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(Notices)

NOTICES FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

COUNCIL

CONSOLIDATED VERSION OF
COUNCIL DECISION
of 29 May 2000
concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen acquis
(2000/365/EC)
(2014/C 430/01)

NOTE TO THE READER
This publication contains the consolidated version of Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen acquis (OJ L 131, 1.6.2000, p. 43), as it results from the amendments introduced by Council Decision 2014/857/EU of 1 December 2014 concerning the notification of the United Kingdom of Great Britain and Northern Ireland of its wish to take part in some of the provisions of the Schengen acquis which are contained in acts of the Union in the field of police cooperation and judicial cooperation in criminal matters and amending Decisions 2000/365/EC and 2004/926/EC (OJ L 345, 1.12.2014, p. 1).

This publication has been produced for documentary purposes and does not involve the responsibility of the institutions of the European Union.

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Article 4 of the Protocol integrating the Schengen acquis into the framework of the European Union annexed to the Treaty on European Union and to the Treaty establishing the European Community, (hereinafter referred to as ‘the Schengen Protocol’),

Having regard to the request by the Government of the United Kingdom of Great Britain and Northern Ireland, by its letters to the President of the Council of 20 May 1999, 9 July 1999 and 6 October 1999, to participate in certain provisions of the Schengen acquis, as specified in the said letters,

Having regard to the Opinion of 20 July 1999 of the Commission of the European Communities on the request,

Whereas the United Kingdom of Great Britain and Northern Ireland has a special position in respect of matters covered by Title IV of Part Three of the Treaty establishing the European Community, as recognised in the Protocol on the position of the United Kingdom and Ireland and in the Protocol on the application of certain aspects of Article 14 of the Treaty establishing the European Community to the United Kingdom and to Ireland, annexed by the Treaty of Amsterdam to the Treaty on European Union and to the Treaty establishing the European Community;

Whereas the Schengen acquis was conceived and functions as a coherent ensemble which has to be fully accepted and applied by all States supporting the principle of the abolition of checks on persons at their common borders;
Whereas the Schengen Protocol provides for the possibility of the United Kingdom of Great Britain and Northern Ireland to participate in some of the provisions of the Schengen acquis, because of the said special position of the United Kingdom;

Whereas the United Kingdom will assume the obligations of a Member State arising from the Articles of the 1990 Schengen Convention listed in this Decision;

Whereas having regard to the aforementioned special position of the United Kingdom, neither the United Kingdom nor the territories referred to in Article 5 participate by virtue of this Decision in the frontiers provisions of the 1990 Schengen Convention;

Whereas taking account of the serious matters addressed by Articles 26 and 27 of the 1990 Schengen Convention, the United Kingdom and Gibraltar will apply these articles;

Whereas the United Kingdom has requested to participate in the ensemble of the provisions of the Schengen acquis concerning the establishment and operation of the Schengen Information System (hereinafter referred to as the ‘SIS’), except in respect of the provisions concerning the alerts referred to in Article 96 of the Schengen Convention of 1990 and the other provisions which relate to those alerts;

Whereas it is the view of the Council that any partial participation by the United Kingdom in the Schengen acquis must respect the coherence of the subject areas which constitute the ensemble of this acquis;

Whereas the Council thus recognises the right of the United Kingdom to make, in accordance with Article 4 of the Schengen Protocol, a request for partial participation, noting at the same time that it is necessary to consider the impact of such participation of the United Kingdom in the provisions concerning the establishment and operation of the SIS on the interpretation of the other relevant provisions of the Schengen acquis and on its financial implications;

Whereas the Mixed Committee, established pursuant to Article 3 of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the latters’ association with the implementation, application, and development of the Schengen acquis (1), has been informed about the preparation of this Decision in accordance with Article 3 of that Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The United Kingdom of Great Britain and Northern Ireland shall participate in the following provisions of the Schengen acquis:

(a) In respect of the provisions of the 1990 Convention implementing the Schengen Agreement of 14 June 1985, its related Final Act and Joint Statements:

