

# **Serious Crime Act 2015**

## **Fact sheet: Approval of draft decisions under Article 352 of the TFEU**

### **Section 8 of the European Union Act 2011**

1. Section 82 provides, for the purposes of section 8 of the European Union Act 2011, for the approval of two draft decisions of the Council of the European Union to be made under Article 352 of the Treaty on the Functioning of the European Union ("TFEU"). Article 352 of the TFEU is a legal base for measures that are in line with the objectives set out in the Treaties, but for which the Treaties have not explicitly provided the necessary powers. Under section 8 of the European Union Act 2011, a Minister of the Crown may not support an Article 352 decision unless the draft decision has been first approved by an Act of Parliament (there are limited exceptions to this requirement, but none apply in this instance).

### **Draft Decision to repeal Council Decision 2007/124/EC, Euratom**

2. The first draft decision is in respect of the repeal of Council Decision 2007/124/EC, Euratom<sup>1</sup> ("the 2007 Decision"). The 2007 Decision established, for the period 2007 to 2013, an EU funding programme to protect people and critical infrastructure against terrorist attacks and other security-related incidents. As the period covered by this programme had expired, the 2007 Decision was due to be repealed; it is the draft Council decision<sup>2</sup> affecting that repeal which is the subject of this provision. The funding programme provided for by the 2007 Decision has been replaced by the Internal Security Fund (Police) which will shortly be adopted by the Council. The Internal Security Fund will continue to fund many of the activities foreseen by the 2007 Decision including the protection of people and critical infrastructure and the management of security-related risks and crises. The UK has not opted in to the Internal Security Fund measure pre-adoption; no decision has been taken by the Government on whether to do so post-adoption.

### **The "Pericles" programme**

3. The second of the draft decisions to which section 82 applies relates to the "Pericles" programme. The Pericles programme was established in 2001 to protect the Euro against counterfeiting. The programme – which initially operated for the period 2002 to 2006 – provided for specialised, multidisciplinary training to tackle counterfeiting of the euro and for the exchange of personnel involved in protecting the euro, such as financial staff, police officers and lawyers. The Pericles programme applied not only to Member States participating in the single currency, but was extended to those Member States – including the United Kingdom – which had not

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<sup>1</sup> [http://www.biicl.org/files/4276\\_decision\\_2007-124-ec\\_est\\_spec\\_prog\\_on\\_prevention\\_preparedness\\_and\\_consequence\\_mgmt\\_of\\_terrorism.pdf](http://www.biicl.org/files/4276_decision_2007-124-ec_est_spec_prog_on_prevention_preparedness_and_consequence_mgmt_of_terrorism.pdf)

<sup>2</sup> <http://register.consilium.europa.eu/doc/srv?l=EN&f=ST%2015187%202013%20INIT>

adopted the euro given the common interest in protecting a major currency against counterfeiting.

4. Pericles was first renewed in 2006 and ran from 1 January 2007 until 31 December 2013. The European Commission concluded that the Pericles programme should be renewed again and the renewed programme ("Pericles 2020") runs from 1 January 2014 to 31 December 2020. The legal basis for the renewed programme is Article 133 of the TFEU which relates to the single currency. It is again proposed to extend this renewed programme to those Member States which had not adopted the euro. That will be done by way of a measure (document number 16616/13)<sup>3</sup> the legal basis for which is Article 352 of the TFEU. By continuing to support the Pericles programme, the UK will benefit directly from the training and information exchange provided under the programme to help combat counterfeiting by organised crime groups.

**Home Office**  
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