European Data-protection Supervisor's duties, OJ L 183, 12.7..2002, p. 1.

XIV. HUMAN RIGHTS RELATED INSTRUMENTS

A. Conventions to which accession is obligatory

d) Indicative list of agreements, conventions and protocols to which the new Member States must accede (obligations arising indirectly from Article 2 of the Act of Accession) (see annex)⁵⁵

- European Convention for the Protection of Human Rights and Fundamental Freedoms (Rome, 4 November 1950) as amended by Protocol No. 11 and its Protocol of 1952;⁵⁶
- Protocol N°4 of 1963 to the European Convention for the Protection of Human Rights and Fundamental Freedoms (Rome, 4 November 1950) and its Protocol of 1952
- Protocol N°6 concerning the abolition of the death penalty of 1983
- UN Convention on the elimination of all forms of racial discrimination (New-York; 7 March 1966)⁵⁷;
- Council of Europe Convention on the protection of individuals with regard to automatic processing of personal data (Strasbourg, 28 January 1981)⁵⁸;
- European Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Strasbourg, 26 November 1987)⁵⁹;
- UN Convention on the rights of the child (New-York, 20 November 1989).

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

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

C. Other European Union Instruments and documents

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

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°6 on the abolition of the death-penalty of 1983
- Protocol N°7 of 1984.
- Protocol N°12 of 2000.
- Protocol N°13 of 2002

⁵⁵ 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, as referred to in Article 2 of the Act of Accession.

⁵⁶ 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

⁵⁷ Linked to the acquis through Art. 6 EU and 13 of the EC Treaty.

⁵⁸ 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).

⁵⁹ Linked to the acquis through Art. 6 EU of the EC Treaty.

XV. SCHENGEN (HORIZONTAL ISSUES) / SIS⁶⁰

- Council Decision 1999/435/EC of 20 May 1999 concerning the definition of the Schengen acquis for the purpose of determining, in conformity with the relevant provisions of the Treaty establishing the European Community and the Treaty on European Union, the legal basis for each of the provisions or decision which constitute the acquis, OJ L 176 of 10 July 1999, p. 1;
- The Schengen acquis as referred to in Article 1(2) of Council Decision 1999/435/EC of 20 May 1999, OJ L 239 of 22 September 2000, p.1
- Council Decision 1999/436/EC of 20 May 1999 determining, in conformity with the relevant provisions of the Treaty establishing the European Community and the Treaty on European Union, the legal basis for each of the provisions or decisions which constitute the Schengen acquis. OJ L 176 of 10 July 1999, p. 17.
- Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two states with the implementation, application and development of the Schengen acquis. OJ L 176 of 10 July 1999, p. 31;
- Council Decision 1999/323/EC of 3 of May 1999 on the establishment of a Financial Regulation governing the budgetary aspects of the management of the Secretary- General of the Council of contracts concluded in his name, on behalf of certain Member States in relation to the installation and the functioning of the Help Desk Server of the management Unit and of the Sirene Network Phase II. OJ L 123 of 13 May 1999, p. 51;⁶¹
- 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 latters' association in the implementation, application and development of the Schengen acquis, ,OJ C 308 of 14.12.2004, p. 1
- Council Decision 1999/848/EC of 13 December 1999 on the full application of the Schengen acquis in Greece; OJ L 327 of 21 December 1999, p. 58;
- Council Decision 2000/265/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.

Amended by:

- 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 278 of 31 October 2000, p. 24.

⁶⁰ Council Directive 2001/51/EC of 28 June 2001 supplementing the provisions of Article 26 of the Convention implementing the Schengen Agreement of 14 June 1985, OJ L 187 of 10.07.2001, p. 45 is listed under the section on migration.

⁶¹ Even though still in force (23 September 2003) it is intended to repeal this Council decision.