(i) Articles 26 and 27(1);

Articles 39 and 40;
Articles 42 and 43 to the extent that they relate to Article 40;
Article 44;
Articles 46 and 47, except for Article 47(2)(c) and (4);
Articles 48 to 51;
Articles 52 and 53;
Articles 54 to 58;
Article 59;
Articles 61 to 66;
Articles 67 to 69;
Articles 71 to 73;
Articles 75 and 76;

(1) OJ L 176, 10.7.1999, p. 36.
Articles 126 to 130 to the extent that they relate to the provisions in which the United Kingdom participates by virtue of this subparagraph;

Declaration 3 to the Final Act concerning Article 71(2);

(ii) the following provisions concerning the Schengen Information System:

— Council Decision 2007/533/JHA of 12 June 2007 on the establishment, operation and use of the second generation Schengen Information System (SIS II) (1);

— Commission Decision 2007/171/EC of 16 March 2007 laying down the network requirements for the Schengen Information System II (3rd pillar) (2);

(b) in respect of the provisions of the Agreements of Accession to the 1990 Convention implementing the Schengen Agreement of 14 June 1985, their Final Acts and Common Declarations:

(i) the Agreement signed on 19 December 1996 on Accession of the Kingdom of Denmark: Article 6;

(ii) the Agreement signed on 19 December 1996 on Accession of the Republic of Finland: Article 5;

(iii) the Agreement signed on 19 December 1996 on Accession of the Kingdom of Sweden: Article 5;

(c) in respect of the provisions of the following Decisions of the Executive Committee established by the 1990 Convention implementing the Schengen Agreement of 14 June 1985 to the extent that they relate to the provisions in which the United Kingdom participates by virtue of subparagraph (a) above:

SCH/Com-ex (94) 28 rev (certificate provided for in Article 75 for transport of drugs and/or psychotropic substances);

SCH/Com-ex (98) 26 def (setting up the Schengen implementing Convention Standing Committee), subject to an internal arrangement specifying the modalities of participation of United Kingdom experts in missions carried out under the auspices of the relevant Council Working Party.

Article 5

1. The United Kingdom shall notify in writing the President of the Council which of the provisions referred to in Article 1 it wishes to apply to the Channel Islands and the Isle of Man. An implementing decision on this request shall be taken by the Council acting with the unanimity of its Members referred to in Article 1 of the Schengen Protocol and of the representative of the Government of the United Kingdom.

2. The following of the provisions of Article 1 shall apply to Gibraltar:

(a) As far as the provisions of the 1990 Convention implementing the Schengen Agreement of 14 June 1985, its related Final Act and Joint Statements are concerned:

Articles 26 and 27(1);

Article 39;

Article 44 to the extent that it does not relate to hot pursuit and cross border surveillance;

Articles 46 and 47, except for 47(2)(c) and (4);

Articles 48 to 51;

Articles 52 and 53;

Articles 54 to 58;

Article 59;

Articles 61 to 63;

Articles 65 to 66;

Articles 67 to 69;


Articles 71 to 73;

Articles 75 and 76;

Articles 126 to 130 to the extent that they relate to the provisions in which Gibraltar participates by virtue of this subparagraph;

Declaration 3 to the Final Act concerning Article 71(2).

(b) In respect of the provisions of the Agreements of Accession to the 1990 Convention implementing the Schengen Agreement of 14 June 1985, their Final Acts and Common Declarations:

(i) the Agreement signed on 19 December 1996 on Accession of the Kingdom of Denmark: Article 6;

(ii) the Agreement signed on 19 December 1996 on Accession of the Republic of Finland: Article 5;

(iii) the Agreement signed on 19 December 1996 on Accession of the Kingdom of Sweden: Article 5.

(c) As far as the provisions of the Decisions of the Executive Committee established by the 1990 Convention implementing the Schengen Agreement of 14 June 1985 are concerned:

SCH/Com-ex (94) 28 rev (certificate provided for in Article 75 for transport of drugs and/or psychotropic substances).

