



Council of the  
European Union

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**NOTE**

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To: Delegations

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Subject: Council Decision determining certain direct financial consequences  
incurred as a result of the cessation of the participation of the United  
Kingdom of Great Britain and Northern Ireland in certain acts of the Union  
in the field of police cooperation and judicial cooperation in criminal matters  
adopted before the entry into force of the Treaty of Lisbon  
- Revised Draft

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Delegations will find enclosed a revised draft of the Decision on financial consequences taking into account some of the comments made so far.

Proposal for a

## COUNCIL DECISION

**determining certain direct financial consequences incurred as a result of the cessation of the participation of the United Kingdom of Great Britain and Northern Ireland in certain acts of the Union in the field of police cooperation and judicial cooperation in criminal matters adopted before the entry into force of the Treaty of Lisbon**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Protocol on transitional provisions, and in particular the third subparagraph of Article 10(4) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Under Protocol (No 36) on transitional provisions, annexed to the Treaty on European Union, to the Treaty on the Functioning of the European Union and to the Treaty establishing the European Atomic Energy Community, the United Kingdom had the possibility to notify to the Council, by 31 May 2014 at the latest, that it does not accept the powers of the Commission and of the Court of Justice introduced by the Treaty of Lisbon with respect to acts of the Union in the field of police cooperation and judicial cooperation in criminal matters which had been adopted before the entry into force of the Treaty of Lisbon.
- (2) By letter to the President of the Council of 24 July 2013, the United Kingdom has notified that it did not accept the powers of the Commission and of the Court of Justice introduced by the Treaty of Lisbon in the field of police cooperation and judicial cooperation. As a consequence the relevant acts in the field of police cooperation and judicial cooperation in criminal matters cease to apply to the United Kingdom on 1 December 2014.

- (3) The United Kingdom may notify its wish to participate in the acts which have ceased to apply to it.
- (4) By letter to the President of the Council and to the President of the Commission of [... 2014], the United Kingdom has notified its wish to participate in some of the acts.
- (5) In accordance with the second subparagraph of Article 10(4) of Protocol 36, the Council should, on a proposal from the Commission, determine the necessary consequential and transitional arrangements. The Council may also, on the basis of the third subparagraph of the same provision, determine that the United Kingdom should bear the **direct** financial consequences necessarily and unavoidably incurred as a result of the cessation of its participation in those acts.
- (6) As the United Kingdom did not notify the Council of its wish to participate in Council Decisions 2008/615/JHA<sup>1</sup> and 2008/616/JHA<sup>2</sup> and Council Framework Decision 2009/905/JHA<sup>3</sup>, ~~collectively known~~ **hereinafter referred to** as the Prüm Decisions, they will cease to apply to the United Kingdom as from 1 December 2014. However, given the practical and operational significance of the Prüm Decisions to the Union for public security, and more particularly for law enforcement and the prevention, detection and investigation of criminal offences, the Council decided in its Decision [...] <sup>4</sup> that the United Kingdom will undertake a full business and implementation case to assess the merits and practical benefits of the United Kingdom re-joining the Prüm Decisions and the necessary steps for it to do so, the results of which will be published by 30 September 2015. If the business and implementation case is positive, the United Kingdom will decide, by 31 December 2015, on whether to notify, within the following four weeks, of its wish to participate in the Prüm Decisions, in accordance with Article 10(5) of Protocol 36.

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<sup>1</sup> Council Decision 2008/615/JHA of 23 June 2008 on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime (OJ L 210, 6.8.2008, p. 1).

<sup>2</sup> Council Decision 2008/616/JHA of 23 June 2008 on the implementation of Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime (OJ L 210, 6.8.2008, p. 12).

<sup>3</sup> Council Framework Decision 2009/905/JHA of 30 November 2009 on accreditation of forensic service providers carrying out laboratory activities (OJ L 322, 9.12.2009, p. 14).

<sup>4</sup> Council Decision ... of ... determining certain consequential and transitional arrangements concerning the cessation of participation of the United Kingdom of Great Britain and Northern Ireland in certain acts of the Union in the field of police cooperation and judicial cooperation in criminal matters adopted before the entry into force of the Treaty of Lisbon.

- (7) Funds from the Programme 'Prevention of and Fight against Crime' established by Council Decision 2007/125/JHA<sup>5</sup> have been allocated to the United Kingdom for two projects related to ~~Decisions 2008/615/JHA and 2008/616/JHA and Framework Decision 2009/905/JHA~~ **the Prüm Decisions**, first concerning the implementation by the United Kingdom of the Prüm DNA Exchange, with a maximum co-funding of EUR 961 019 granted to the Home Office, and secondly concerning the Prüm Fingerprint Evaluation project by the United Kingdom, with a maximum co-funding of EUR 547 836 granted to the Home Office. This makes a total of EUR 1 508 855.
- (8) In case the United Kingdom does not respect one of the deadlines contained in Article ~~24~~ of Decision [...*determining certain consequential and transitional arrangements*] or if the United Kingdom decides not to participate in ~~Decisions 2008/615/JHA and 2008/616/JHA and Framework Decision 2009/905/JHA~~ **the Prüm Decisions**, the United Kingdom should repay, as a direct financial consequence, necessarily and unavoidably incurred as a result of the cessation of its participation in the Prüm Decisions, the amounts actually paid by the Commission as a contribution from the Union budget for the implementation of those Decisions.
- (9) In accordance with the third subparagraph of Article 10(4) of Protocol (No 36) on transitional provisions, the United Kingdom is participating in the adoption of this Decision and is bound by it.

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<sup>5</sup> Council Decision of 12 February 2007 establishing for the period 2007 to 2013, as part of General Programme on Security and Safeguarding Liberties, the Specific Programme 'Prevention of and Fight against Crime' (OJ L 58, 24.2.2007, p. 7).

HAS ADOPTED THIS DECISION:

*Article 1*

In case the United Kingdom does not respect one of the deadlines set out in Article ~~2~~ 4 of Decision [... *determining certain consequential and transitional arrangements*] or if the United Kingdom decides not to participate in ~~Decisions 2008/615/JHA and 2008/616/JHA and Framework Decision 2009/905/JHA~~ **the Prüm Decisions**, it shall repay to the budget of the European Union the sums received under the Programme 'Prevention of and Fight against Crime' up to EUR 1 508 855.

*Article 2*

This Decision shall enter into force on 1 December 2014.

Done at Brussels,

*For the Council*

*The President*

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