



Home Office



Ministry
of Justice

**Sixth (1 December 2014 – 30
November 2015) and Seventh
(1 December 2015 – 30
November 2016) Annual
Reports 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**

Presented to Parliament
by the Secretary of State for the Home Department
by Command of Her Majesty

July 2017

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Sixth (1 December 2014 – 30 November 2015) and Seventh (1 December 2015 – 30 November 2016) Annual Reports 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

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, which allow the UK to choose whether to participate in such measures. A decision to opt into 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 into 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 Sixth Report covers decisions taken under the two protocols over the period 1 December 2014 – 30 November 2015. The Seventh Report covers decisions taken under the two protocols over the period 1 December 2015 – 30 November 2016. Both reports include decisions made by both this Government and previous governments.

Government commitments on Parliamentary scrutiny of the JHA Opt-in

On 9 June 2008, Baroness Ashton, then Leader of the House of Lords, outlined in a Written Ministerial Statement (WMS) various commitments to enhance Parliamentary scrutiny of JHA opt-in decisions. This also included the commitment to provide an annual report on decisions made in relation to the JHA opt-in under Protocol 21 and Schengen opt-out under Protocol 19. Both Protocols give the UK the right to choose whether or not to participate in certain JHA new measures.

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, fourth and fifth annual reports were submitted in January 2012, April 2013, January 2014 and February 2015 respectively. These reports were each preceded by a mid-year update.

In his WMS on 20 January 2011, the Minister for Europe outlined the Coalition Government's intention to continue to honour the commitments made by Baroness Ashton and to further strengthen Parliamentary scrutiny of JHA opt-in decisions. This included a commitment to deposit a WMS in Parliament on all opt-in decisions or to make an oral statement where appropriate and necessary; reiterated the existing right of the House of Commons European Scrutiny Committee and House of Lords European Union Select Committee ('the Committees') to call a debate on an amendable motion on any opt-in decision; and, where there is strong Parliamentary interest, the Government expressed its willingness to set aside Government time for

a debate in both Houses on its proposed approach (a “Lidington debate”). All of these commitments apply equally to the Schengen Opt-out Protocol.

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 by measures after they have been adopted by the participating Member States. In such cases it will inform the Committees of its intention to do so. The Committees will have an opportunity to offer views on this. The Government will also consider offering a debate on Government time on a post adoption opt-in decision if it is likely to attract significant Parliamentary interest.

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--3>

Sixth Report - JHA opt-in decisions and Schengen opt-out decisions from the period 1 December 2014 – 30 November 2015

The table in the **Annex A** presents all JHA opt-in decisions and Schengen opt-out decisions taken from 1 December 2014 until 30 November 2015.

In that period, the two governments have taken decisions on UK participation in 23 EU JHA legislative proposals. The UK has decided to opt in under the JHA opt-in Protocol in 11 cases and has decided not to opt in in 13 cases (this includes one decision on an international agreement where the UK opted into one set of JHA provisions in the measure, and did not opt into another). The Government has not asserted the Schengen opt-out to any proposals during that period.

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 in this period included Council Decisions on the signing, on behalf of the European Union, of the Council of Europe Convention on the Prevention of Terrorism and its Additional Protocol, and Council Decisions establishing provisional measures in the area of international protection – one for the benefit of Greece and Italy, and another for the benefit of Greece, Italy and Hungary.

The Commission proposed **Council Decisions on the signing, on behalf of the European Union, of the Council of Europe Convention on the Prevention of Terrorism and its Additional Protocol**. These Decisions authorised the EU to sign the Convention, which requires acceding states to criminalise various terrorism-related activities under their domestic laws, and its Additional Protocol, which aims to set a minimum standard for criminalisation of recruitment to and receipt of training for terrorism and the act of travelling abroad for the purpose of terrorism. While the Government considers that there is value in ratifying the Convention and its

Additional Protocol, it considers that this is a matter for Member States. Therefore the Government did not opt into these proposals and has signed both the Convention and the Additional Protocol in its own right.

The Commission proposed **Council Decisions establishing provisional measures in the area of international protection – one for the benefit of Greece and Italy; and another for the benefit of Greece, Italy and Hungary.** These Decisions introduced temporary distribution schemes for persons in clear need of international protection to relieve pressure on the asylum systems of Italy, Greece and Hungary as frontline Member States, while the EU is facing increased migratory pressures. The Government does not support relocation as it is the wrong response to the migratory pressures the EU faces - it undermines the important principle that asylum should be claimed in the first safe country and does not address the causes of illegal migration. Therefore the Government did not opt in to these proposals.

Seventh Report - JHA opt-in decisions and Schengen opt-out decisions from the period 1 December 2015 – 30 November 2016

The table in the **Annex B** presents all JHA opt-in decisions and Schengen opt-out decisions taken from 1 December 2015 until 30 November 2016.

In that period, decisions have been taken on UK participation in 36 EU JHA legislative proposals. The UK has decided to opt in under the JHA opt-in Protocol in 12 cases and has decided not to opt in in 24 cases. The Government has not asserted the Schengen opt-out to any proposals during that period. These opt-in decisions are without prejudice to discussions on the UK's future relationship with the EU. The UK's relationship with the EU will change as a result of leaving the EU, however, the UK retains the rights and obligations of membership of the EU whilst we remain a member.

Key opt-in decisions made by the Government

Decisions of particular prominence last year included:

- **Proposal for a Directive on combating terrorism** – the proposal intended to set minimum standards for criminalising certain acts as terrorist offences. The Government supports Member States complying with their international obligations in this area, but UK legislation was already substantially compliant with the proposals, and the Government was opposed to being limited in our ability to act independently in the counter-terrorism field in the future. The Government therefore decided not to opt in.
- **Proposal for a Directive as regards the exchange of information on third country nationals and as regards the European Criminal Record Information System (ECRIS).** ECRIS allows UK law enforcement agencies to seek the previous convictions of EU nationals involved in an investigation or prosecution. This proposal seeks to develop ECRIS in relation to third country nationals, and to link fingerprints to criminal convictions so criminals cannot hide their identity. The Government decided to opt in to expand the information law enforcement can access about foreign nationals who have offended in the UK.
- **Proposal for a Regulation establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection (Dublin IV) and proposal for a Regulation on the European Union Asylum Agency (EUAA).** The proposed Dublin IV Regulation aims to govern the process of deciding which member state is responsible for

deciding an asylum claim and streamline the transfer process. The Regulation also binds member states to participate in a quota based distribution system. The Government does not support relocation as we believe it is the wrong response to the migratory pressures the EU faces. It undermines the important principle that asylum should be claimed in the first safe country in the region and does not address the causes of illegal migration. Where protection cannot be provided in the region of origin, we believe resettlement direct from the region is the right approach. The proposed EUAA would replace the existing European Asylum Support Office and aim to promote the implementation and functioning of the Common European Asylum System. The Government considers that the functioning of the asylum system is a sovereign matter. The Government did not opt in to either measure.

- **Proposal for a Regulation on the establishment of EURODAC for the comparison of fingerprints for identifying an illegally staying third-country national or stateless person (recast).** This Regulation will govern the operation of the EURODAC fingerprint database. EURODAC will be expanded to increase the categories of fingerprints recorded, to record facial images and biographical data, to increase the length of time data can be stored and to provide better data sharing procedures between Member States. These changes will strengthen the UK's ability to control illegal migration, prevent multiple asylum applications across member States, and protect the UK's security through data sharing with law enforcement agencies. The Government therefore decided to opt in to this measure.
- **Regulation on the European Union Agency for Law Enforcement Cooperation (EUROPOL).** The UK did not opt in when the proposal was first published because of concerns that the draft Regulation (1) would have interfered with the operational independence of UK policing; and (2) that it would have increased the UK's obligation to provide data to Europol, even where such provision would conflict with national security, or endanger ongoing investigations or an individual's safety. The new Europol Regulation was adopted on 11 May 2016. The final agreed text addresses these concerns. The Government values the role of Europol in helping UK law enforcement coordinate cross border organised crime investigations. The Government made a request to the Commission on 16 December 2016 for the UK to participate in this Regulation. The Commission adopted a Decision on 6 March 2017 confirming the UK's participation in the Regulation. The Regulation will come into force on 1 May 2017.
- **Proposal for the recast of Council Regulation (EC) No 2201/2003 of 27 November 2003 (the Brussels IIa Regulation) concerning jurisdiction and the recognition and enforcement of judgments concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility.** The UK decided to opt in to this proposal because the UK already applies the current Regulation to the benefit of UK citizens, including children, in cross-border families, and the Government wanted to avoid the risk that, if the new Regulation comes into force before the UK's EU exit, the existing Regulation would no longer apply to the UK because it might be deemed inoperable. Secondly, even after a UK exit the Regulation will affect UK citizens, principally in other Member States, and it is in the UK's interests to influence the negotiations. As a family justice measure, this proposal must be agreed by unanimity in the Council.

The table in **Annex C** provides a list of forthcoming opt-in decisions.

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

Sixth Report - Opt-in Decisions 1 December 2014- 30 November 2015

Proposal		Decision-making process	
1	<p>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 in criminal matters</p>	<p>Date of Publication (last language version)</p> <p>Opt-in deadline</p> <p>Deposited to Parliament</p> <p>Date of Explanatory Memorandum</p> <p>ESC: Did a debate take place?</p> <p>Date of Commons debate</p> <p>EUC: Did a debate take place?</p> <p>Date of Lords debate</p> <p>Decision</p> <p>EU notified of decision</p> <p>Parliament notified of decision</p>	<p>12/09/2014</p> <p>11/12/2014</p> <p>16/09/2014</p> <p>30/09/2014</p> <p>N/A</p> <p>N/A</p> <p>No</p> <p>N/A</p> <p>Did not opt in</p> <p>N/A</p> <p>07/01/2015</p>
	<p>Ref.</p> <p>13157/14</p>		<p>The Commission proposed that Council Decisions should be adopted to authorise Member States to ratify a Protocol to the ILO Forced Labour Convention, in the interest of the European Union, with regard to matters related to judicial cooperation in criminal matters and with regard to matters related to social policy. The Commission considered that the EU had exclusive competence on the basis of existing EU legislation in the area covered by the Protocol. The Commission consider that where there is exclusive EU competence arising from underlying legislation, and where the UK participates in the underlying legislation, the UK's JHA opt-in does not apply.</p> <p>The Coalition Government did not agree that the EU has any exclusive competence in the area covered by the Protocol. While there are existing EU minimum standards measures in this area, minimum standards are not common rules and are therefore incapable of generating exclusive external EU competence in accordance with Article 3(2) TFEU. The Coalition Government accepted that there is shared competence in this area and it is therefore for the Council to decide whether to authorise Member States to sign on behalf of the EU. The Coalition Government considered that EU action was unnecessary and therefore decided not to opt in to the Council Decision covering matters related to judicial co-operation.</p>
	<p>Legal base</p> <p>Article 82(2) and 218(6)(a)(v) TFEU</p>		

