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Ministry  
of Justice

**Fifth Annual Report to Parliament on  
the Application of Protocols 19 and 21  
to the Treaty on European Union  
(TEU) and the Treaty on the  
Functioning of the European Union  
(TFEU) (“the Treaties”) in Relation to  
EU Justice and Home Affairs (JHA)  
matters (1 December 2013 – 30  
November 2014)**

February 2015

Cm 9006



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(1 December 2013 – 30 November 2014)**

Presented to Parliament  
by the Secretary of State for the Home Department  
and the Lord Chancellor and the Secretary of State for Justice  
by Command of Her Majesty

February 2015

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## **Fifth Annual Report to Parliament on the Application of Protocols 19 and 21 to the Treaty on European Union (TEU) and the Treaty on the Functioning of the European Union (TFEU) (“the Treaties”) in Relation to EU Justice and Home Affairs (JHA) matters (1 December 2014 – 30 November 2014)**

### **The JHA Opt-in Protocol and Schengen Opt-out Protocol**

The UK’s participation in EU JHA measures is principally governed by Protocols 19 (Schengen opt-out) and 21 (JHA opt-in) to the TEU and the TFEU. A decision to opt in to a new legislative proposal under Protocol 21 must be communicated in writing to the President of the Council within three months of the date on which the final language version of the proposal is published by the Council. The Government does not, however, need to inform the Council if it decides not to opt in to a legislative proposal. Where the proposed measure builds on part of the Schengen *acquis* in which the UK participates, the UK has three months to opt out and, again, notify the President of the Council of that decision.

The Government takes the view that the Protocols are triggered based on the content of a given legislative proposal, rather than the legal basis under which the European Commission, or a group of Member States, has chosen to bring it forward. The Government believes that this approach best protects the interests of the UK in seeking to retain the widest possible freedom of choice in relation to EU measures containing binding JHA obligations.

The JHA opt-in and Schengen opt-out Protocols are separate from the UK’s right to opt out of all pre-Lisbon police and judicial cooperation legislation under Protocol 36 to the TEU and TFEU . In July 2013, following votes in both Houses of Parliament endorsing the Government’s decision, the Prime Minister formally exercised the UK’s block opt-out. On 1 December 2014 the UK subsequently rejoined 35 measures which it considered were in the national interest to participate in.

### **Government commitments on Parliamentary scrutiny of the JHA Opt-in**

We provide Parliament with this annual report under the commitment in the Rt Hon Baroness Ashton’s Written Ministerial Statement (WMS) of June 2008.

The first annual report to Parliament on the Application of Protocols 19 and 21 to the Treaty on European Union (TEU) and the Treaty on the Functioning of the Union (TFEU) in relation to EU Justice and Home Affairs (JHA) matters was submitted in January 2011. This covered the period 1 December 2009 to 30 November 2010. The second, third and fourth annual reports were submitted in January 2012, April 2013, and January 2014 respectively. These reports were followed by a mid-year update. The fourth annual report was debated on the Floor of the House of Lords on 8 May 2014.

In his WMS on 20 January 2011, the Minister for Europe outlined the Coalition Government’s commitment to continue to honour the commitments made by Baroness Ashton and to further to strengthen Parliamentary scrutiny of JHA opt-in decisions, for example, the commitment to deposit a WMS in Parliament to announce all opt-in

decisions or to make an oral statement where appropriate. These commitments apply equally to the Schengen Opt-out Protocol.

During the course of 2014, one debate was held in Government time in the House of Commons on the UK’s participation in the Procedural Rights Package – three measures aimed at enhancing criminal justice procedural safeguards. In addition, there were other debates which were held in non-Government time.

Where the UK has not opted in within the initial three month window, it is open to the Government to indicate its wish to be bound a by measure after it has been adopted by the participating Member States. In such cases, it seeks Parliament’s views in the usual way. There have been no post-adoption opt-in decisions during this period.

### **Code of Practice**

Baroness Ashton’s statement also included a commitment to produce a Code of Practice setting out the Government’s commitment to effective scrutiny of opt-in decisions. The Code, which includes the commitments the Government made in January 2011 to further enhance scrutiny arrangements, was published in May 2013 and has now been included in the cross-Government scrutiny guidance and is also available on the JHA opt-in webpage at:

<https://www.gov.uk/government/publications/jha-opt-in-and-schengen-opt-out-protocols>.

### **JHA opt-in decisions and Schengen opt-out decisions from the period 1 December 2013 – 30 November 2014**

**Annex 1** is a table of all JHA opt-in decisions and Schengen opt-out decisions taken from 1 December 2013 until 30 November 2014.

Over the past year, the Government has taken 33 decisions on UK participation in EU JHA legislative proposals. In total the UK has opted in to 21 proposals under the JHA opt-in Protocol. The Government has decided not to opt in to 10 proposals, and has asserted the Schengen opt-out and opted out on 2 occasions.

Since 1 December 2014, the Government has taken one further opt-in decision. The Government did not opt in to a proposal for a Council Decision authorising Member States to ratify, in the interest of the European Union, the Protocol of 2014 to the Forced Labour Convention, 1930, of the International Labour Organisation with regard to matters related to judicial co-operation.

Whilst decisions are taken collectively by Government, and the majority are the responsibility of the Home Office and the Ministry of Justice, it is worth noting that the lead on these proposals falls to a wide range of Departments.

### **Key opt-in decisions made by the Government**

Decisions of particular prominence last year included, in March 2014, the Government’s decision not to opt in to the three EU criminal procedural rights proposals.

The Commission proposed a **Directive on the strengthening of certain aspects of the presumption of innocence and of the right to be present at trial in criminal proceedings**, which aims to establish common rules. The Commission considers that this

issue may have a bearing on the mutual trust between Member States and therefore on the effective application of mutual recognition measures. However, the Government does not believe that the case has been at all made to demonstrate the need for EU action in this area. The House of Commons expressed similar misgivings about the need for the proposed legislative instrument and issued a reasoned opinion to the Commission indicating that it had failed to satisfy the subsidiarity principle.

The Commission also proposed a **Directive on procedural safeguards for children suspected or accused in criminal proceedings**. This aims to establish common rules regarding the treatment of children suspected or accused of a criminal offence or the subject of a European arrest warrant (EAW). In the Commission’s view, a lack of common rules at a European level leads to a lack of mutual trust across the Union, which again has implications for mutual recognition. As children are regarded as vulnerable, it argues, they require elevated and specific safeguards. Of course the Government agrees that children that become engaged with the law enforcement agencies and the criminal justice system need special protection. UK laws and practice reflect this and there is a raft of protective measures in place to help and support these children. However, the proposed directive would establish different rules. The Government is not convinced those rules would represent an improvement in the support and protection of young people in the UK from those that already exist here.

The Commission also proposed a **Directive on provisional legal aid for suspects or accused persons deprived of liberty and legal aid in European arrest warrant (EAW) proceedings**. This aims to establish common rules about access to provisional legal aid for suspected or accused persons in certain circumstances and in relation to or persons subject to an EAW. The Government considers that the rules on legal aid are most appropriately determined by Member States themselves rather than at the EU level. The Government therefore did not opt in to these proposals.

