



**COUNCIL OF
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LIMITE

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ADDENDUM TO THE NOTE

from : Presidency/Counter-terrorism Coordinator

to : Coreper/Council/European Council

Subject : EU Plan of Action on Combating Terrorism - Update

Delegations will find enclosed an updated version of the Implementation of the legislative Instruments listed in the Declaration on terrorism of the European Council of 25 March 2004 – state as on 24 May 2005

**Implementation of the legislative Instruments listed in the Declaration on terrorism
of the European Council of 25 March 2004 – state as on 24 May 2005**

AT	BE	DE	DK	ES	FIN	FR	GR	IE	IT	LU	NL	PT	SE	UK	CY	CZ	EE	HU	LV	LT	MT	PL	SI	SK
1. Instruments of the European Union¹																								
a) Framework Decision of 13 June 2002 on the European Arrest Warrant (initial deadline for old Member States: 31 December 2003; for new Member States: date of accession; deadline set by the Declaration of the European Council: June 2004) ²																								
y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y
b) Framework Decision of 13 June 2002 on Joint Investigation Teams (initial deadline for old Member States: 1 January 2003; for new Member States: date of accession; deadline set by the Declaration of the European Council: June 2004) ³																								
y	y	y	y	y	y	y	- ⁴	y	-	- ⁵	y	y	y	y	y	y	y	p ⁶	y	y	y	y	y	y

¹ y= in case of a Framework Decision: implementation completed, legislation has entered into force; - = implementation not completed; c= implementation completed, legislation has not entered into force; p= implemented in part; in case the Commission has already submitted a report on the implementation of an instrument (by the old Member States), the report is taken account of;

y= in case of a Convention or a Protocol: notified the General Secretariat of the Council that the Member State has ratified the instrument; - = no notification;

°= Member State has informed General Secretariat of the Council that the instrument has been implemented, but legislation has not been sent to the Council Secretariat;

² In February 2005, the Commission submitted a report on the implementation of the FD on the EAW (doc. 6815/05 COPEN 42 + ADD 1). According to this report, the legislation of in particular CZ, DK, EE, IE, LU, MT, NL, SI and UK does not fully comply with the FD.

³ In January 2005, the Commission submitted a report on national measure taken to comply with the FD on JITs (doc. 5448/05 COPEN 10 + ADD 1). According to this report, only the legislation of ES (out of the 19 Member States whose legislation was examined) fully complies with the FD.

⁴ GR has indicated that an ad hoc committee of the Ministry of Justice has prepared draft laws to implement the FD on JITs, the Eurojust Decision, the 2000 MLA Convention and the 2001 Protocol thereto as well as the FD on freezing orders. Their submission to the Parliament is imminent.

⁵ LU has indicated that its draft legislation to implement the FD on Joint Investigation Teams is currently pending before its Parliament.

⁶ HU has indicated that the FD on JITs has been implemented insofar as police co-operation is concerned. Relating to judicial co-operation, the legislation has been enacted but will only enter into force when the 2000 EU Convention on MLA enters into force.

AT	BE	DE	DK	ES	FIN	FR	GR	IE	IT	LU	NL	PT	SE	UK	CY	CZ	EE	HU	LV	LT	MT	PL	SI	SK	
c) Framework Decision of 13 June 2002 on Combating Terrorism (initial deadline for old Member States: 31 December 2002; for new Member States: date of accession; deadline set by the Declaration of the European Council: June 2004) ¹																									
y ²	y	y	y	y	y	y	y	y	y	y	y	y	y ³	y	- ⁴	p ⁵	y	y	p ⁶	-	-	y			p ⁷

¹ On 8 June 2004 the Commission submitted a report on the implementation of the FD on Combating Terrorism by the 15 old Member States (doc. 10528/04 DROIPEN 28 CATS 30 + ADD 1 issued on 15 June 2004). According to this report, only FIN, FR and PT appear to have fulfilled entirely the obligations emerging from the FD on Combating Terrorism except Article 9(2) of the FD. The latter provision appears to have been incorporated, according to the aforementioned report, by none of the Member States. This report is the basis for a note from the Presidency to the Council (doc. 11687/2/04 DROIPEN 40 REV 2). The legislation of the 10 new Member States as well as further progress in implementing this Framework Decision and additional information provided for by the old Member States will be examined in a second report from the Commission (to be submitted to the Council by 30 June 2005).

² According to the aforementioned report from the Commission (doc. 10528/04 DROIPEN 28 CATS 30 + ADD 1), AT did not entirely comply with the Framework Decision at the time of the drafting of the report. Since then, AT has introduced further legislative procedures so as to enact supplementary legislation.

³ Sweden has provided supplementary information concerning the Swedish implementation of the FD on Combating Terrorism.

⁴ CY has indicated that new counter terrorism legislation is under preparation.

⁵ CZ has indicated that it has implemented the FD on Combating Terrorism with the exception of Article 5(2) and Articles 7 and 8 of the FD.

