



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 23 November 2007

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ADD 1**

**JAI 607
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ADDENDUM TO NOTE

from : Counter-terrorism Coordinator
to : COREPER/Council/European Council

Subject : Implementation of the Strategy and Action Plan to Combat Terrorism

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 of play as on 23 November 2007.

**Implementation of the legislative Instruments listed in the Declaration on terrorism
of the European Council of 25 March 2004 – state as of 23 November 2007**

Instruments of the European Union¹

AT	BE	BG	CY	CZ	DE	DK	EE	ES	FI	FR	EL	HU	IE	IT	LV	LT	LU	MT	NL	PL	PT	RO	SE	SI	SK	UK	
Framework Decision of 13 June 2002 on the European Arrest Warrant - Implementation has been completed and legislation has entered into force in all EU Member States																											
Framework Decision of 13 June 2002 on Joint Investigation Teams (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
Framework Decision of 13 June 2002 on Combating Terrorism (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	p ²	y	y
Framework Decision of 26 June 2001 on money laundering, the identification, tracing, freezing, seizing and confiscation of instrumentalities and the proceeds of crime (deadline set by the Declaration of the European Council: June 2004)																											
y	y	°	y	p ³	y	y	y	y	y	y	y	y	y	y	°	y	- ⁴	y ⁵	y	y	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 SK has informed that it has implemented the FD on Combating Terrorism with the exception of the provisions on liability of legal persons. Criminal liability of legal persons will be established in the framework of the new Criminal Code which is currently in preparation.
³ CZ has indicated that draft legislation to fully implement the Framework Decision is being discussed in Parliament.
⁴ LU has indicated that it will implement the FD together with the 3rd Directive on money laundering. Legislation is currently being drafted.
⁵ MT has informed of the implementation of FD, but has not submitted information whether the legislation has already entered into force.

AT	BE	BG	CY	CZ	DE	DK	EE	ES	FI	FR	EL	HU	IE	IT	LV	LT	LU	MT	NL	PL	PT	RO	SE	SI	SK	UK	
Decision of 28 February 2002 establishing Eurojust (deadline set by the Declaration of the European Council - June 2004)																											
y	y	-	y	y	y	y	y	y	y	y	- ⁶	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y
Framework Decision of 22 July 2003 on the execution of orders freezing property or evidence (initial deadline for Member States was 2 August 2005; deadline set by the Declaration of the European Council: December 2004)																											
y	y	y	p ⁷	y	-	y	y	y	y	y	-	y	-	-	-	y	-	-	y	y	-	-	y	y	y	p ⁸	
Framework Decision of 24 February 2005 on attacks against information systems (2005/222/JHA)																											
y	y	-	-	y	y	y	-	-	y	y	-	y	-	-	-	y	y	-	y	-	-	-	y	-	-	-	-
Decision of 20 September 2005 on the exchange of information and cooperation concerning terrorist offences (deadline set by the Decision: 30 June 2006) ⁹																											
y	y	-	-	y	y	y	y	-	-	-	-	-	y	-	-	y	-	-	-	-	y	-	y	-	-	-	-

⁶ EL has indicated that its legislation to implement the Eurojust Decision has been submitted to the Greek Parliament.

⁷ CY has indicated that it complies with the provisions on freezing of property whilst legislative work is ongoing so as to comply with the provisions on freezing of evidence.

⁸ UK has indicated that it has implemented the FD on freezing orders insofar as terrorist assets are concerned. UK is making progress towards full implementation.

⁹ This Decision repeals Decision 2003/48/JHA which was among the listed instruments in previous versions of this document. All MS have implemented the decision as far as the obligations to designate "a specialised service within its police services or other law enforcement authorities" (art. 2.1.) and a "correspondant" for Eurojust for terrorism matters (art. 2.2) are concerned (these obligations were already contained in Decision 2003/48/JHA and have been copied in the decision of 2005). Therefore, the table refers only to the obligation to ensure systematic transmission of information to Eurojust: the criteria used is whether or not the MS have adopted measures which are binding for the competent authorities concerned. The basis for this evaluation is the replies of MS to questionnaire 11143/07 EUROJUST 37 EJM 19 COPEN 103.