In September 2013, the Commission published **proposals aimed at regulating new psychoactive substances**. The Government is committed to tackling the dangers of these substances, but considered that the proposal would fetter the UK’s discretion to control them, binding the UK to an EU system which would take insufficient account of our national circumstances. The Government therefore decided to exercise its Schengen opt-out to these proposals.

In August 2014, the Commission published a **proposal to repeal and replace the previous Council Decision governing the EU Agency for law enforcement training (CEPOL)**. The Government was concerned that elements of this proposal could reduce Member State discretion over police training, particularly by implementing an EU-level Law Enforcement Training Scheme. The Government was also concerned about the cost of some of the proposals, particularly the proposed requirement for each Member State to set up a national unit to govern its relations with CEPOL. The Government did not opt in to this measure. The Government did, however, opt in to the Council Decision to move the location of CEPOL from Bramshill to Budapest, in March 2014.

### **Dossiers currently under consideration**

Two legislative proposals are subject to Ministerial and Parliamentary consideration with respect to an opt-in decision at the time of going to print:

- Proposal for a Regulation of the European Parliament and of the Council adapting to Article 290 of the Treaty on the Functioning of the European Union a number of legal

acts in the area of Justice providing for the use of the regulatory procedure with scrutiny (PRAC).

- Proposal for a Council Decision authorising Austria, Belgium and Poland to ratify, or accede to, the Budapest Convention on the Contract for the Carriage of Goods by Inland Waterways (CMNI).

### **Forthcoming dossiers over the next 12 months**

**Annex 2** outlines legislative proposals which are expected to be brought forward over the next 12 months and that are likely (subject to confirmation when the text of the proposal is available) to require a decision on UK participation under the JHA Opt-in or Schengen Opt-out Protocols. This list remains indicative and subject to change by the Commission. It is also possible for groups of Member States to bring forward proposals in the area of judicial cooperation in criminal matters, or police cooperation. A summary of each measure is provided.

At present, only a limited number of new JHA proposals are expected, but it is likely that a number of other international agreements that are under negotiation, and measures in other policy areas that may include JHA obligations will be brought forward. These will also require decisions under the JHA opt-in Protocol.

The Government continues to participate in the negotiations on a number of proposals in to which the UK has already opted in, with the aim of securing the best possible result for UK interests. These include the Rights and Citizenship Programme and the draft PNR Directive. The Government also continues to participate in negotiations on the proposed Data Protection Directive, to which the Schengen opt-out applied, and of which the Government decided not to opt out.

In addition, negotiations continue on a number of proposals where, although the UK did not opt in during the initial three month period, it remains the Government’s objective to seek to amend the text in such a way that it will allow the UK to consider participation post-adoption, for example, the Europol, Eurojust, New Psychoactive Substances, and Procedural Rights Package measures.

**Secretary of State for the Home Department and Lord Chancellor and Secretary of State for Justice**



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**Annex 1: Opt-in Decisions 1 December 2013 – 30 November 2014**

Proposal		Decision-making process		Reasoning for Government's decision
1	<b>Title</b>	Proposal for a Regulation on new psychoactive substances	<b>Date of Publication</b> 17/09/2013	New psychoactive substances pose a significant global challenge. However, the Government strongly disputed the evidence base stated in the Commission's impact assessment which estimated that 20 per cent of new psychoactive substances have a legitimate use. The Government also believed that the proposal would fetter the UK's discretion to control different new psychoactive substances, binding the UK to an EU system which would take insufficient account of our national circumstances. In addition, the Government believes that the proposals infringe the key EU principle of subsidiarity. The Government therefore decided to exercise its Schengen opt-out to these proposals. The decision to opt out should not in any way be considered to diminish our commitment to tackle this issue. The Government is conducting a review into new psychoactive substances, and alongside our programme of work, we are looking at a range of options including legislative ones to enable us to deal with the dangers many of these substances present even more speedily and effectively.
			<b>Deposited to Parliament</b> 20/09/2013	
			<b>Date of Explanatory Memorandum</b> 08/10/2013	
			<b>ESC: Did a debate take place?</b> No	
			<b>Date of Commons debate</b> N/A	
			<b>EUC: Did a debate take place?</b> No	
			<b>Date of Lords debate</b> N/A	
		<b>Decision</b> Opted out (Schengen)		
		<b>EU notified of decision</b> 17/12/2014		
		<b>Parliament notified of decision</b> 13/01/2014		
2	<b>Ref.</b>	13857/13		New psychoactive substances pose a significant global challenge. However, the Government strongly disputed the evidence base stated in the Commission's impact assessment which estimated that 20 per cent of new psychoactive substances have a legitimate use. The Government also believed that the proposal would fetter the UK's discretion to control different new psychoactive substances, binding the UK to an EU system which would take insufficient account of our national circumstances. In addition, the Government believes that the proposals infringe the key EU principle of subsidiarity. The Government therefore decided to exercise its Schengen opt-out to these proposals. The decision to opt out should not in any way be considered to diminish our commitment
	<b>Legal base</b>	Article 114		
	<b>Department</b>	Home Office		
	<b>Title</b>	Proposal for a Directive amending Council Framework Decision 2004/757/JHA of 25 October 2004 laying down minimum provisions on the constituent elements of criminal acts and penalties in the field of illicit drug trafficking, as regards the definition of drug	<b>Date of Publication</b> 17/09/2013	
			<b>Deposited to Parliament</b> 20/09/2013	
			<b>Date of Explanatory Memorandum</b> 08/10/2013	
			<b>ESC: Did a debate take place?</b> No	
		<b>Date of Commons debate</b> N/A		
		<b>EUC: Did a debate take place?</b> No		
		<b>Date of Lords debate</b> N/A		
		<b>Decision</b> Opted out (Schengen) and Did not opt in (JHA)		