	Department	Home Office		The adopted Decision made no reference to the UK's decision not to opt-in. The UK laid a minute statement on adoption of the Decision clarifying that the UK did not opt in to the Decision.																						
2	Title	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)	<table border="1"> <tr> <td data-bbox="451 1200 512 1503">Date of Publication (last language version)</td> <td data-bbox="451 994 512 1200">18/12/2014</td> </tr> <tr> <td data-bbox="512 1200 563 1503">Opt-in deadline</td> <td data-bbox="512 994 563 1200">18/03/2015</td> </tr> <tr> <td data-bbox="563 1200 608 1503">Deposited to Parliament</td> <td data-bbox="563 994 608 1200">19/12/2014</td> </tr> <tr> <td data-bbox="608 1200 676 1503">Date of Explanatory Memorandum</td> <td data-bbox="608 994 676 1200">05/01/2015</td> </tr> <tr> <td data-bbox="676 1200 745 1503">ESC: Did a debate take place?</td> <td data-bbox="676 994 745 1200">No</td> </tr> <tr> <td data-bbox="745 1200 813 1503">Date of Commons debate</td> <td data-bbox="745 994 813 1200">N/A</td> </tr> <tr> <td data-bbox="813 1200 882 1503">EUC: Did a debate take place?</td> <td data-bbox="813 994 882 1200">No</td> </tr> <tr> <td data-bbox="882 1200 933 1503">Date of Lords debate</td> <td data-bbox="882 994 933 1200">N/A</td> </tr> <tr> <td data-bbox="933 1200 978 1503">Decision</td> <td data-bbox="933 994 978 1200">Opted in</td> </tr> <tr> <td data-bbox="978 1200 1023 1503">EU notified of decision</td> <td data-bbox="978 994 1023 1200">16/03/2015</td> </tr> <tr> <td data-bbox="1023 1200 1091 1503">Parliament notified of decision</td> <td data-bbox="1023 994 1091 1200">24/03/2015</td> </tr> </table>	Date of Publication (last language version)	18/12/2014	Opt-in deadline	18/03/2015	Deposited to Parliament	19/12/2014	Date of Explanatory Memorandum	05/01/2015	ESC: Did a debate take place?	No	Date of Commons debate	N/A	EUC: Did a debate take place?	No	Date of Lords debate	N/A	Decision	Opted in	EU notified of decision	16/03/2015	Parliament notified of decision	24/03/2015	<p>The Commission considered that the EU had exclusive competence on the basis of existing EU legislation in the area covered by the Protocol. The Commission consider that where there is exclusive EU competence arising from underlying legislation, and where the UK participates in the underlying legislation, the UK's JHA opt-in does not apply. The Coalition Government's view was that where a new proposal is made pursuant to Title V, the UK's opt-in is triggered. The UK sought an amendment to the relevant wording of a recital in the proposed Council Decision to ensure it did not preclude our right to opt-in.</p> <p>The UK is not a party to the Budapest Convention and has no cross-border exchange of goods within EU inland waterways. The UK had previously indicated, as had the Republic of Ireland, that there is no commercial carriage of goods by inland waterways between the two and so there is no impact on the UK. Nonetheless, it was thought that this was an important legal instrument for those Member States that do have cross-border exchange of goods within EU inland waterways, since it provides a mechanism for resolving conflicts of law in relation to the contracts associated with the carriage of goods. The provisions were not expected to have any impact on UK businesses or operations involving contracts for the carriage of goods by inland waterways, and there were no effects on relations with the three Member States seeking authorisation. Therefore, the Coalition Government decided to opt-in. The Justice and Home Affairs Council met on 15-16 June 2015 and adopted the Proposal without including an amendment to the recital language, and the Government therefore laid a Minute Statement in order to</p>
Date of Publication (last language version)	18/12/2014																									
Opt-in deadline	18/03/2015																									
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Date of Explanatory Memorandum	05/01/2015																									
ESC: Did a debate take place?	No																									
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Date of Lords debate	N/A																									
Decision	Opted in																									
EU notified of decision	16/03/2015																									
Parliament notified of decision	24/03/2015																									
Ref.	17025/14																									
Legal base	Articles 2(1), 81(2) and 218(6), point (a) TFEU																									

		Department for Transport		reaffirm that right.	
3	<p>Title</p> <p>Proposal for a Regulation of the European Parliament and of the Council repealing certain acts in the field of police co-operation and judicial co-operation in criminal matters (REFIT)</p>	<p>Date of Publication (last language version)</p> <p>English version published 02/12/14. Last language version published 09/01/2015.</p> <p>Opt-in deadline</p> <p>08/04/2015</p> <p>Deposited to Parliament</p> <p>09/12/2014</p> <p>Date of Explanatory Memorandum</p> <p>05/01/2015</p> <p>ESC: Did a debate take place?</p> <p>N/A</p> <p>Date of Commons debate</p> <p>N/A</p> <p>EUC: Did a debate take place?</p> <p>N/A</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>07/04/2015</p> <p>Parliament notified of decision</p> <p>16/07/2015</p>	<p>In December 2014, as part of its REFIT Programme, the Commission proposed the repeal of 24 pre-Lisbon police and criminal justice measures contained within three separate proposals. The repeal of these 24 measures had no practical impact on the UK as they either never applied to the UK or the UK opted out of them as part of the 2014 JHA opt-out decision on 1 December 2014. The UK's JHA opt-in was not therefore triggered. In February 2015, the Latvian Presidency circulated revised drafts of the three proposals which contained suggested amendments. Amendments to one document, 16334/14, related to the inclusion of the European Evidence Warrant (EEW) in REFIT, and the inclusion of text inviting the UK to assert our opt-in under Protocol 21 of the TFEU (the JHA opt-in Protocol). The Coalition Government considered that these amendments triggered the opt-in. Whilst the Coalition Government considered that the EEW had been repealed for the UK by way of its Lisbonisation through the adoption of the European Investigation Order (EIO), the Coalition Government decided to opt into this Regulation in order to put beyond doubt that the EEW does not apply as between the UK and Ireland.</p>		
	Ref.	16334/14			
	Legal base	Article 82 (1) and 83 (1) and 87(2) and Article 88(2) TFEU			

	<p>Department Home Office</p>		
4	<p>Title Proposal for a Regulation of the European Parliament and of the Council protecting against the effects of the extra-territorial application of legislation adopted by a third country and actions based thereon or resulting therefrom (recast)</p>	<p>Date of Publication (last language version) 17/02/2015</p> <p>Opt-in deadline 17/05/2015</p> <p>Deposited to Parliament 18/02/2015</p> <p>Date of Explanatory Memorandum 04/03/2015</p> <p>ESC: Did a debate take place? No</p> <p>Date of Commons debate N/A</p> <p>EUC: Did a debate take place? No</p> <p>Date of Lords debate N/A</p> <p>Decision Opted in</p> <p>EU notified of decision 15/05/2015</p> <p>Parliament notified of decision 30/06/2015</p>	<p>The proposed Regulation consolidated existing EU legislation; it did not contain any new material and did not change the existing measures in substance. Although the proposal did not cite a legal base in Title V TFEU, and the Government was unsuccessful in seeking citation of one, the Government considered that there were Justice and Home Affairs obligations in Article 4 and 6 of the draft EU Regulation, which triggered the UK's opt-in. Article 4 prevents certain judgments from outside the EU being recognised and enforced within the EU. Article 6 provides that the Brussels I (recast) Regulation applies to proceedings brought under that Article to recover damages.</p> <p>As the UK is already compliant with these rules, and the new proposal would not create any additional impacts on the UK, the Government chose to opt in.</p>
5	<p>Ref. 6237/15</p> <p>Legal base Article 64, 207(2) and 352 of TFEU</p> <p>Department Business, Information and Skills (BIS)</p>	<p>Date of Publication (last language version) 03/03/2015</p> <p>Opt-in deadline 02/06/2015</p> <p>Deposited to Parliament 05/03/2015</p>	<p>The Commission presented two separate Council Decisions on the signature of the Convention; one which covers the non-JHA aspects of the Convention, and this Decision which covers the JHA matters. The UK is not bound by underlying measures giving rise to the Commission's assertion of exclusive external competence on the</p>

	Convention on the manipulation of sports competitions with regards to matters related to substantive criminal law and judicial cooperation in criminal matters	18/03/2015	relevant JHA matters.
		Date of Explanatory Memorandum	
		ESC: Did a debate take place?	No
		Date of Commons debate	N/A
		EUC: Did a debate take place?	No
		Date of Lords debate	N/A
		Decision	Did not opt in
		EU notified of decision	N/A
		Parliament notified of decision	01/12/2015
Ref.	6721/15		
Legal base	Article 82(1) and 83(1) TFEU in conjunction with Article 218(5)		
Department	Department for Culture, Media and Sport		
Title	Proposed Council Decision on an EU negotiating mandate for the additional Protocol to the Council of Europe Convention on the Prevention of Terrorism	Date of Publication (last language version)	13/03/2015
		Opt-in deadline	12/06/2015
		Deposited to Parliament	N/A - EU RESTREINT
		Date of Explanatory Memorandum	N/A
		ESC: Did a debate take	N/A
6			The Commission proposed this Council Decision on the basis that, in their view, the EU had exclusive external competence in the area covered by the Additional Protocol, arising primarily from the Framework Decisions on Combating Terrorism. The UK and a number of other Member States objected to the assertion of exclusive EU competence on the basis that substantive criminal law (including in relation to CT measures) is not harmonised at EU-level nor is it largely covered by common rules. While there are existing EU minimum standards measures in this area, minimum standards are not common rules and are therefore incapable of generating

<p>the Strategic Partnership Agreement between the European Union and its Member States, of the one part, and Canada of the other part.</p>		Date of Explanatory Memorandum		27/04/2015, with a further EM submitted 30/06/2015	<p>The opt-in was triggered by incidental provisions on judicial cooperation in Article 18(2) of the agreement, because there is exclusive EU external competence for certain of the Hague Conventions covered by that Article. The Government chose not to opt into these provisions given that the practical value to the UK of doing so had not been demonstrated.</p> <p>The Government was unable to secure the addition of a Title V legal base to reflect the inclusion of JHA content, or a recital to reflect the UK's position, and laid a minute statement on adoption to assert the application of the JHA opt-in.</p>
		ESC: Did a debate take place?		No	
		Date of Commons debate		N/A	
		EUC: Did a debate take place?		No	
		Date of Lords debate		N/A	
		Decision		Did not opt in	
		EU notified of decision		N/A	
		Parliament notified of decision		By Ministerial letter of 3 August 2015	
		Ref.		7906/15	
		Legal base		Article 37 TFEU, and Articles 212 (1), 218 (5) and the second paragraph of Article 218 (8) TFEU	
Department		Foreign & Commonwealth Office			
8	Title	Proposal for a Council Decision on the conclusion, on behalf of the European Union and its Member States, of the Protocol to the	Date of Publication (last language version)	22/04/2015	<p>When the Commission first proposed the Decision on Croatia's accession to the Agreement in 2013, it suggested that the legal basis should be brought in line with the Lisbon Treaty by citing Articles 207 and 352. The European Parliament subsequently suggested that the correct legal base should be Article 212, rather than 352, as the underlying 2002 Agreement relates specifically to</p>
		Opt-in deadline	22/07/2015		
		Deposited to Parliament	23/04/2015		

	<p>Agreement on Cooperation and Customs Union between the European Community and its Member States, of the one part, and the Republic of San Marino, of the other part, regarding the participation, as a contracting party, of the Republic of Croatia, following its accession to the European Union</p>	<p>Date of Explanatory Memorandum</p> <p>N/A - as an accession protocol, it was agreed that there was no requirement for scrutiny.</p> <p>ESC: Did a debate take place?</p> <p>No</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>22/07/2015</p> <p>Parliament notified of decision</p> <p>By Ministerial letter of 16 October 2015.</p>	<p>economic cooperation with third countries other than developing countries. This suggestion was accepted by the Commission, which noted that Article 207 TFEU was the appropriate substantive legal basis for Title I of the Agreement, on 'Customs union', and that Article 212 TFEU the appropriate substantive legal basis for Title II on 'Cooperation'.</p> <p>The Commission also suggested that the social security provisions in the original Agreement introduced rights for third country nationals under the Union's immigration policy. As such, it considered Article 79(2)(b) to be the appropriate substantive legal basis to account for the Title III, on 'Social Provisions'. The Commission therefore issued an amended proposal on 22 April 2015, which included a legal basis of Article 79, Article 207 and Article 212.</p> <p>Since the UK is already bound by the underlying Agreement, and this Decision simply allows Croatia to accede to it, the proposal would have no impact on the UK. However, we accept that there are JHA implications for Croatia and therefore support the inclusion of a Title V legal base. The Government decided to opt into the Decision.</p>
Ref.	8191/15		
Legal base	Articles 79, 207 and 212, 218(6)(a) and 218(8).		
Department	Foreign & Commonwealth Office		

9	<p>Title</p> <p>Proposal for Council Decisions approving the signing and conclusion, by the European Commission, on behalf of the European Atomic Energy Community, of the Stabilisation and Association Agreement between the European Union and the European Atomic Energy Community, of the one part, and of Kosovo, of the other part</p>	<p>Date of Publication (last language version)</p> <p>04/05/2015</p> <p>Opt-in deadline</p> <p>04/08/2015</p> <p>Deposited to Parliament</p> <p>27/05/2015</p> <p>Date of Explanatory Memorandum</p> <p>18/06/2015</p> <p>ESC: Did a debate take place?</p> <p>No</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 (to Mode IV only) Did not opt in (to readmissions)</p> <p>EU notified of decision</p> <p>23/07/2015</p> <p>Parliament notified of decision</p> <p>By Ministerial letter of 3 August 2015.</p>	<p>The JHA opt-in was triggered by incidental provisions on both Mode IV and readmissions.</p> <p>The Mode IV provisions were in line with the UK's previously-agreed commitments under the WTO General Agreement on Trade in Services (GATS) and as such the Government took the decision to opt in.</p> <p>On readmissions, consideration was given to whether the UK wanted to be bound by an exercise of EU competence in relation to this area with Kosovo, which might limit the UK's ability to maintain its existing, effective readmission arrangements. As such a decision was made not to opt in as the Government judged that the provisions in the SAA, or a future readmissions agreement, would not be an improvement on the effective readmission arrangements UK already have with Kosovo.</p> <p>The Council Decisions were proposed without a Title V legal base. The Government pressed consistently for this, and for the Decisions to clarify that the UK's opt-in is engaged, but there was not sufficient support in Council to secure one.</p> <p>However, the Government did secure an amendment to the Council Decision acknowledging that the Agreement contains provisions relating to JHA, as well as a recital in the SAA text itself clarifying that the opt-in would apply to JHA measures in any future agreements which could be made based on the Kosovo SAA. When the Council Decisions were adopted on 22 October 2015, the UK laid a minute statement placing our position on record.</p>
	<p>Ref.</p> <p>8532/15 Council Decision on Conclusion. 8535/15 Council Decision on Signature</p>		