AT	BE	BG	CY	CZ	DE	DK	EE	ES	FI	FR	EL	HU	IE	IT	LV	LT	LU	MT	NL	PL	PT	RO	SE	SI	SK	UK	
¹⁰ 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); entry into force on 23 August 2005 ¹¹																											
y	y	-	y	y	y	y	y	y	y	y	-	y	-	-	y	y	-	-	y	y	y	-	y	y	y	y	y
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); entry into force on 5 October 2005																											
y	y	-	y	y	y	y	-	y	y	y	-	y	-	-	y	y	-	-	y	y	y	-	y	y	y	y	y
Implementation completed in all EU Member States except Bulgaria and Romania (see footnote 15):																											
<ul style="list-style-type: none"> - Protocol of 30 November 2000 amending the Europol Convention: Entered into force on 29 March 2007 - Protocol of 28 November 2002 amending the Europol Convention and the Protocol on the privileges and immunities of Europol: Entered into force 29 March 2007 - Protocol of 27 November 2003 amending the Europol Convention: Entered into force 18 April 2007 																											

¹⁰ Articles 3(3) and (4) of the Protocol concerning the conditions and arrangements for admission of the republic of Bulgaria and Romania to the European Union (See Official Journal L 157, 21/6/2005, p.29) read as follows:

"3. Bulgaria and Romania accede to the conventions and protocols listed in Annex I. Those conventions and protocols shall enter into force in relation to Bulgaria and Romania on the date determined by the Council in the decision referred to in paragraph 4."

"4. The Council, acting unanimously on a recommendation by the Commission and after consulting the European Parliament, shall adopt European decisions making all adjustments required by reason of accession to the conventions and protocols referred to in paragraph 3 and publish the adapted text in the Official Journal of the European Union."

The Annex referred to in paragraph 3 lists the following Conventions as well as the Protocols amending or supplementing these Conventions:

- Convention of 26 July 1995, based on Article K.3 of the Treaty on European Union, on the establishment of a European Police Office (Europol Convention) (OJ C 316, 27.11.1995, p.2)
- Convention of 29 May 2000, established by the Council in accordance with Article 34 of the Treaty on European Union, on Mutual Assistance in Criminal Matters between the Member States of the European Union (OJ C 197, 12.7.2000, p.3).

On 8 November 2007, the JHA Council took a formal decision regulating the accession of Bulgaria and Romania to the 2000 MLA Convention and the 2001 Protocol.

¹¹ The Presidency has requested an overview of the state of play of ratifications of the 2000 MLA Convention and invited delegations that has not yet ratified the Convention to give explanation on the reasons delaying the ratification procedures (3 April 2007 doc. 8257/07 CATS 29 COPEN 43)

Instruments of the United Nations¹²

AT	BE	BG	CY	CZ	DE	DK	EE	ES	FI	FR	EL	HU	IE	IT	LV	LT	LU	MT	NL	PL	PT	RO	SE	SI	SK	UK	
Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation of 10 March 1988																											
r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r ⁻¹³	r	r	r	r	r	r	r	r	r	r
Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf of 10 March 1988																											
r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r ⁻¹⁴	r	r	r	r	r	r	r	r	r	r

The following instruments of the United Nations have been ratified by all EU Member States:

- Convention on Offences and Certain Other Acts Committed on Board Aircraft of 14 September 1963
- Convention for the Suppression of Unlawful Seizure of Aircraft of 16 December 1970
- Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation of 23 September 1971
- Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents of 14 December 1973
- International Convention against the Taking of Hostages of 17 December 1979
- Convention on the Physical Protection of Nuclear Material of 3 March 1980
- 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
- Convention on the Marking of Plastic Explosives for the Purpose of Detection of 1 March 1991
- International Convention for the Suppression of Terrorist Bombings of 15 December 1997
- International Convention for the Suppression of the Financing of Terrorism of 9 December 1999

¹² *r = ratification (or accession or succession) s = signature (without ratification)*

¹³ LU has indicated that it is currently drafting legislation to ratify the Convention.

¹⁴ LU has indicated that it is currently drafting legislation to ratify the Protocol.

Instruments of the Council of Europe¹⁵

AT	BE	BG	CY	CZ	DE	DK	EE	ES	FI	FR	EL	HU	IE	IT	LV	LT	LU	MT	NL	PL	PT	RO	SE	SI	SK	UK	
Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism 16 May 2005																											
S	S	S	S	-	-	-	-	-	S	-	S	- ¹⁶	-	S	S	-	S	S	S	r	S	r	S	S	S	-	
Convention on the Prevention of Terrorism 16 May 2005																											
S	S	r	S	-	S	r	S	S	S	S	S	S	-	S	S	S	S	S	S	S	S	r	S	S	r	S	
Convention on Cybercrime 23 November 2001																											
S	S	r	r	S	S	r	r	S	r	r	S	r	S	S	r	r	S	S	r	S	S	r	S	r	S	S	

¹⁵ *r = ratification (or accession or succession) s = signature (without ratification)*

¹⁶ HU is likely to sign and ratify the Convention during the first half of 2008.