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3	<b>Ref.</b>	13865/13	<b>EU notified of decision</b> <b>Parliament notified of decision</b>	17/12/2014	to tackle this issue. The Government is conducting a review into new psychoactive substances, and alongside our programme of work, we are looking at a range of options including legislative ones to enable us to deal with the dangers many of these substances present even more speedily and effectively.
	<b>Legal base</b>	Article 83(1) TFEU		13/01/2014	
3	<b>Department</b>	Home Office			
	<b>Title</b>	Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) no 1215/2012 on jurisdiction and the recognition and enforcement of judgements in civil and commercial matters	<b>Date of Publication</b>	16/09/2013	In December 2102 an agreement was reached on two regulations and an international agreement, laying the ground for the creation of a Unified Patent Court (UPC) in the European Union. In order for the UPC to come into effect, it is necessary to make an amendment to the recently recast Brussels I Regulation, which deals with the rules of jurisdiction and the recognition and enforcement of civil and commercial judgments, including intellectual property and patent litigation. The proposed amendment provides for the UPC to be recognised as a “Court” for the purposes of the Brussels I Regulation. In particular, it establishes its jurisdictional rules in respect of defendants domiciled in non-EU countries. The intention is that the UPC will come into being shortly after the recast Brussels I regulation in January 2015. The position adopted by the United Kingdom in negotiations has secured redrafts of the original text which make the scope and limitations of the proposed amendment clearer.  The Government believe that the proposed amendment creating the UPC will be of tangible benefit to the United Kingdom’s legal economy and patent litigation business. Costs associated with the new unitary patent—which will have effect in all contracting Member States to the UPC agreement—will be significantly lower than those which operate at present. The Government believe that it is in the United Kingdom’s interest to participate. The Government therefore decided to opt in to this proposed Regulation.  The Government decided to opt in to the Council Decisions to sign and conclude an agreement to extend the EU-Switzerland free movement agreement to Croatia.
			<b>Date of Publication</b>	03/10/2013	
			<b>Date of Explanatory Memorandum</b>	06/08/2013	
			<b>ESC: Did a debate take place?</b>	15/08/2013	
			<b>Date of Commons debate</b>	No	
			<b>EUC: Did a debate take place?</b>	N/A	
			<b>Date of Lords debate</b>	No	
			<b>Decision</b>	N/A	
			<b>EU notified of decision</b>	Opted in	
			<b>Parliament notified of decision</b>	15/11/2013	
			03/12/2013		
4	<b>Ref.</b>	12974/13	<b>EU notified of decision</b> <b>Parliament notified of decision</b>		
	<b>Legal base</b>	Articles 67(4) and 81(2) (a), (c), (e) TFEU			
	<b>Department</b>	Ministry of Justice			
4	<b>Title</b>	Proposal for a Council Decision on the conclusion of a	<b>Date of Publication</b>	03/10/2013	
			<b>Date of Publication</b>	05/10/2013	
			<b>Date of Explanatory Memorandum</b>	18/11/2013	

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	<p>Protocol to the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons, to take account of the accession of the Republic of Croatia to the European Union</p>	<p><b>Memorandum</b>  <b>ESC: Did a debate take place?</b> No  <b>Date of Commons debate</b> N/A  <b>EUC: Did a debate take place?</b> No  <b>Date of Lords debate</b> N/A  <b>Decision</b> Opted in  <b>EU notified of decision</b> 19/12/2013  <b>Parliament notified of decision</b> 12/12/2013</p>	<p>The proposal seeks to amend the agreement to reflect the accession of the Republic of Croatia to the European Union on 1 July 2013. The amendment is a natural step following accession and will extend the agreement to apply to nationals of Croatia in Switzerland, and to nationals of Switzerland in Croatia. The proposed amendment will not extend a right of free movement in the UK to persons who do not already enjoy such a right. Therefore, the proposed amendment will have no impact on the UK.</p>
5	<p><b>Ref.</b> 14368/13  <b>Legal base</b> Article 217, 281(6)(a) and 2nd sub-para of 218(8), TFEU  <b>Department</b> Home Office  <b>Title</b> Proposal for a Council Decision establishing the position to be taken by the European Union within the Ministerial conference of the World Trade Organisation on the accession of the Republic of Yemen</p>	<p><b>Date of Publication</b> 24/10/2013  <b>Deposited to Parliament</b> 25/10/2013  <b>Date of Explanatory Memorandum</b> 05/11/2013  <b>ESC: Did a debate take place?</b> No  <b>Date of Commons debate</b> N/A  <b>EUC: Did a debate take place?</b> No  <b>Date of Lords debate</b> N/A  <b>Decision</b> Opted in  <b>EU notified of decision</b> 29/11/2013  <b>Parliament notified of decision</b> 18/12/2013</p>	<p>The Government opted in to the Council Decision relating to the accession of Yemen to the World Trade Organisation. Opting in will help to achieve the Government's trade policy objectives of expanding the WTO's membership.</p> <p>The Government have supported the accession of least developed countries (LDCs) such as Yemen to the WTO. Becoming a Member of the WTO will allow Yemen to benefit from WTO market access and global trading rules and the transparency of the WTO trading system. It will also be able to use the WTO dispute settlement mechanism to solve its differences with other members and fully participate in the ongoing negotiations to design the trade rules of the future.</p>
	<p><b>Ref.</b> 15305/13  <b>Legal base</b> Articles 91, 100(2) and first subparagraph of</p>		

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6	207(4), in conjunction with Article 218(9) TFEU	Department for Business, Innovation and Skills	Proposal for a Council Decision concerning the conclusion of the Agreement between the European Union and the Republic of Azerbaijan on the readmission of persons residing without authorisation	<p><b>Date of Publication</b></p> <p><b>Deposited to Parliament</b></p> <p><b>Date of Explanatory Memorandum</b></p> <p><b>ESC: Did a debate take place?</b></p> <p><b>Date of Commons debate</b></p> <p><b>EUC: Did a debate take place?</b></p> <p><b>Date of Lords debate</b></p> <p><b>Decision</b></p> <p><b>EU notified of decision</b></p> <p><b>Parliament notified of decision</b></p>	<p>29/10/2013</p> <p>01/11/2013</p> <p>12/11/2013</p> <p>No</p> <p>N/A</p> <p>No</p> <p>N/A</p> <p>Did not opt in</p> <p>N/A</p> <p>04/02/2014</p>	<p>The Government has decided not to opt in to the draft Council Decisions concerning the signature and conclusion of the Agreement between the European Union and the Republic of Azerbaijan on the readmission of persons residing without authorisation. There is little illegal migration from Azerbaijan to the UK and we have no operational problems with returns which an EURA would help to resolve. It would be possible for the UK to seek to participate in the Agreement post-adoption if these circumstances were to change.</p>
	<b>Ref.</b>	15494/13				
7	Article 79(3) and 218(6)(a) TFEU	Home Office	Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 515/97 of 13 March 1997 on mutual assistance between the administrative authorities of the Member States and cooperation between	<p><b>Date of Publication</b></p> <p><b>Deposited to Parliament</b></p> <p><b>Date of Explanatory Memorandum</b></p> <p><b>ESC: Did a debate take place?</b></p> <p><b>Date of Commons debate</b></p> <p><b>EUC: Did a debate take place?</b></p> <p><b>Date of Lords debate</b></p> <p><b>Decision</b></p> <p><b>EU notified of decision</b></p>	<p>25/11/2013</p> <p>03/12/2013</p> <p>17/12/2013</p> <p>No</p> <p>N/A</p> <p>No</p> <p>N/A</p> <p>Did not opt in</p> <p>N/A</p>	<p>This proposal is an updating of a current Regulation. The UK is supportive generally of this as it enables EU Member States to exchange customs information in specific circumstances. While the initial Commission proposal caused us some concerns, including in the JHA arena, negotiations have progressed well and the Government intends to support the adoption of a final text.</p> <p>Unfortunately, in this case, an ancillary JHA provision was not correctly identified until after the UK's 3 month opt-in deadline has passed. However, the UK was successful in securing the removal of this provision during negotiations</p>
	<b>Department</b>					