3. Article 8(3) shall apply to the territories referred to in paragraphs 1 and 2 above.

Article 6

1. The provisions referred to in Article 1(a)(ii), as well as the other relevant provisions concerning the Schengen Information System adopted since 1 December 2009, but not yet put into effect, shall be put into effect, between the United Kingdom and the Member States and other States for which these provisions have already been put into effect, when the preconditions for the implementation of those provisions have been fulfilled, by an implementing decision taken by the Council.

2. Paragraph 1 shall apply mutatis mutandis to the putting into effect of the provisions referred to in Article 5 in respect of the territories concerned.

3. Any implementing decision under paragraphs 1 and 2 shall be taken by the Council, acting with the unanimity of its members referred to in Article 1 of the Schengen Protocol and of the representative of the Government of the United Kingdom.

4. The provisions of Article 75 of the 1990 Convention implementing the Schengen Agreement of 14 June 1985 and of Executive Committee Decision SCH/Com-ex (94) 28 rev (certificate provided for in Article 75 for transportation of drugs and/or psychotropic substances) shall be directly applicable in the United Kingdom.

Article 7

The United Kingdom shall bear all the costs involved in the technical achievement of its partial participation in the operation of the SIS.

Article 8

1. This Decision shall enter into force on the day following that of its publication in the Official Journal of the European Communities.

2. From the date of adoption of this Decision the United Kingdom of Great Britain and Northern Ireland shall be deemed irrevocably to have notified the President of the Council under Article 5 of the Schengen Protocol that it wishes to take part in all proposals and initiatives which build upon the Schengen acquis referred to in Article 1. Such participation shall cover the territories referred to in Article 5(1) and (2) respectively, to the extent that the proposals and initiatives build upon the provisions of the Schengen acquis to which those territories become bound.
3. Measures building upon the Schengen acquis referred to in Article 1 which have been adopted prior to the adoption of the Council decision referred to in Article 6 shall take effect for the United Kingdom on the date or dates on which the Council decides under Article 6 to put the acquis referred to in Article 1 into effect for the United Kingdom unless the measure itself provides for a later date.

Done at Brussels, 29 May 2000.

For the Council
The President
A. COSTA
CONSOLIDATED VERSION OF
COUNCIL DECISION
of 22 December 2004
on the putting into effect of parts of the Schengen acquis by the United Kingdom of Great Britain and Northern Ireland
(2004/926/EC)
(2014/C 430/02)

NOTE TO THE READER

This publication has been produced for documentary purposes and does not involve the responsibility of the institutions of the European Union.

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen acquis (1), and in particular to article 6 thereof,

Whereas:

(1) The United Kingdom has expressed its intention to commence implementation of the following parts of the Schengen acquis: Judicial cooperation, Drugs cooperation, Article 26 and Article 27 of the Schengen Convention, and Police cooperation.

(2) The United Kingdom indicated to be ready to apply all provisions of the Schengen acquis referred to in Article 1 of Decision 2000/365/EC with the exception of those concerning the Schengen Information System.

(3) The United Kingdom will continue to prepare for the implementation of the relevant provisions of the Schengen Information System and for data protection.

(4) A questionnaire was forwarded to the United Kingdom, whose replies were recorded and a subsequent verification and evaluation visit was made to the United Kingdom in accordance with the procedures applicable in the area of police cooperation.

(5) As regards the application of the Schengen acquis relating to the abovementioned areas, the questionnaire and the visit demonstrated that the requirements relating to legislation, manpower levels, training, infrastructure and material resources have been satisfied.

(6) The preconditions for the implementation by the United Kingdom of those provisions of the Schengen acquis as listed in Article 1(a)(i), (b), (c)(i) and (d)(i) of Decision 2000/365/EC have been fulfilled, allowing these provisions and their later developments to be put into effect for the United Kingdom.

(7) Decision 2000/365/EC defines, in its Article 5(2), which provisions of the Schengen acquis are applicable to Gibraltar.