Legal base	<p>Council Decision on Conclusion - Article 217, in conjunction with Articles 218(7) and 218(6)(a)(i) and the second subparagraph of Article 218(8) TFEU;</p> <p>Council Decision on Signature - Article 217, in conjunction with Article 218(5) and the second subparagraph of Article 218(8) TFEU</p>																		
Department	Foreign & Commonwealth Office																		
10	<p>Title</p> <p>Proposal for a Council Decision on the conclusion, on behalf of the European Union, of the Protocol to Eliminate Illicit Trade in Tobacco Products to the World Health Organisation's Framework Convention on Tobacco Control, in so far as the provisions of the Protocol which fall under Title V of Part III of the Treaty on the Functioning of the European Union are</p>	<table border="1"> <tr> <td data-bbox="820 1200 895 1503">Date of Publication (last language version)</td> <td data-bbox="820 996 895 1200">06/05/2015</td> </tr> <tr> <td data-bbox="895 1200 943 1503">Opt-in deadline</td> <td data-bbox="895 996 943 1200">06/08/2015</td> </tr> <tr> <td data-bbox="943 1200 991 1503">Deposited to Parliament</td> <td data-bbox="943 996 991 1200">27/05/2015</td> </tr> <tr> <td data-bbox="991 1200 1054 1503">Date of Explanatory Memorandum</td> <td data-bbox="991 996 1054 1200">27/05/2015</td> </tr> <tr> <td data-bbox="1054 1200 1118 1503">ESC: Did a debate take place?</td> <td data-bbox="1054 996 1118 1200">No</td> </tr> <tr> <td data-bbox="1118 1200 1182 1503">Date of Commons debate</td> <td data-bbox="1118 996 1182 1200">N/A</td> </tr> <tr> <td data-bbox="1182 1200 1246 1503">EUC: Did a debate take place?</td> <td data-bbox="1182 996 1246 1200">No</td> </tr> <tr> <td data-bbox="1246 1200 1308 1503">Date of Lords debate</td> <td data-bbox="1246 996 1308 1200">N/A</td> </tr> </table>	Date of Publication (last language version)	06/05/2015	Opt-in deadline	06/08/2015	Deposited to Parliament	27/05/2015	Date of Explanatory Memorandum	27/05/2015	ESC: Did a debate take place?	No	Date of Commons debate	N/A	EUC: Did a debate take place?	No	Date of Lords debate	N/A	<p>The Commission presented two separate Council Decisions on the signature of the Convention; one which covers the non-JHA aspects of the Convention, and this decision which covers the JHA matters.</p> <p>The Government does not believe that there is any exclusive EU competence in respect of JHA matters arising from the Protocol, and does not consider that there are good reasons for the EU to exercise shared competence in respect of the provisions. It therefore did not opt into the Decision.</p> <p>No specific proposals have been made by the Commission in respect of implementation. Should proposals in respect of JHA aspects be made in the future, the Government will consider the opt-in on a case by case basis.</p>
Date of Publication (last language version)	06/05/2015																		
Opt-in deadline	06/08/2015																		
Deposited to Parliament	27/05/2015																		
Date of Explanatory Memorandum	27/05/2015																		
ESC: Did a debate take place?	No																		
Date of Commons debate	N/A																		
EUC: Did a debate take place?	No																		
Date of Lords debate	N/A																		

	concerned	Decision	Did not opt in
		EU notified of decision	N/A
		Parliament notified of decision	By Ministerial letter of 1 September 2015
	8563/15		
	Article 82 (1), 83, 87(2) and 218(6)(a) TFEU		
	HM Revenue and Customs		
11	<p>Council Decision to authorise the opening of negotiations for an agreement between the EU and Mexico for the transfer and use of Passenger Name Record (PNR) data to prevent and combat terrorism and other serious transnational crime</p>	<p>Date of Publication (last language version)</p> <p>Opt-in deadline</p> <p>Deposited to Parliament</p> <p>Date of Explanatory Memorandum</p> <p>ESC: Did a debate take place?</p> <p>Date of Commons debate</p> <p>EUC: Did a debate take place?</p> <p>Date of Lords debate</p> <p>Decision</p> <p>EU notified of decision</p>	<p>18/05/2015</p> <p>17/08/2015</p> <p>N/A - EU RESTREINT</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>Opted in</p> <p>22/06/2015</p>
<p>The Council Decision was proposed by the Commission with an Article 218(3) and (4) TFEU procedural legal base as the Commission do not consider that substantive legal bases are required for negotiating mandates. The Council, consistent with previous decisions, agreed that a substantive legal base was required and cited Articles 82 and 87 TFEU. Articles 82 and 87 TFEU are consistent with the legal bases used for previous PNR agreements with third countries (e.g. US, Australia and Canada). The agreement would allow the processing of PNR data by the Mexican Competent Authority. Mexico had approached UK and other European carriers to require their PNR data. This puts any EU carrier in a conflicted position; it provides a passenger's PNR, it potentially breaches European Data Protection legislation by transferring the data outside the EU without there being adequate safeguards in place; however failure to transfer the data could result in significant financial penalties under Mexican law. The purpose of the agreement is to ensure appropriate safeguards are in place for processing of the data for the law enforcement purposes outlined above. Analysis of this data assists law enforcement agencies to</p>			

				Parliament notified of decision	By Ministerial letter 20/08/2015	identify individuals of interest, whether as suspects or victims, who were previously unknown. The Government therefore supports the EU undertaking negotiations with Mexico with the aim of concluding the agreement. As the Mexican Government set a deadline of 1 July for the opening of negotiations on a PNR agreement, the UK's three month opt-in window was shortened. The Government did not press for the three month window to be respected in this case because of the external driver for the negotiating mandate to be adopted.
		8968/15	Articles 218(3) and (4) TFEU (Articles 82 and 87 TFEU added during negotiations)			
			Home Office			
12			Proposal for a Council Decision establishing provisional measures in the area of international protection for the benefit of Greece and Italy	Date of Publication (last language version) Opt-in deadline Deposited to Parliament Date of Explanatory Memorandum ESC: Did a debate take place? Date of Commons debate EUC: Did a debate take place? Date of Lords debate Decision EU notified of decision	28/05/2015 27/08/2015 29/05/2015 09/06/2015 Yes 14/12/2015 Yes 22/07/2015 Did not opt in N/A	The Government does not support relocation as it is the wrong response to the migratory pressures the EU faces - it undermines the important principle that asylum should be claimed in the first safe country and does not address the causes of illegal migration - and has concerns over the principle and unintended consequences of any form of relocation of asylum cases within the EU. Therefore the UK did not opt in to this proposal.

14	<p>Legal base</p> <p>Article 37 TEU and Articles 207 and 209 in conjunction with 218(5) and 218(8) TFEU</p> <p>Department</p> <p>Foreign & Commonwealth Office</p>		
	<p>Title</p> <p>Proposal for a Council Decision on the signing, on behalf of the European Union, of the Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism (CETS No. 196)</p>	<p>Date of Publication (last language version)</p> <p>16/06/2015</p>	<p>The Additional Protocol contributes to the implementation of UN Security Council Resolution (UNSCR) 2178 on "Threats to international peace and security caused by terrorist acts" on tackling foreign fighters, which was unanimously adopted by the Security Council of the United Nations on 24 November 2014. It seeks to set a minimum standard for criminalisation of recruitment to, and receipt of training for, terrorism and the act of travelling abroad for the purpose of terrorism.</p>
		<p>Opt-in deadline</p> <p>17/09/2015</p>	
		<p>Deposited to Parliament</p> <p>19/06/2015</p>	
		<p>Date of Explanatory Memorandum</p> <p>29/06/2015</p>	
		<p>ESC: Did a debate take place?</p> <p>No</p>	<p>The UK participated fully in the development of the Additional Protocol and has legislation in place which is compliant with the requirements of the Additional Protocol. While we consider there to be value in signing the Additional Protocol, we remain of the view that this is a matter for Member States and do not agree with the Council's position that exclusive EU competence arises from the underlying EU minimum standards legislation.</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>Did not opt in</p>	<p>Therefore not opting in to these proposals ensures that the UK cannot be caught by any exercise of EU competence in this area, in line with the previous Government's decision not to opt back in to the EU Framework Decision 2002/475/JHA on combating terrorism, as amended, under the Protocol 36 decision.</p>
	<p>Ref.</p> <p>9969/15</p>	<p>EU notified of decision</p> <p>N/A</p>	
<p>Legal base</p> <p>Articles 83(1) and 218(5) TFEU</p>	<p>Parliament notified of decision</p> <p>22/10/2015</p>		
<p>Department</p> <p>Home Office</p>			

15	Title	Proposal for a Council Decision on the signing, on behalf of the European Union, Council of Europe Convention on the Prevention of Terrorism (CETS No. 196)	Date of Publication (last language version)	16/06/2015	<p>The Council of Europe Convention on the Prevention of Terrorism was agreed in 2005. Only now has the Commission sought approval for the EU to sign the Convention, and only because only signatories to the Convention are able to sign the Additional Protocol.</p> <p>The UK has signed the Convention and is intending to ratify the Convention. The UK is compliant with the requirements of the Convention. While we consider that there is value in ratifying the Convention, and confirming our support for international legislation supporting efforts to tackle the terrorist threat, we consider that this is a matter for Member States and do not agree with the Council's position that exclusive EU competence arises from the underlying EU minimum standards legislation in this area.</p> <p>Therefore not opting in to these proposals ensures that the UK cannot be caught by any exercise of EU competence in this area, in line with the previous Government's decision not to opt back in to the EU Framework Decision 2002/475/JHA on combating terrorism, as amended, under the Protocol 36 decision.</p>
	Ref.	9975/15	Opt-in deadline	17/09/2015	
	Legal base	Articles 82, 83(1), 84, 87(2) and 218(5) TFEU	Deposited to Parliament	19/06/2015	
	Department	Home Office	Date of Explanatory Memorandum	29/06/2015	
			ESC: Did a debate take place?	No	
			Date of Commons debate	N/A	
			EUC: Did a debate take place?	No	
			Date of Lords debate	N/A	
			Decision	Did not opt in	
			EU notified of decision	N/A	
			Parliament notified of decision	22/10/2015	
16	Title	Proposal for a Council Decision on the ratification and accession by Member States on behalf of the Union to the Protocol of 2010 to the International Convention on Liability	Date of Publication (last language version)	24/06/2015	<p>The Commission presented two separate Council Decisions on the signature of the Convention; one which covered the non-JHA aspects of the Convention, and this decision which covered the JHA matters, for which the EU has exclusive external competence.</p> <p>It is the view of the EU institutions that in matters of exclusive external competence the UK's opt-in does not apply. However, as the proposed JHA Decision cites a legal base in Title V of Part 3 of</p>

	and Compensation for Damage in connection with the Carriage of Hazardous and Noxious Substances by Sea with regard to aspects related to judicial cooperation in civil matters		ESC: Did a debate take place? Date of Commons debate EUC: Did a debate take place? Date of Lords debate Decision EU notified of decision Parliament notified of decision	No N/A No N/A Opted in 24/09/2015 17/11/2015	the Treaty on the Functioning of the European Union (TFEU), in accordance with Protocol No 21 on the position of the UK and Ireland in respect of the area of Freedom, Security and Justice annexed to the TFEU, the UK's JHA opt-in applies. On adoption of the Decision, the UK laid a minute statement setting out its position. The Government took the view in this instance that UK interests would be best served by opting into the proposed Decision, as this would retain the UK's ability to fully ratify the HNS Protocol, and the removal of any binding deadline from the proposal has the effect of maintaining the UK's current flexibility to be able to ratify and accede to the HNS Protocol if and when we are ready to do so.
	Ref. 10252/15 Legal base Article 81 in conjunction with 218(6)(a)(v) Department for Transport				
17	Title Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1683/1995 of 29 May 1995 laying down a uniform format for visas		Date of Publication (last language version) Opt-in deadline Deposited to Parliament Date of Explanatory Memorandum ESC: Did a debate take place? Date of Commons debate EUC: Did a debate take	26/06/2015 26/09/2015 30/06/2015 09/07/2015 No N/A No	The Government did not opt in to the Proposal to amend Regulation (EC) No 1683/1995 on the Uniform Format for Visas. The Government is committed to ensuring that people coming to the UK do so legally and taking steps to improve document security. The UK has concerns about the current proposed design and is considering the implications that a new UVF may have on future visa strategy. The Government will consider undertaking a post-adoption opt-in to this measure.

