

6473/3/98
REV 3

LIMITE

JAI 7
ELARG 51

"I" ITEM NOTE

from : Presidency

to : Coreper

Subject: Draft list of the "acquis" of the Union and of its Member States in the field of Justice and Home Affairs (as at 30 March 1998)

Background

1. At its meeting on 6 March, the K.4 Committee examined a note from the Presidency (6473/98 JAI 7) containing a first draft of the Justice and Home Affairs "acquis". This note was largely based on a room document circulated by the Commission at the meeting of the K.4 Committee on 24 February 1998.
2. At its meeting on 26 and 27 March, the K.4 Committee examined a version of this note (6473/1/98 JAI 7 ELARG 51 REV 1) amended according to the comments made at the meeting of the K.4 Committee on 6 March and those received in writing from A/B/D/DK/E/F/FIN/I/IRL/NL/P/UK/S and the Commission.
3. The present document takes into consideration all the comments made at the meeting of Coreper on 22 April 1998.

General considerations

3. The K.4 Committee agreed on the following:
 - (1) The JHA "acquis" is constantly evolving. Any list of the "acquis" presented to the candidate countries now will require regular updating. Each new instrument should be forwarded to the candidate countries immediately after its adoption by the Council.
 - (2) The fact that the Union is prepared to open negotiations means that each applicant State has accepted the "Copenhagen criteria" and commits itself to their full implementation.

- (3) Implementation is no less important than acceptance and ratification. This, together with the process of institution building and administrative support, will require assistance, monitoring and evaluation.
- (4) The applicant States must complement and modernize their criminal and procedural legislation as well as their civil law (for instance the law of contracts) and commercial law up to a minimum level which must be attained to ensure that their legal systems are capable of a proper functioning at national level as well as in relation to the legal systems of other countries.
- (5) The Schengen "acquis" represents a new and significant element. It is not yet part of the Union "acquis" but can be expected to be so well before the completion of the enlargement negotiations. Implementation of the Schengen "acquis" will impose particular demands on the candidate countries.

The elements of the "acquis"

4. The K.4 Committee took as a starting point for drawing up the list of the "acquis" the draft EU opening position for the opening of negotiations with the candidate countries. The text agreed in Coreper on 5 March 1998 reads as follows:

"With regard to Justice and Home Affairs, accession to the European Union will entail that you:

- (a) accept in full on accession the justice and home affairs provisions, and the working practices designed to give them effect, of the Treaty on European Union (in particular Title VI) and the EC Treaty, as amended in each case by the Treaty of Amsterdam when it enters into force;
- (b) in respect of those conventions or instruments in the field of justice and home affairs which are inseparable from the attainment of the objectives of the Treaty on European Union and the EC Treaty, as amended in each case by the Treaty of Amsterdam, as well as those drawn up by the Council on the basis of Article K.3 of the Treaty on European Union (or Article 34 following the coming into force of the Treaty of Amsterdam) including the creation of Europol:

- (i) undertake to accede to those which have been drawn up by the Council or to those signed by, or which have been opened for signature to, the Member States by the date of your accession to the Union;
- (ii) accept, in relation to those still under negotiation, the points which have been agreed on by the Fifteen or by the Council at the date of your accession to the Union, participating in subsequent negotiations within the Union framework only on those points still to be resolved;
- (c) accept on accession the joint actions, joint positions adopted by the Council and resolutions, decisions and statements adopted by the Fifteen or by the Council in the field of justice and home affairs and accept, in relation to those still under examination, the points which have been agreed on by the Fifteen or by the Council at the date of your accession to the Union, participating in subsequent deliberations only on those points still to be resolved;
- (d) introduce administrative and other arrangements, such as those already adopted by the Fifteen or by the Council, so as to ensure close practical cooperation between Member States' institutions and organizations working in the field of justice and home affairs, as is necessary effectively to implement the "acquis";
- (e) (...) bring your institutions, management systems and administrative arrangements up to Union standards with a view to implementing effectively the "acquis", and in particular adopt and implement measures with respect to external border controls, asylum and immigration, and measures to prevent and combat organized crime, terrorism and illicit drug trafficking.

With the entry into force of the Amsterdam Treaty in prospect, the Schengen "acquis", including the safeguard clause and the implementation mechanisms provided for in the Schengen Agreement, will also be integrated into the framework of the European Union. You will need to provide the conditions and procedures applied in the Schengen cooperation before controls of persons at internal borders can be lifted."