(1) OJ L 131, 1.6.2000, p. 43.
An Agreement has been concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway on the establishment of rights and obligations between Ireland and the United Kingdom of Great Britain and Northern Ireland, on the one hand, and the Republic of Iceland and the Kingdom of Norway, on the other, in areas of the Schengen acquis which apply to these States (1) On the basis of Article 2 of that Agreement, the Mixed Committee, established pursuant to Article 3 of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the latter’s association with the implementation, application, and development of the Schengen acquis (2), has been consulted, in accordance with Article 4 thereof, about the preparation of this Decision.

HAS DECIDED AS FOLLOWS:

Article 1

The provisions referred to in Article 1(a)(i), (b), (c)(i) and (d) (i) of Decision 2000/365/EC shall be put into effect for the United Kingdom as from 1 January 2005.

The provisions referred to in Article 5(2) of Decision 2000/365/EC shall be put into effect for Gibraltar as from 1 January 2005.

The provisions of the acts constituting developments of the Schengen acquis adopted since Decision 2000/365/EC and listed in Annex I of this Decision shall be put into effect for the United Kingdom and for Gibraltar as from 1 January 2005.

The provisions of the acts constituting developments of the Schengen acquis adopted since Decision 2000/365/EC and listed in Annex II of this Decision shall be put into effect for the United Kingdom as from 1 January 2005.

As from 1 December 2014, the United Kingdom shall continue to apply the provisions referred to in Articles 1(a)(i), (b) and (c) and 5(2) of Decision 2000/365/EC, as amended by Council Decision No 857/2014/EU (3), a well as the provisions of the acts listed in Annexes I and II to this Decision, as amended by Decision No 857/2014/EU.

Article 2

Formal communications and transmission of decisions between the Gibraltar authorities, including the judicial authorities, and those of the Member States of the European Union (except the United Kingdom) for the purposes of this Decision shall be carried out in accordance with the procedure provided for in the arrangements relating to the Gibraltar authorities in the context of EU and EC instruments and related treaties (see Annex III to this Decision), concluded between Spain and the United Kingdom on 19 April 2000 and communicated to the Member States and the institutions of the European Union.

Article 3

This Decision shall take effect on the day following that of its publication in the Official Journal of the European Union.

Done at Brussels, 22 December 2004.

For the Council

The President

C. VEERMAN

(2) OJ L 176, 10.7.1999, p. 36.
ANNEX I

List of developments of the Schengen acquis, which shall be put into effect for the United Kingdom of Great Britain and Northern Ireland and for Gibraltar


7. Council Decision 2011/349/EU of 7 March 2011 on the conclusion on behalf of the European Union of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis, relating in particular to judicial cooperation in criminal matters and police cooperation (OJ L 160, 18.6.2011, p. 1).
ANNEX II

List of developments of the Schengen acquis, which shall be applied by the United Kingdom of Great Britain and Northern Ireland:


ANNEX III

Copy of letter

From: Mr Javier SOLANA, Secretary-General of the Council of the European Union
Date: 19 April 2000
To: Permanent Representatives of the Member States and to other institutions of the European Union
Subject: Gibraltar authorities in the context of EU and EC instruments and related treaties

I hereby circulate a document which contains agreed arrangements relating to Gibraltar authorities in the context of EU and EC instruments and related treaties (‘the arrangements’), together with an exchange of correspondence between the Permanent Representatives of the United Kingdom and Spain, which, in accordance with paragraph 8 of the arrangements, are notified to the Permanent Representatives of the Member States and to the other institutions of the European Union for their information and for the purposes indicated in them.
The Permanent Representative

19 April 2000

HE Mr Javier Elorza
Permanent Representative of Spain
to the European Union
BRUSSELS

Dear Ambassador,

I refer to the discussions which have taken place between our two Governments to resolve certain difficulties which have arisen relating to Gibraltar authorities in the context of EU and EC instruments and related treaties. I now attach to this letter arrangements, as agreed in those discussions, relating to Gibraltar authorities in the context of EU and EC instruments and related treaties (“the arrangements”) in the English and the Spanish languages, both texts having equal validity, which will take effect on 1 June 2000.