	<p>foreseen in chapter VI of the Regulation (EU) No 603/2013 on the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of Regulation (EU) No 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes.</p>	<p>Parliament notified of decision</p>	<p>26/10/2015</p>
<p>Ref.</p>	<p>10321/15</p>		

19	Legal base Article 218(3) and (4) TFEU	Department Home Office	Title Proposed Council Decision establishing the position to be taken by the European Union within the General Council of the World Trade Organisation on the accession of the Republic of Kazakhstan to the WTO	<table border="1"> <tr> <td data-bbox="373 1200 461 1503">Date of Publication (last language version)</td> <td data-bbox="373 994 461 1200">01/07/2015</td> </tr> <tr> <td data-bbox="461 1200 560 1503">Opt-in deadline</td> <td data-bbox="461 994 560 1200">01/10/2015</td> </tr> <tr> <td data-bbox="560 1200 604 1503">Deposited to Parliament</td> <td data-bbox="560 994 604 1200">02/07/2015</td> </tr> <tr> <td data-bbox="604 1200 764 1503">Date of Explanatory Memorandum</td> <td data-bbox="604 994 764 1200">02/12/2014 (OTNYP) Addendum submitted 03/07/2015</td> </tr> <tr> <td data-bbox="764 1200 834 1503">ESC: Did a debate take place?</td> <td data-bbox="764 994 834 1200">No</td> </tr> <tr> <td data-bbox="834 1200 904 1503">Date of Commons debate</td> <td data-bbox="834 994 904 1200">N/A</td> </tr> <tr> <td data-bbox="904 1200 975 1503">EUC: Did a debate take place?</td> <td data-bbox="904 994 975 1200">No</td> </tr> <tr> <td data-bbox="975 1200 1019 1503">Date of Lords debate</td> <td data-bbox="975 994 1019 1200">N/A</td> </tr> <tr> <td data-bbox="1019 1200 1064 1503">Decision</td> <td data-bbox="1019 994 1064 1200">Opted in</td> </tr> <tr> <td data-bbox="1064 1200 1109 1503">EU notified of decision</td> <td data-bbox="1064 994 1109 1200">17/07/2015</td> </tr> <tr> <td data-bbox="1109 1200 1208 1503">Parliament notified of decision</td> <td data-bbox="1109 994 1208 1200">By Ministerial letter of 25 August 2015</td> </tr> <tr> <td data-bbox="1208 1200 1303 1503">Ref.</td> <td data-bbox="1208 994 1303 1200">10479/15</td> </tr> </table>	Date of Publication (last language version)	01/07/2015	Opt-in deadline	01/10/2015	Deposited to Parliament	02/07/2015	Date of Explanatory Memorandum	02/12/2014 (OTNYP) Addendum submitted 03/07/2015	ESC: Did a debate take place?	No	Date of Commons debate	N/A	EUC: Did a debate take place?	No	Date of Lords debate	N/A	Decision	Opted in	EU notified of decision	17/07/2015	Parliament notified of decision	By Ministerial letter of 25 August 2015	Ref.	10479/15	<p>The Government has supported the accession of Kazakhstan to the WTO on the right terms. In acceding to the WTO, Kazakhstan 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 the other WTO Members. Accession to the WTO will bring Kazakhstan more firmly into the global economy and make Kazakhstan a more attractive place to do business, and it will help to achieve the Government's trade policy objective of expanding the WTO's membership.</p> <p>The JHA opt-in was triggered by incidental Mode IV provisions, relating to the temporary movement of natural persons for business. These provisions are in line with the UK's previously-agreed Mode IV commitments under the WTO General Agreement on Trade in Services (GATS). With this and the above in mind, the Government decided to opt into the provisions.</p> <p>On adoption of the Decision, the UK laid a minute statement setting out its position.</p>
Date of Publication (last language version)	01/07/2015																												
Opt-in deadline	01/10/2015																												
Deposited to Parliament	02/07/2015																												
Date of Explanatory Memorandum	02/12/2014 (OTNYP) Addendum submitted 03/07/2015																												
ESC: Did a debate take place?	No																												
Date of Commons debate	N/A																												
EUC: Did a debate take place?	No																												
Date of Lords debate	N/A																												
Decision	Opted in																												
EU notified of decision	17/07/2015																												
Parliament notified of decision	By Ministerial letter of 25 August 2015																												
Ref.	10479/15																												

<p>Legal base</p>	<p>Articles 91, 100(2) and 207(4), in conjunction with Article 218(9) TFEU.</p>					
<p>Department</p>	<p>Department for Business Innovation and Skills</p>					
<p>Title</p>	<p>Proposal for a COUNCIL DECISION establishing provisional measures in the area of international protection for the benefit of Italy, Greece and Hungary</p>	<p>Date of Publication (last language version)</p>	<p>10/09/2015</p>	<p>Opt-in deadline</p>	<p>09/12/2015</p>	
		<p>Deposited to Parliament</p>	<p>16/09/2015</p>		<p>Date of Explanatory Memorandum</p>	<p>30/09/2015</p>
		<p>ESC: Did a debate take place?</p>	<p>Yes</p>		<p>Date of Commons debate</p>	<p>14/12/2015</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>Did not opt in</p>		<p>EU notified of decision</p>	<p>N/A</p>
		<p>Parliament notified of decision</p>	<p>By Explanatory By Memorandum of 30 September, 2015</p>			
<p>20</p>						<p>The Government does not support relocation as it is the wrong response to the migratory pressures the EU faces - it undermines the important principle that asylum should be claimed in the first safe country and does not address the causes of illegal migration - and has concerns over the principle and unintended consequences of any form of relocation of asylum cases within the EU. Therefore the Government did not opt in to this proposal.</p>

21	11844/15	Home Office	<p>Council Decision on the position to be adopted, on behalf of the European Union, in the sixty-sixth session of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees</p>	Date of Publication (last language version)	30/09/2015	<p>At the Economic and Finance Council on 6 October 2015, EU Finance Ministers agreed by Council Decision to support a change to the rules of procedure of the Executive Committee of the United Nations High Commissioner for Refugees (UNHCR) which would enable enhanced participation of the EU in private meetings.</p> <p>The Council Decision commits EU Member States to support an extension of the EU's observer status at the Executive Committee to include meetings discussing UNHCR budgeting and programming. The EU would be able to attend those meetings, but it would retain its observer status and would still not have a formal vote.</p> <p>Usually a Foreign Affairs Council matter, this was put to the Economic and Finance Council so that it could be adopted before the end of the UNHCR Executive Committee annual meeting in Geneva from 5th to 9th October. In fact, the EU proposal was not raised as part of the agenda, so the rule was not, in the end, amended by the Committee.</p> <p>The Council Decision was adopted by QMV. The UK Government was not afforded time to undertake our Parliamentary and internal obligations in relation to taking an opt-in decision, and therefore did not take part in the adoption of the Council Decision, and will not be bound by it. No override was required.</p>
	Legal base	Article 78(3) TFEU		Opt-in deadline	06/10/2015 (opt-in window curtailed)	
				Deposited to Parliament	02/10/2015	
				Date of Explanatory Memorandum	14/10/2015	
				ESC: Did a debate take place?	No	
				Date of Commons debate	N/A	
				EUC: Did a debate take place?	No	
				Date of Lords debate	N/A	
				Decision	Did not opt in	
				EU notified of decision	N/A	
				Parliament notified of decision	By Explanatory Memorandum of 14 October 2015	
				Ref.	11651/15	
Legal base	Article 78(2), in conjunction with Article 218(9)					

22	Department Foreign & Commonwealth Office	Date of Publication (last language version) 02/10/2015 Opt-in deadline 02/01/2016 Deposited to Parliament 07/10/2015 Date of Explanatory Memorandum 21/09/2015 (OTNYR) Addendum submitted 23/10/2015 ESC: Did a debate take place? No Date of Commons debate n/a EUC: Did a debate take place? No Date of Lords debate n/a Decision Opted in EU notified of decision 03/11/2015 Parliament notified of decision 01/12/2015	The UK supports the accession of all candidate WTO accession countries as long as it takes place on the right terms and at a time that is right for the candidates to meet the commitments of WTO membership. The Government considers that this is the case for Liberia. Liberia will be able to benefit from WTO market access, global trading rules and the transparency of the WTO trading system. It will also be able to use the WTO Dispute Settlement Mechanism. Their membership of the WTO will mean that foreign businesses, including those of the UK, will be operating in a more transparent and predictable business environment. This will also send a broader positive signal to the wider developing world, with an African LDC acceding to the WTO at the first Ministerial Conference to be held in Africa. It will also help to achieve the Government's trade policy objective of expanding the WTO's membership. The JHA opt-in was triggered by incidental Mode IV provisions, relating to the temporary movement of natural persons for business. These provisions are in line with the UK's previously-agreed Mode IV commitments under the WTO General Agreement on Trade in Services (GATS). With this and the above in mind, the Government decided to opt into the provisions. On adoption of the Decision, the UK laid a minute statement setting out its position.
	Title Proposed Council Decision on the EU position on the Accession to Liberia World Trade Organisation (WTO)		
	Ref. 12644/15 Legal base Articles 91, 100(2) and the first subparagraph of Article 207(4), in conjunction with Article 218(9) TFEU		

23	<p>Department</p> <p>Business, Information and Skills (BIS)</p>	<p>Date of Publication (last language version)</p> <p>23/10/2015</p>	<p>The European Commission had proposed to make notifications to the World Trade Organisation without a decision in Council. The UK, along with other member states, ensured that the decision was under the correct legal bases and proceeded as a double decision to respect member state competence.</p>
	<p>Title</p> <p>Proposal for a Council Decision establishing the position to be taken on behalf of the European Union within the Council for Trade in Services of the World Trade Organisation to notify of preferential treatment the Union intends to grant to services and service suppliers of Least Developed Country Members, and to seek approval for preferential treatment going beyond market access to be unilaterally offered by the European Union to</p>	<p>Opt-in deadline</p> <p>16/11/2015 (opt-in window not respected)</p>	<p>The JHA opt-in was triggered by incidental Mode IV provisions, relating to the temporary movement of natural persons for business.</p>
		<p>Deposited to Parliament</p> <p>16/10/2015</p>	
		<p>Date of Explanatory Memorandum</p> <p>07/08/2015 (OTNYR)</p>	<p>The Government decided to opt in to the provisions due to the benefits of this policy (i) for LDCs, providing new opportunities for economic development and increased exports, in line with DFID's priorities; (ii) for the UK, with increased access to services suppliers (we expect the impact on the UK to be positive but small); and (iii) as a vital component of negotiations at the WTO; this notification is essential to demonstrate delivery of an agreement in the last WTO Ministerial in 2013 and to assist negotiations in the Ministerial in December 2015.</p>
		<p>ESC: Did a debate take place?</p> <p>No</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>13/11/2015</p>	<p>On adoption of the Decision on 16th November 2015, the UK laid a</p>

	<p>services and services suppliers of Least-Developed Countries on the basis of the LDC Services Waiver</p>	<p>Parliament notified of decision</p>	<p>02/12/2015</p>	<p>minute statement setting out its position.</p>
<p>Ref.</p>	<p>13076/15</p>			
<p>Legal base</p>	<p>Articles 91, 100, 207(4) and 218(9) TFEU</p>			
<p>Department</p>	<p>Department for International Development / Business, Innovation and Skills</p>			

