Basic information

2014/0339(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
Repealing obsolete acts in the field of police cooperation and judicial cooperation in criminal matters Repealing JHA act 98/427/JHA 1998/0903(CNS) Repealing JHA act 2008/978/JHA 2003/0270(CNS) **Subject** 7.30.05 Police cooperation 7.40.04 Judicial cooperation in criminal matters	

Key players

European Parliament	**Committee responsible**	**Rapporteur**	**Appointed**
	LIBE Civil Liberties, Justice and Home Affairs	MORAES Claude (S&D)	05/02/2015
Council of the European Union	**Council configuration**	**Meetings**	**Date**
	Agriculture and Fisheries	3437	2015-12-14
European Commission	**Commission DG**	**Commissioner**	
	Migration and Home Affairs	AVRAMOPOULOS Dimitris	

Key events

Date	Event	Reference	Summary
28/11/2014	Legislative proposal published	COM(2014)0715	Summary
15/12/2014	Committee referral announced in Parliament, 1st reading		
03/09/2015	Vote in committee, 1st reading		
14/09/2015	Committee report tabled for plenary, 1st reading	A8-0252/2015	Summary
24/11/2015	Decision by Parliament, 1st reading	T8-0398/2015	Summary
24/11/2015	Results of vote in Parliament		
14/12/2015	Act adopted by Council after Parliament's 1st reading		
20/01/2016	Final act signed		
20/01/2016	End of procedure in Parliament		

02/02/2016	Final act published in Official Journal		

Technical information

Procedure reference	2014/0339(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Amendments and repeals	Repealing JHA act 98/427/JHA 1998/0903(CNS) Repealing JHA act 2008/978/JHA 2003/0270(CNS)
Legal basis	Treaty on the Functioning of the European Union TFEU 088-p2-a1 Treaty on the Functioning of the European Union TFEU 087-p2 Treaty on the Functioning of the European Union TFEU 082-p1 Treaty on the Functioning of the European Union TFEU 083-p1-a1
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/8/02209

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A8-0252/2015	14/09/2015	Summary
Text adopted by Parliament, 1st reading/single reading		T8-0398/2015	24/11/2015	Summary

Council of the EU

Document type	Reference	Date	Summary
Draft final act	00056/2015/LEX	20/01/2016	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2014)0715	28/11/2014	Summary
Commission response to text adopted in plenary	SP(2016)20	13/01/2016	

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	PT_PARLIAMENT	COM(2014)0715	27/01/2015	

Additional information		
Source	**Document**	**Date**
European Commission	EUR-Lex	

Final act	
Regulation 2016/0095 OJ L 026 02.02.2016, p. 0009	Summary

Repealing obsolete acts in the field of police cooperation and judicial cooperation in criminal matters

2014/0339(COD) - 14/09/2015 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Civil Liberties, Justice and Home Affairs adopted the report by Claude MORAES (S&D, UK) on the proposal for a regulation of the European Parliament and of the Council repealing certain acts in the field of police cooperation and judicial cooperation in criminal matters.

The committee recommended that the position of the European Parliament adopted at first reading under the ordinary legislative procedure should amend the Commission proposal.

Members proposed that that the following acts should be repealed:

- **7 joint actions** because their content has been taken up by successive acts;
- **Council Act 98/C 216/01 and the Convention of 17 June 1998** (driving disqualifications);
- **Framework Decision 2008/978/JHA** (European evidence warrant).

Members introduced a **transitional provision** stipulating that any European evidence warrant executed under Framework Decision 2008/978/JHA shall continue to be governed by that instrument until the relevant criminal proceedings have been concluded with a definitive decision.

The report contains also amendments aiming at improving the drafting of the act, amendments **explaining the position of the UK** in view of its decision in accordance with Article 10(4) of Protocol 36 and a new recital **justifying the use of a regulation** as a legal instrument for repealing certain acts whose legal basis after the Lisbon Treaty requires adoption of a directive.

Repealing obsolete acts in the field of police cooperation and judicial cooperation in criminal matters

2014/0339(COD) - 24/11/2015 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 623 votes to 6, with 57 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council repealing certain acts in the field of police cooperation and judicial cooperation in criminal matters.

Parliament's position adopted at first reading following the ordinary legislative procedure amended the Commission proposal as follows:

Parliament proposed that that the following acts should be repealed:

- **7 joint actions** because their content has been taken up by successive act concerning: the directory of counter-terrorism competences; chemical profiling of drugs; the directory of competences on fight against organised crime; combatting drug addiction and trafficking; cooperation on law and order and security; cooperation between customs authorities;
- **Council Act 98/C 216/01 and the Convention of 17 June 1998** (driving disqualifications);
- **Joint Action 98/427/JHA** (good practice in mutual legal assistance in criminal matters); and
- **Framework Decision 2008/978/JHA** (**European evidence warrant**).

