



The UK block opt-out in police and judicial cooperation in criminal matters: recent developments

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The UK notified the Council on 24 July 2013 that it would make use of the block opt-out option from EU acts in the field of police and judicial cooperation in criminal matters adopted before the entry into force of the Lisbon Treaty.

Over the past few months the UK Government has been negotiating opting back into 35 measures. The Member States must agree unanimously on the UK's opting back into these measures, but at the General Affairs Council on 24 June 2014 some States expressed reservations. The background to the decision is discussed in Standard Note 6268, [The UK's 2014 Jurisdiction Decision in EU Police and Criminal Justice Proposals](#) 20 March 2012.

On 6 November 2014 the Government published *Draft Criminal Justice and Data Protection (Protocol 36) Regulations 2014*, which aim to transpose into UK law further measures to fully implement 11 of the 35 opt-back-in measures before the block opt-out notification cut-off date of 1 December 2014. The Draft is to be debated on 10 November on a motion to approve.

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1 UK Government ‘opt-back-ins’

The 35 measures the Government would like to opt back into are listed in [Command Paper 8671](#), *Decision pursuant to Article 10 of Protocol 36 to The Treaty on the Functioning of the European Union*, July 2013, and are in the Appendix to this note. The Command Paper also contains the Government Explanatory Memorandums on all 35 measures.

The Lords European Union Committee, in its [Follow-up report on EU police and criminal justice measures: The UK’s 2014 opt-out decision](#), 31 October 2013,¹ also looked at the 95 measures which the Government *do not* intend to re-join and concluded that the Government should seek to opt back into the following measures:

- implementing measures related to Europol’s continued operation;
- the Framework Decision on combating certain forms and expressions of racism and xenophobia by means of criminal law;
- the European Judicial Network;
- the European Probation Order; and
- the Convention on Driving Disqualifications.

The Committee was “concerned that the Government have given insufficient consideration to the possible substantive and reputational damage of not seeking to rejoin these measures”.

2 UK notification and EU procedure

The procedure is set out in Article 10 of Protocol 36 attached to the EU Treaties ([OJC 326, 26 October 2012](#)). Cm 8671 describes the general procedure for re-joining measures as follows:

¹ The Lords EU Committee reported on the 2014 decision in its 13th Report, [EU police and criminal justice measures: The UK’s 2014 opt-out decision](#), April 2013.

Schengen measures

13. Under Article 4 of the Schengen Protocol, the decision on whether the UK may re-participate in measures pursuant to Article 10(5) of Protocol 36 will be decided by the Council with the unanimity of its members. No express powers exist with the Schengen Protocol that would allow the European Commission or Council to impose conditions on the UK's re-participation. There is no time limit by which the Council must act on a request.

14. There is no formal or direct role for the Commission under the Protocol.

Non-Schengen measures

15. The procedure for rejoining non-Schengen measures is set out in Article 331(1) of the TFEU, as applied by Article 4 of Protocol 21. The Commission has up to four months to confirm the participation of the UK in the measure.

However, there is nothing preventing the Commission giving an immediate response, nor to agreement being reached informally ahead of the UK's formal application. The Commission may impose conditions on the UK's re-participation and set a time period for those to be fulfilled. If after expiry of the time period the Commission considers that conditions have not been fulfilled, the UK can refer the matter to the Council. The Council (minus the UK) will decide by QMV whether the UK can participate.²

The deadline for notification of the UK's intention to opt out was 31 May 2014, but the Prime Minister notified the Council on 24 July 2013 of its intention. The decision will take effect on 1 December 2014.

3 Negotiations on opt-back-ins

3.1 Progress in negotiations

Negotiations on opt-back-ins started towards the end of 2013. The Government has not been able to say when they will be concluded, but assured Parliament that it will be before 1 December 2014. The December 2014 deadline is only for the UK notification of the block opt-out; there is no deadline for notifying a wish to participate in acts that the Government opted out of. Protocol 36 states that the UK may, at any time afterwards, notify the Council of its wish to participate in acts which have ceased to apply to it".