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	the latter and the Commission to ensure the correct application of the law on customs and agricultural matter	Parliament notified of decision	11/12/2014 (By letter)	and as such the opt-in will not be engaged by the final measure.
<b>Ref.</b>	17110/13			
<b>Legal base</b>	Articles 33 and 325 TFEU			
<b>Department</b>	HM Revenue and Customs			
<b>8</b>	Proposal for amending Regulation establishing a European Small Claim Procedure and Regulation	<b>Date of Publication</b> <b>Deposited to Parliament</b> <b>Date of Explanatory Memorandum</b> <b>ESC: Did a debate take place?</b> <b>Date of Commons debate</b> <b>EUC: Did a debate take place?</b> <b>Date of Lords debate</b> <b>Decision</b> <b>EU notified of decision</b> <b>Parliament notified of decision</b>	25/11/2013 27/11/2013 04/12/2013 No N/A No N/A Opted in 21/02/2014 25/02/2014	The European Small Claims Regulation provides a simplified EU-wide procedure to allow citizens and businesses to pursue cross-border claims with a value of €2,000 or less and to have the resulting judgments recognised for enforcement automatically in another Member State. The simplified procedure aims to make dispute resolution for low-value claims cheaper and quicker.  Following an evaluation of the current Regulation the Commission’s proposal aims to increase the knowledge and use of the procedure. The main changes recommended are: an increase in the threshold for a small claim from €2,000 to €10,000; a cap on court fees to 10% of the value of the claim; a broadening of what constitutes a cross-border case to include within scope more disputes; and a greater use of technology to decrease costs of service of documents and attendance at hearings—for example, through the use of video conferencing and telephone conferencing.  The Government does not agree with all of the Commission’s suggestions; for example, that it is appropriate for the EU to set rules on the level of court fees in each Member State and will want to ensure that the text reflects properly the cross-border restriction in article 81 of the Treaty on the Functioning of the European Union. However, we recognise the value of a cross-border small
<b>Ref.</b>	16749/13			
<b>Legal base</b>	Article 81 TFEU			
<b>Department</b>	Ministry of Justice			

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9	<p><b>Title</b></p>	<p>Proposal for a Regulation concerning the relocation of the European Police College (CEPOL)</p>	<p><b>Date of Publication</b>  <b>Deposited to Parliament</b>  <b>Date of Explanatory Memorandum</b>  <b>ESC: Did a debate take place?</b>  <b>Date of Commons debate</b>  <b>EUC: Did a debate take place?</b>  <b>Date of Lords debate</b>  <b>Decision</b>  <b>EU notified of decision</b>  <b>Parliament notified of decision</b></p>	<p>14/12/2013  11/12/2013  13/12/2013  Yes  30/04/2014  No  N/A  Opted in  13/03/2014  31/03/2014</p>	<p>claims procedure for consumers who have had difficulties when buying goods from other Member States, holidaymakers wishing to resolve problems encountered when abroad or businesses trading across borders. We accept that such a procedure can help the working of the single market and for that reason decided it is in the United Kingdom's interests to opt in to the proposal.</p> <p>The Government decided to opt in to the proposal to relocate the European Police College (CEPOL) from Bramshill (UK) to Budapest (Hungary). Before this amendment was made the current CEPOL Council Decision stated that the headquarters of CEPOL should be in Bramshill. The Regulation replaced the part of the CEPOL Council Decision that specified Bramshill, with a statement that the seat shall be in Budapest. The Bramshill site is owned by the Home Office, which has agreed to sell it to City and Country. The sale will save the taxpayer £5m a year in running costs.</p> <p>The amending Regulation allowed CEPOL to vacate the Bramshill site. CEPOL moved to Budapest in accordance with the amending Regulation in October 2014.</p>
10	<p><b>Ref.</b>  <b>Legal base</b>  <b>Department</b>  <b>Title</b></p>	<p>17043/13  Article 87(2)(b) TFEU  Home Office  Proposal for a Council Decision to conclude an agreement extending the European Asylum Support Office (EASO) to the Associated States</p>	<p><b>Date of Publication</b>  <b>Deposited to Parliament</b>  <b>Date of Explanatory Memorandum</b>  <b>ESC: Did a debate take place?</b>  <b>Date of Commons debate</b>  <b>EUC: Did a debate take place?</b>  <b>Date of Lords debate</b>  <b>Decision</b>  <b>EU notified of decision</b></p>	<p>13/12/2013  16/12/2013  30/12/2013  No  N/A  No  N/A  Opted in  03/02/2014</p>	<p>The European Asylum Support Office (EASO) is the Agency that promotes practical cooperation on asylum between EU Member States. It was established by the 2010 EASO Regulation and the UK participates in it. The EASO has extended its cooperation to the Republic of Iceland, the Principality of Liechtenstein, the Kingdom of Norway and the Swiss Confederation which have now become observers at EASO through external agreements that were negotiated and adopted by the European Union. The UK opted in to all four agreements on 3 February and two of them were adopted by the Council on 19 May.</p>

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				30/06/2014		<p>These working arrangements will allow Iceland, Liechtenstein, Norway and Switzerland to participate in the EASO's work and be entitled to receive support from it. All four Associate Countries already participate in the Dublin Regulation and contribute to its effective operation. We welcome the enhanced cooperation on asylum issues that these arrangements will bring and we look forward to their participation in future EASO initiatives.</p> <p>The European Commission's proposal is aimed at levelling the playing field for customs infringements and sanctions. The Commission argues different infringements and levels of sanctions are encouraging importers to choose certain states over others and therefore this distorts the single market.</p> <p>Despite not citing a JHA legal base, the proposal contains a provision that establishes rules about which Member State will take action where a customs infringement concerns two or more Member States. The Commission argues that this will result in more effective and speedier action against non-compliance and allow for fewer disputes between customs authorities, which, in principle, the UK supports. While we may have policy concerns about many other aspects of this Directive, this particular provision in of itself does not raise policy concerns and as such the UK has opted in.</p>	
11	<b>Ref.</b>	17760/13 - 17767/13 inclusive	Proposal for a Directive of the European Parliament and of the Council on the Union legal framework for customs infringements and sanctions	<b>Parliament notified of decision</b>			
	<b>Legal base</b>	Articles 74, 78(1) and (2), and 218(6) TFEU		<b>Date of Publication</b>	17/12/2013		
	<b>Department</b>	Home Office		<b>Deposited to Parliament</b>	18/12/2014		
	<b>Title</b>			<b>Date of Explanatory Memorandum</b>	13/01/2014		
				<b>ESC: Did a debate take place?</b>	No		
				<b>Date of Commons debate</b>	N/A		
				<b>EUC: Did a debate take place?</b>	No		
				<b>Date of Lords debate</b>	N/A		
				<b>Decision</b>	Opted in		
				<b>EU notified of decision</b>	17/03/2014		
				<b>Parliament notified of decision</b>	10/07/2014		
12	<b>Ref.</b>	17949/13	Proposal for a Council Decision on the conclusion of a Partnership and Co-operation Agreement between the EU and Vietnam	<b>Date of Publication</b>	19/12/2013		
	<b>Legal base</b>	Article 33 TFEU		<b>Deposited to Parliament</b>	24/12/2013		
	<b>Department</b>	HM Revenue and Customs		<b>Date of Explanatory Memorandum</b>	20/01/2014		
	<b>Title</b>			<b>ESC: Did a debate take place?</b>	No		
				<b>Date of Commons debate</b>	N/A		
				<b>EUC: Did a debate take place?</b>	No		
				<b>Date of Lords debate</b>	N/A		