5. For the EU "acquis" this means:
 - conventions or instruments established by the Council on the basis of Article K.3 of the Treaty on European Union, including the creation of Europol;
 - resolutions and decisions adopted by the Fifteen or by the Council and, as appropriate, statements agreed upon within the framework of justice and home affairs;
 - points agreed upon by the Fifteen or the Council at the date of accession in respect of conventions or instruments under negotiation.
6. The K.4 Committee agreed to include, in line with paragraph (b) of the draft EU opening position, a category of conventions in the field of justice and home affairs which are inseparable from the attainment of the objectives of the Treaty on European Union and the Treaty of Amsterdam.
7. Finally, the K.4 Committee decided, in line with the approach adopted in the case of the last accessions, to include the relevant conventions which were concluded in the context of European political cooperation or which have been drawn up in other fora and are relevant to the areas covered by Title VI of the TEU, taking into account the state of signature and ratification of these Conventions by Member States.
8. Following the K.4 discussion, the Presidency has not included at this stage draft instruments (draft conventions, draft joint actions) under negotiation since many of these will be adopted by the time of accession. Candidate countries will be informed of the programme in justice and home affairs as defined in the Resolution laying down the priorities in the field of justice and home affairs for the period from 1 January 1998 to the date of entry into force of the Treaty of Amsterdam. They will also be kept informed during the screening process of the areas covered by instruments under negotiation.
9. A list of the explanatory reports of the EU Conventions will also be forwarded to them.
10. The K.4 Committee agreed in principle to hand over to the candidate countries the "acquis" in the area of police cooperation classified confidential, presented to the previous candidate countries in document 9568/95 ADD 1 CK4 2, 10 November 1993 subject to a further study as to what is still relevant.

11. The Schengen "acquis" will be determined in accordance with the Schengen Protocol to the Amsterdam Treaty. The decisions determining and distributing the acquis will be adopted by the Council on the date of entry into force of the Amsterdam Treaty. The Presidency will aim, however, with the assistance of the Schengen Presidency, to make available to the candidate countries a provisional list and the documents subject to confidentiality as soon as possible on the basis of the work done in Schengen.

The nature of the obligation

12. The various elements of the "acquis" do not all have the same legal status. Resolutions and declarations, for example, are not legally binding in the same way as conventions or joint actions. The K.4 Committee took the view, however, that in the list itself there should not be a specific indication as to the extent to which particular instruments are legally binding. This might be dealt with in explaining the "acquis" to the candidate countries during the screening process.
13. In respect of the conventions referred to in paragraph 7 above (those concluded under European political cooperation or in other fora) the K.4 Committee agreed that the nature of the commitment on the part of the acceding countries should be qualified in the same way as for the last accessions. In the introduction to this category it was stated:

"These instruments are relevant to cooperation among the Twelve and applicant States should endeavour to become party to them in the same way as the Member States."

Proposal of decision

14. Coreper is invited to take note of the list of the "acquis" of the Union and of its Member States in the field of Justice and Home Affairs as at 30 March 1998 which is contained in the Annex.

Subject to point 10 above, the "acquis" in the area of police cooperation, classified confidential, set out in 9568/93 ADD 1 CK4 2, will be forwarded to the candidate countries separately.

**"ACQUIS" OF THE EUROPEAN UNION IN THE FIELD OF JUSTICE AND
HOME AFFAIRS, LISTED BY TOPIC**

- I. ASYLUM**
- II. EXTERNAL BORDERS**
- III. MIGRATION**
- IV. ORGANIZED CRIME, FRAUD AND CORRUPTION**
- V. DRUGS**
- VI. TERRORISM**
- VII. POLICE COOPERATION**
- VIII. CUSTOMS COOPERATION**
- IX. JUDICIAL COOPERATION IN CIVIL MATTERS**
- X. JUDICIAL COOPERATION IN CRIMINAL MATTERS**
- XI. FUNDING OF ACTIVITIES UNDER TEU TITLE VI**
- XII. HUMAN RIGHTS RELATED ISSUES**

INTRODUCTION

In the presentation of the "acquis" of the European Union concerning cooperation in the field of justice and home affairs, the list of relevant instruments is given in the following order:

- A. Conventions to which the applicant States must accede
 - (a) Conventions established by the Council under Article K.3(2)(c) of the TEU;
 - (b) Other Conventions to be regarded as inseparable from the achievement of the objectives of the Union to which the States applying to join the European Union will be required to accede as the "acquis" of the Community or the Union.
- B. Joint actions and joint positions adopted by the Council under points (b) and (a) of Article K.3(2) of the TEU.
- C. Other instruments of the European Union

The other instruments adopted by the Council or by the representatives of the Member States (resolutions, recommendations, declarations and other decisions).

- D. Other Conventions

Other Conventions established under EPC (European Political Cooperation) or in other fora and regarded as instruments affecting cooperation between the Fifteen. These are instruments which have not all been signed and/or ratified by all Member States, and the Member States are not mutually bound to ratify them, although in the case of some of them there is a political commitment by their Governments to initiate the internal process of ratification. States applying to join the European Union should endeavour to become parties to these Conventions on the same basis as the Member States.

