



**COUNCIL OF
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ADDENDUM TO THE "I" ITEM 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 on 24 November 2006.

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**Implementation of the legislative Instruments listed in the Declaration on terrorism
of the European Council of 25 March 2004 – state as on 24 November 2006**

AT	BE	CY	CZ	DE	DK	EE	ES	FI	FR	EL	HU	IE	IT	LV	LT	LU	MT	NL	PL	PT	SE	SI	SK	UK
1. Instruments of the European Union¹																								
a) Framework Decision of 13 June 2002 on the European Arrest Warrant (initial deadline for old Member States: 31 December 2003; for new Member States: date of accession; deadline set by the Declaration of the European Council: June 2004)																								
y	y	y	y	p	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y
b) Framework Decision of 13 June 2002 on Joint Investigation Teams (initial deadline for old Member States: 1 January 2003; for new Member States: date of accession; deadline set by the Declaration of the European Council: June 2004)																								
y	y	y	y	y	y	y	y	y	y	- ²	y	y	- ³	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 EL has indicated that its draft legislation to implement the FD on Joint Investigation Teams has been submitted to the Greek Parliament.

³ IT has indicated that its draft legislation to implement the FD on Joint Investigation Teams is currently pending before its Parliament.

AT	BE	CY	CZ	DE	DK	EE	ES	FI	FR	EL	HU	IE	IT	LV	LT	LU	MT	NL	PL	PT	SE	SI	SK	UK
c) Framework Decision of 13 June 2002 on Combating Terrorism (initial deadline for old Member States: 31 December 2002; for new Member States: date of accession; deadline set by the Declaration of the European Council: June 2004)																								
y	y	- ¹	p ²	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	p ³	y

¹ CY has indicated that new anti-terrorism Law is under vetting with the aim to submit it to the House of Representatives before end of 2006.

² CZ has indicated that it has implemented the FD on Combating Terrorism with the exception of the provisions on liability of legal persons.

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 Criminal Code which is currently in preparation.

AT	BE	CY	CZ	DE	DK	EE	ES	FI	FR	EL	HU	IE	IT	LV	LT	LU	MT	NL	PL	PT	SE	SI	SK	UK
d) Framework Decision of 26 June 2001 on money laundering, the identification, tracing, freezing, seizing and confiscation of instrumentalities and the proceeds of crime (initial deadline for old Member States: 31 December 2002; for new Member States: date of accession; deadline set by the Declaration of the European Council: June 2004)																								
y	y	y	p ¹	y	y	y	y	y	y	y	y	y	y	°	y	- ²	y ³	y	y	y	y	y	y	y

¹ CZ has indicated that draft legislation to fully implement the Framework Decision is being discussed in Parliament.

² LU has indicated that it will implement the FD together with the 3rd Directive on money laundering. Legislation is currently being drafted.

³ MT has informed of the implementation of FD, but has not submitted information whether the legislation has already entered into force.

AT	BE	CY	CZ	DE	DK	EE	ES	FI	FR	EL	HU	IE	IT	LV	LT	LU	MT	NL	PL	PT	SE	SI	SK	UK
e) Decision of 28 February 2002 establishing Eurojust¹ (initial deadline: 6 September 2003; deadline set by the Declaration of the European Council: June 2004)																								
y	y	y	y	y	y	y	y	y	y	- ²	y	y	y	°	y	y	y	y	y	y	y	y	y	y
f) Decision of 19 December 2002 on the implementation of specific measures for police and judicial cooperation to combat terrorism³ (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
g) 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	- ⁴	- ⁵	y	y	- ⁶	- ⁷	y	y	y	y	y	y	y

¹ The information refers to the question whether Member States have enacted legislation or take the view that they comply with the Council Decision on the basis of existing provisions (=y) or not (= -).

² EL has indicated that its legislation to implement the Eurojust Decision has been submitted to the Greek Parliament.

³ Designation of a Eurojust national correspondent for terrorism matters by each Member State

⁴ IE has indicated that legislation to implement the MLA Convention is in preparation.

⁵ IT has indicated that a draft law to ratify the MLA Convention is currently pending before its Parliament

⁶ LU has indicated that it is currently finalising a draft bill to ratify the MLA Convention and the Protocol thereto.

⁷ MT has indicated that legislation to implement MLA Convention is in preparation.

AT	BE	CY	CZ	DE	DK	EE	ES	FI	FR	EL	HU	IE	IT	LV	LT	LU	MT	NL	PL	PT	SE	SI	SK	UK
h) 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	⁻¹	y	y	y	⁻²	y	⁻³	⁻⁴	y	y	⁻⁵	⁻⁶	y	y	⁻⁷	y	y	y	y
i) Protocol of 30 November 2000 amending the Europol Convention (deadline set by the Declaration of the European Council: December 2004)																								
y	y	y	y	y	y	y	y	y	y	y	y	⁻⁸	y	y	y	y	y	y	y	y	y	y	y	y
j) Protocol of 28 November 2002 amending the Europol Convention and the Protocol on the privileges and immunities of Europol (deadline set by the Declaration of the European Council: December 2004)																								
y	y	y	y	y	y	y	y	y	y	y	y	⁻⁸	y	y	y	y	y	y	y	⁻⁹	y	y	y	y
k) Protocol of 27 November 2003 amending the Europol Convention (deadline set by the Declaration of the European Council: December 2004)																								
y	y	y	y	y	y	y	y	y	⁻¹⁰	y	y	⁻⁸	y	y	y	y	y	y	y	⁻⁹	^y	y	y	y

¹ EE has indicated that the ratification procedure is ongoing.