But the Government wanted to avoid gaps between the opt-out decision taking effect (December 2014) and opting back into the measures it likes, so it notified the Council early of its block opt-out decision and has been negotiating opt-back-ins for the last three months:

... our aim is to conduct the negotiations as soon as possible to ensure that there is political and legal certainty for all involved. It is not the intention to have an operational gap between the date on which the opt-out will take effect and the point at which the UK rejoins measures. We place great importance on this issue and believe that it is in everybody's interest to eliminate any risk of an operational gap. It is clear from the negotiations that member states and the Commission are also keen to avoid such a gap—and I say to the noble Lord, Lord Kennedy, that this includes the operation of the European arrest warrant.³

² Cm 8671, Decision pursuant to Article 10 of Protocol 36 to The Treaty on the Functioning of the European Union July 2013.

³ [HL Deb 8 May 2014 c 1622](#)

The Commission [responded on 6 February 2014](#) to the Lords [follow-up report on EU police and criminal justice measures](#), saying that although it had a formal role in the Protocol 36 process and was in “informal contact” with UK officials on this, it was “too early at this stage for the Commission to comment on the specific points raised by the House of Lords”.

On 8 May, in a debate to take note of the report to Parliament on the application of Protocols 19 and 21 TEU and TFEU in relation to EU justice and home affairs matters (Cm 8772), Lord Holbeach told Peers that the Government were “aiming to reach an in-principle deal with the Commission and other member states as soon as possible. Other states support this aim; they are with us on this strategy and are keen to resolve the issue in a timely and orderly fashion”.⁴

3.2 Agreement in principle

All indications are that the Government’s negotiations have advanced quite well in the Commission (non-Schengen measures, including the European Arrest Warrant) and the Council (Schengen measures). All parties concerned want to avoid recourse to transitional measures and are reported to be reasonably optimistic that agreement will be reached in the coming weeks. All the legal aspects are expected to be in place for 30 November 2014. Some analysts think there is likely to be some trade-off between the Member States in order for the UK to secure what it wants, and not necessarily restricted to the Justice and Home Affairs field. According to reports, the large Member States have made this harder for the UK than the Government expected, apparently insisting that the UK opt back in to more than the list of 35 measures.

There now seems to be agreement in principle between the Commission and Council at COREPER level on the list of opt-back-ins,⁵ but it needed the unanimous agreement of the Member States meeting at the General Affairs Council on 24 June. Indications were that at least one Member State would block agreement for wider political reasons. The Council did not agree unanimously. The [press release](#) stated:

Following the UK’s notification of 24 July 2013, under Article 10(4) of Protocol 36, that it has made use of the block opt-out option from Union acts in the field of police and judicial cooperation in criminal matters adopted before the entry into force of the Lisbon Treaty, the Council noted the conclusion reached between the Commission and the UK on the list of non-Schengen ex-third pillar measures which the UK will seek to rejoin, as well as the solution concerning the Prüm Decisions and the Probation Framework Decision, as explained by the Commission and the UK. With regard to the Schengen ex-third pillar acquis, the Council had provisionally noted on 5 June 2014 a broad technical agreement on the text of the draft Council Decision on the notification of the UK of its wish to take part in some of the provisions of the ex-third pillar Schengen acquis, until such time as there is a clear picture and a political understanding on the list of ex-third pillar measures which the UK will rejoin, as set out in a report by the Presidency to the Council. However, at this stage, not all reservations could be lifted.

The decision did not go to the European Council on 26-27 June.

⁴ [HL Deb 8 May 2014 c 1621](#)

⁵ Committee of Permanent Representatives, see http://europa.eu/legislation_summaries/glossary/coreper_en.htm

On 29 October 2014 the Home Office Under-Secretary, Lord Bates, said “the Government are close to agreeing a package of 35 measures with the European Commission and other member states that the UK will seek to join in the national interest” (c 1199).

4 UK Parliamentary procedure

On 3 July 2014 the Home Secretary deposited [Command Paper 8897](#), “Decision pursuant to Article 10(5) of Protocol 36 to The Treaty on the Functioning of the European Union”, which updated the earlier Command Paper 8671 on the 35 opt-back-in measures. There is to be a debate on 10 July on the JHA opt-out and opt-back-ins.

Below is a summary of the debates in July 2013 and April 2014 on the opt-out.

4.1 Debate on the opt-out in 2013

The Government said there would be debates and votes in both Houses on the opt-out. Parliament debated the motion for the first time on 15 July 2013.⁶ See [Standard Note 6684](#), In brief: the 2014 bloc opt-out and selective opt-back-ins, 15 July 2013. The motion was debated in the Lords on 23 July 2013, but the Lords EU Committee was critical of the lack of time it had had to consider the Government’s approach to the opt-out decision (para. 91).⁷

The parliamentary procedure for re-joining JHA measures has been of great interest and considerable concern to the Commons European Scrutiny Committee (ESC), the Home Affairs and Justice Select Committees. In a [letter to the ESC on 26 July 2013](#), Theresa May and Chris Grayling confirmed that the Government had fulfilled its first commitment by providing a debate and a vote on the block opt-out before making a formal decision on it. They asked the three committees to submit their views on measures to opt back into by 31 October 2013, and promised a further debate on the list of measures for proposed opt-back-ins.