I. ASYLUM

A. Conventions to which the candidate States must accede

- (a) *Convention adopted by the Member States of the European Communities prior to the entry into force of the Treaty on European Union:*

Convention signed on 15 June 1990 in Dublin determining the State responsible for examining applications for asylum lodged in one of the Member States of the European Communities, which entered into force on 1 September 1997: OJ No C 254 of 19 August 1997 ⁽¹⁾;

Implementing measures adopted:

- Decision No 1/97 of 9 September 1997 concerning provisions for the implementation of the Dublin Convention: OJ No L 281 of 14 October 1997, pages 1 to 25;
- Decision No 2/97 of 9 September 1997 establishing the Rules of Procedure of the Committee set up by Article 18 of the Dublin Convention: OJ No L 281 of 14 October 1997, page 26;

- (b) *Other Conventions to be regarded as inseparable from the achievement of the objectives of the Union:*

Convention relating to the Status of Refugees (Geneva, 28 July 1951);

Protocol relating to the Status of Refugees (New York, 31 January 1967);

B. Joint actions and joint positions

Joint Position of 4 March 1996 on the harmonized application of the definition of the term "refugee" in Article 1 of the Geneva Convention: OJ No L 63 of 13 March 1996;

⁽¹⁾ For the purpose of this document the Dublin Convention has been treated on the same footing as conventions drawn up on the basis of Article K.3 of the TEU.

C. Other instruments of the European Union

Decision of 11 June 1992 setting up the CIREA (Centre for Information, Discussion and Exchange on Asylum): WGI 1107;

Resolution adopted 30 November 1992 on a harmonized approach to questions concerning host third countries: WGI 1283;

Resolution adopted 30 November 1992 on manifestly unfounded applications for asylum: WGI 1282 REV 1;

Conclusions adopted on 30 November 1992 concerning countries in which there is generally no serious risk of persecutions: WGI 1281;

Text adopted on 20 June 1994 on the circulation and confidentiality of joint reports prepared by CIREA on the situation in certain third countries: OJ No C 274 of 19 September 1996, page 43;

Guidelines of 20 June 1994 for joint reports on third countries: OJ No C 274 of 19 September 1996, pages 52 to 54;

Procedure for drawing up reports in connection with joint assessments of the situation in third countries (7472/92 CIREA 17, adopted by the Council on 20 June 1994);

Resolution of 20 June 1995 on minimum guarantees for asylum procedures: OJ No C 274 of 19 September 1996, page 13;

Resolution of 25 September 1995 on burden-sharing with regard to the admission and residence of displaced persons on a temporary basis: OJ No C 262 of 7 October 1995, page 1;

Decision of 4 March 1996 on an alert and emergency procedure for burden-sharing with regard to the admission and residence of displaced persons on a temporary basis: OJ No L 63 of 13 March 1996, page 10;

Decision of 26 June 1997 on monitoring the implementation of instruments adopted concerning asylum: OJ No L 178 of 7 July 1997, page 6;

D. Other Conventions

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II. EXTERNAL BORDERS

A. Convention to which the candidate States must accede

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B. Joint actions and joint positions

Joint Action of 4 March 1996 on airport transit arrangements: OJ No L 63 of 13 March 1996, page 8 ⁽²⁾;

Joint Position of 25 October 1996 on pre-frontier assistance and training assignments: OJ No L 281 of 31 October 1996, page 1;

C. Other instruments of the European Union

Regulations adopted by the Council under Article 100c of the TEU:

- Council Regulation (EC) No 1683/95 of 29 May 1995, laying down a uniform format for visas;
- Council Regulation (EC) No 2317/95 of 25 September 1995 determining the third countries whose nationals must be in possession of visas when crossing the external borders of the Member States ⁽³⁾;

D. Other Conventions

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⁽²⁾ This Joint Action is the subject of proceedings before the Court of Justice.

⁽³⁾ This Regulation was annulled by the Court of Justice, while retaining its effects. A revised draft Regulation is currently before the European Parliament.

III. MIGRATION

Admission

A. Convention to which the candidate States must accede

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B. Joint actions and joint positions

Joint Action of 30 November 1994 concerning travel facilities for school pupils from third countries resident in a Member State: OJ No L 327 of 19 December 1994, page 1;

Joint Action of 16 December 1996 concerning a uniform format for residence permits: OJ No L 7 of 10 January 1997.