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		Decision EU notified of decision	Did not opt in	TFEU (JHA) legal base of the Council Decision to sign the Agreement.  Following the judgment, we accept that we cannot now seek a JHA legal base for or assert the opt-in to readmission (or wider JHA) provisions in a development co-operation agreement with a legal base in Article 209 of the Treaty on the Functioning of the EU unless: <ul style="list-style-type: none"> <li>o the JHA content is capable of falling outside of the development cooperation legal base; <b>or</b></li> <li>o the JHA provisions are more concrete and extensive than the ones in the Philippines agreement.</li> </ul> <p>The UK will be therefore be bound by the readmission provisions in this agreement.</p> <p>However, we do not consider that this applies more widely to other types of international agreement, as these do not have a single all-encompassing policy aim akin to development cooperation. Nor do we consider it to apply to “internal” EU legislation (i.e. Regulations and Directives that bind Member States in the normal way).</p> <p>In these cases our existing policy still applies, and we will seek a Title V legal base for any JHA content, and assert the opt-in as we do now.</p>
Ref.	Legal base	Parliament notified of decision	N/A To follow	
	18056/13 Article 207 and 209 in conjunction with Article 218 (6)(a) TFEU Foreign and Commonwealth Office			
13	Proposal for a Council Decision on the conclusion of a Partnership and Co-operation Agreement between the EU and the Philippines	<b>Date of Publication</b> <b>Deposited to Parliament</b> <b>Date of Explanatory Memorandum</b> <b>ESC: Did a debate take place?</b> <b>Date of Commons debate</b> <b>EUC: Did a debate take place?</b> <b>Date of Lords debate</b>	19/12/2013 24/12/2013 20/01/2014 No N/A No N/A	<p>The Government did not opt in to the readmission provisions of the PCA on the basis that the Philippines is not a priority country in the area of immigration returns and existing bilateral arrangements on returns already work well.</p> <p>On 11 June 2014, the Court of Justice of the European Union gave judgment on the Council Decision to sign this Agreement, striking down the additional legal bases, including the Title V TFEU (JHA) legal base of the Council</p>





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15	<b>Ref.</b> 17642/13 <b>Legal base</b> Article 82(2)(b) and 292 TFEU <b>Department</b> Ministry of Justice <b>Title</b> Proposal for a Directive on strengthening certain aspects of the Presumption of Innocence	<b>EU notified of decision</b> <b>Parliament notified of decision</b>	N/A	<p>participate in negotiations on this proposal with a view to improving it and will consider a post-adoption opt-in once the dossier is concluded.</p> <p>The Government does not believe that the case has been made for EU action in this area. Indeed the Commission's own EM suggests that there is limited evidence to suggest a demonstrable problem with the current arrangements. The Commons issued a Reasoned Opinion to the Commission indicating that it had failed to satisfy the subsidiarity principle.</p> <p>The proposal would require some significant changes to UK laws and practice if it were accepted in its current form. For example the very limited circumstances in which adverse inferences can be drawn from a defendant's silence or refusal to cooperate would likely have to be changed. Of course the presumption of innocence is a long-standing principle of the common law and UK laws that place exceptions upon this principle have been found to be compliant with the European Convention on Human Rights.</p>
			01/09/2014	
			19/12/2013	
			16/12/2013	
			09/01/2014	
			Yes	
			18/03/2014	
			No	
			N/A	
			Did not opt in	
			N/A	
			01/09/2014	
16	<b>Ref.</b> 17621/13 <b>Legal base</b> Article 82(2) TFEU <b>Department</b> Ministry of Justice <b>Title</b> Proposal for a Directive on Provisional Legal Aid for Suspects or Accused Persons Deprived of Liberty and Legal Aid in European Arrest Warrant Proceedings	<b>EU notified of decision</b> <b>Parliament notified of decision</b>	N/A	<p>The Government considers the proposal to be unnecessary and unwelcome. It considers that the UK's current system for the provision of criminal legal aid is one of which we can be proud. Access to criminal legal aid in the UK is already of a high standard. The right to criminal legal aid is already guaranteed by Article 6 of the European Convention on Human Rights, and of course UK laws and practice are compliant with that. The UK criminal legal aid regime delivers legal aid to those that need it when they need it. The Government considers that the rules on legal aid are most appropriately determined by Member States</p>
			19/12/2013	
			16/12/2013	
			09/01/2014	
			Yes	
			18/03/2014	
			No	
			N/A	
			Did not opt in	



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<p>transparency of securities financing transactions</p>	<p>6020/14 Article 114 TFEU HM Treasury</p>	<p><b>place?</b> <b>Date of Commons debate</b> <b>EUC: Did a debate take place?</b> <b>Date of Lords debate</b> <b>Decision</b> <b>EU notified of decision</b> <b>Parliament notified of decision</b></p>	<p>N/A No N/A Opted in 18/05/2014 19/06/2014</p>	<p>this proposal as a means of increasing the transparency of the shadow banking sector and improving the information available to supervisors. It includes a provision requiring law enforcement bodies to cooperate during the investigation of criminal offences. The relevant provision is Article 20(3) of the SFT proposal. The Government considers that this is a JHA obligation on which the Government should exercise its right to choose whether or not to participate.</p>
<p><b>Ref.</b> <b>Legal base</b> <b>Department</b></p>	<p>6020/14 Article 114 TFEU HM Treasury</p>	<p><b>Date of Publication</b> <b>Deposited to Parliament</b> <b>Date of Explanatory Memorandum</b> <b>ESC: Did a debate take place?</b> <b>Date of Commons debate</b> <b>EUC: Did a debate take place?</b> <b>Date of Lords debate</b> <b>Decision</b> <b>EU notified of decision</b> <b>Parliament notified of decision</b></p>	<p>03/02/2014 05/02/2014 17/02/2014 No N/A No N/A Opted in 28/04/2014 05/06/2014</p>	<p>The Government decided to opt in to this provision. For those Member States who choose to lay down criminal sanctions for breaches of the Regulation, the provisions would aid international regulatory co-ordination. Trading activities are often cross-border, and will include activities conducted in other Member States. Exchanging information with law enforcement bodies in other Member States about specific criminal investigations could be helpful in enforcing such sanctions.</p>
<p>19</p>	<p><b>Title</b> Proposal for a Council Decision on the approval on behalf of the European Union of the Hague Convention of 30 June 2005 on Choice of Court Agreements</p>	<p><b>Ref.</b> <b>Legal base</b></p>	<p>5445/14 Articles 81(2) and 218(6) TFEU</p>	<p>The Convention is likely to be of particular benefit to UK stakeholders, including those in the City of London. As a major centre for commercial business, the UK will benefit from enhanced legal certainty in relation to choice of court agreements. Commercial contracts worldwide specify with impressive frequency English common law as the applicable law, with courts in the UK chosen as the fora for resolution of any disputes. Given the benefits likely to accrue to UK interests from the Convention the Government has decided to opt in</p>