If the Government of Spain confirms its agreement to the arrangements, they will form an understanding to which our two Governments are committed.

I propose that, on receipt of your reply, we should each copy the arrangements, together with our exchange of correspondence, to the Secretary General of the Council with the request that he circulates the arrangements, together with this exchange of correspondence, to the Permanent Representatives of other Member States and to the other institutions of the European Union in accordance with paragraph 8 of the arrangements for their information and for the purposes indicated in them.

Yours sincerely,

Stephen Wall

J S Wall
Bruselas, 19 de abril 2000

Excmo. Sr. Sir J. Stephen WALL
Embajador, Representante Permanente
del Reino Unido ante la Unión Europea
Bruselas.

Le agradezco su carta de fecha 19 de abril de 2000 a la que se acompaña el régimen acordado en las conversaciones a las que Vd. se refiere, relativo a las autoridades de Gibraltar en el contexto de los instrumentos de la UE y de la CE y tratados conexos ("el régimen").

Le confirmo el acuerdo del Gobierno de España con dicho régimen, el cual constituirá un entendimiento con el que nuestros dos Gobiernos quedarán comprometidos.

Estoy de acuerdo en que, a la recepción de mi respuesta, cada uno de nosotros transmitamos copia de este régimen, así como de nuestro intercambio de correspondencia, al Secretario General del Consejo con el ruego de que distribuya dicho régimen, junto con ese intercambio de correspondencia, a los Representantes Permanentes de los demás Estados miembros y a las demás instituciones de la Unión Europea de conformidad con el apartado 8 de dicho régimen, para su información y a los efectos indicados en el mismo.

Faurely  
Javier ELORZA
TRADUCCION OFICIAL

Brussels, 19 April, 2000

His Excellency Sir J. Stephen WALL
Ambassador, Permanent Representative
of the United Kingdom to the European Union
BRUSSELS

Thank you for your letter dated 19 April to which are attached arrangements, as agreed in the discussions to which you refer, relating to Gibraltar authorities in the context of EU and EC instruments and related treaties ("the arrangements").

I confirm the agreement of the Government of Spain to the arrangements, which will form an understanding to which our two Governments are committed.

I agree that, on your receipt of my reply, we should each copy the arrangements, together with our exchange of correspondence, to the Secretary General of the Council with the request that he circulates the arrangements, together with this exchange of correspondence, to the Permanent Representatives of other Member States and to the other institutions of the European Union in accordance with paragraph 8 of the arrangements for their information and for the purposes indicated in them.

(signed)
Javier ELORZA
POSTBOXING ARRANGEMENTS

Agreed Arrangements relating to Gibraltar Authorities in the Context of EU and EC Instruments and Related Treaties

1. Taking account of the responsibility of the United Kingdom of Great Britain and Northern Ireland as the Member State responsible for Gibraltar, including its external relations, under the terms of Article 299.4 of the Treaty establishing the European Community, when in an instrument or treaty of the type specified in paragraph 5 a provision is included whereby a body, authority or service of one Member State of the European Union may communicate directly with those of another EU Member State or may take decisions with some effect in another EU Member State, such a provision will be implemented, in respect of a body, authority or service of Gibraltar (hereinafter referred to as ‘Gibraltar authorities’, in accordance with the procedure in paragraph 2, and in the cases specified therein, through the authority of the United Kingdom specified in paragraph 3. The obligations of an EU Member State under the relevant instrument or treaty remain those of the United Kingdom.

2. In order to implement such a provision, formal communications and decisions to be notified which are taken by or addressed to the Gibraltar authorities will be conveyed by the authority specified in paragraph 3 under cover of a note in the form attached for illustrative purposes in Annex 1. The authority specified in paragraph 3 will also ensure an appropriate response to any related enquiries. Where decisions are to be directly enforced by a court or other enforcement authority in another EU Member State without such notification, the documents containing those decisions by the Gibraltar authority will be certified as authentic by the authority specified in paragraph 3. To this effect the Gibraltar authority will make the necessary request to the authority specified in paragraph 3. The certification will take the form of a note based in Annex 1.