C. Other instruments of the European Union

Text adopted by Ministers on 11 June 1992 on acceptable/unacceptable travel documents: WGI 1506 REV 1;

Resolution of 1 June 1993 on harmonization of family reunification: WGI 1497 REV 1;

Resolution of 20 June 1994 on limitation on admission of third-country nationals to the territory of the Member States for employment: OJ No C 274 of 19 September 1996, page 3;

Resolution of 30 November 1994 relating to the limitations on the admission of third-country nationals to the territory of the Member States for the purpose of pursuing activities as self-employed persons: OJ No C 274 of 19 September 1996, page 7;

Resolution of 30 November 1994 on the admission of third-country nationals to the territory of the Member States of the European Union for study purposes: OJ No C 274 of 19 September 1996, page 10;

Conclusions of 30 November 1994 on the organization and development of the Centre for Information, Discussion and Exchange on the Crossing of Frontiers and Immigration (CIREFI): OJ No C 274 of 19 September 1996, pages 50 and 51 (this instrument is also relevant for expulsion);

Decision of 22 December 1995 on monitoring the implementation of instruments already adopted concerning admission of third-country nationals: OJ No C 11 of 16 January 1996, page 1;

Resolution of 4 March 1996 on the status of third-country nationals residing on a long-term basis in the territory of the Member States: OJ No C 80 of 18 March 1996, page 2;

Recommendation of 4 March 1996 relating to local consular cooperation regarding visas: OJ No C 80 of 18 March 1996, page 1;

Resolution of 26 June 1997 on unaccompanied minors who are nationals of third countries: OJ No C 221 of 19 July 1997, pages 23 to 27;

Resolution of 4 December 1997 on marriages of convenience: OJ No C 328 of 16 December 1997;

D. --

Expulsion

A. --

B. --

C. Other instruments of the European Union

Recommendation of 30 November 1992 regarding practices followed by Member States on expulsion: WGI 1266;

Recommendation of 30 November 1992 concerning transit for the purpose of expulsion: WGI 1266;

Recommendation of 1 June 1993 concerning checks on and expulsion of third-country nationals residing or working without authorization: WGI 1516;

Recommendation of 30 November 1994 concerning the adoption of a standard travel document for the removal/expulsion of third-country nationals: OJ No C 274 of 19 September 1996, page 18;

Recommendation of 22 December 1995 on harmonizing means of combating illegal immigration and illegal employment and improving the relevant means of control: OJ No C 5 of 10 January 1996, page 1;

Recommendation of 22 December 1995 on concerted action and cooperation in carrying out expulsion measures: OJ No C 5 of 10 January 1996, pages 3 to 7;

Recommendation of 27 September 1996 on combating the illegal employment of third-country nationals: OJ No C 304 of 14 October 1996, page 1;

Decision of 16 December 1996 on monitoring the implementation of instruments adopted by the Council concerning illegal immigration, readmission, the unlawful employment of third-country nationals and cooperation in the implementation of expulsion orders: OJ No L 342 of 31 December 1996, page 5;

Decision of 26 May 1997 on the exchange of information concerning assistance for the voluntary repatriation of third-country nationals: OJ No L 147 of 5 June 1997, page 3.

D. --

Readmission

A. --

B. --

C. Other instruments of the European Union

Recommendation of 30 November 1994 concerning a specimen bilateral readmission agreement between a Member State of the European Union and a third country: OJ No C 274 of 19 September 1996, pages 20 to 24;

Recommendation of 24 July 1995 on the principles for the drafting of protocols on the implementation of readmission agreements: OJ No C 274 of 19 September 1996, page 25;

Council conclusions of 4 March 1996 on clauses to be inserted in future mixed agreements: not published in the OJ; see 4272/96 ASIM 6 and 5457/96 ASIM 37;

D. --

IV. ORGANIZED CRIME, FRAUD AND CORRUPTION

A. Conventions to which the candidate States must accede

(a) *Conventions drawn up by the Council on the basis of Article K.3(2)(c) of the TEU:*

Convention of 26 July 1995 on the establishment of a European Police Office: OJ No C 316 of 27 November 1995;

Convention of 26 July 1995 on the protection of the European Communities' Financial Interests: OJ No C 316 of 27 November 1995 (also relevant for judicial cooperation in penal matters);

Protocol of 23 July 1996 on the interpretation, by way of preliminary rulings, by the Court of Justice of the EC of the Convention on the establishment of a European Police Office: OJ No C 299 of 9 October 1996;

Protocol of 27 September 1996 to the Convention on the Protection of Community Financial Interests: OJ No C 313 of 23 October 1996 (also relevant for judicial cooperation in penal matters);

Protocol of 29 November 1996 on the interpretation by the Court of Justice of the Convention on the protection of the Communities' financial interests (also relevant for judicial cooperation in penal matters);

Convention of 26 May 1997 on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union: OJ No C 195 of 25 June 1997 (also relevant for judicial cooperation in penal matters);

Protocol of 19 June 1997 on the privileges and immunities of Europol, the members of its organs, the Deputy Director and employees of Europol: OJ No C 221 of 19 July;