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20	<b>Department</b> <b>Title</b>	Ministry of Justice Proposal for a Council Decision on the signing and provisional application, on behalf of the Union, of a Protocol to the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and the Republic of Azerbaijan, of the other part, on a Framework Agreement between the European Union and the Republic of Azerbaijan, on the general principles for the participation of the Republic of Azerbaijan in Union programmes	<b>Date of Publication</b> <b>Deposited to Parliament</b> <b>Date of Explanatory Memorandum</b> <b>ESC: Did a debate take place?</b> <b>Date of Commons debate</b> <b>EUC: Did a debate take place?</b> <b>Date of Lords debate</b> <b>Decision</b> <b>EU notified of decision</b> <b>Parliament notified of decision</b>	07/02/2014	The Government considers that the opt-in is triggered by the above mentioned Framework Agreements because they relate in part to Algeria's eligibility to participate in the Fiscalis 2020 and Customs 2020 Union Programmes. Both Fiscalis 2020 and Customs 2020 contain JHA obligations related to fighting fraud and as such we consider that the JHA opt-in is engaged. The Government has decided to opt in to the decisions on signature and conclusion because the UK already participates in these underlying programmes.
				16/01/2014	
				16/01/2014	
				No	
				N/A	
				No	
				N/A	
				Opted in	
				10/04/2014	
				08/07/2014	
21	<b>Ref.</b> <b>Legal base</b> <b>Department</b> <b>Title</b>	17917/13 & 17920/13 Article 212 & 218(6) TFEU Foreign and Commonwealth Office Proposal for a Council Decision on the signature and conclusion of a Partnership and Cooperation Agreement between	<b>Date of Publication</b> <b>Deposited to Parliament</b> <b>Date of Explanatory Memorandum</b> <b>ESC: Did a debate take place?</b> <b>Date of Commons debate</b>		The Government did not opt in to the readmission provisions of the PCA on the basis that Singapore is not a priority country in the area of immigration returns and existing bilateral arrangements on returns already work well.
				18/02/2014	
				18/02/2014	
				07/03/2014	
				No	
				N/A	



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	Decision on the signing, on behalf of the European Union, and provisional application of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Georgia, of the other part		<p><b>Deposited to Parliament</b></p> <p><b>Date of Explanatory Memorandum</b></p> <p><b>ESC: Did a debate take place?</b></p> <p><b>Date of Commons debate</b></p> <p><b>EUC: Did a debate take place?</b></p> <p><b>Date of Lords debate</b></p> <p><b>Decision</b></p> <p><b>EU notified of decision</b></p> <p><b>Parliament notified of decision</b></p>	<p>24/03/2014</p> <p>28/03/2014</p> <p>No</p> <p>N/A</p> <p>No</p> <p>N/A</p> <p>Opted in</p> <p>22/05/2014</p> <p>26/06/2014</p>	<p>articles concerning re-admission and Mode 4 (trade in services) obligations, and opted into those provisions. We already participated the EU's Readmission Agreement with Georgia, and the Mode IV provisions are in line with our existing international obligations.</p>
24	<p><b>Ref.</b> 7491/14</p> <p><b>Legal base</b> Articles 217, 218(5), 218(7) and 218(8)(2nd subparagraph) TFEU</p> <p><b>Department</b> Foreign and Commonwealth Office</p>	<p><b>Title</b> Proposal for a Council Decision on the position to be adopted on behalf of the European Union at the 103rd session of the International Labour Conference concerning a Recommendation to supplement the Forced Labour Convention no 29, 1930, of the International Labour Organisation</p>	<p><b>Date of Publication</b></p> <p><b>Deposited to Parliament</b></p> <p><b>Date of Explanatory Memorandum</b></p> <p><b>ESC: Did a debate take place?</b></p> <p><b>Date of Commons debate</b></p> <p><b>EUC: Did a debate take place?</b></p> <p><b>Date of Lords debate</b></p> <p><b>Decision</b></p> <p><b>EU notified of decision</b></p> <p><b>Parliament notified of decision</b></p>	<p>14/04/2014</p> <p>16/04/2014</p> <p>09/05/2014</p> <p>No</p> <p>N/A</p> <p>No</p> <p>N/A</p> <p>Did not opt in</p> <p>N/A</p> <p>17/07/2014</p>	<p>The Forced Labour Convention (the Convention) is one of eight fundamental conventions of the International Labour Organisation (ILO). The ILO proposed supplementing the Convention by agreeing a Recommendation and a Protocol on how ILO Members should apply aspects of the Convention.</p> <p>The European Commission proposed that a Council Decision should be adopted to determine the position to be taken on behalf of the EU during negotiations on the Recommendation. The Government, while supporting the implementation of the Forced Labour Convention, did not agree that the EU had the competence to negotiate this Recommendation on behalf of the Member States, and did not agree that there was an appropriate legal base in the Treaty on the Functioning of the European Union to allow</p>

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	<p>Articles 82(2), 83(1), 153 and 218(9) TFEU Home Office</p>			<p>the Council to agree a Decision setting out a common position in relation to an international organisation of which the EU was not a Member. The Government therefore decided not to opt in to the JHA provisions within the Council Decision. A number of other Member States supported the UK position and the Council Decision was not adopted ahead of the ILO Conference.</p> <p>The UK, along with other EU Member States, did support both the Protocol and the Recommendation following negotiations at the International Labour Conference, and the ILO has subsequently adopted both instruments.</p> <p>The Council Decision has the effect of extending to Afghanistan the horizontal commitments the UK makes to all WTO members, including in the provision of services by natural persons from third countries, otherwise known as “Mode 4”. It is the presence of these mode 4 commitments in the relevant instruments which triggers the UK Justice and Home Affairs opt in.</p> <p>The Government have supported the accession of Afghanistan to the WTO on the right terms. In acceding to the WTO, Afghanistan will embrace a series of rules and commitments which form the foundation of an open, transparent and non-discriminatory global trading system and which will provide important guarantees for them and for other WTO members. Accession to the WTO will bring Afghanistan more firmly into the global economy and help make Afghanistan a more attractive place to do business.</p> <p>The Government has therefore opted into this proposal.</p>
25	<p>Proposal for a Council Decision establishing the European Union position within the relevant instances of the World Trade Organisation on the accession of Afghanistan to the World Trade Organisation</p>	<p><b>Date of Publication Deposited to Parliament</b></p>	<p>16/04/2014 OTNYR text deposited March 2014 9087/14 deposited 02/04/2014 02/04/14</p>	
		<p><b>Date of Explanatory Memorandum</b></p>	<p>No</p>	
		<p><b>ESC: Did a debate take place?</b></p>	<p>N/A</p>	
		<p><b>EUC: Did a debate take place?</b></p>	<p>No</p>	
		<p><b>Date of Lords debate</b></p>	<p>N/A</p>	
		<p><b>Decision</b></p>	<p>Opted In</p>	
		<p><b>EU notified of decision</b></p>	<p>23/06/2014</p>	
		<p><b>Parliament notified of decision</b></p>	<p>14/07/2014</p>	
	<p><b>Ref.</b></p>			
	<p><b>Legal base</b></p>			
	<p>9087/14 Articles 91, 100(2), and 207(4), first subparagraph, in conjunction with Article</p>			