The ESC reported twice on the 2014 opt-out:

- 37th Report, [The 2014 block opt-out: engaging with Parliament](#), 22 March 2013, and
- 21st Report, [The UK's block opt-out of pre-Lisbon criminal law and policing measures](#), 7 November 2013.

In the latter, the ESC concluded that the House must be given the opportunity to vote on each of the measures the Government proposes to re-join before formal negotiations with the European Commission and Council begin. I attach two lengthy extracts from the ESC conclusions on the parliamentary procedure for opt-back-ins.

The ESC responded to the Government’s response in March 2014: [The Government’s response to the Committees’ Reports on the 2014 block opt-out decision](#) First Joint Report from the European Scrutiny, Home Affairs and Justice Committees of Session 2013–14.

The Lords reported on the opt-out in its 13th report of 2012-13, [EU Police and Criminal Justice Measures: the UK’s 2014 opt-out decision](#), to which the Government [responded](#) on 23 July 2013.

⁶ See [Standard Note 6684](#), In brief: the 2014 bloc opt-out and selective opt-back-ins, 15 July 2013.

⁷ [Follow-up report on EU police and criminal justice measures](#), 31 October 2013.

The [Government replied](#) to the ESC November 2013 Report on 16 January 2014. In response to the ESC's request that the Government reflect on the form of a second vote (and possibly a third) on each of the individual measures it wanted to opt back into, the Government said:

The Government has been clear throughout this process that Parliament should play a full and active role in scrutinising this important matter. We agreed not to commence formal negotiations with the Commission and other Member States until after 31 October 2013 so that yours and the other Parliamentary Committees had sufficient time to scrutinise this matter. We received the reports from the House of Lords EU Committee, the Justice Select Committee and the Home Affairs Committee on 31 October 2013, and from your Committee on 7 November.

We have always been clear that the Government will hold a second vote on the final list of measures we will formally seek to rejoin. That vote will enable Parliament to scrutinise the end result of the Government's negotiations with its European partners and to decide whether or not to support the Government. As we have said elsewhere in our response to your report, we will be producing an Impact Assessment on the final list of measures that we will apply to rejoin and will ensure that this is produced in good time ahead of the vote.

We are happy to engage with you through the usual channels to discuss the precise form and timing of the second vote.

The ESC was not satisfied. In its report on [The UK's block opt-out of pre-Lisbon criminal law and policing measures](#), 7 November 2013, the ESC found there was "an evident contradiction in the Government's position on the purpose and timing of the second vote":

Under the EU Treaties, the UK has an unconditional right to exercise the block opt-out. The first vote, on 15 July, secured the House's endorsement of the decision in principle to exercise the block opt-out. The House did not, however, endorse the Government's proposal to rejoin the 35 measures listed in Command Paper 8671. The purpose of the second vote, therefore, is to enable Parliament, informed by this Report and the Reports of the Home Affairs and Justice Committees, to determine which measures, if any, the Government should seek to rejoin. As the process of rejoining individual measures is conditional on obtaining the agreement of the Commission and Council, we consider that an early debate (before the Government embarks on formal negotiations) would considerably strengthen the Government's negotiating hand whilst also ensuring full transparency and accountability to Parliament. We can see no reason why the Government, having failed to secure a mandate from the House for the measures it wishes to rejoin in July, should shy away from obtaining one now.

In a [letter on 31 January 2014](#) with further requests for a clarification of the second parliamentary vote, the Home and Justice Secretaries wrote:

We believe that, in order for the vote to be as informed as possible, the correct approach to this process is to hold the second vote once we have reached 'in principle' agreement with the EU institutions and the other Member States. We are sure you will understand that at this stage it is not possible to give an indication when this will be as it depends not only on the Government, but also the Commission, Council and individual Member States. However, we will ensure that Parliament is updated on the progress of negotiations as

appropriate. As we have set out in our responses to each of your reports, we will also produce an Impact Assessment on the final list of measures that we will apply to rejoin and will produce this in good time ahead of the vote.