Second Protocol of 19 June 1997 to the Convention on the protection of the European Communities' financial interests: OJ No C 221 of 19 July 1997 (also relevant for judicial cooperation in penal matters);

(b) --

B. Joint actions and joint positions

Joint Action of 10 March 1995, adopted by the Council on the basis of Article K.3 of the Treaty on European Union, concerning the Europol Drugs Unit: OJ No L 62 of 20 March 1995;

Joint Action of 14 October 1996 providing for a common framework of the initiatives of the Member States of the EU concerning liaison officers: OJ No L 268 of 19 October 1996;

Joint Action of 29 November 1996 concerning the creation and maintenance of a directory of specialized competences, skills and expertise in the fight against international organized crime, in order to facilitate law enforcement cooperation between the Member States: OJ No L 342 of 31 December 1996;

Joint Action of 16 December 1996 extending the mandate given to the Europol Drugs Unit: OJ No L 342 of 31 December 1996;

Joint Action of 24 February 1997 concerning action to combat trafficking in human beings and sexual exploitation of children: OJ No L 63 of 4 March 1997 (also relevant for judicial cooperation);

Joint Action of 9 June 1997 for the refining of targeting criteria, selection methods and collection of customs and police information: OJ No L 159 of 17 June 1997;

Joint Position of 6 October 1997 on negotiations held in the Council of Europe and the OECD on the fight against corruption (also relevant for judicial cooperation in penal matters);

Second Joint Position of 13 November 1997 on negotiations held in the Council of Europe and the OECD on the fight against corruption (also relevant for judicial cooperation in penal matters);

Joint Action of 5 December 1997 establishing a mechanism for evaluating the application and implementation at national level of international undertakings in the fight against organized crime (also relevant for judicial cooperation);

C. Other instruments of the European Union

Europol: ⁽⁴⁾ Rules of Procedure of the Management Board (23 November 1995);

Europol: Financial Regulation (19-20 March 1996);

Europol: Rights and obligations of liaison officers (19-20 March 1996);

Europol: Staff Regulations (26-27 May 1997);

Europol: Rules applicable to Analysis Files (26-27 May 1997);

Europol: Rules concerning the external relations between Europol and Third States and bodies not linked to the European Union (4-5 December 1997);

Europol: Rules concerning the external relations of Europol with bodies linked to the European Union (4-5 December 1997);

Europol: Rules concerning the transmission of personal data by Europol to Third States and bodies (4-5 December 1997);

Europol: Rules concerning the receipt of information by Europol from Third States and bodies (19 March 1998);

Europol: Confidentiality Rules (19 March 1998);

Conclusion on car crime (29-30 November 1993);

Joint declaration of Berlin of September 1994 on combating organized crime;

⁽⁴⁾ These texts on Europol have been "frozen" by the Council with a view to their adoption upon the entry into force of the Europol Convention.

Resolution of 17 January 1995 on Lawful interception of telecommunications;

Action programme of the Member States of the European Union and the associated countries of Central and Eastern Europe, including the Baltic States, on judicial cooperation against international organized crime (25-26 September 1995);

Resolution of 23 November 1995 on the Protection of Witnesses in the Fight Against International Organized Crime: OJ No C 327 of 7 December 1995 (also relevant for judicial cooperation in penal matters);

Declaration on organized crime (19-20 March 1996) (also relevant for judicial cooperation in penal matters);

Measures to step up the fight against organized crime (12 December 1996);

Resolution of 20 December 1996 on Individuals who cooperate with the judicial process in the fight against international organized crime: OJ No C 10 of 11 January 1997 (also relevant for judicial cooperation in criminal matters).

Action plan to combat organized crime (adopted by the Council on 28 April 1997): OJ No C 251 of 15 August 1997;

Project-based action against transnational organized crime – practical guidance (adopted by the Council on 4 December 1997);

Conclusions of 19 March 1998 on G8 principles on high-tech crime, recommendations on organized crime and related matters;

D. Other Conventions

European Convention of 8 November 1990 on money laundering, search, seizure and confiscation of the proceeds from crime (Council of Europe) (also relevant for judicial cooperation in penal matters);

OECD Convention of 17 December 1997 on combating bribery of foreign public officials in international business transactions ⁽⁵⁾.

⁽⁵⁾ As well as the members of the OECD, this Convention is open for signing or accession by non-members participating fully in the Working Group on Bribery in International Transactions.