Parliament introduced a transitional provision stipulating that any European evidence warrant executed under Framework Decision 2008/978/JHA shall continue to be governed by that instrument until the relevant criminal proceedings have been concluded with a definitive decision.

Members also introduced amendments aiming at improving the drafting of the act, amendments explaining the position of the **UK** in view of its decision in accordance with Article 10(4) of Protocol 36 and a new recital **justifying** the use of a regulation as a legal instrument for repealing certain acts whose legal basis after the Lisbon Treaty requires adoption of a directive.

Repealing obsolete acts in the field of police cooperation and judicial cooperation in criminal matters

2014/0339(COD) - 28/11/2014 - Legislative proposal

PURPOSE: to repeal a certain number of legal measures in the field of police cooperation and judicial cooperation in criminal matters that have been identified as obsolete.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: in its Communication of June 2014 on "Regulatory Fitness and Performance Programme (REFIT): State of Play and Outlook", the Commission stated that it was screening the acquis in respect of police cooperation and judicial cooperation in criminal matters in order to identify acts which could be repealed in the context of the expiry of the transitional period set out in the Treaties.

The Commission has now completed its assessment on the legal acts related to the area of freedom, security and justice, including the former third pillar acquis. They are no longer relevant because of their temporary nature or because their content has been taken up by successive acts.

CONTENT: for reasons of legal certainty and clarity, the proposal seeks to **repeal 8 legal measures**, adopted in the field of police cooperation and judicial cooperation in criminal matters that have been identified as obsolete.

Repealing obsolete acts in the field of police cooperation and judicial cooperation in criminal matters

2014/0339(COD) - 20/01/2016 - Final act

PURPOSE: to repeal a certain number of Union acts in the field of police cooperation and judicial cooperation in criminal matters that have been identified as obsolete.

LEGISLATIVE ACT: Regulation (EU) 2016/95 of the European Parliament and of the Council repealing certain acts in the field of police cooperation and judicial cooperation in criminal matters.

CONTENT: in the context of the better law-making strategy that the institutions of the Union are implementing, the Regulation **repeals a number of acts adopted in the field of police cooperation and judicial cooperation in criminal matters** have become obsolete because their content has been taken up by successive acts. This Regulation only repeals obsolete acts without replacing them with new ones.

The following acts have been repealed:

- **seven joint Council actions** because their content has been taken up by successive act concerning: (i) the directory of counter-terrorism competences; (ii) chemical profiling of drugs; (iii) the directory of competences on fight against organised crime; (iv) combatting drug addiction and trafficking; (v) cooperation on law and order and security; (vi) cooperation between customs authorities; (viii) good practice in mutual legal assistance in criminal matters;
- **Council Act 98/C 216/01 and the Convention of 17 June 1998** (driving disqualifications);
- **Framework Decision 2008/978/JHA** (European evidence warrant), replaced by Directive 2014/41/EU of the European Parliament and of the Council on the European Investigation Order (EIO) which applies between 26 Member States.

The Regulation stipulates that any European evidence warrant executed under Framework Decision 2008/978/JHA shall continue to be governed by that instrument until the relevant criminal proceedings have been concluded with a definitive decision.

Position of Ireland, Denmark and the United Kingdom: Ireland has notified its wish to take part in the adoption and application of this Regulation. Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.

Following the notification made by the United Kingdom on 24 July 2013 in accordance with the first sentence of the first subparagraph of Article 10(4) of Protocol No 36 on transitional provisions, Joint Actions 96/610/JHA, 96/699/JHA, 96/747/JHA, 96/750/JHA, 97/339/JHA, 97/372/JHA and 98/427 /JHA, and Council Act 98/C-216/01 have ceased to apply to the United Kingdom as from 1 December 2014, pursuant to that Protocol. The United Kingdom is therefore not taking part in the adoption of this Regulation with regard to those legal acts and is not bound by it or subject to its application.

However, in accordance with the third sentence of the first subparagraph of Article 10(4) of that Protocol, Framework Decision 2008/978/JHA remained applicable in the United Kingdom as replaced by Directive 2014/41/EU.

In accordance with Article 3 and Article 4a(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 TEU and to the TFEU, Ireland has notified its wish to take part in the adoption and application of this Regulation.

ENTRY INTO FORCE: 22.2.2016.