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26	<p><b>Department</b></p>	<p>218(9) TFEU Department for Business, Innovation and Skills</p>	<p><b>Title</b></p> <p>Proposal for a Decision of the European Parliament and of the Council in establishing a European Platform to enhance co-operation in the prevention and deterrence of undeclared work</p>							<p>The European Commission proposed the establishment of a European platform to enhance co-operation in the prevention and deterrence of undeclared work. The Government consider that the activity against which the co-operation is directed—failure to declare work—is treated as a criminal matter in many Member States, and that the proposal requires law enforcement authorities to collaborate with the platform. The Government therefore asserted the United Kingdom’s opt-in in respect of this proposal, to the extent that the proposal requires law enforcement authorities to collaborate with the platform. The Government decided to opt in to make it easier to oppose any unwelcome attempts to use the platform to direct national policy in this area.</p>
			<p><b>Date of Publication Deposited to Parliament</b></p>							
			<p><b>Date of Explanatory Memorandum</b></p>							
			<p><b>ESC: Did a debate take place?</b></p>							
			<p><b>Date of Commons debate</b></p>							
			<p><b>EUC: Did a debate take place?</b></p>							
			<p><b>Date of Lords debate</b></p>							
			<p><b>Decision</b></p>							
			<p><b>EU notified of decision</b></p>							
			<p><b>Parliament notified of decision</b></p>							

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	<p>other part, as regards:</p> <p>1) titles III (with the exception of the provisions relating to the treatment of third-country nationals legally employed as workers in the territory of the other Part), IV, V, VI and VII of the agreement as well as the related annexes and protocols</p> <p>2) the provisions relating to the treatment of third country nationals legally employed as workers in the territory of the other part</p>	<p><b>EU notified of decision</b> <b>Parliament notified of decision</b></p>	<p>20/06/2014 26/06/2014</p>	<p>forward to enable signature of the remaining titles of the agreement.</p> <p>The EU-Ukraine association agreement constitutes a reform agenda for Ukraine, based around a comprehensive programme to align their legislation more closely to EU norms, focusing on support to core reforms including economic recovery and growth, governance and co-operation in a wide range of sectors. This will help to ensure a stable and prosperous region on the edge of the European Union, which is in the UK's national interest.</p> <p>The Council Decisions approving the EU's signature and conclusion of the EU-Ukraine association agreement give approval to the EU to sign and conclude provisions covered by Title V of the TFEU, in particular, in respect of provisions related to the temporary presence of natural persons for business—Mode 4—and to the readmission of persons. The UK's Justice and Home Affairs opt-in has been triggered as a result. The Government have decided that it is in the UK's best interests to opt in to these Council Decisions.</p>
<p><b>Ref.</b></p> <p>1) 11126/14 2) 11127/14</p>	<p>1) Article 217, in conjunction with Article 218(5) and the second subparagraph of Article 218(8) thereof, as well as Article 218(7) TFEU</p> <p>2) Article 79(2)(b), in conjunction with Article 218(5) TFEU</p>			<p>When making this decision, the Government took into consideration that the UK already participates in the existing readmission agreement between the EU and Ukraine and as such it is appropriate that we now opt in to the new provisions which require the parties to ensure the full implementation of that agreement.</p> <p>The Mode 4 provisions are in line with the EU's Doha round offer to the World Trade Organisation and are subject to rigorous safeguards, including minimum skills levels.</p>
<p><b>Department</b></p>	<p>Foreign and Commonwealth Office</p>			

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28	<b>Title</b>	Council Decisions on the signing and provisional application, and conclusion, on behalf of the Union, of a Protocol to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Tunisia, of the other part, on a Framework Agreement between the European Union and the Republic of Tunisia on the general principles for the participation of the Republic of Tunisia in Union programmes	<p><b>Date of Publication</b></p> <p><b>Deposited to Parliament</b></p> <p><b>Date of Explanatory Memorandum</b></p> <p><b>ESC: Did a debate take place?</b></p> <p><b>Date of Commons debate</b></p> <p><b>EUC: Did a debate take place?</b></p> <p><b>Date of Lords debate</b></p> <p><b>Decision</b></p> <p><b>EU notified of decision</b></p> <p><b>Parliament notified of decision</b></p>	<p>02/05/2014</p> <p>02/05/2014</p> <p>02/06/2014</p> <p>No</p> <p>N/A</p> <p>No</p> <p>N/A</p> <p>Opted in</p> <p>01/08/2014</p> <p>01/09/2014</p>	<p>The UK welcomes allowing Tunisia to participate in Union programmes which will help familiarise them with EU policies and working methods, and allow for progressive integration into EU networks. There are also several programmes around modernising and developing their economy. Tunisia's involvement in Union programmes following signature of the protocol will further support its reform process and will help bring it into line with international standards.</p> <p>These Council Decisions relate in part to the Republic of Tunisia's eligibility to participate in the Fiscalis 2020 Union action programme and the Customs 2020 Union action programme, thus triggering the UK Justice and Home affairs opt-in. The UK opted into these measures as we have already opted in to the internal EU instruments establishing the Fiscalis and Customs 2020 Union action programmes.</p>
<b>Ref.</b>		9294/14 9289/14			
<b>Legal base</b>		Article 212 TFEU in conjunction with Article 218(5) and (7) for signature and Article 212, in conjunction with Article 218(6)(a) for conclusion			
<b>Department</b>		Foreign and Commonwealth Office			
29	<b>Title</b>	Council Decisions on the signing and	<p><b>Date of Publication</b></p> <p><b>Deposited to Parliament</b></p>	<p>02/05/2014</p> <p>02/05/2014</p>	<p>The UK welcomes allowing Lebanon to participate in Union programmes which will help familiarise them with EU</p>

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<p>provisional application and conclusion, on behalf of the Union, of a Protocol to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Lebanon, of the other part, on a Framework Agreement between the European Union and the Republic of Lebanon on the general principles for the participation of the Republic of Lebanon in Union programmes</p>	<p>02/06/2014</p>	<p>policies and working methods, and allow for progressive integration into EU networks. There are also several programmes around modernising and developing their economy. Future involvement from Lebanon in Union programmes will help the UK meet these objectives.</p>
<p>ESC: Did a debate take place?</p>	<p>No</p>	<p>These Council Decisions relate in part to the Republic of Lebanon’s eligibility to participate in the Fiscalis 2020 Union action programme and the Customs 2020 Union action programme, thus triggering the UK Justice and Home Affairs opt-in. The UK opted into these measures as we have already opted in to the internal EU instruments establishing the Fiscalis and Customs 2020 Union action programmes.</p>
<p>Date of Commons debate</p>	<p>N/A</p>	
<p>EUC: Did a debate take place?</p>	<p>No</p>	
<p>Date of Lords debate</p>	<p>N/A</p>	
<p>Decision</p>	<p>Opted in</p>	
<p>EU notified of decision</p>	<p>01/08/2014</p>	
<p>Parliament notified of decision</p>	<p>01/09/2014</p>	
<p><b>Ref.</b> 9248/14 9264/14</p>		
<p><b>Legal base</b></p>		
<p><b>Department</b></p>		
<p><b>Title</b></p>		
<p>Foreign and Commonwealth Office</p>		
<p>Council Decisions on the signing and</p>	<p>02/07/2014 07/07/2014</p>	<p>The Government considers that the opt-in is triggered by these Decisions because the Framework Agreements relate</p>
<p>30</p>		