V. DRUGS

A. Conventions to which the candidate States must accede

(a) --

(b) *Other Conventions to be regarded as inseparable from the achievement of the objectives of the Union:*

Single Convention on Narcotic Drugs, 1961 (New York, 30 March 1961);

Protocol amending the Single Convention on Narcotic Drugs (Geneva, 25 March 1972);

Convention on Psychotropic Substances (Vienna, 21 February 1971);

United Nations Convention against the Illicit Traffic in Narcotic Drugs and Psychotropic Substances (Vienna, 20 December 1988) (also relevant for judicial cooperation in penal matters);

B. Joint actions and joint positions

Joint Action of 29 November 1996 concerning the exchange of information on the chemical profiling of drugs to facilitate improved cooperation between Member States in combating illicit drug trafficking: OJ No L 322 of 12 December 1996;

Joint Action of 17 December 1996 concerning the approximation of the laws and practices of the Member States of the EU to combat drug addiction and to prevent and combat illegal drug trafficking: OJ No L 342 of 31 December 1996 (also relevant for judicial cooperation in penal matters);

Joint Action of 16 June 1997 concerning the information exchange, risk assessment and the control of new synthetic drugs: OJ No L 167 of 25 June 1997;

C. Other instruments of the European Union

Resolution of 29 November 1996 on the drawing up of police/customs agreements in the fight against drugs: OJ No C 375 of 12 December 1996;

Resolution of 29 November 1996 on measures to address the drug tourism problem within the EU: OJ No C 375 of 12 December 1996;

Resolution of 16 December 1996 on measures to combat and dismantle the illicit cultivation and production of drugs within the EU: OJ No C 389 of 23 December 1996;

Resolution of 20 December 1996 on Sentencing for Serious Illicit Drug Trafficking: OJ No C 10 of 11 January 1997;

D. Other Conventions

Agreement on illicit traffic by sea, implementing Article 17 of the United Nations Convention against illicit traffic in narcotic drugs and psychotropic substances (ETS No 156 – Strasbourg, 31 January 1995) (also relevant for judicial cooperation in criminal matters);

VI. TERRORISM

A. Conventions to which the candidate States must accede

(a) --

(b) *Other Conventions to be regarded as inseparable from the achievement of the objectives of the Union:*

European Convention on the Suppression of Terrorism (Strasbourg, 27 January 1977);

B. Joint action and joint positions

Joint Action of 15 October 1996 concerning the creation and maintenance of a Directory of specialized counter-terrorist competences, skills and expertise to facilitate counter-terrorist cooperation between the Member States of the EU: OJ No L 273 of 25 October 1996;

C. Other instruments of the European Union

Declaration of 30 November 1993 on financing of terrorism;

Declaration on terrorism (La Gomera Declaration) of 14 October 1995 issued by the Ministers of Home Affairs and Justice;

D. Other Conventions ⁽⁶⁾

⁽⁶⁾ An Agreement between the Member States of the European Communities on the application of the European Convention on the Suppression of Terrorism, signed in Dublin on 4 December 1979, was also drawn up in the EPC context. That Agreement, ratified by Belgium, France, Italy, Luxembourg and the Netherlands, did not enter into force and is amply covered by Article 5 of the Convention of 27 September 1996 relating to extradition between the Member States of the European Union (see judicial cooperation in criminal matters).

VII. POLICE COOPERATION

A. Conventions to which the candidate States must accede

(a) (see under "*Organized crime, fraud and corruption*")

(b) ---

B. Joint actions and joint positions

Joint Action of 26 May 1997 with regard to cooperation on law and order and security: OJ No L 147 of 5 June 1997;

C. Other instruments of the European Union ⁽⁷⁾

Resolution on radio communications (29-30 November 1993, JHA Council);

Declaration on motor cycle gangs (29-30 November 1993);

Recommendation on the responsibility of organizers of sporting events (29-30 November 1993);

Recommendation on Environmental Crime (29-30 November 1993);

Recommendation of 6 May 1994 for a training module on the operational analysis of criminality;

Recommendation on guidelines for preventing and restraining disorder connected with football matches (22 April 1996): OJ No C 131 of 3 May 1996;

Resolution of 9 June 1997 on preventing and restraining football hooliganism through the exchange of experience, exclusion from stadiums and media policy: OJ No C 193 of 24 June 1997;

Resolution of 9 June 1997 on the exchange of DNA analysis results: OJ No C 193 of 24 June 1997;

⁽⁷⁾ Attention is also drawn to the Council of Europe Recommendation No R (87) 15 regulating the use of personal data in the police sector.