The Commons Home Affairs Select Committee has recommended that there should be a separate vote on the European Arrest Warrant (EAW) at an early stage to provide a mandate for the Government's negotiations.⁸

4.2 Debate on the opt-out in 2014

The Commons [debated the JHA opt-out](#) on 7 April 2014. The Home Secretary, Theresa May, updated the House on progress in the opt-back-in negotiations (c 27):

I said that I would indicate what progress we had made in the negotiations. Everybody will of course understand that the nature of a negotiation is such that it is a poor negotiating strategy to reveal one's hand in public while a deal is still being done. Detailed and constructive discussions are taking place with the European Commission and other member states. There are a great many processes and technical matters to discuss, but we are all keen to avoid the operational gap for our law enforcement agencies that will ensue if we have not settled the matter before 1 December, when, as I indicated earlier, the UK's opt-out takes full effect. Our aim is therefore to reach an "in principle" deal well ahead of that date, and, as I have already indicated, to return to Parliament for a further vote before formally seeking to rejoin measures in the national interest.

Chris Bryant asked about the nature of the motion that Parliament would debate on the final package, suggesting that as it would not be an Act of Parliament or secondary legislation, it would "just be an amendable motion that the Government can then completely and utterly ignore?" The Home Secretary would not clarify what sort of motion would be brought to the House, but said "The Government have been clear that Parliament should be able to exercise the opportunity to give its views on the discussions we have had with the European Commission and member states in relation to the measure that we choose to opt into. We have been clear throughout this process that Parliament will be given a vote on the final list of measures" (c 28). She acknowledged the importance of the European Arrest Warrant and concerns about EU Court of Justice jurisdiction in this matter (c 29):

It is true that the measures that we opt back into will be subject to the European Court of Justice, but I take some confidence from the fact that other member states have already introduced measures that are similar to a number of the measures that we are introducing in our own legislation. It is noticeable, for instance, that some member states are more able to deal with the proportionality issue than we have been so far.

Theresa May outlined why the Government wanted to opt back into other JHA measures (cc 31-2):

We are seeking to rejoin the European supervision order, which allows British subjects to be bailed back to the UK rather than spending many months abroad awaiting trial. My hon. Friend the Member for Enfield North (Nick de Bois) will be particularly aware of the benefits that this could have brought in the case of

⁸ Home Affairs Select Committee Report, [Pre-Lisbon Treaty EU police and criminal justice measures: the UK's opt-in decision](#), 31 October 2013

Andrew Symeou, to which he alluded earlier. I am sure that the whole House also wants to see foreign national offenders sent back to their own country. The prisoner transfer framework decision provides for non-consent-based transfers throughout the European Union, and the Government want to opt back into that measure and send criminals back home.

We also want our law enforcement agencies to be able to establish joint investigation teams with colleagues in other European countries. Hon. Members might ask why we want this to happen. I cite Operation Rico, the biggest-ever operation against so-called boiler-room fraud, which is precisely the kind of practical co-operation we want to encourage. Thanks to the excellent work of our National Crime Agency and its Spanish colleagues, there have been 83 arrests in Spain alone, and 18 in the UK. It is also quite clear that many other EU member states and their law enforcement agencies rely on measures of this sort to provide the necessary framework for practical co-operation in the fight against crime. In most instances, bilateral agreements would simply not work as effectively and our co-operation would suffer.

We therefore owe it to the victims of crime, both here and abroad, to ensure that such co-operation can continue unhindered. We owe it to the elderly who have been scammed out of their life savings, and to the hard-working people who have been conned into dodgy investments by fraudsters and had their hard-earned money shamefully spent on flashy watches, sharp suits and fast cars. I want to protect victims of crime, and I am determined to give our law enforcement the tools they need to do that.

The Government's policy is clear. We have exercised the United Kingdom's opt-out and are negotiating to rejoin a limited number of measures where we believe that it is in the national interest to do so.

Bill Cash complained about the secrecy of the Government's negotiations with the Commission and Council: "Negotiations are being held behind closed doors not only by the Council of Ministers and the European institutions, but by the coalition itself. We do not know the basis on which these decisions have been reached. It is a double whammy" (c 43). There was also some concern about the timing of the vote in relation to the negotiations, with some MPs asking why Parliament could not vote before the Government had concluded the package. Chris Grayling explained (c 90):

We will come back to the House at the conclusion of the negotiations with the Commission and the Council to offer the House the further opportunity to endorse or reject what we are doing. If this House rejects what we are doing, clearly it will not be possible for us to return to the Commission and simply override the view of this House. So we will of course give this House an opportunity to vote and decide what should happen, but I do think the House needs to give the Government the opportunity to negotiate unfettered by a fixed mandate, because these are complex issues and we need to reach the right decisions in the interests of this country. That is what we are seeking to do.