Seventh Report - Opt-in Decisions 1 December 2015- 30 November 2016

Proposal		Decision-making process		Reasoning for Government's decision
1	<p>Title</p> <p>Proposal for a Regulation of the European Parliament and of the Council establishing a crisis relocation mechanism and amending Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third country national or a stateless person</p> <p>Ref.</p> <p>11843/15</p> <p>Legal base</p> <p>Articles 78(2)(e) TFEU</p> <p>Department</p> <p>Home Office</p>	<p>Date of Publication (last language)</p> <p>09/09/2015</p> <p>Opt-in deadline</p> <p>08/12/2015</p> <p>Deposited to Parliament</p> <p>16/09/2015</p> <p>Date of Explanatory Memorandum</p> <p>30/09/2015</p> <p>ESC: Did a debate take place?</p> <p>N/A</p> <p>Date of Commons debate</p> <p>N/A</p> <p>EUC: Did a debate take place?</p> <p>N/A</p> <p>Date of Lords debate</p> <p>N/A</p> <p>Decision</p> <p>Did not opt in</p> <p>EU notified of decision</p> <p>N/A</p> <p>Parliament notified of decision</p> <p>16/12/2015</p>	<p>The UK did not opt in to the two temporary proposals allowing for the relocation of individuals in need of international protection between EU Member States which were agreed during Summer 2015.</p> <p>Implementation of these was extremely slow with only around 160 people relocated from Italy and Greece when the Government informed Parliament of its opt-in decision to this measure in December 2015. Negotiations on a permanent relocation mechanism have also proved long and difficult and reinforced the Government's view that relocation is the wrong response to the crisis and that the time and effort devoted to negotiating these measures would have been far better spent on implementing practical solutions to secure the external border and provide sustainable protection in the region, a position which the UK has been calling for since the beginning of the crisis.</p>	
2	<p>Title</p> <p>Proposal for a</p>	<p>Date of Publication (last language)</p> <p>09/09/2015</p>	<p>The Government does see merit in establishing an EU wide safe</p>	

	<p>Regulation of the European Parliament and of the Council establishing an EU common list of safe countries of origin for the purposes of Directive 2013/31/EU of the European Parliament and of the Council on common procedures for granting and withdrawing international protection, and amending Directive 2013/32/EU</p>	<p>language)</p> <p>Opt-in deadline</p> <p>Deposited to Parliament</p> <p>Date of Explanatory Memorandum</p> <p>ESC: Did a debate take place?</p> <p>Date of Commons debate</p> <p>EUC: Did a debate take place?</p> <p>Date of Lords debate</p> <p>Decision</p> <p>EU notified of decision</p> <p>Parliament notified of decision</p>	<p>third country list, especially for those Member States who have no experience of operating such a list. However, the UK has successfully operated its own list for many years and already has established procedures and safeguards in place, including Parliamentary approval before a country is designated. Opting in would also require the UK to opt in to the underlying 2013 Asylum Procedures Directive. The UK originally did not opt in to this Directive as it was deemed not to be in the national interest due to implications for immigration control and the integrity of UK legal systems. Those reasons remain valid and we see no advantage in opting in to this measure, so did not opt in.</p>
3	<p>Ref. 11845/15</p> <p>Legal base Article 78(2)(d) TFEU</p> <p>Department Home Office</p> <p>Title Council Decision authorising the opening of negotiations on an agreement between the European Union and the Hashemite Kingdom of Jordan on readmission</p>	<p>Date of Publication (last language)</p> <p>Opt-in deadline</p> <p>Deposited to Parliament</p> <p>Date of Explanatory Memorandum</p> <p>ESC: Did a debate take place?</p>	<p>22/09/2015</p> <p>21/12/2015</p> <p>N/A - non-depositable document</p> <p>N/A - non-depositable document</p> <p>N/A</p> <p>The Government decided not to opt in to a Council Decision authorising the opening of negotiations on an agreement between the European Union and the Hashemite Kingdom of Jordan (hereafter referred to as Jordan) on readmission.</p> <p>EURAs ensure reciprocal procedures for the identification, documentation and return of persons illegally entering or remaining in EU Member States. We decide whether to participate in EURAs on a case by case basis, depending on the priority we attach to the country concerned in terms of numbers of immigration returns and the degree to which we enjoy a good bilateral relationship with that</p>

		<p>Date of Commons debate</p> <p>EUC: Did a debate take place?</p> <p>Date of Lords debate</p> <p>Decision</p> <p>EU notified of decision</p> <p>Parliament notified of decision</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p> <p>Did not opt in</p> <p>N/A</p> <p>By letter of 01/02/2016 and WMS of 20/04/2016</p>	<p>N/A</p>	<p>country.</p> <p>Jordan is not an immigration returns priority for the UK (there were only four enforced returns from January to September 2015), and our returns process is excellent; Jordan is a country to which we return on EU Letters (this is easier because we do not need to obtain a travel document if we have strong supporting evidence of nationality). We would not enjoy an operational advantage if we were to change our bilateral arrangements for conducting returns to Jordan.</p>
4	<p>Ref. 12137/15</p> <p>Legal base Article 218(3) and (4) TFEU</p> <p>Department Home Office</p> <p>Title Proposal for a Regulation of the European Parliament and of the Council laying down common rules on securitisation and creating a European framework for simple, and transparent and standardised securitisation and amending Directives 2009/65/EC, 2009/138/EC, 2011/61/EU and Regulations (EC) No. 1060/2009 and (EU)</p>	<p>Date of Publication (last language)</p> <p>Opt-in deadline</p> <p>Deposited to Parliament</p> <p>Date of Explanatory Memorandum</p> <p>ESC: Did a debate take place?</p> <p>Date of Commons debate</p> <p>EUC: Did a debate take place?</p> <p>Date of Lords debate</p> <p>Decision</p> <p>EU notified of decision</p>	<p>01/10/2015</p> <p>31/12/2015</p> <p>02/10/2015</p> <p>13/10/2015</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>Did not opt in</p> <p>N/A</p>	<p>This Government decided not to opt in to the justice and home affairs (JHA) provisions within the European Commission's proposal for laying down common rules on securitisation and creating a European framework for simple, and transparent and standardised securitisation.</p> <p>Article 19(2) of the proposal requires that where Member States have chosen to pursue a criminal sanctions regime for breaches of elements of the proposals, those Member States must ensure that information can be shared between competent authorities across the EU. As the provision requires cooperation involving law enforcement bodies, the Government believes these are JHA obligations and therefore our JHA opt-in is triggered and we have informed Council of that fact.</p> <p>The Government decided not to opt in to these provisions as there are no significant benefits to be gained from doing so. The obligation to share information will fall on Member States who have</p>	

	No. 648/2012	27/01/2016	a relevant criminal sanctions regime, and UK competent authorities will be in a position to access this data irrespective of the decision to opt in. The Government has no intention to introduce a criminal sanctions regime in a way that would lead to this Regulation imposing an obligation on UK or on our competent authorities.
	12601/15		
	Article 114 TFEU		
	HM Treasury		
5	<p>Proposal for a Regulation of the European Parliament and of the Council on the protection of the individual with regard to the processing of personal data and on the free movement of such data</p>	<p>Date of Publication (last language)</p> <p>Opt-in deadline</p> <p>Deposited to Parliament</p> <p>Date of Explanatory Memorandum</p> <p>ESC: Did a debate take place?</p> <p>Date of Commons debate</p> <p>EUC: Did a debate take place?</p> <p>Date of Lords debate</p> <p>Decision</p> <p>EU notified of decision</p> <p>Parliament notified of decision</p>	<p>This Government decided not to opt in to the Justice and Home Affairs provision within the EU general data protection regulation (GDPR). Negotiations on the regulation were concluded on 15 December 2015 and a proposed final compromise text was communicated to the European Council on 17 December. The GDPR was adopted in April 2016.</p> <p>The compromise text published at the end of trilogue negotiations on 17 December 2015 was the first formal text that contained wording in Article 43a, which triggers the UK's opt-in under protocol 21. This article deals with the recognition and enforcement of judgments, and includes content that falls under article 81 (judicial co-operation in civil matters) and article 82 (judicial co-operation in criminal matters) Treaty on the Functioning of the European Union, thereby triggering the UK's JHA opt-in. The text restricts a member state from enforcing a judgment requiring the transfer or disclosure of personal data where there is no international agreement or treaty.</p> <p>As a result of concerns relating to the integrity of the UK legal system, the UK did not opt-in to the parts of Article 43a which triggered Protocol 21. Due to the late introduction of the JHA content into the text, it was not possible in this case to complete the normal scrutiny procedures.</p>
	15323/15		
	Article 16 TFEU		
	Department for Culture, Media and Sport		
6	Proposal for a Regulation of the	Date of Publication (last language)	This Regulation was part of a wider package of measures proposed by the Commission to ensure the protection of the EU's external

	<p>European Parliament and of the Council amending Council Regulation (EC) No 768/2005 establishing a Community Fisheries Control Agency</p>	<p>Opt-in deadline 15/03/2016</p> <p>Deposited to Parliament 21/12/2015</p> <p>Date of Explanatory Memorandum 08/01/2016</p> <p>ESC: Did a debate take place? N/A</p> <p>Date of Commons debate N/A</p> <p>EUC: Did a debate take place? No</p> <p>Date of Lords debate N/A</p> <p>Decision Did not opt in</p> <p>EU notified of decision N/A</p> <p>Parliament notified of decision 15/12/2016</p>	<p>borders and cited a fisheries legal base, Article 42(2) TFEU, reflecting the legal base for the founding regulation that it seeks to amend.</p> <p>Although EFCA has no law enforcement role itself, the proposal would, nonetheless, formally establish co-operation and exchange of information between this agency and national authorities intended for the prevention, detection, and investigation of criminal offences, including the trafficking of humans, weapons and drugs as well as for migration control. The effect of the measure would then amount to co-operation that falls within the scope of the Justice and Home Affairs section of the EU Treaties, because EFCA would then be expected to facilitate the exchange and sharing of such information for purposes beyond its current role.</p> <p>Despite making the case for an additional Title V legal base in the proposal, given the Government's view that a substantial proportion of the proposal relates to support and information exchange for border control and law enforcement functions, the UK received no support from other Member States or from the Commission on this request as they felt that the JHA content and aim of the proposal was too small to justify a joint legal base. As a result, whilst the Government still considered that there was a case for such a legal base and that the proposal contained JHA content, it decided to not opt in to this proposal.</p>
7	<p>Title Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1406/2002 establishing a European Maritime Safety Agency</p>	<p>Date of Publication (last language) 16/12/2015</p> <p>Opt-in deadline 15/03/2016</p> <p>Deposited to Parliament 21/12/2015</p> <p>Date of Explanatory Memorandum 10/02/2016</p> <p>ESC: Did a debate take place? No</p> <p>Date of Commons debate N/A</p>	<p>This Regulation was part of a wider package of measures proposed by the Commission to ensure the protection of the EU's external borders and cited a transport legal base, Article 100(2) TFEU, reflecting the legal base for the founding regulation that it seeks to amend.</p> <p>Although EMSA has no law enforcement role itself, the proposal would, nonetheless, formally establish co-operation and exchange of information between this agency and national authorities intended for the prevention, detection, and investigation of criminal offences, including the trafficking of humans, weapons and drugs as</p>