3. The authority of the United Kingdom mentioned in paragraphs 1 and 2 will be The United Kingdom Government/ Gibraltar Liaison Unit for EU Affairs of the Foreign and Commonwealth Office based in London or any United Kingdom body based in London which the Government of the United Kingdom may decide to designate.

4. The designation by the United Kingdom of a Gibraltar authority in application of any instrument or treaty specified in paragraph 5 that includes a provision such as that mentioned in paragraph 1 will also contain a reference to the authority specified in paragraph 3 in the terms of Annex 2.

5. These arrangements will apply as between EU Member States to:
   a) Any present or future European Union or Community instrument or any present or future treaty concluded within the framework of the European Union or European Community;
   b) Any present or future treaty related to the European Union or European Community to which all or a number of EU Member States or all or a number of EU and EFTA/EEA states are the only signatories or contracting parties;
   c) The Council of Europe Conventions mentioned in the Convention of 19 June 1990 implementing the Schengen Agreement;
   d) The following treaties related to instruments of the European Union:
      — The convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters done at the Hague on 15 November 1965.
   e) Other treaties to which both sides agree that these arrangements should apply. Where there is no such agreement, the two sides will nevertheless seek to avoid and to resolve any problems, which may arise.

In respect of the treaties specified in subparagraphs (a) and (b) these arrangements will also apply as between all the contracting parties to those treaties. Paragraphs 1 and 2 of these arrangements will be constructed accordingly.

6. The spirit of these arrangements will be respected to resolve questions that may arise in the application of any provisions of the kind described in paragraph 1, bearing in mind the desire of both sides to avoid problems concerning the designation of Gibraltar authorities.

7. These arrangements or any activity or measure taken for their implementation or as a result of them do not imply on the side of the Kingdom of Spain or on the side of the United Kingdom any change in their respective positions on the question of Gibraltar or on the limits of that territory.

8. These arrangements will be notified to the EU institutions and Member States for their information and for the purposes indicated in them.
Annex I

SPECIMEN NOTE FROM THE AUTHORITY SPECIFIED IN PARAGRAPH 3

On behalf of the United Kingdom of Great Britain and Northern Ireland as the Member State responsible for Gibraltar, including its external relations, in accordance with Article 299(4) of the Treaty establishing the European Community, I attach a certificate in respect of (the company), signed by the Commissioner of Insurance, the supervisory authority for Gibraltar.

In accordance with the Article 14 of the Directive 88/375/EEC, as amended by Article 34 of Directive 92/49/EEC, the (name of company) has notified to the Commissioner of Insurance in Gibraltar its intention to provide services into (name of EU Member State). The process envisaged by Article 35 of Directive 92/49/EEC is that within one month of the notification the competent authorities of the home Member State shall communicate to the host Member State or Member State within the territory of which an undertaking intends to carry on business under the freedom to provide services:

(a) A certificate attesting that the undertaking has the minimum solvency margin calculated in accordance with Article 16 and 17 of Directive 73/239/EEC;

(b) The classes of insurance which the undertaking has been authorised to offer;

(c) The nature of the risks which the undertaking proposes to cover in the Member State of the provision of services.

1.12.2014

EN

Official Journal of the European Union C 430/15
FORMULA TO BE USED BY THE UNITED KINGDOM WHEN DESIGNATING A GIBRALTAR AUTHORITY

In respect of the application of the (name of instrument) to Gibraltar, the United Kingdom, as the Member State responsible for Gibraltar, including its external relations, in accordance with Article 299(4) of the Treaty establishing the European Community, designates (name of Gibraltar authority) as the competent authority for the purposes of (relevant provision of the instrument). In accordance with arrangements notified in Council document XXXX of 2000:

1.1. One or more of the following alternatives will be used as appropriate

— any formal communications required under the relevant provisions of (name of instrument) which come from or are addressed to (name of Gibraltar authority),

— any decision taken by or addressed to (name of Gibraltar authority) which is to be notified under the relevant provisions of (name of instrument),

will be conveyed by (name of UK authority) under cover of a note. The (name of UK authority) will also ensure an appropriate response to any related enquiries.