In the Lords debate on 8 May 2014 Lord Taylor of Holbeach assured Peers that the Government would publish impact assessments on each of the measures in good time for that vote,⁹ which he hoped to hold ahead of the House rising for the Summer Recess. He was "not in a position to confirm that", but both the impact assessment on the package and the vote would be well ahead of 1 December 2014. The Government do not intend to provide

⁹ [HL Deb 8 May 2014 c 1621](#)

impact assessments on around 85 measures they are not seeking to rejoin. In the debate Lord Hannay of Chiswick argued that there should be impact assessments on measures the Government did not intend to opt back into because this too would have an impact in the UK: “That impact could be neutral, positive or negative, but it is an impact” (c 1622).

4.3 Draft Criminal Justice and Data Protection (Protocol No. 36) Regulations 2014

On 6 November 2014 the Government published *draft Criminal Justice and Data Protection (Protocol No. 36) Regulations 2014*. This draft Statutory Instrument (SI) was laid under Section 2(2) and Schedule 2, para. 2(2) of the *European Communities Act 1972*, the Act under whose authority the UK transposes and implements EU law.

The Regulations are to be debated on 10 November 2014 on a motion to approve, although the joint committee on statutory instruments has not yet approved the draft. The draft SI does not concern all 35 opt-back-in measures, but only 11 of them which “require further transposition into domestic law in order to meet the UK’s obligations under them”.¹⁰ The European Arrest Warrant is not one of the 11 measures that require further implementation, so is not covered by this draft.

The European Scrutiny Committee produced two more reports on the block opt-out, both of which are tagged to the debate on 10 November:

- [The UK's 2014 block opt-out decision: summary and update](#), 17th Report of 2014–15, 4 November 2014
- [Nineteenth Report](#) of Session 2014–15, 6 November 2014

The House of Lords Select Committee on Extradition Law published a report on the EAW on 10 November 2014: [The European Arrest Warrant Opt-in](#), 1st Report of Session 2014–15

A [joint press notice](#) was issued on 7 November on the draft Regulations, in which the Chairs of the Commons Justice, Home Affairs and EU Scrutiny Committees expressed their dissatisfaction with the arrangements for 10 November.

The Leader of the House, William Hague, explained on [6 November 2014 \(c 969\)](#) that there were “very good operational reasons for us to have completed this consideration before December 1”. This is the formal cut-off date for the UK to notify the Council of its intention to exercise the block opt-out. However, providing the motion is carried, the Government can avoid a significant gap occurring between the opt-out taking effect and the opt-back-ins being applied. Article 10 of Protocol 36 states that the UK Government may, at any time after the Council and Commission have decided “the necessary consequential and transitional arrangements” and any decisions on the UK’s financial responsibilities, “notify the Council of its wish to participate in acts which have ceased to apply to it”. As the EM states, “The Regulations will be made on or shortly after 1 December 2014”, although “The power to make the Regulations only crystallises once the Protocol 36 Decisions have been made by the Commission and the Council”, which “is expected to be no later than shortly after midnight (00:00) on 1 December 2014”.

¹⁰ Explanatory Memorandum to draft Regulations.