			<p>EUC: Did a debate take place? No</p> <p>Date of Lords debate N/A</p> <p>Decision Did not opt in</p> <p>EU notified of decision N/A</p> <p>Parliament notified of decision 25/10/2016</p>		<p>well as for migration control. The effect of the measure would then amount to co-operation that falls within the scope of the Justice and Home Affairs section of the EU Treaties, because EMSA would then be expected to facilitate the exchange and sharing of such information for purposes beyond its current role.</p> <p>The amendments in the proposed Regulation would also allow the Commission to make recommendations for cooperation at national, EU and international level. As the information collected by EMSA would be shared for justice and home affairs purposes falling within Articles 77(2)(d) and 87(2)(a) of the Treaty on the Functioning of the European Union, the Government considered that the Justice and Home Affairs opt-in applied. Despite making the case for an additional Title V legal base in the proposal, given the Government's view that a substantial proportion of the proposal relates to support and information exchange for border control and law enforcement functions information sharing amongst Member States had Justice and Home Affairs (JHA) implications, the UK received no support from other Member States or from the Commission on this request as they felt that the JHA content and aim of the proposal was too small to justify a joint legal base. As a result, whilst the Government still considered that there was a case for such a legal base and that the proposal contained JHA content, it decided to not opt in to this proposal.</p>
8	<p>Title Proposal for a Directive of the European Parliament and of the Council on combating terrorism to replace Council Framework Decision 2002/475/JHA on combating terrorism</p>	<p>Date of Publication (last language) 20/12/2015</p> <p>Opt-in deadline 19/03/2016</p> <p>Deposited to Parliament 08/12/2015</p> <p>Date of Explanatory Memorandum 17/12/2015</p> <p>ESC: Did a debate take place? Yes</p> <p>Date of Commons debate 07/03/2016</p> <p>EUC: Did a debate take N/A</p>		<p>The draft EU Directive on Combating Terrorism is intended to replace the 2002 Framework Decision on Combating Terrorism (2002/475/JHA), as amended in 2008. The draft measure seeks to ensure that Member States are compliant with international obligations by setting minimum standards across the EU for criminalising certain acts as terrorist offences within national law.</p> <p>The UK's domestic legislation is compliant with international obligations in this area, specifically the UN Security Council Resolution 2178 and the Council of Europe Additional Protocol to the 2005 Convention on the Prevention of Terrorism.</p>	

			place?		Therefore UK legislation is already substantially compliant with the proposals in the draft Directive and furthermore, the Government is clear that we should not do anything which could bind us to an exercise of EU competence, or which could limit our ability to act independently in the counter-terrorism legislation field in the future. The previous Government also opted out of the 2002 Framework Decision (as amended) in December 2014 as part of the block opt out from a number of police and judicial co-operation measures.
			Date of Lords debate	N/A	
			Decision	Did not opt in	
			EU notified of decision	N/A	
			Parliament notified of decision	By letter of 12/04/2016	
	Ref.	14926/15			
	Legal base	Article 83(1) and Article 82(2) (c) TFEU			
	Department	Home Office			
9	Title	Proposal for a Council Decision determining the EU position for a Recommendation of the Joint Readmission Committee set up under the Readmission Agreement between the European Community and the Russian Federation, with regard to readmission applications requiring the arrangement of interviews	Date of Publication (last language)	21/12/2015	The Council Decision seeks to agree the Union's position in relation to a Recommendation of the Joint Readmission Committee (JRC - which consists of the EU and Russia and was set up to consider and advise on implementation of the EU-Russia readmission agreement (EURA)). The Recommendation sets out timescales for Russia and Member States to arrange readmission interviews (for the purpose of determining nationality).
			Opt-in deadline	20/03/2016	
			Deposited to Parliament	23/12/2015	
			Date of Explanatory Memorandum	21/01/2016	
			ESC: Did a debate take place?	N/A	The Government did not consider that the planned Recommendation of the JRC would have "legal effects" which meant that a Council Decision was not appropriate and that a Union position on the Recommendation should be agreed via Council Conclusions. The Council, however, continued to maintain its position that a Council Decision is appropriate.
			Date of Commons debate	N/A	
			EUC: Did a debate take place?	No	
			Date of Lords debate	N/A	
			Decision	Did not opt in	On the UK's opt-in, the Commission and Council considered that

	Ref.	6020/16									
	Legal base	Articles 79(3) TFEU, in conjunction with Article 218(9).									
	Department	Home Office									
11	Title	Proposal for a Council Decision establishing provisional measures in the area of international protection for the benefit of Sweden in accordance with Article 9 of Council Decision (EU) 2015/1523 and Article 9 of Council Decision (EU) 2015/1601 establishing provisional measures in the area of international protection for the benefit of Italy and Greece.	Date of Publication (last language)	21/12/2015							
			Opt-in deadline	20/03/2016							
			Deposited to Parliament	21/12/2015							
			Date of Explanatory Memorandum	11/01/2016							
			ESC: Did a debate take place?	No							
			Date of Commons debate	N/A							
			EUC: Did a debate take place?	No							
			Date of Lords debate	N/A							
			Decision	Did not opt in							
			EU notified of decision	N/A							
			Parliament notified of decision	By Explanatory Memorandum, on 11 January 2016.							
	Ref.	15405/15									
	Legal base	Article 78(3) TFEU									
	Department	Home Office									
12	Title	Proposal for a Regulation of the European Parliament	Date of Publication (last language)	05/01/2016							
			Opt-in deadline	04/04/2016							

The Government does not support relocation as it is the wrong response to the migratory pressures the EU faces - it undermines the important principle that asylum should be claimed in the first safe country and does not address the causes of illegal migration. The Government has not opted in to any relocation measure so far and therefore the UK did not opt in to this proposal. The Council document reflects this position. The Immigration Minister informed the Parliamentary Scrutiny Committees by way of an Explanatory Memorandum of 11 January 2016.

Within the European Commission's proposal on the prospectus to be published when securities are offered to the public or admitted to trading, the Government considered that there were Justice and

	<p>and of the Council on the prospectus to be published when securities are offered to the public or admitted to trading</p>	<p>03/12/2015</p> <p>14/12/2015</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>Did not opt in</p> <p>N/A</p> <p>24/01/2017</p>	<p>Home Affairs (JHA) provisions.</p> <p>The proposal requires that where Member States have chosen to pursue a criminal sanctions regime for breaches of elements of the proposals, those Member States must ensure that information can be shared between competent authorities across the EU. As the provision requires cooperation involving law enforcement bodies, the Government believes these are JHA obligations and therefore our JHA opt-in is triggered and we informed Council of that fact.</p> <p>The Government has decided not to opt in to these provisions as there are no significant benefits to be gained from doing so. The obligation to share information will fall on Member States who have a relevant criminal sanctions regime, and UK competent authorities will be in a position to access this data irrespective of the decision to opt in. The Government has no intention to introduce a criminal sanctions regime in a way that would lead to this Regulation imposing an obligation on UK or on our competent authorities.</p>
<p>Ref.</p> <p>14890/15</p>	<p>Article 114 TFEU</p> <p>HM Treasury</p>		
<p>13</p>	<p>Title</p> <p>Proposal for a Regulation of the European Parliament and of the Council on a European travel document for the return of illegally staying third-country nationals</p>	<p>Date of Publication (last language)</p> <p>01/02/2016</p> <p>Opt-in deadline</p> <p>15/04/2016 (expedited timeframe)</p> <p>Deposited to Parliament</p> <p>11/01/2016</p> <p>Date of Explanatory Memorandum</p> <p>02/02/2016</p> <p>ESC: Did a debate take place?</p> <p>N/A</p> <p>Date of Commons debate</p> <p>N/A</p>	<p>The European Commission, keen to demonstrate it is taking action on returns, put forward this proposal for a new EU travel document for returns (also known as laissez-passer or EU Letter (EUL)). It specifically seeks to improve the effective return of third country nationals who do not fulfil or no longer fulfil the conditions for entry, stay or residence in the Member State of the Union, when those third country nationals possess no valid travel documents. Currently, as per Council Recommendation of 30 November 1994 entitled 'standard travel document for the removal/expulsion of third-country foreign nationals', Member States may issue a document (commonly known as a laissez-passer) for illegal third country nationals who do not possess a valid travel document which this new EU travel document seeks to replace. The Government</p>

15	Home Office	<p>Recommendation for a Council Decision authorising the opening of negotiations on a Convention on the recognition and enforcement of judgments in civil and commercial matters (the Judgements Convention) in the framework of the Hague Conference on Private International Law</p>	<p>Date of Publication (last language) 08/04/2016</p> <p>Opt-in deadline 07/07/2016</p> <p>Deposited to Parliament N/A</p> <p>Date of Explanatory Memorandum N/A</p> <p>ESC: Did a debate take place? No</p> <p>Date of Commons debate N/A</p> <p>EUC: Did a debate take place? No</p> <p>Date of Lords debate N/A</p> <p>Decision Opted in</p> <p>EU notified of decision 23/06/2016</p> <p>Parliament notified of decision 20/07/2017</p>	<p>The Hague Conference has convened a series of Special Commissions to consider both the feasibility and content of a draft global Convention on the recognition and enforcement of civil and commercial judgments. The UK is playing a leading part in the drafting of a text. At the moment, no comprehensive international legal instrument exists, and should the discussions at a Hague Conference level be successful, such an instrument will be valuable in relation to the recognition and enforcement of judgments to and from the UK, both at an EU and international level. It is likely to be some years, however, before an agreed text emerges.</p> <p>The Council Decision refers to the EU negotiating mandate for the Special Commissions, as the EU has exclusive external competence to negotiate on behalf of EU Member States in this area. As the measure cites a Title V legal base, in accordance with Protocol No 21, the Government considers that the UK's JHA opt-in applies. Given the UK's support in principle for the aims of the Convention and our active involvement in work at The Hague, the Government decided to opt in.</p> <p>As the Commission and Council do not consider that the opt-in applies in circumstances where the EU has exclusive external competence, the UK laid a minute statement clarifying the application of the opt-in.</p>
16	<p>7744/16 RESTREINT EU</p> <p>Articles 81, 218(3) and (4) TFEU</p> <p>Ministry of Justice</p>	<p>Date of Publication (last language) 08/03/2016</p> <p>Opt-in deadline 07/06/2016</p> <p>Deposited to Parliament 07/03/2016</p> <p>Date of Explanatory Memorandum 21/03/2016</p> <p>ESC: Did a debate take place? No</p>	<p>This proposal seeks authorisation for the EU to sign the Council of Europe Convention on preventing and combating violence against women and domestic violence. The UK signed the Istanbul Convention on 8 June 2012 to signal its strong commitment to tackling violence against women and girls, and this Government remains committed to ratifying the Convention.</p> <p>However, the Government does not agree that the EU has exclusive external competence in relation to this Convention and</p>	

	domestic violence		N/A	does not consider that the EU is required to accede to the Convention. The Government considers that it should have been for the Council to determine freely the matters in respect of which the European Union should sign the Convention.
			No	
			N/A	
			Did not opt in	The Government therefore decided not to opt in to this Council Decision, and will lay a minute statement on adoption of the Decision clarifying the UK position on competence.
			N/A	
			By letter of 13 June 2016	
	Ref.	6695/16		
	Legal base	Article 82(2) and Article 84, in conjunction with Article 218(5) TFEU		
	Department	Home Office		
17	Title	Proposal for a COUNCIL DECISION on the conclusion, by the European Union, of the Convention of Europe Convention on preventing and combating violence against women and domestic violence	08/03/2016	This proposal seeks authorisation for the EU to conclude the Council of Europe Convention on preventing and combating violence against women and domestic violence. The UK signed the Istanbul Convention on 8 June 2012 to signal its strong commitment to tackling violence against women and girls, and this Government remains committed to ratifying the Convention.
			07/06/2016	
			07/03/2016	
			21/03/2016	
			No	However, the Government does not agree that the EU has exclusive external competence in relation to this Convention and does not consider that the EU is required to accede to the Convention. The Government considers that it should have been for the Council to determine freely the matters in respect of which the European Union should sign the Convention.
			N/A	
			No	
			N/A	
			Did not opt in	The Government therefore decided not to opt in to this Council Decision, and will lay a minute statement on adoption of the Decision clarifying the UK position on competence and on the applicability of the UK's JHA opt-in.
			N/A	

			Parliament notified of decision	By letter of 13 June 2016	
Ref.	6696/16				
Legal base	Article 82(2) and Article 84, in conjunction with Article 218(6)(a) TFEU				
Department	Home Office				
Title	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive 96/71/EC of The European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services		Date of Publication (last language) Opt-in deadline Deposited to Parliament Date of Explanatory Memorandum ESC: Did a debate take place? Date of Commons debate EUC: Did a debate take place? Date of Lords debate Decision EU notified of decision Parliament notified of decision	08/03/2016 09/06/2016 11/03/2016 24/03/2016 No N/A No N/A Did not opt in N/A By letter of 28 September 2016	<p>A provision (Article 1 of the proposal) states that, for workers who are posted for 24 months or longer, the host country is deemed to be 'the country in which his or her work is habitually carried out'. By operation of Article 8 of the Rome I Regulation (a JHA civil law measure which determines the law applicable to contracts), this provision is capable of determining the law which governs the employment contract.</p> <p>The Government therefore considers that as this provision amends an existing JHA measure, this constitutes a JHA obligation, and in accordance with Article 4(a)(1) of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of Freedom, Security and Justice annexed to the Treaty on the Functioning of the European Union, the UK's opt-in is triggered. The Government does not consider that it is in the United Kingdom's interest to opt in to this amendment as the provision is not expected to impact workers posted to the UK as our domestic law broadly provides for the effect sought by the proposal.</p>
Ref.	6987/16				
Legal base	Articles 53(1) and 62 TFEU				
Department	Department for Business Innovation and Skills				

