



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 19 November 2008**

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ADD 1**

**JAI 654  
ENFOPOL 233  
ECOFIN 522  
TRANS 408  
RELEX 926  
ECO 165  
PESC 1520  
COTER 84  
COSDP 1054  
PROCIV 180  
ENER 394  
ATO 109  
DATAPROTECT 97  
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**ADDENDUM TO NOTE**

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

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

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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 of 19 November 2008.

**Implementation of the legislative Instruments listed in the Declaration on terrorism  
of the European Council of 25 March 2004 – state as of 19 November 2008**

<i>Instruments of the European Union<sup>1</sup></i>																										
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	y
Framework Decision of 13 June 2002 on Combating Terrorism (deadline set by the Declaration of the European Council: June 2004)																										
y	y	y	<sup>-2</sup>	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	p <sup>3</sup>	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	y	p <sup>4</sup>	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y

<sup>1</sup> 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

<sup>2</sup> CY has informed that a new anti-terrorism law was submitted to the house of Representatives in January 2007 and is being currently discussed.  
<sup>3</sup> 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.  
<sup>4</sup> CZ has indicated that draft legislation to fully implement the Framework Decision is being discussed in Parliament.

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	y	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 <sup>1</sup>	y	y	y	y	y	y	y	- <sup>2</sup>	y	°	- <sup>3</sup>	y	y	- <sup>4</sup>	y	y	y	-	-	y	y	y	p <sup>5</sup>	
Framework Decision of 24 February 2005 on attacks against information systems (2005/222/JHA)																											
y	y	y	- <sup>6</sup>	y	y	y	-	- <sup>7</sup>	y	y	-	y	-	-	-	y	y	-	y	y	- <sup>8</sup>	-	y	-	-	- <sup>9</sup>	
Decision of 20 September 2005 on the exchange of information and cooperation concerning terrorist offences (deadline set by the Decision: 30 June 2006) <sup>10</sup>																											
y	y	-	- <sup>11</sup>	-	y	y	-	y	-	-	-	y	°	-	y	y	-	y	-	y	y	-	y	-	-	-	

<sup>1</sup> 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.

<sup>2</sup> EL has indicated that implementation of the FD is in process.

<sup>3</sup> IT has indicated that the legislative work is ongoing.

<sup>4</sup> LU has indicated that the legislative work is ongoing.

<sup>5</sup> 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.

<sup>6</sup> The Republic of Cyprus had ratified the Convention on Cybercrime, Budapest, 23.11.2001 with Law (L.22(III)/2004). It is in a process of amending its Law 22(III)/2004, taking into consideration of the Framework Decision.

<sup>7</sup> ES is in process of amending its Criminal Code, the bill is currently being discussed in the Parliament.

<sup>8</sup> PT has indicated that the legislative work is ongoing.

<sup>9</sup> UK has indicated that the implementation of the FD is in process.

<sup>10</sup> **This table deals only with implementation of Decision 2005/671/JHA as far as transmission of information to Eurojust is concerned.** It is based on the report issued by Eurojust and which will also be issued as Council document (doc. 9553/08 RESTREINT UE ). The criteria used here to determine whether or not Member States have implemented the Decision is their reply to question "Have your national authorities developed procedures to ensure selection and transmission of information to Eurojust ?". Without any procedure to ensure selection and transmission of information, it is difficult to see how Member States can be considered as having implemented the Decision.

<sup>11</sup> CY has informed that the Decision has been included in the new anti-terrorism law. which was submitted to the House of Representatives in January 2007 and is being currently discussed.

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 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																											
y	y	y	y	y	y	y	y	y	y	y	-	y	°	-	y	y	- <sup>1</sup>	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	y	y	y
Implementation completed in all EU Member States:																											
<ul style="list-style-type: none"> <li>- Protocol of 30 November 2000 amending the Europol Convention: Entered into force on 29 March 2007</li> <li>- 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</li> <li>- Protocol of 27 November 2003 amending the Europol Convention: Entered into force 18 April 2007</li> </ul>																											

<sup>1</sup> LU: Convention du 29 mai 2000 et Protocole du 16 décembre 2001: Un avant-projet de loi vient d'être finalisé et est en voie de transmission au Conseil du Gouvernement. Il complète deux autres projets de loi qui ont déjà été adoptés en vue de la transposition de la Convention du 29 mai 2001.

*Instruments of the United Nations<sup>1</sup>*

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	- <sup>2</sup>	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	- <sup>3</sup>	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

<sup>1</sup> r = ratification (or accession or succession) s = signature (without ratification)

<sup>2</sup> LU has indicated that it is currently drafting legislation to ratify the Convention.

<sup>3</sup> LU has indicated that it is currently drafting legislation to ratify the Protocol.

*Instruments of the Council of Europe<sup>1</sup>*

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	r	s	r	-	-	-	-	-	s	-	s	r	-	s	s	-	s	r	r	r	s	r	s	s	r	-	
Convention on the Prevention of Terrorism 16 May 2005																											
s	s	r	s	-	s	r	s	s	r	r	s	s	s	s	s	s	s	s	s	r	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	r	r	r	s	s	r	s	s	r	s	r	r	s	

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<sup>1</sup> *r = ratification (or accession or succession) s = signature (without ratification)*