5 Appendix - The 35 opt-back-in measures

Non-Schengen Measures

- Joint Action 97/827/JHA 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
- Council Act of 18 December 1997 drawing up the Convention on mutual assistance and co-operation between customs administrations (Naples II)
- Joint Action 98/700/JHA of 3 December 1998 concerning the setting up of a European Image Archiving System (FADO)
- Council Decision 2000/375/JHA to combat child pornography on the internet
- Council Decision 2000/641/JHA of 17 October 2000 establishing a secretariat for the joint supervisory data-protection bodies set up by the Convention on the establishment of a European Police Office (Europol Convention), the Convention on the Use of Information Technology for Customs Purposes and the Convention implementing the Schengen Agreement on the gradual abolition of checks at the common borders (Schengen Convention)
- Council Decision 2000/642/JHA of 17 October 2000 concerning arrangements for co-operation between financial intelligence units of Member States in respect of exchanging information
- Council Decision 2002/187/JHA of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime
- Council Decision 2003/659/JHA amending Decision 2002/187/JHA setting up Eurojust with a view to reinforcing the fight against serious crime
- Council Decision 2002/494/JHA of 13 June 2002 setting up a European network of contact points in respect of persons responsible for genocide, crimes against humanity and war crimes
- Council Framework Decision 2002/465/JHA of 13 June 2002 on joint investigation teams
- Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States
- Council Decision 2002/348/JHA concerning security in connection with football matches with an international dimension
- Council Framework Decision 2003/577/JHA of 22 July 2003 on the execution in the European Union of orders freezing property or evidence
- Council Framework Decision 2005/214/JHA of 24 February 2005 on the application of the principle of mutual recognition to financial penalties
- Council Decision 2005/681/JHA of 20 September 2005 establishing the European Police College (CEPOL) and repealing Decision 2000/820/JHA
- Council Framework Decision 2006/783/JHA of 6 October 2006 on the application of the principle of mutual recognitions to confiscation orders
- Council Framework Decision 2006/960/JHA of 18 December 2006 on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the European Union

- Council Decision 2007/412/JHA of 12 June 2007 amending Decision 2002/348/JHA concerning security in connection with football matches with an international dimension
- Council Decision 2007/845/JHA of 6 December 2007 concerning co-operation between Asset Recovery Offices of the Member States in the field of tracing and identification of proceeds from, or property related to, crime
- Council Decision 2008/617/JHA of 23 June 2008 on the improvement of co-operation between the special intervention units of the Member States of the European Union in crisis situations
- Council Framework Decision 2008/675/JHA of 24 July 2008 on taking account of convictions in the Member States of the European Union in the course of new criminal proceedings
- Council Framework Decision 2008/977/JHA of 27 November 2008 on the protection of personal data processed in the framework of police and judicial co-operation in criminal matters
- Council Framework Decision 2008/909/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purposes of their enforcement in the European Union
- Council Framework Decision 2009/299/JHA of 26 February 2009 amending Framework Decisions 2002/584/JHA, 2005/214/JHA, 2006/783/JHA, 2008/909/JHA and 2008/947/JHA, thereby enhancing the procedural rights of 10 persons and fostering the application of the principle of mutual recognition to decisions rendered in the absence of the person concerned at the trial
- Council Framework Decision 2009/315/JHA of 26 February 2009 on the organisation and content of the exchange of information extracted from the criminal record between Member States
- Council Decision 2009/316/JHA of 6 April 2009 on the establishment of the European Criminal Records Information System (ECRIS) in application of Article 11 of Framework Decision 2009/315/JHA
- Council Framework Decision 2009/829/JHA of 23 October 2009 on the application, between Member States of the European Union, of the principle of mutual recognition to decisions on supervision measures as an alternative to provisional detention
- Council Decision 2009/917/JHA of 30 November 2009 on the use of information technology for customs purposes
- Council Decision 2009/426/JHA of 16 December 2008 on the strengthening of Eurojust and amending Decision 2002/187/JHA setting up Eurojust with a view to reinforcing the fight against serious crime
- Council Decision 2009/371/JHA establishing the European Police Office (Europol)

Schengen Measures

- SCH/Com-ex (98)52 on the Handbook on cross-border police co-operation
- Convention implementing the Schengen Agreement of 1985: Article 39 to the extent that that this provision has not been replaced by Council Framework Decision 2006/960/JHA, Article 40, Article 42 and 43 (to the extent that they 11 relate to article 40), Article 44, Article 46, Article 47 (except (2)(c) and (4)), Article 48, Article 49(b) – (f), Article 51, Article 54, Article 55, Article 56, Article 57, Article 58, Article 71, Article 72, Article 126, Article 127, Article 128, Article 129, Article 130, and Final Act - Declaration N° 3 (concerning article 71(2))

- Council Decision 2000/586/JHA of 28 September 2000 establishing a procedure for amending Articles 40(4) and (5), 41(7) and 65(2) of the Convention implementing the Schengen Agreement of 14 June 1985 on the gradual abolition of checks at common borders
- Council Decision 2003/725/JHA of 2 October 2003 amending the provisions of Article 40(1) and (7) of the Convention implementing the Schengen Agreement of 14 June 1985 on the gradual abolition of checks at common borders
- Council Decision 2007/533/JHA of 12 June 2007 on the establishment, operation and use of the second generation Schengen Information System (SIS II)