⁶ LV has informed the General Secretariat of the Council that it has implemented the FD on Combating Terrorism apart from the provisions on liability of legal persons.

⁷ SK has informed the General Secretariat of the Council that it has implemented the FD on Combating Terrorism apart from the provisions on liability of legal persons. Criminal liability of legal persons will be established in the frame of the new Criminal Code which is currently in preparation.

AT	BE	DE	DK	ES	FIN	FR	GR	IE	IT	LU	NL	PT	SE	UK	CY	CZ	EE	HU	LV	LT	MT	PL	SI	SK
d) Framework Decision of 26 June 2001 on money laundering, the identification, tracing, freezing, seizing and confiscation of instrumentalities and the proceeds of crime¹ (initial deadline for old Member States: 31 December 2002; for new Member States: date of accession; deadline set by the Declaration of the European Council: June 2004)																								
y ²	y	y	y	y ³	y	y	- ⁴	y	p ⁵	-	y	y ⁶	p	y	°	p	y	y	°	y	-	y	°	y

¹ The report from the Commission on the implementation of this Framework Decision (doc. 9251/04 DROIPEN 14) which is the basis for the Presidency's note to Council (doc. 10369/2/04 DROIPEN 24 REV 2 + COR 1) examines only the legislation of the 15 old Member States. The legislation of the 10 new Member States as well as further progress in implementing this Framework Decision and additional information provided for by the old Member States will be examined in a second report from the Commission (to be submitted to the Council by 30 June 2005). According to the report from the Commission on the implementation of this Framework Decision (doc. 9251/04 DROIPEN 14), ES, IT and LU were, at the time of the drafting of the report, preparing legislation that had not yet entered into force, a special legislative drafting committee was producing national transposing provisions in GR and SE was examining whether new legislation was necessary to comply with the Framework Decision

² According to the aforementioned report from the Commission (doc. 9251/04 DROIPEN 14), AT did not entirely comply with the Framework Decision at the time of the drafting of the report. Since then, AT has notified the COM and the GSC of legislation that was enacted in order to comply with the Framework Decision.

³ According to the aforementioned report from the Commission (doc. 9251/04 DROIPEN 14), ES did not entirely comply with Articles 1 and 3 of the Framework Decision at the time of the drafting of the report. Since then, ES has enacted new legislation in order to transpose the Framework Decision. These provisions have already entered into force and will be applied to offences committed after 1 October 2004.

⁴ GR has indicated that a special committee of the Ministry of Justice has prepared the draft law. It will be included in a more comprehensive draft law for the "modification, completion and substitution of the stipulations of the Law 2331/95 regarding the prevention and suppression of the legalisation of revenues from criminal acts".

⁵ According to the aforementioned report from the Commission (doc. 9251/04 DROIPEN 14), IT did not inform on provisions implementing Article 2 of the Framework Decision. Thus, it is taken that IT complies only in part with the Framework Decision.

⁶ According to the aforementioned report from the Commission (doc. 9251/04 DROIPEN 14), PT did not entirely comply with the Framework Decision at the time of the drafting of the report. Since then, PT has enacted new legislation in order to transpose the Framework Decision.

AT	BE	DE	DK	ES	FIN	FR	GR	IE	IT	LU	NL	PT	SE	UK	CY	CZ	EE	HU	LV	LT	MT	PL	SI	SK
e) Decision of 28 February 2002 establishing Eurojust¹ (initial deadline: 6 September 2003; deadline set by the Declaration of the European Council: June 2004)																								
y	y	y	y	-	y	y	- ⁴	y	y	y	y	y	y	y	-	y	y	y	°	y	y	y	y	y
f) Decision of 19 December 2002 on the implementation of specific measures for police and judicial cooperation to combat terrorism² (deadline set by the Declaration of the European Council: June 2004)																								
y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y
g) Convention of 29 May 2000 on Mutual Assistance in Criminal Matters between the Member States of the European Union (deadline set by the Declaration of the European Council: December 2004)																								
y	-	-	y	y	y	y	- ⁴	-	-	-	y	y	°p ³	-	° ⁴	-	y	y	y	y	-	° ⁵	y	-

¹ The information refers to the question whether Member States have enacted legislation or take the view that they comply with the Council Decision on the basis of existing provisions (=y) or not (= -). As to the appointment of national members of Eurojust, all (old and new) Member States have notified the General Secretariat of the Council of the EU of their decisions. On 6 July 2004 the Commission submitted a report on the legal transposition of the Council Decision setting up Eurojust by the 15 old Member States (doc. 11280/04 EUROJUST 66 + ADD 1). According to this report from the Commission, FIN, UK, IE, GR, SE and DK still had to bring, at the time of the drafting of the report, their national legislation into conformity with the Eurojust Decision.

² Designation of a Eurojust national correspondent for terrorism matters by each Member State

³ According to information received from SE, the MLA Convention has been implemented to a large extent. So far, the General Secretariat of the Council has not been notified thereof.

