



**COUNCIL OF
THE EUROPEAN UNION**

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ADD 1 REV 1**

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

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

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

Delegations will find enclosed an updated version of the implementation of the legislative instruments listed in the Declaration on terrorism of the European Council of 25 March 2004 - State of play as of 24 November 2008.

AT	BE	BG	CY	CZ	DE	DK	EE	ES	FI	FR	EL	HU	IE	IT	LV	LT	LU	MT	NL
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
Framework Decision of 13 June 2002 on Combating Terrorism (deadline set by the Declaration of the European Council: June 2004)																			
y	y	y	- ²	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 (set by the Declaration of the European Council: June 2004)																			
y	y	y	y	p ⁴	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

² CY has informed that a new anti-terrorism law was submitted to the house of Representatives in January 2007 and is being currently discussed.

³ SK has informed that it has implemented the FD on Combating Terrorism with the exception of the provisions on liability of legal persons. Criminal liability of legal persons will be established in the framework of the new

Decision of 28 February 2002 establishing Eurojust (deadline set by the Declaration of the European Council - June 2004)																			
y	y	-	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y
Framework Decision of 22 July 2003 on the execution of orders freezing property or evidence (initial deadline for Member States was Declaration of the European Council: December 2004)																			
y	y	y	p ¹	y	y	y	y	y	y	y	- ²	y	°	- ³	y	y	- ⁴	y	y
Framework Decision of 24 February 2005 on attacks against information systems (2005/222/JHA)																			
y	y	y	- ⁶	y	y	y	y	- ⁷	y	y	-	y	-	-	-	y	y	-	y
Decision of 20 September 2005 on the exchange of information and cooperation concerning terrorist offences (deadline set by the Dec																			
y	y	-	- ¹¹	-	y	y	-	y	-	-	-	y	°	-	y	y	-	y	-

¹ CY has indicated that it complies with the provisions on freezing of property whilst legislative work is ongoing so as to comply with the provisions on freezing of evidence.

² EL has indicated that implementation of the FD is in process.

³ IT has indicated that the legislative work is ongoing.

⁴ LU has indicated that the legislative work is ongoing.

⁵ UK has indicated that it has implemented the FD on freezing orders insofar as terrorist assets are concerned. UK is making progress towards full implementation.

⁶ 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.

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

⁸ PT has indicated that the legislative work is ongoing.

⁹ UK has indicated that the implementation of the FD is in process.

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

Convention of 29 May 2000 on Mutual Assistance in Criminal Matters between the Member States of the European Union (deadline 31 December 2004); entry into force on 23 August 2005

y	y	y	y	y	y	y	y	y	y	y	-	y	°	-	y	y	- ¹	y	y
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Protocol of 16 October 2001 to the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Council: December 2004); entry into force on 5 October 2005

y	y	y	y	y	y	y	-	y	y	y	-	y	°	-	y	y	-	y	y
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Implementation completed in all EU Member States:

- 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 on 18 April 2007
- Protocol of 27 November 2003 amending the Europol Convention: Entered into force 18 April 2007

AT	BE	BG	CY	CZ	DE	DK	EE	ES	FI	FR	EL	HU	IE	IT	LV	LT	LU	MT	
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 ⁻²	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 ⁻³	r

The following instruments of the United Nations have been ratified by all EU Member States:

- Convention on Offences and Certain Other Acts Committed on Board Aircraft of 14 September 1963
- Convention for the Suppression of Unlawful Seizure of Aircraft of 16 December 1970
- Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation of 23 September 1971
- Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents of 14 December 1973
- International Convention against the Taking of Hostages of 17 December 1979
- Convention on the Physical Protection of Nuclear Material of 3 March 1980
- Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation of 24 February 1988
- Convention on the Marking of Plastic Explosives for the Purpose of Detection of 1 March 1991
- International Convention for the Suppression of Terrorist Bombings of 15 December 1997
- International Convention for the Suppression of the Financing of Terrorism of 9 December 1999

AT	BE	BG	CY	CZ	DE	DK	EE	ES	FI	FR	EL	HU	IE	IT	LV	LT	LU	MT	
Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism 16 May 2005																			
s	r	s	r	-	-	-	- ²	-	s	-	s	r	-	s	s	-	s	r	r
Convention on the Prevention of Terrorism 16 May 2005																			
s	s	r	s	-	s	r	s ³	s	r	r	s	s	s	s	s	s	s	s	s
Convention on Cybercrime 23 November 2001																			
s	s	r	r	s	s	r	r	s	r	r	s	r	s	r	r	r	r	s	s

¹ *r = ratification (or accession or succession) s = signature (without ratification)*