



Council of the
European Union

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LIMITE

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NOTE

From: EU Counter-Terrorism Coordinator

To: Council

No. prev. doc.: 15799/14 ADD 1

Subject: Report on the implementation of the EU Counter-Terrorism Strategy

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, and subsequent major instruments identified by the United Nations.

Implementation of the legislative Instruments listed in the Declaration on terrorism of the European Council of 25 March 2004

and subsequent major instruments identified by the United Nations - state as of 24 November 2014

<i>Instruments of the European Union¹</i>																											
AT	BE	BG	CY	CZ	DE	DK	EE	ES	FI	FR	EL	HR	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	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	y	y	y	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	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

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

AT	BE	BG	CY	CZ	DE	DK	EE	ES	FI	FR	EL	HR	HU	IE	IT	LV	LT	LU	MT	NL	PL	PT	RO	SE	SI	SK	UK	
Decision of 28 February 2002 establishing Eurojust² (ultimate date for transposition set by Decision 2009/426/JHA - 4 June 2011)³																												
y	y	y	- ⁴	y	y	y	y	- ⁴	y	y	- ⁴	y	y	y	- ⁴	y	y	- ⁴	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	o ⁵	y	y	y	y	y	y	y	- ⁶	y	y	y	- ⁷	y	y	- ⁸	y	y	y	y	y	y	y	y	y	p ⁹
Framework Decision of 24 February 2005 on attacks against information systems (2005/222/JHA)¹⁰																												
y	y	y	- ¹¹	y	y	y	y	y	y	y	-	y	y	-	-	y	y	y	y	y	y	y	y	y	y	y	-	- ¹²

² As amended by Decision 2003/659/JHA (OJ L 245, 29.9.2003, p.44) and Decision 2009/426/JHA (OJ L 138, 4.6.2009, p. 14)

³ There is no obligation for the Member States to inform the Council General Secretariat about the national measures of implementation of the Eurojust Decision. Pursuant to Article 2 of the Joint Action 97/827/JHA of 5 December 1997, the sixth round of mutual evaluations devoted to the practical implementation and operation of the Decisions on Eurojust and the European Judicial Network in criminal matters is currently ongoing. The status of implementation noted in this section is based on the available information gathered within this evaluation round and is without prejudice to the powers of the Commission under Art. 258, TFEU.

⁴ CY, ES, EL, IT, LU, are in a process of implementation of the Decision 2009/426/JHA.

⁵ CY has indicated that it has fully implemented the FD in 2010, however as the translation of the document in question is ongoing the copy of this legislation has not yet been sent to the GSC, but will be sent asap.

⁶ EL has indicated in 2006 that implementation of the FD is in process (under elaboration of a Special Law Drafting Committee).

⁷ IT has indicated that the legislative work is ongoing.

⁸ LU has indicated that the legislative work is ongoing.

⁹ UK has indicated in 2010 that it has implemented the FD on freezing orders insofar as freezing of evidence and terrorist assets are concerned. UK is making progress towards full implementation (implementation of the FD in relation to property is ongoing).

¹⁰ FD 2005/222/JHA has been replaced by Directive 2013/40/EU, transposition date: 4 September 2015

¹¹ 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.

¹² UK has indicated in 2008 that the implementation of the FD is in process.

AT	BE	BG	CY	CZ	DE	DK	EE	ES	FI	FR	EL	HR	HU	IE	IT	LV	LT	LU	MT	NL	PL	PT	RO	SE	SI	SK	UK
Decision of 20 September 2005 on the exchange of information and cooperation concerning terrorist offences (deadline set by the Decision: 30 June 2006)¹³																											
y	y	-	y	y	y	y	-	y	y	-	-	y	y	y ¹⁴	-	y	y	y	y	-	y	y	-	y	y	-	-
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	-	c ¹⁵	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	-	c ¹⁶	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"> - 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 																											

¹³ This table deals only with implementation of Decision 2005/671/JHA as far as transmission of information to Eurojust is concerned. 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.

¹⁴ Section 95 of the Criminal Justice (Mutual Assistance) Act - <http://www.irishstatutebook.ie/2008/en/act/pub/0007/sec0095.html#sec95>

¹⁵ Entry into force awaiting completion of the procedure for adopting a Council decision on a recommendation by the European Commission concerning the accession of Croatia to the Convention and the Protocol thereto.

¹⁶ See above

Instruments of the United Nations¹⁷

AT	BE	BG	CY	CZ	DE	DK	EE	ES	FI	FR	EL	HR	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	r	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	r	r	r	r	r	r	r	r	r	r	r
International Convention for the Suppression of Acts of Nuclear Terrorism of 13 April 2005																												
r	r	s	r	r	r	r	s	r	r	r	s	r	r	s	s	r	r	r	r	r	r	r	r	r	r	r	r	r
Amendment to the Convention on the Physical Protection of Nuclear Material of 8 July 2005																												
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	r

¹⁷ r = ratification (or accession or succession) s = signature (without ratification)

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

*Instruments of the Council of Europe*¹⁸

AT	BE	BG	CY	CZ	DE	DK	EE	ES	FI	FR	EL	HR	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	r	r	-	-	s	s	r	s	s	s	r	r	-	s	r	r	s	r	r	r	r	r	r	r	r	r	-
Convention on the Prevention of Terrorism 16 May 2005																												
r	s	r	r	-	r	r	r	r	r	r	s	r	r	s	s	r	r	r	s	r	r	s	r	r	r	r	r	s
Convention on Cybercrime 23 November 2001																												
r	r	r	r	r	r	r	r	r	r	r	s	r	r	s	r	r	r	r	r	r	s	r	r	s ¹⁹	r	r	r	

¹⁸ *r = ratification (or accession or succession) s = signature (without ratification)*

¹⁹ An inquiry proposing the adoption of the Convention(SOU 2013:39) has been out for consultations and the Ministry of Justice is working on a proposal to the Parliament.