D. Other conventions

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VIII. CUSTOMS COOPERATION

A. Conventions to which the candidate States must accede

(a) *Conventions drawn up by the Council on the basis of Article K.3(2)(c) of the TEU:*

Convention of 26 July 1995 on the use of information technology for customs purposes: OJ No C 316 of 27 November 1995;

Protocol of 29 November 1996 on the interpretation, by way of preliminary rulings, by the Court of Justice of the EC of the Convention on the use of information technology for customs purposes;

Convention of 18 December 1997 on Mutual Assistance and Cooperation between customs administrations: OJ No C 24 of 23 January 1998; ⁽⁸⁾

(b) --

B. Joint actions and joint positions

Joint Action of 29 November 1996 on cooperation between customs authorities and business organizations on combating drugs trafficking: OJ No L 322 of 12 December 1996;

⁽⁸⁾ On its entry into force this Convention replaces the Convention on Mutual Assistance between customs administrations (the "Naples Convention") signed in Rome on 7 September 1967. In the context of that Convention, the Heads of Customs Administrations adopted the following declarations: Wiesbaden (1971), Dromoland 1 (1976), Dromoland 2 (1976), Istanbul 1 (1977), Istanbul 2 (1977), Iraklion (1978), London (1974), Munich (1975), Harrogate (1992).

C. Other instruments of the European Union

Conclusions concerning a contribution to the development of a strategic Union plan to combat customs fraud in the internal market (30 November – 1 December 1994);

Decision of 29 November 1996 on revised arrangements for future joint customs surveillance operations (10607/96 ENFOCUSTOM 42, Annex A);

Resolution of 9 June 1997 concerning a handbook for joint customs surveillance operations: OJ No C 193 of 24 June 1997;

D. Other Conventions

Agreement of 26 July 1995 on provisional application between certain Member States of the EU of the Convention on the use of information technology for customs purposes: OJ No C 316 of 27 November 1995;

IX. JUDICIAL COOPERATION IN CIVIL MATTERS

A. Conventions to which the candidate States must accede

(a) *Conventions drawn up by the Council on the basis of Article K.3(2)(c) of the TEU:*

Convention of 26 May 1997 on the Service in the Member States of the European Union of judicial and extrajudicial documents in civil or commercial matters, including the protocol on the competence of the Court: OJ No C 261 of 27 August 1997;

(b) *Other Conventions to be regarded as inseparable from the achievement of the objectives of the Union: ⁽⁹⁾*

Convention on Jurisdiction and Enforcement of Judgments in Civil and Commercial Matters (Brussels, 27 September 1968) and Protocol on its Interpretation by the Court of Justice (Luxembourg, 3 June 1971);

as amended by:

Convention on the Accession of the United Kingdom of Denmark, Ireland and the United Kingdom of Great Britain and Northern Ireland to the Brussels Convention of 1968 (Brussels, 9 October 1978);

Convention on the Accession of the Hellenic Republic to the Brussels Convention of 1968 (Brussels, 25 October 1982);

Convention on the Accession of the Kingdom of Spain and the Portuguese Republic to the Brussels Convention of 1968 (San Sebastián, 26 May 1989);

Convention on the Accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the Brussels Convention of 1968 (Dublin, 29 November 1996);

⁽⁹⁾ The Convention on insolvency proceedings has been signed by fourteen Member States and initialled by one Member State. Since the period during which the Convention was opened for signature by Member States has lapsed, a modification of the Convention would be required to permit the Member State which has not signed it, still to do so.

Convention on the Law applicable to Contractual Obligations (Rome, 19 June 1980);
1st Protocol to the Convention on the Law applicable to Contractual Obligations on
Interpretation by the Court of Justice (Brussels, 19 December 1988) and 2nd Protocol to the
Convention on the Law applicable to Contractual Obligations (Brussels, 19 December 1988);

as amended by:

Convention on the Accession of the Hellenic Republic to the Rome Convention of 1980
(Luxembourg, 10 April 1984);

Convention on the Accession of the Kingdom of Spain and the Portuguese Republic to the Rome
Convention of 1980 (Funchal, 18 May 1992);

Convention on the Accession of the Republic of Austria, the Republic of Finland and the Kingdom
of Sweden to the Rome Convention of 1980: OJ No C 15 of 15 January 1997 (Dublin, 29
November 1996);

B. Joint actions and joint positions

Joint Action of 22 November 1996 concerning measures protecting against the effects of the
extra-territorial application of legislation adopted by a third country, and actions based thereon or
resulting therefrom: OJ No L 309 of 29 November 1996, p. 7).

C. Other instruments of the European Union

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D. Other Conventions

Convention on Civil Procedure (The Hague, 1 March 1954);

Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial
Matters (The Hague, 15 November 1965);

Convention on the Taking of Evidence Abroad in Civil or Commercial Matters (The Hague, 18 March 1970);

European Convention on the Recognition and Enforcement of Decisions concerning Custody of Children and on Restoration of Custody of Children (Luxembourg, 20 May 1980);

Convention on International Access to Justice (The Hague, 25 October 1980);

Convention on the Civil Aspects of International Child Abduction (The Hague, 25 October 1980);

Convention abolishing the Legalization of Documents in the Member States of the European Communities (Brussels, 25 May 1987); ⁽¹⁰⁾

Convention on Jurisdiction and Enforcement of Judgments in Civil and Commercial Matters (Lugano, 16 September 1988);

Convention between the Member States of the European Communities on the Simplification of Procedures for the Recovery of Maintenance Payments (Rome, 6 November 1990);

⁽¹⁰⁾ Spain declares that it has not signed the 1987 Convention abolishing the Legalization of Documents in the Member States of the European Communities and does not intend to do it because it contains a provision which unilaterally extends its territorial application.