Where decisions are to be directly enforced by a court or other enforcement authority in another Member State without the need of a formal previous notification

The documents containing such decisions of (name of Gibraltar authority) will be certified as authentic by the (name of UK authority). To this effect the (name of Gibraltar authority) will make the necessary request to the (name of UK authority). The certification will take the form of a note.
List of Union acts adopted before the entry into force of the Lisbon Treaty in the field of police cooperation and judicial cooperation in criminal matters which cease to apply to the United Kingdom as from 1 December 2014 pursuant to Article 10(4), second sentence, of Protocol (No 36) on transitional provisions

(2014/C 430/03)

NOTE TO THE READER

This list has been established for transparency reasons and is published for information purposes only.

Protocol (No 36) on transitional provisions annexed to the Treaties provides in Article 10(4) that the United Kingdom may notify by 31 May 2014 at the latest that it does not to accept the full powers of the Commission and the Court of Justice with regard to acts in the field of police and judicial cooperation in criminal matters adopted before the entry into force of the Lisbon Treaty. The United Kingdom made this notification on 24 July 2013. As a consequence, the acts in question, to which the United Kingdom will not have been authorised to re-participate in accordance with Article 10(5) of Protocol No 36, will cease to apply to the United Kingdom as from 1 December 2014.

For ease of reference, this list has been established by listing together with the main act, below it, the acts which have amended or implemented it or are otherwise intrinsically linked to that main act.

The list of acts to which the United Kingdom is authorised to re-participate in accordance with Article 10(5) of Protocol No 36 results from the combination of the Decisions adopted by the Council, with regard to Schengen acquis, (see Council Decision 2014/857/EU (1)) and by the Commission, with regard to non-Schengen acquis (see Commission Decision 2014/858/EU (2)).

1. Non-Schengen acquis in the field of police and judicial cooperation in criminal matters which cease to apply to the United Kingdom as from 1 December 2014


(2) Commission Decision 2014/858/EU of 1 December 2014 on the notification by the United Kingdom of Great Britain and Northern Ireland of its wish to participate in 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 and which are not part of the Schengen acquis (OJ L 345, 1.12.2014, p. 6).


— Council Decision 1999/615/JHA of 13 September 1999 defining 4-MTA as a new synthetic drug which is to be made subject to control measures and criminal penalties (OJ L 244, 16.9.1999, p. 1)


(1) This act and the two acts listed together with it (the so-called ‘Prüm Decisions’) are subject to transitional measures as set out in Council Decision 2014/836/EU of 27 November 2014 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 (OJ L 343, 28.11.2014, p. 11) and to other specific measures as set out in Council Decision 2014/837/EU of 27 November 2014 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 (OJ L 343, 28.11.2014, p. 17).

(2) A statement to the minutes of the Council of 21 October 2014 has been made concerning this act whereby the United Kingdom ‘commits to reconsidering in due course the merits of notifying its wish to participate in that measure. The United Kingdom will publish an assessment of the potential impacts of that measure for the purposes of such reconsideration’. 


II. Schengen acquis in the field of police and judicial cooperation in criminal matters which cease to apply to the United Kingdom as from 1 December 2014


— Article 27(2) and (3)
— Chapter 1 on police cooperation - Article 47(4)
— Accession Agreement Italy - Articles 2 and 4 - Declaration* on Articles 2 and 3
— Accession Agreement Spain - Articles 2 and 4 - Final Act, Part III, Declaration No 2
— Accession Agreement Portugal - Articles 2, 4, 5 and 6
— Accession Agreement Greece - Articles 2, 4, 5 and 6 - Final Act, Part III, Declaration No 2
— Accession Agreement Austria - Articles 2 and 4
— Accession Agreement Denmark - Articles 2 and 4 - Final Act, Part II, Declaration No 3
— Accession Agreement Finland - Articles 2 and 4 - Final Act, Part II, Declaration No 3
— Accession Agreement Sweden - Articles 2 and 4 - Final Act, Part II, Declaration No 3