19	<p>Title</p> <p>Recommendation for a COUNCIL DECISION authorising the opening of negotiations on an agreement between the European Union and the Federal Republic of Nigeria on readmission</p>	<p>Date of Publication (last language)</p> <p>31/05/2016</p> <p>Opt-in deadline</p> <p>30/08/2016</p> <p>Deposited to Parliament</p> <p>N/A</p> <p>Date of Explanatory Memorandum</p> <p>N/A</p> <p>ESC: Did a debate take place?</p> <p>No</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>Did not opt in</p> <p>EU notified of decision</p> <p>N/A</p> <p>Parliament notified of decision</p> <p>16/12/2016</p>	<p>EU readmission agreements (EURAs) ensure reciprocal procedures for the identification, documentation and return of persons illegally entering or remaining in EU member states, or the third country. We decide whether to participate in EURAs on a case-by-case basis, depending on the priority we attach to the country concerned in terms of numbers of immigration returns and the degree to which we enjoy a good bilateral relationship with that country.</p> <p>A Title V legal base (Article 79(3) TFEU) was added to the Council Decision during negotiations, which clarifies that the UK's JHA opt-in is triggered by this measure.</p> <p>The Government have decided not to opt in to this Council Decision authorising the opening of negotiations on an agreement between the European Union and Nigeria on readmission. In terms of returns co-operation, the UK already has bilateral arrangements with Nigeria via a memorandum of understanding, which work well, for example allowing the return of Nigerian nationals. We would not envisage an operational advantage if we were to change our current bilateral arrangements for conducting returns to Nigeria.</p>
20	<p>Ref.</p> <p>8894/16 RESTREINT</p> <p>Legal base</p> <p>Article 218(3) and (4) TFEU</p> <p>Department</p> <p>Home Office</p>	<p>Date of Publication (last language)</p> <p>02/06/2016</p> <p>Opt-in deadline</p> <p>01/09/2016</p> <p>Deposited to Parliament</p> <p>02/06/2016</p> <p>Date of Explanatory Memorandum</p> <p>29/06/2016</p> <p>ESC: Did a debate take place?</p> <p>No</p> <p>Date of Commons debate</p> <p>N/A</p> <p>EUC: Did a debate take</p> <p>No</p>	<p>The EU Insolvency Regulation has applied to the UK since 2002 and provides a legal framework to ensure that an insolvency proceeding commenced in a Member State is recognised across the EU, without the need to commence separate proceedings in other Member States where assets, for example, may be located. On 20 May 2015, the Regulation was recast to Regulation (EU) 2015/848 of the European Parliament and of the Council ("the recast Regulation"). The recast Regulation came into force on 26 June 2015 and will apply (in the main) from 26 June 2017. The 2015 Regulation cites a Title V legal base and the UK opted in to this Regulation.</p> <p>The current proposal updates the annexes to EU Regulation</p>
20	<p>Title</p> <p>Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL replacing the lists of insolvency proceedings and insolvency practitioners in Annexes A and B to Regulation (EU) 2015/848 on insolvency proceedings</p>	<p>Date of Publication (last language)</p> <p>02/06/2016</p> <p>Opt-in deadline</p> <p>01/09/2016</p> <p>Deposited to Parliament</p> <p>02/06/2016</p> <p>Date of Explanatory Memorandum</p> <p>29/06/2016</p> <p>ESC: Did a debate take place?</p> <p>No</p> <p>Date of Commons debate</p> <p>N/A</p> <p>EUC: Did a debate take</p> <p>No</p>	<p>The EU Insolvency Regulation has applied to the UK since 2002 and provides a legal framework to ensure that an insolvency proceeding commenced in a Member State is recognised across the EU, without the need to commence separate proceedings in other Member States where assets, for example, may be located. On 20 May 2015, the Regulation was recast to Regulation (EU) 2015/848 of the European Parliament and of the Council ("the recast Regulation"). The recast Regulation came into force on 26 June 2015 and will apply (in the main) from 26 June 2017. The 2015 Regulation cites a Title V legal base and the UK opted in to this Regulation.</p> <p>The current proposal updates the annexes to EU Regulation</p>

	Department	Foreign and Commonwealth Office			
22	Title	Proposal for a COUNCIL DECISION authorising certain Member States to accept, in the interest of the European Union, the accession of Kazakhstan to the 1980 Hague Convention on the Civil Aspects of International Child Abduction Proposal for a Council Decision authorising the Republic of Austria and Romania to accept, in the interest of the European Union, the	Date of Publication (last language) Opt-in deadline Deposited to Parliament Date of Explanatory Memorandum ESC: Did a debate take place? Date of Commons debate EUC: Did a debate take place? Date of Lords debate Decision EU notified of decision	13/06/2016 12/09/2016 13/06/2016 28/06/2016 No N/A No N/A Opted in 12/09/2016	All EU member states are party to the 1980 Hague Convention, the primary civil law international instrument which provides a mechanism to seek the prompt return of wrongfully removed or retained children to their country of habitual residence. When a country wishes to accede to the Convention, it is necessary for an existing contracting state to accept that country's accession before the Convention can apply between them. It is the European Commission's view that there is exclusive competence on the EU for all matters relating to the 1980 Convention and that therefore member states must be authorised by the EU to accept accessions by third countries and must do so collectively through Council decisions. Although not anticipated in the proposals, the Government believe that the UK opt-in under Protocol No 21 to the Treaty on the Functioning of the European Union applies. The Government has asserted its right to choose whether to opt-in and have decided that

	<p>accession of Peru to the 1980 Hague Convention Proposal for a Council Decision authorising certain Member States to accept, in the interest of the European Union, the accession of the Republic of Korea to the 1980 Hague convention</p>	<p>Parliament notified of decision</p>	<p>18/10/2016</p>	<p>it is in the UK's best interests to do so, to ensure the widest possible operation of the Convention.</p> <p>The Government have taken this decision notwithstanding the fact that they dispute the Commission's claim to exclusive competence.</p> <p>The Government believe that the wider significance of these proposals for external competence mean that it is in the UK's interests to participate fully in these negotiations, including having the ability to vote. These proposals must be agreed by unanimity within the EU Council.</p>
<p>Ref.</p>	<p>10043/16, 10049/16 & 10050/16</p>			
<p>Legal base</p>	<p>Art 81(3) and 218 TFEU</p>			
<p>Department</p>	<p>Foreign and Commonwealth Office</p>			
<p>Title</p>	<p>Proposal for a Council Decision on the signing on behalf of the European Union of the Comprehensive Economic and Trade Agreement between Canada of the one part, and the European Union and its Member States, of the other part</p>	<p>Date of Publication (last language)</p>	<p>06/07/2016</p>	<p>The UK's JHA opt-in was triggered by incidental Mode IV provisions, relating to the temporary movement of natural persons for business, which are in line with the UK's previously-agreed Mode IV commitments under the WTO General Agreement on Trade in Services (GATS). With this in mind, the Government decided to opt into the provisions.</p>
		<p>Opt-in deadline</p>	<p>05/10/2016</p>	
		<p>Deposited to Parliament</p>	<p>07/07/2016</p>	
		<p>Date of Explanatory Memorandum</p>	<p>29/07/2016</p>	
		<p>ESC: Did a debate take place?</p>	<p>No</p>	
		<p>Date of Commons debate</p>	<p>N/A</p>	
		<p>EUC: Did a debate take place?</p>	<p>No</p>	

25	<p>Title</p> <p>Proposal for a Regulation on the European Union Agency for Asylum and repealing Regulation (EU) No 439/2010 (EU Asylum Agency)</p>	<p>Date of Publication (last language)</p> <p>01/07/2013</p> <p>Opt-in deadline</p> <p>30/09/2016</p> <p>Deposited to Parliament</p> <p>12/05/2016</p> <p>Date of Explanatory Memorandum</p> <p>23/05/2016</p> <p>ESC: Did a debate take place?</p> <p>Yes</p> <p>Date of Commons debate</p> <p>15/11/2016</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>Did not opt in</p> <p>EU notified of decision</p> <p>N/A</p> <p>Parliament notified of decision</p> <p>16/12/2016</p>	<p>The Government decided not to opt in to the EU proposal for a regulation of the European Parliament and of the Council on the European Union Agency for Asylum.</p> <p>The proposed European Union Agency for Asylum would replace the existing European Asylum Support Office (EASO). The UK currently participates in EASO.</p> <p>The aim of the proposal is an agency with more powers to promote the implementation and improve the functioning of the Common European Asylum System. The proposal provides the European Union Agency for Asylum with a significant degree of oversight over national asylum systems.</p> <p>We are committed to running a high quality and effective asylum system but have always taken the view that the functioning of the asylum system is a sovereign matter.</p> <p>The UK will therefore not opt in to the proposal for the EU Agency for Asylum.</p>
26	<p>Ref.</p> <p>8742/16</p> <p>Legal base</p> <p>Article 78(1) and (2) TFEU</p> <p>Department</p> <p>Home Office</p>	<p>Date of Publication (last language)</p> <p>06/07/2016</p> <p>Opt-in deadline</p> <p>05/10/2016</p> <p>Deposited to Parliament</p> <p>07/08/2016</p> <p>Date of Explanatory Memorandum</p> <p>16/08/2016</p> <p>ESC: Did a debate take place?</p> <p>No</p> <p>Date of Commons debate</p> <p>N/A</p>	<p>The Government decided not to opt in to the draft Council regulation amending the regulation on the uniform format for residence permits for third country nationals. The proposed regulation is intended to update the 2002 regulation, which was previously amended in 2008. The draft measure seeks to update the design and security features on the current version of the residence permit.</p> <p>In reaching its decision, although the Government welcome measures that will strengthen immigration and border control, it has taken account of the cost of developing a document that the UK</p>

28	<p>Title</p> <p>Proposal for a Directive of the European Parliament and of the Council amending Directive (EU) 2015/849 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing and amending Directive 2009/101/EC</p>	<p>Date of Publication (last language)</p> <p>01/08/2016</p> <p>Opt-in deadline</p> <p>31/10/2016</p> <p>Deposited to Parliament</p> <p>11/07/2016</p> <p>Date of Explanatory Memorandum</p> <p>05/09/2016</p> <p>ESC: Did a debate take place?</p> <p>No</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>26/10/2016</p> <p>Parliament notified of decision</p> <p>08/11/2016</p>	<p>In line with the Government's position on the 4th Anti-Money Laundering Directive, we considered the proposal to be a partial JHA measure. Whilst the amendments did not have a Title V legal base, we concluded that the provisions relating to the sharing of data from registers between Financial Intelligence Units and law enforcement authorities triggered the opt-in.</p> <p>The Government supports the sharing of information between law enforcement agencies and therefore decided to opt in to these provisions.</p>
	<p>Ref.</p> <p>10678/16</p>		
	<p>Legal base</p> <p>Article 114 TFEU</p>		
	<p>Department</p> <p>HM Treasury</p>		
29	<p>Title</p> <p>Council Decisions on signing, provisional application and conclusion of the Protocol of Accession of Ecuador to the Andean Free Trade Agreement</p>	<p>Date of Publication (last language)</p> <p>12/10/2016</p> <p>Opt-in deadline</p> <p>11/01/2017</p> <p>Deposited to Parliament</p> <p>13/10/2016</p> <p>Date of Explanatory Memorandum</p> <p>28/04/2016 (OTNYR EM)</p> <p>ESC: Did a debate take place?</p> <p>No</p> <p>Date of Commons debate</p> <p>N/A</p> <p>EUC: Did a debate take</p> <p>No</p>	<p>The UK's JHA opt-in was triggered by incidental Mode IV provisions, relating to the temporary movement of natural persons for business, which are in line with the UK's previously-agreed Mode IV commitments under the WTO General Agreement on Trade in Services (GATS). With this in mind, the Government decided to opt into the provisions.</p> <p>The opt-in decision was expedited to meet the EU deadline for adoption of the Council Decision on signature of the Protocol.</p>

		place?		
		Date of Lords debate	N/A	
		Decision	Opted in	
		EU notified of decision	08/11/2016	
		Parliament notified of decision	22/11/2016	
Ref.	7614/16 7616/16			
Legal base	Articles 91, 100(2), and the first subparagraph of 207(4), in conjunction with Article 218(5) TFEU for signing and Articles 91, 100(2), and the first subparagraph of 207(4), in conjunction with Article 218(6)(a) TFEU for conclusion			
Department	Department for International Trade			
30	Title	Proposal for a Regulation establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a	Date of Publication (last language) Opt-in deadline Deposited to Parliament Date of Explanatory Memorandum ESC: Did a debate take place? Date of Commons debate	19/08/2016 18/11/2016 12/05/2016 23/05/2016 Yes 15/11/2016
		The Government decided not to opt in to the EU proposal for the Dublin IV regulation. The Regulation will govern the process of deciding which member state is responsible for deciding an asylum claim and streamline the transfer process. The UK supports those aims, but the proposed Dublin IV regulation binds member states to participate in a quota-based distribution scheme. The proposal also permits the Commission to impose considerable financial burdens on member states, of €250,000 per applicant not transferred under this mechanism.		