⁴ CY has indicated that the 2000 Convention on MLA and the 2001 Protocol thereto have been implemented into national law. So far, the General Secretariat of the Council has not been notified thereof, accordingly.

⁵ PL has indicated that the legislation to implement the 2000 Convention on MLA and the 2001 Protocol thereto were awaiting signature by the President. The ratification instrument can only be signed by the President after Poland has received an authentic text of the Convention and the Protocol in Polish.

AT	BE	DE	DK	ES	FIN	FR	GR	IE	IT	LU	NL	PT	SE	UK	CY	CZ	EE	HU	LV	LT	MT	PL	SI	SK
h) Protocol of 16 October 2001 to the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union (deadline set by the Declaration of the European Council: December 2004)																								
y	-	-	y	y	y	y	⁻⁴	-	-	-	y	⁻¹	-	-	^{o23}	-	-	y	y	y	-	^{o24}	y	-
i) Protocol of 30 November 2000 amending the Europol Convention (deadline set by the Declaration of the European Council: December 2004)																								
y	y	y	y	y	y	y	y	-	y	⁻²	-	y	y	y	y	y	y	y	y	y	y	y	y	y
j) Protocol of 28 November 2002 amending the Europol Convention and the Protocol on the privileges and immunities of Europol (deadline set by the Declaration of the European Council: December 2004)																								
y	y	y	y	y	y	-	y	-	-	⁻²⁶	-	⁻²⁵	-	y	y	y	y	y	y	y	y	y	y	y
k) Protocol of 27 November 2003 amending the Europol Convention (deadline set by the Declaration of the European Council: December 2004)																								
-	-	-	y	-	y	-	y	-	-	⁻²⁶	-	⁻²⁵	-	y	y	y	y	y	y	y	y	y	y	y
l) Framework Decision of 22 July 2003 on the execution of orders freezing property or evidence (initial deadline for Member States (and current Acceding States): 2 August 2005; deadline set by the Declaration of the European Council: December 2004)																								
y	-	-	y	-	-	-	⁻⁴	-	-	-	-	-	-	^{p^{o3}}	^o	-	-	y	⁻⁴	-	-	-	-	

¹ PT has indicated that the ratification process has been delayed by the elections of the Parliament. PT hopes to finalise the ratification process during the first half of 2005.

² LU has indicated that its draft legislation to implement the Protocols to the Europol Convention is currently pending before its Parliament.

³ UK has indicated that it has implemented the FD on the execution of orders freezing property or evidence insofar as terrorist assets are concerned. UK is making progress towards full implementation.

⁴ LV has indicated that the amendments to the Latvian Criminal Procedure Code which are necessary to implement the FD on freezing orders, will be made together with the amendments necessary to implement the draft FD on mutual recognition of confiscation orders and the draft FD on financial penalties which are both still awaiting adoption by the Council. As the new Latvian Criminal procedure Code is currently being finalised in the third and final reading by the Latvian Parliament, any additional amendments must wait until it has been adopted.

AT	BE	DE	DK	ES	FIN	FR	GR	IE	IT	LU	NL	PT	SE	UK	CY	CZ	EE	HU	LV	LT	MT	PL	SI	SK	
2. INSTRUMENTS OF THE UNITED NATIONS¹																									
a) Convention on Offences and Certain Other Acts Committed on Board Aircraft of 14 September 1963																									
r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r
b) Convention for the Suppression of Unlawful Seizure of Aircraft of 16 December 1970																									
r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r
c) Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation of 23 September 1971																									
r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r
d) Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents of 14 December 1973																									
r	r	r	r	r	r	r	r	-	r	-	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r
e) International Convention against the Taking of Hostages of 17 December 1979																									
r	r	r	r	r	r	r	r	-	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r
f) Convention on the Physical Protection of Nuclear Material of 3 March 1980																									
r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r
g) Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation of 24 February 1988																									
r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r
h) Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation of 10 March 1988																									
r	s	r	r	r	r	r	r	-	r	-	r	r	r	r	r	-	r	r	r	r	r	r	r	r	r

¹ r= ratification (or accession or succession); s= signature (without ratification);

AT	BE	DE	DK	ES	FIN	FR	GR	IE	IT	LU	NL	PT	SE	UK	CY	CZ	EE	HU	LV	LT	MT	PL	SI	SK	
i) Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf of 10 March 1988																									
r	s	r	r	r	r	r	r	-	r	-	r	r	r	r	r	-	r	r	r	r	r	r	r	r	r
j) Convention on the Marking of Plastic Explosives for the Purpose of Detection of 1 March 1991																									
r	s	r	r	r	r	r	r	r	r	-	r	r	s	r	r	r	r	r	r	r	r	r	-	r	r
k) International Convention for the Suppression of Terrorist Bombings of 15 December 1997																									
r	s	r	r	r	r	r	r	s	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r
l) International Convention for the Suppression of the Financing of Terrorism of 9 December 1999																									
r	r	r	r	r	r	r	r	s	r	r	r	r	r	r	r	s	r	r	r	r	r	r	r	r	r