- 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 13.03.2003, p. 10.
- Council Decision of 27 November 2003 on the repeal of the Financial Regulation governing the budgetary aspects of the management by the Secretary-General of the Council, of contracts concluded in his name, on behalf of certain Member States, relating to the installation and the functioning of the "Help Desk Server" of the Management Unit and of the Sirene Network Phase II, OJ L 318 of 03.12.2003, p. 23
- 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 2000/586/JHA of 28 September 2000 establishing a procedure for amending Articles 40(4) and (5), 41(7) and 65(2) of the Convention implementing the Schengen Agreement of 14 June 1985 on the gradual abolition of checks at common borders, OJ L 248 of 3 October 2000, p. 1.
- Council Decision 2000/645/EC of 17 October 2000 correcting the Schengen acquis as contained in Schengen Executive Committee SCH/Com-ex (94)15 rev.; OJ L 272 of 25 October 2000, p.24
- Council Decision No 2000/641/JHA of 17 October 2000 establishing a secretariat for the joint supervisory data-protection bodies set up by the Convention on the Establishment of a European Police Office (Europol Convention), the Convention on the Use of Information Technology for Customs Purposes and the Convention implementing the Schengen Agreement on the gradual abolition of checks at the common borders (Schengen Convention), OJ L 271 of 24.10.2000, 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 Regulation (EC) No 2424/2001 of 6 December 2001 on the development of the second generation Schengen Information System (SIS II), OJ L 328 of 13 December 2001, p. 4.
- Council Decision 2001/886/JHA of 6 December 2001 on the development of the second generation Schengen Information System (SIS II), OJ L 328 of 13 December 2001, p.1
- o Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen acquis, OJ L 64 of 07 March 2002, p. 20
- Council Decision 2003/725/JHA of 2 October 2003 amending the provisions of Article 40(1) and (7) of the Convention implementing the Schengen Agreement of 14 June 1985 on the gradual abolition of checks at common borders, OJ L 260 of 11.10.2003, p. 37
- Council Decision of 27 November 2003 on the repeal of the decision authorising the Secretary-General of the Council in the context of the integration of the Schengen acquis into the framework of the European Union to act as representative of certain Member States for the purposes of concluding contracts relating to the installation and the functioning of the "Help Desk Server" of the Management Unit and of the Sirene Network Phase II and to manage such contracts, OJ L 318 of 03.12.2003, p. 22
- ▶ Council Regulation (EC) No 378/2004 of 19 February 2004 on procedures for amending the Sirene Manual, OJ L 64 of 2.3.2004, p. 5
 - ▶ Council Decision 2004/201/JHA of 19 February 2004 on procedures for amending the Sirene Manual, OJ L 64 of 2.3.2004, p. 45
- ▶ Council Regulation (EC) No 871/2004 of 29 April 2004 concerning the introduction of some new functions for the Schengen Information System, including in the fight against terrorism, OJ L 162 of 30 April 2004, p. 29.
 - Council Decision 2005/451/JHA of 13 June 2005 fixing the date of application of certain provisions of Regulation (EC) No 871/2004 concerning the introduction of some new functions for the Schengen Information System, including the fight against terrorism, OJ L 158 of 21.6.2005, p. 26
 - Council Decision 2005/728/JHA of 12 October 2005 fixing the date of application of certain provisions of Regulation (EC) No 871/2004 concerning the introduction of some new functions for the Schengen Information System, including the fight against terrorism, OJ L 273 of 19.10.2005, p. 26.

- ▶ Council Decision (2004/849/EC) of 25 October 2004 on the signing, on behalf of the European Union, and on the provisional application of certain provisions of the Agreement between the European Union, the European Community and the Swiss Confederation concerning the Swiss Confederation's association with the implementation, application and development of the Schengen acquis, OJ L 368 of 15.12.2004, p. 26
- ▶ Council Decision (2004/860/EC) of 25 October 2004 on the signing, on behalf of the European Community, and on the provisional application of certain provisions of the Agreement between the European Union, the European Community and the Swiss Confederation, concerning the Swiss Confederation's association with the implementation, application and development of the Schengen acquis, OJ L 370 of 17.12.2004, p. 78
- ▶ Decision No 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 14.12.2004, p. 2
- ▶ Council Decision (EC) 2004/926 of 22 December 2004 on the putting into effect of parts of the Schengen acquis by the United Kingdom of Great Britain and Northern Ireland, OJ L 395 of 31.12.2004, p. 70
- Regulation (EC) No 1160/2005 of 6 July 2005 amending the Convention implementing the Schengen Agreement of 14 June 1985 on the gradual abolition of checks at common borders, as regards access to the Schengen Information System by the services in the Member States responsible for issuing registration certificates for vehicles Text with EEa relevance, OJ L 191 of 22.07.2005, p. 18
- Council Decision (2005/211/JHA) of 24 February 2005 concerning the introduction of some new functions for the Schengen Information System, including in the fight against terrorism, OJ L 068, 15/03/2005, 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 15.10.2005, 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 19.10.2005, p. 25.