*To the extent that it relates to Article 2


52. Decision of the Executive Committee of 28 April 1999 on the Schengen acquis relating to telecommunications (SCH/Com-ex (99)6) (OJ L 239, 22.9.2000, p. 409)

53. Decision of the Executive Committee of 28 April 1999 on general principles governing the payment of informers (SCH/Com-ex (99)8 Rev. 2) (OJ L 239, 22.9.2000, p. 417)

54. Decision of the Executive Committee of 28 April 1999 on the Agreement on cooperation in proceedings for road traffic offences (SCH/Com-ex (99)11 Rev. 2) (OJ L 239, 22.9.2000, p. 428)


List of Union acts adopted before the entry into force of the Lisbon Treaty in the field of police cooperation and judicial cooperation in criminal matters which have been amended by an act applicable to the United Kingdom adopted after the entry into force of the Lisbon Treaty and which therefore remain applicable to the United Kingdom as amended or replaced

(2014/C 430/04)

NOTE TO THE READER

This list has been established for transparency reasons and is published for information purposes only.

Protocol (No 36) on transitional provisions annexed to the Treaties provides in Article 10(4) that the United Kingdom may notify by 31 May 2014 at the latest that it does not to accept the full powers of the Commission and the Court of Justice with regard to acts in the field of police and judicial cooperation in criminal matters adopted before the entry into force of the Lisbon Treaty. The United Kingdom made this notification on 24 July 2013. As a consequence, the acts in question will cease to apply to the United Kingdom as from 1 December 2014.

However, in accordance with the third sentence of Article 10(4) of Protocol No 36, such acts which have been amended, i.e. by whatever drafting technique (amendment, replacement or repeal of the relevant act in whole or in part), after the entry into force of the Lisbon Treaty by an act which is applicable to the United Kingdom will not cease to apply to the United Kingdom and will therefore remain applicable to it as amended or replaced.

I. Non-Schengen acquis in the field of police and judicial cooperation in criminal matters which has been amended or replaced by an act applicable to the United Kingdom adopted after the entry into force of the Lisbon Treaty


(1) The United Kingdom has accepted that measure after its adoption, in accordance with Article 4 of Protocol No 21 (see Commission Decision 2011/169/EU of 14 October 2011, OJ L 271, 18.10.2012, p. 49).


superseded by Council Decision 2012/381/EU of 13 December 2011 on the conclusion of the Agreement between the European Union and Australia on the processing and transfer of Passenger Name Record (PNR) data by air carriers to the Australian Customs and Border Protection Service (OJ L 186, 14.7.2012, p. 3)


II. Schengen acquis in the field of police and judicial cooperation in criminal matters which has been amended or replaced by an act adopted after the entry into force of the Lisbon Treaty applicable to the United Kingdom

13. Chapter 2 of Title III (Articles 48 to 53, on mutual assistance in criminal matters), and Article 73 of the Convention of 19 June 1990 implementing the Schengen Agreement of 14 June 1985 (OJ L 239, 22.9.2000, p. 19)


14. Decision of the Executive Committee of 16 September 1998 setting up a Standing Committee on the evaluation and implementation of Schengen (SCH/Com-ex (98) 26 def.) (OJ L 239, 22.9.2000, p. 138)

replaced by Council Regulation (EU) No 1053/2013 of 7 October 2013 establishing an evaluation and monitoring mechanism to verify the application of the Schengen acquis and repealing the Decision of the Executive Committee of 16 September 1998 setting up a Standing Committee on the evaluation and implementation of Schengen (OJ L 295, 6.11.2013, p. 27)


amended by the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis signed on 28 February 2008, approved by Council Decision 2011/349/EU of 7 March 2011 on the conclusion on behalf of the European Union of the said Protocol relating in particular to judicial cooperation in criminal matters and police cooperation (OJ L 160, 18.6.2011, p. 1)