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	provisional application and conclusion, on behalf of the Union, of a Protocol to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Algeria, of the other part, on a Framework Agreement between the European Union and the Republic of Algeria on the general principles for the participation of the Republic of Algeria in Union programmes		<b>Date of Explanatory Memorandum</b>	18/07/2014	in part to Algeria's eligibility to participate in the Fiscalis 2020 and Customs 2020 Union Programmes. Both Fiscalis 2020 and Customs 2020 contain JHA obligations related to fighting fraud and as such we consider that the JHA opt-in is engaged. The Government has decided to opt in to the Decisions on signature and conclusion because the UK already participates in these underlying programmes.
			<b>ESC: Did a debate take place?</b>	No	
			<b>Date of Commons debate</b>	N/A	
			<b>EUC: Did a debate take place?</b>	No	
			<b>Date of Lords debate</b>	N/A	
			<b>Decision</b>	Opted in	
			<b>EU notified of decision</b>	02/10/2014	
			<b>Parliament notified of decision</b>	By letter - 08/10/2014	
<b>Ref.</b>	11492/14 11520/14				
<b>Legal base</b>	Article 212 and 218(5) and (7) TFEU for signature. Articles 212 and 281(6)(a) & (7) for Conclusion				
<b>Department</b>	Foreign and Commonwealth Office				
<b>Title</b>	Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) No 604/2013 as		<b>Date of Publication</b>	18/07/2014	
31			<b>Deposited to Parliament</b>	18/07/2014	
			<b>Date of Explanatory Memorandum</b>	30/07/2014	
			<b>ESC: Did a debate take place?</b>	No	

The Government is committed to the system created by the Dublin Regulation: since 2003 over 12,000 asylum seekers have been removed from the UK to other participating European States (Member States of the European Union, Norway, Iceland, Switzerland and Liechtenstein) identified as responsible for examining their claims under the Dublin



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33	<b>Title</b>	and Skills Proposal for a Regulation of the European Parliament and of the Council establishing a European Union agency for law enforcement training (CEPOL), repealing and replacing the Council Decision 2005/681/JHA	Date of Publication <b>Deposited to Parliament</b> <b>Date of Explanatory Memorandum</b> <b>ESC: Did a debate take place?</b> <b>Date of Commons debate</b> <b>EUC: Did a debate take place?</b> <b>Date of Lords debate</b> <b>Decision</b> <b>EU notified of decision</b> <b>Parliament notified of decision</b>	22/08/2014 18/07/2014 07/08/2014 No N/A Yes 03/11/2014 Did not opt in N/A WMS Outstanding	The Government was concerned that elements of this proposal could reduce Member State discretion over police training, particularly by implementing an EU-level Law Enforcement Training Scheme. The Government was also concerned about the cost of some of the proposals, particularly the proposed requirement for each Member State to set up a national unit to govern its relations with CEPOL.  The Government did not opt in to this measure.		
						<b>Ref.</b>	12013/14
						<b>Legal base</b>	Article 87(2)(b) TFEU
						<b>Department</b>	Home Office





## Annex 2: Opt-in Decisions 2015

Proposal title	Descriptions
<b>Foreign and Commonwealth Office</b>	
Council Decision to sign the Stabilisation and Association Agreement between the EU and Kosovo	The Agreement aims to put Kosovo on the first step towards future membership of the EU in order to drive reforms on rule of law and regional relations. Given that this will be an EU-only agreement, the JHA provisions within the Agreement will engage the opt-in.
Council Decision to sign the Enhanced Partnership and Cooperation Agreement between the European Union and its Member States, of the one part, and the Republic of Kazakhstan, of the other part	The Agreement aims to enhance co-operation between the EU and its Member States and Kazakhstan. The agreement contains JHA provisions which may engage the JHA opt-in.
Council Decisions to sign the Partnership and Co-operation agreements between the European Union and its Member States and New Zealand / Australia / Malaysia	These agreements aim to enhance co-operation between the EU and its Member States and these countries. The agreements contain JHA provisions which may engage the JHA opt-in.
<b>Department for Transport</b>	
Proposed Decision authorising Austria, Belgium and Poland to ratify, or to accede to, the Budapest Convention on the Contract for the Carriage of Goods by Inland Waterways (CMNI)	The Budapest Convention is an agreement falling partly under exclusive European Union competence. Member States cannot lawfully ratify or accede to it without a Union authorisation. The Convention, which entered into force on 1 April 2005, is intended to harmonise contractual and navigational standards on inland waterways in European countries. Since the UK is not a party to the Budapest Convention, the provisions do not have any impact on UK businesses or operations involving contracts for the carriage of goods by inland waterways, nor in relation to the three Member States seeking authorisation.
<b>HMRC</b>	
Council Decision to conclude the World Health Organisation Framework Convention on Tobacco Control (FCTC) Protocol to eliminate illicit trade in tobacco products	The WHO Framework Convention on Tobacco Control is an international treaty designed to reduce tobacco-related deaths and disease. This Protocol seeks to tackle the illicit trade in tobacco products. The UK is a strong supporter of the Convention and Protocol, but did not opt in to the Council Decision to sign the Protocol as we consider that Member States should be exercising competence in the JHA areas covered by the Protocol.

Proposal title	Descriptions
<b>BIS</b>	
Draft Council Decision establishing the European Union position within the relevant instance of the World Trade Organisation on the accession of Kazakhstan to the World Trade Organisation	The European Commission negotiates the accession of new Members to the WTO on behalf of the EU and its Member States. This proposal will establish the EU position in relation to Kazakhstan’s accession.
<b>Home Office</b>	
Possible amendment or replacement of the Blue Card Directive	The Commission’s work programme indicates that they will review the Blue Card Directive with the aim of delivering a new policy on legal migration. This could include legislation to amend or replace the Blue Card Directive.
<b>DECC</b>	
Council Decision to sign the Agreement between the EU and the Swiss Confederation on the linking of their greenhouse gas Emissions Trading Schemes (ETS)	An ETS facilitates the trading of allowances to emit greenhouse gases (primarily CO <sub>2</sub> ), and is a cost-effective way of reducing emissions. The UK is a leading participant in the EU ETS, the largest in the world. Switzerland has its own ETS, much smaller than the EU’s, but by linking it to the EU’s both markets would benefit from being part of a larger market. The linking agreement includes a section on cooperation between the Swiss registry administrator, the EU registry administrator and registry administrators in member states, to minimise the risk of fraud, misuse and criminal activity involving the registries, and to respond to such incidents. The reference to ‘criminal activity’ engages the JHA opt-in, as it constitutes cooperation to prevent crime.

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