	<p>third-country national or a stateless person (recast) (Dublin IV)</p>	<p>EUC: Did a debate take place? No</p> <p>Date of Lords debate N/A</p> <p>Decision Did not opt in</p> <p>EU notified of decision N/A</p> <p>Parliament notified of decision 16/12/2016</p>	<p>The UK has long-standing reservations about such relocation schemes. Asylum seekers should claim asylum in the first safe country they enter and not be moved around the EU using allocation quotas.</p> <p>By not opting in to Dublin IV regulation, the UK remains bound by the Dublin III regulation, which will allow the Government to return applicants where another member state is responsible for determining their asylum claim and discourage secondary movement or so called "asylum shopping".</p>
31	<p>Ref. 8715/16</p> <p>Legal base Article 78 (2) (e) TFEU</p> <p>Department Home Office</p> <p>Title Proposal for a Regulation on the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of [Regulation (EU) No 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a</p>	<p>Date of Publication (last language) 19/08/2016</p> <p>Opt-in deadline 18/11/2016</p> <p>Deposited to Parliament 16/05/2016</p> <p>Date of Explanatory Memorandum 24/05/2016</p> <p>ESC: Did a debate take place? Yes</p> <p>Date of Commons debate 15/11/2016</p> <p>EUC: Did a debate take place? No</p> <p>Date of Lords debate N/A</p> <p>Decision Opted in</p> <p>EU notified of decision 17/11/2016</p>	<p>The Government decided to opt in to the EU proposal for the EURODAC III regulation.</p> <p>The Regulation will govern the operation of the EURODAC fingerprint database, which holds the fingerprints of asylum seekers and certain illegal entrants to the EU, in order to help member states determine who is responsible under the Dublin regulation for dealing with an asylum claim and to tackle illegal migration.</p> <p>The EURODAC database will be expanded to increase the categories of fingerprints recorded, to record facial images and biographical data, to increase the length of time data can be stored to five years and to provide better data-sharing procedures between member states. These changes will strengthen the UK's ability to control illegal migration, prevent multiple asylum applications across member states and protect the UK's security through data sharing with law enforcement agencies.</p>

	<p>third-country national or a stateless person], for identifying an illegally staying third-country national or stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes (recast) (Eurodac)</p>	<p>15/12/2016</p>	
32	<p>Ref. 8765/16</p> <p>Legal base Articles 78 (2)(e), 79(2)(c), 87(2)(a) and 88(2)(a) TFEU</p> <p>Department Home Office</p>	<p>Date of Publication (last language) N/A</p> <p>Opt-in deadline N/A</p> <p>Deposited to Parliament N/A</p> <p>Date of Explanatory Memorandum 14/11/2016</p> <p>ESC: Did a debate take place? Yes</p> <p>Date of Commons debate 12/12/2016</p> <p>EUC: Did a debate take place? No</p> <p>Date of Lords debate N/A</p>	<p>The Government made a request to the Commission on 16 December 2016 for the UK to participate in this Regulation. The Commission adopted a Decision on 6 March 2017 confirming the UK's participation in the Regulation. The Regulation will come into force on 1 May 2017.</p> <p>Opting in will maintain operational continuity and minimise disruption for UK law enforcement ahead of the UK exiting the EU, ensuring our Liaison Bureau at Europol is maintained, and that law enforcement agencies can continue to access Europol systems and intelligence.</p>

	who are long-term residents	16/12/2016	Parliament notified of decision	<p>movements. However, the Government's view is that decisions on asylum systems are best taken at national level. The proposals, in particular where replacing the use of a Directive with a regulation in the case of the proposals on Qualification and Asylum Procedures, would further limit the Government's ability to take decisions on the UK asylum system at national level and in the UK national interest. There is no reason to change the approach from that taken with regard to the corresponding second phase CEAS measures. Therefore, the UK did not opt in to the proposals.</p>
Ref.	11316/16			
Legal base	Article 78(2)(a) and (b) and Article 79 (2) (a) TFEU			
Department	Home Office			
34	<p>Proposal for a Regulation establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU</p>	<p>Date of Publication (last language) 07/09/2016</p> <p>Opt-in deadline 08/12/2016</p> <p>Deposited to Parliament 20/07/2016</p> <p>Date of Explanatory Memorandum 04/08/2016</p> <p>ESC: Did a debate take place? Yes</p> <p>Date of Commons debate 19/12/2016</p> <p>EUC: Did a debate take place? No</p> <p>Date of Lords debate N/A</p> <p>Decision Did not opt in</p> <p>EU notified of decision N/A</p> <p>Parliament notified of decision 16/12/2016</p>	<p>The Government decided not to opt in to the new EU proposals for a Qualification regulation, an Asylum Procedures regulation and a recast Reception Conditions Directive. The proposals reform the package of asylum directives adopted between 2011-2013 as part of the second phase of the Common European Asylum System (CEAS).</p> <p>The UK chose not to participate in the corresponding second phase CEAS instruments due to concerns over the limits they would place on our national system. As a result the UK remains bound by the directives adopted as part of the first phase of the CEAS: the Reception Conditions Directive 2003/9/EC; the Qualification Directive 2004/83/EC; and the Asylum Procedures Directive 2005/85/EC. These directives established minimum standards and allowed member states a large degree of flexibility in implementation.</p> <p>There is some merit in the new proposals, for example the overarching aim of discouraging abuse and unwarranted secondary movements. However, the Government's view is that decisions on asylum systems are best taken at national level. The proposals, in particular where replacing the use of a Directive with a regulation in the case of the proposals on Qualification and Asylum Procedures, would further limit the Government's ability to take decisions on the</p>	
Ref.	11317/16			
Legal base	Article 78(2)(d) TFEU			

	Home Office				UK asylum system at national level and in the UK national interest. There is no reason to change the approach from that taken with regard to the corresponding second phase CEAS measures. Therefore, the UK did not opt in to the proposals.
35	<p>Proposal for a Directive laying down standards for the reception of applicants for international protection (recast)</p>	Home Office	Date of Publication (last language)	12/09/2016	<p>The Government decided not to opt in to the new EU proposals for a Qualification regulation, an Asylum Procedures regulation and a recast Reception Conditions Directive. The proposals reform the package of asylum directives adopted between 2011-2013 as part of the second phase of the Common European Asylum System (CEAS).</p> <p>The UK chose not to participate in the corresponding second phase CEAS instruments due to concerns over the limits they would place on our national system. As a result the UK remains bound by the directives adopted as part of the first phase of the CEAS: the Reception Conditions Directive 2003/9/EC; the Qualification Directive 2004/83/EC; and the Asylum Procedures Directive 2005/85/EC. These directives established minimum standards and allowed member states a large degree of flexibility in implementation.</p> <p>There is some merit in the new proposals, for example the overarching aim of discouraging abuse and unwarranted secondary movements. However, the Government's view is that decisions on asylum systems are best taken at national level. The proposals, in particular where replacing the use of a Directive with a regulation in the case of the proposals on Qualification and Asylum Procedures, would further limit the Government's ability to take decisions on the UK asylum system at national level and in the UK national interest. There is no reason to change the approach from that taken with regard to the corresponding second phase CEAS measures. Therefore, the UK did not opt in to the proposals.</p>
			Opt-in deadline	11/12/2016	
			Deposited to Parliament	20/07/2016	
			Date of Explanatory Memorandum	08/09/2016	
			ESC: Did a debate take place?	Yes	
			Date of Commons debate	19/12/2016	
			EUC: Did a debate take place?	No	
			Date of Lords debate	N/A	
			Decision	Did not opt in	
			EU notified of decision	N/A	
Parliament notified of decision	16/12/2016				
Ref.	11318/16				
Legal base	Article 78(2)(f) TFEU				
Department	Home Office				
36	<p>Proposal for a Regulation establishing a Union Resettlement</p>	Home Office	Date of Publication (last language)	03/09/2016	<p>The UK is of the view that resettlement schemes are best operated at the national level. This allows for greater control and flexibility over both the source countries to be resettled from and the</p>
			Opt-in deadline	04/12/2016	

	<p>Framework and amending Regulation (EU) No 516/2014 of the European Parliament and the Council</p>	<p>Deposited to Parliament</p> <p>Date of Explanatory Memorandum</p> <p>ESC: Did a debate take place?</p> <p>Date of Commons debate</p> <p>EUC: Did a debate take place?</p> <p>Date of Lords debate</p> <p>Decision</p> <p>EU notified of decision</p> <p>Parliament notified of decision</p>	<p>20/07/2016</p> <p>04/08/2016</p> <p>Yes</p> <p>19/12/2016</p> <p>No</p> <p>N/A</p> <p>Did not opt in</p> <p>N/A</p> <p>23/02/2017</p>	<p>resettlement process. The Government is of the view that the stated reasons for action at EU-level, such as alleviating pressures on countries hosting a disproportionate number of displaced individuals, gaining influence in policy dialogues with third countries, and improving the resettlement process, can equally be achieved through close cooperation between international partners operating national resettlement schemes. National schemes also allow resettlement efforts to be aligned with the domestic and international priorities of individual Member States, including maintaining full control over the numbers to be resettled. The Government therefore decided not to opt in to this proposal.</p>
Ref.	11313/16			
Legal base	Article 78 (2) (d) and (g) TFEU			
Department	Home Office			

Forthcoming opt-in decisions

Proposal title	Descriptions
Foreign and Commonwealth Office	
Council Decisions authorising Croatia, Netherlands, Portugal and Romania to accept the accession of San Marino to the 1980 Hague Convention on the Civil Aspects of International Child Abduction	Where a country wishes to accede to the Convention, it is necessary for an existing connecting State to accept that country's accession before the Convention can apply between them. The EU has exclusive EU competence and therefore the EU has to authorise Member States to accept accessions to this Convention.
Council Decisions authorising Romania to accept accession of Chile, Iceland & Bahamas to the 1980 Hague Convention on Civil Aspects of International Child Abduction.	
Council Decisions authorising Luxembourg and Romania to accept the accession of Georgia and South Africa to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.	
Home Office	
Proposal for a Regulation on the European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice, and amending Regulation (EC) 1987/2006 and Council Decision 2007/533/JHA and repealing Regulation (EU) 1077/2011	This measure seeks to give additional responsibilities to the EU agency responsible for the management of large-scale IT systems. Specifically, it expands eu-LISA's remit to include the management of the proposed Entry and Exit System (EES) for the Schengen area, European Travel Information and Authorisation System (ETIAS) and the proposed system for the identification of Member States holding conviction information on third country nationals and stateless persons (TCN) to supplement and support the European Criminal Records Information System (ECRIS-TCN system).

Proposal title	Descriptions
<p>Proposal for a Regulation establishing a centralised system for the identification of Member States holding conviction information on third country nationals and stateless persons (TCN) to supplement and support the European Criminal Records Information System (ECRISTCN system) and amending Regulation (EU) No 1077/2011</p>	<p>The proposal builds on a previous Commission proposal to extend the system for exchanging criminal records between Member States (European Criminal Records Information System – ECRIS) to cover criminal records on third country nationals. This Regulation provides the technical specifications for a centralised database to hold criminal record information on third country nationals.</p>
<p>Proposal for a Regulation amending Regulation (EU) 2017/794 for the purpose of establishing a European Travel Information and Authorisation System (ETIAS)</p>	<p>The ETIAS system aims to enhance the security of the Schengen external border by requiring non-EU nationals, who do not require a visa to travel to the Schengen area, to seek authorisation to travel. As a Schengen measure, the UK does not participate in the ETIAS proposal. The ETIAS proposal seeks to require Europol to set up a watchlist for use by the ETIAS system. As the Europol Regulation is not a Schengen measure, this aspect of the proposal has been split into a separate JHA measure to which the JHA opt-in applies.</p>
<hr/> <p>Ministry of Justice</p>	
<p>Recommendation for a Council Decision authorising the opening of negotiations on the conclusion of an instrument on the enforcement of international commercial settlement agreements resulting from conciliation in the framework of the United Nations Commission on International Trade Law (UNCITRAL)</p>	<p>In recent years the UNCITRAL working group on Arbitration and Conciliation has been having scoping discussions on an agreement on the enforcement of agreements made through conciliation or mediation. These discussions have been coordinated informally by the European Commission on behalf of the EU. Now that the discussions are entering a more formal phase of negotiations on a possible future instrument the Commission believes that a formal mandate is necessary.</p>

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