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. Commission Decision, 2005/516/, of 22 April 2005 establishing the European Security Research Advisory Board, OJ L 191 of 22.07.2005, p. 70

C. Other European Union Instruments and documents

- Action Plan of the Council and the Commission on how best to implement the provisions of the Treaty of Amsterdam on an area of freedom, security and justice - Text adopted by the Justice and Home Affairs Council of 3 December 1998, OJ C 019 , 23 January 1999 p1 to 15.
- Council and Commission Action Plan implementing the Hague Programme on strengthening freedom, security and justice in the European Union: OJ C 198, 12.08.2005, p. 1
- Council (Information), The Hague Programme: strengthening freedom, security and justice in the European Union: Official Reference OJ C 053, 03.03.2005, p. 1
- ▶ Council Decision of 22 December 2004 providing for certain areas covered by Title IV of part Three of the Treaty establishing the European Community to be governed by the procedure laid down in Article 251 of that Treaty, OJ L 396 of 31.12.2004, p. 45
- ▶ Cooperation Agreement between The European Central Bank - ECB – and The International Criminal Police Organisation – INTERPOL, OJ C 134 12.05.2004 p. 6

Annex 1: extracts from Articles 3, 5 and 6 of the Treaty of Accession (10 new MS)

ARTICLE 3

(...)

4. The new Member States undertake in respect of those conventions or instruments in the field of justice and home affairs which are inseparable from the attainment of the objectives of the EU Treaty:
- to accede to those which, by the date of accession, have been opened for signature by the present Member States, and to those which have been drawn up by the Council in accordance with Title VI of the EU Treaty and recommended to the Member States for adoption;
 - to introduce administrative and other arrangements, such as those adopted by the date of accession by the present Member States or by the Council, to facilitate practical cooperation between the Member States' institutions and organisations working in the field of justice and home affairs.

ARTICLE 5

1. The new Member States accede by this Act to the decisions and agreements adopted by the Representatives of the Governments of the Member States meeting within the Council. They undertake to accede from the date of accession to all other agreements concluded by the present Member States relating to the functioning of the Union or connected with the activities thereof.
2. The new Member States undertake to accede to the conventions provided for in Article 293 of the EC Treaty and to those that are inseparable from the attainment of the objectives of the EC Treaty, and also to the protocols on the interpretation of those conventions by the Court of Justice, signed by the present Member States and to this end they undertake to enter into negotiations with the present Member States in order to make the necessary adjustments thereto.
3. The new Member States are in the same situation as the present Member States in respect of declarations or resolutions of, or other positions taken up by, the European Council or the Council and in respect of those concerning the Community or the Union adopted by common agreement of the Member States; they will accordingly observe the principles and guidelines deriving from those declarations, resolutions or other positions and will take such measures as may be necessary to ensure their implementation.

ARTICLE 6

1. The agreements or conventions concluded or provisionally applied by the Community or in accordance with Article 24 or Article 38 of the EU Treaty, with one or more third States, with an international organisation or with a national of a third State, shall, under the conditions laid down in the original Treaties and in this Act, be binding on the new Member States.
2. The new Member States undertake to accede, under the conditions laid down in this Act, to the agreements or conventions concluded or provisionally applied by the present Member States and the Community, acting jointly, and to the agreements concluded by those States which are related to those agreements or conventions.
The accession of the new Member States to the agreements or conventions mentioned in paragraph 6 below, as well as the agreements with Belarus, China, Chile, Mercosur and Switzerland which have been concluded or signed by the Community and its Member States jointly shall be agreed by the conclusion of a protocol to such agreements or conventions between the Council of the European Union, acting unanimously on behalf of the Member States, and the third country or countries or international organisation concerned. This procedure is without prejudice to the Community's own competences and does not affect the allocation of powers between the Community and the Member States as regards the conclusion of such agreements in the future or any other amendments not related to accession. The Commission shall negotiate these protocols on behalf of the Member States on the basis of negotiating directives approved by the Council, acting by unanimity, and in consultation with a committee comprised of the representatives of the Member States. It shall submit a draft of the protocols for conclusion to the Council.
3. Upon acceding to the agreements and conventions referred to in paragraph 2 the new Member States shall acquire the same rights and obligations under those agreements and conventions as the present Member States.

(...)