X. JUDICIAL COOPERATION IN CRIMINAL MATTERS

A. Conventions to which the candidate States must accede

(a) Conventions drawn up by the Council on the basis of Article K.3(2)(c) of the TEU:

Convention of 10 March 1995 on Simplified Extradition Procedures between the Member States of the European Union: OJ No C 78 of 30 March 1995;

Convention of 27 September 1996 relating to Extradition between the Member States of the European Union: OJ No C 313 of 23 October 1996;

(b) Other Conventions to be regarded as inseparable from the achievement of the objectives of the Union:

European Convention on Extradition (Paris, 13 December 1957);

European Convention on Mutual Assistance in Criminal Matters (Strasbourg, 20 April 1959);

B. Joint actions and joint positions

Joint Action of 22 April 1996 concerning a framework for the exchange of liaison magistrates to improve judicial cooperation between the Member States of the European Union: OJ No L 105 of 27 April 1996;

Joint Action of 15 July 1996 concerning Action to Combat Racism and Xenophobia: OJ No L 185 of 24 July 1996;

C. Other instruments of the European Union

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D. Other Conventions

European Convention on the International Validity of Criminal Judgments (The Hague, 28 May 1970);

European Convention on the Transfer of Proceedings in Criminal Matters (Strasbourg, 15 May 1972);

First Additional Protocol to the European Convention on Extradition (Strasbourg 15 October 1975);

Second Additional Protocol to the European Convention on Extradition (Strasbourg, 17 March 1978);

Additional Protocol to the European Convention on Mutual Legal Assistance in Criminal Matters (Strasbourg, 17 March 1978);

Convention on the Transfer of Sentenced Persons (Strasbourg, 21 March 1983);

Convention between the Member States of the European Communities on the Transfer of Proceedings in Criminal Matters (Rome, 6 November 1990);

Convention between the Member States of the European Communities on the Enforcement of Foreign Criminal Sentences (Brussels, 13 November 1991);

XI. FUNDING OF ACTIVITIES UNDER TEU TITLE VI

A. Conventions to which the candidate States must accede

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B. Joint actions and joint positions ⁽¹⁾

Joint Action of 28 October 1996 on a programme of incentives and exchanges for legal practitioners (GROTIUS programme): OJ No L 287 of 8 November 1996, page 3;

Joint Action of 29 November 1996 establishing an incentive and exchange programme for persons responsible for combating trade in human beings and sexual exploitation of children (STOP programme): OJ No L 322 of 12 December 1996, page 7;

Joint Action of 20 December 1996 providing a common programme for the exchange and training and cooperation between law enforcement authorities (OISIN programme): OJ No L 7 of 10 January 1997, page 5;

Joint Action of 19 March 1998 introducing a programme of training, exchanges and cooperation in the field of asylum, immigration and crossing of external borders (ODYSSEUS programme): OJ No L 99 of 31 March 1998, page 2;

Joint Action of 19 March 1998 establishing a programme of exchange, training and cooperation for persons responsible for action to combat organized crime (FALCONE programme): OJ No L 99 of 31 March 1998, page 8;

C. --

D. --

⁽¹⁾ The Council has also adopted joint actions concerning the financing of specific projects for asylum-seekers and refugees and for displaced persons who have found temporary protection in the Member States (see OJ No L 138 of 9 May 1998). Since these joint actions will cease to apply after 1 January 1999, they have not been included in this document.

XII. HUMAN RIGHTS RELATED INSTRUMENTS

A. Conventions to which the candidate States must accede

(a) --

(b) *Other conventions to be regarded as inseparable from the achievement of the objectives of the Union:*

European Convention for the Protection of Human Rights and Fundamental Freedoms (Rome, 4 November 1950) and its Protocol of 1952;

UN Convention on the elimination of all forms of racial discrimination (New York, 7 March 1966);

Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (Strasbourg, 28 January 1981);

European Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Strasbourg, 26 November 1987);

UN Convention on the rights of the child (New York, 20 November 1989);

B. --

C. --

D. The following Protocols to the European Convention for the Protection of Human Rights and Fundamental Freedoms:

- Protocol No 4 of 1963
- Protocol No 6 concerning the abolition of the death penalty of 1983
- Protocol No 7 of 1984. ⁽¹²⁾

⁽¹²⁾ The reference to these Protocols is included on the basis that, as with other instruments in Category D, they are subject to the explanation of Category D set out in the introduction to this document.