² EL has indicated that draft laws have been prepared to implement the FD on JITs, the Eurojust Decision, the 2000 MLA Convention and the 2001 Protocol thereto as well as the FD on freezing orders. Their submission to the Parliament is imminent.

³ IE has indicated that legislation to implement the instrument is in preparation.

⁴ IT has indicated that a draft bill to ratify the 2001 Protocol is being prepared.

⁵ LU has indicated that it is currently finalising a draft bill to ratify the 2001 Protocol to the MLA Convention

⁶ MT has indicated that legislation to implement the MLA Convention and 2001 Protocol is in preparation.

⁷ PT has indicated that the ratification process has been delayed by the elections of the Parliament.

⁸ IE has indicated that the ratification procedure will be completed by the end of 2006.

⁹ PT has completed the ratification procedure, notification will follow in the coming weeks.

¹⁰ FR has completed the ratification procedure, notification will follow in the coming weeks.

AT	BE	CY	CZ	DE	DK	EE	ES	FI	FR	EL	HU	IE	IT	LV	LT	LU	MT	NL	PL	PT	SE	SI	SK	UK
I) Framework Decision of 22 July 2003 on the execution of orders freezing property or evidence (initial deadline for Member States (and current Acceding States): 2 August 2005; deadline set by the Declaration of the European Council: December 2004)																								
y	⁻¹	p ²	⁻³	⁻⁴	y	-	y	y	y	⁻⁵	y	⁻⁶	⁻⁷	⁻⁸	⁻⁹	⁻¹⁰	⁻¹¹	y	y	⁻¹²	y	y	y	p ^{o13}

¹ BE has indicated that its draft legislation to implement the FD is currently pending before its Parliament.

² 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.

³ CZ has indicated that legislation to fully implement the FD on freezing orders is being discussed in Parliament.

⁴ DE has indicated that a draft bill to implement the FD on freezing orders is currently being revised by in light of constitutional requirements.

⁵ EL has indicated that an ad hoc committee of the Ministry of Justice has prepared draft laws to implement the FD on JITs, the Eurojust Decision, the 2000 MLA Convention and the 2001 Protocol thereto as well as the FD on freezing orders. Their submission to the Parliament is imminent.

⁶ IE has indicated that legislation to implement the instrument is currently pending before Parliament. Legislation is expected to enter into force in autumn 2006.

⁷ IT has indicated that an examination of existing legislation is ongoing to assess whether additional legislation is necessary to comply with the FD freezing orders.

⁸ LV has indicated that the legislation to implement the FD on freezing orders is being prepared.

⁹ LT has indicated that a draft law to implement the FD on freezing orders is under preparation.

¹⁰ LU has indicated that it is currently finalising a draft bill to implement the FD on freezing orders.

¹¹ MT has indicated that the legislation to implement the FD on freezing orders is being prepared.

¹² PT has indicated that a draft bill which is currently being finalised, will soon be submitted to the government and the Parliament for approval.

¹³ 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.

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2. INSTRUMENTS OF THE UNITED NATIONS¹																								
a) Convention on Offences and Certain Other Acts Committed on Board Aircraft of 14 September 1963																								
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
b) Convention for the Suppression of Unlawful Seizure of Aircraft of 16 December 1970																								
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
c) Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation of 23 September 1971																								
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
d) Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents of 14 December 1973																								
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
e) International Convention against the Taking of Hostages of 17 December 1979																								
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
f) Convention on the Physical Protection of Nuclear Material of 3 March 1980																								
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
g) 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																								
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
h) 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	- ²	r	r	r	r	r	r	r	r

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

² LU has indicated that it is currently drafting legislation to ratify the Convention.

AT	BE	CY	CZ	DE	DK	EE	ES	FI	FR	EL	HU	IE	IT	LV	LT	LU	MT	NL	PL	PT	SE	SI	SK	UK	
i) 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	- ¹	r	r	r	r	r	r	r	r	
j) Convention on the Marking of Plastic Explosives for the Purpose of Detection of 1 March 1991																									
r	s ²	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	s ³	r	r	r	
k) International Convention for the Suppression of Terrorist Bombings of 15 December 1997																									
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	
l) International Convention for the Suppression of the Financing of Terrorism of 9 December 1999																									
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	

¹ LU has indicated that it is currently drafting legislation to ratify the Protocol.

² Federal parliament and the parliaments of the Brussels Region and the Flemish Region have ratified the Convention.

Approval of the Walloon parliament is expected in the near future.

³ SE has indicated that work on the ratification of the Convention is ongoing.