



Brussels, 9.8.2013
COM(2013) 580 final

2013/0281 (APP)

Proposal for a

COUNCIL DECISION

on the repeal of Council Decision 2007/124/EC, Euratom

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

1.1. Multiannual framework 2007-13

Under the multiannual framework 2007-13, the General Programme on Security and Safeguarding Liberties was established. Its key objective was to ensure effective operational cooperation in the fight against terrorism, including its consequences, organised crime and general crime, to support the provision of intelligence on a European scale and to strengthen the prevention of crime and terrorism, in order to promote secure societies based on the rule of law.

Given that these objectives had different legal bases in the Treaties and fundamentally different legal regimes, the General Programme was composed of two different legal instruments. Firstly, Council Decision 2007/125/JHA established the Specific Programme 'Prevention of and Fight against Crime' (hereinafter referred to as the 'ISEC specific programme'). The specific programme focused on four thematic areas: crime prevention and criminology, law enforcement, protection and support to witnesses, and protection of victims. Secondly, Council Decision 2007/124/EC, Euratom established the Specific Programme 'Prevention, Preparedness and Consequence Management of Terrorism and other Security-related risks' (hereinafter referred to as the 'CIPS specific programme'). Its general objective was to support Member States' efforts to prevent, prepare for, and protect people and critical infrastructure against terrorist attacks and other security-related incidents.

1.2. Multiannual framework 2014-20

Within the comprehensive framework of the Internal Security Fund, the instrument for financial support for police cooperation, preventing and combating crime, and crisis management (hereinafter referred to as 'the ISF-Police') will provide financial support for police cooperation, exchange of and access to information, crime prevention and the fight against cross-border and serious and organised crime, including terrorism, the protection of people and critical infrastructure against security-related incidents and the effective management of security-related risks and crises.

Consequently, the ISEC and CIPS specific programmes providing financial support for this policy area under the multiannual framework 2007-13 have to be repealed with effect from 1 January 2014, subject to transitional rules.

As far as the ISEC specific programme is concerned, it is repealed by the Regulation establishing the ISF-Police.

As for the CIPS specific programme, it was not possible to do the same because its repeal requires a separate legal act, due to the different voting rules under its double legal base (EC/Euratom). However, the final provision concerning the entry into force of this Decision is drafted in such a way that the repeal of the CIPS specific programme will coincide with the entry into force of the Regulation establishing the ISF-Police as if the repeal of the CIPS specific programme was stated in the Regulation establishing the ISF-Police itself. Therefore the repeal of the CIPS and ISEC specific programmes will be dealt with in exactly the same way.

2. LEGAL ELEMENTS OF THE PROPOSAL

2.1. Content of the proposed action

In view of the above, the Commission proposes that the Decision establishing the CIPS specific programme be repealed with effect from 1 January 2014.

2.2. Legal basis

Council Decision 2007/124/EC, Euratom was adopted on the basis of Article 308 of the Treaty establishing the European Community and Article 203 of the Treaty establishing the European Atomic Energy Community.

The legal basis of this proposal to repeal the abovementioned Council Decision is Article 352 of the Treaty on the Functioning of the European Union and Article 203 of the Treaty establishing the European Atomic Energy Community.

3. BUDGETARY IMPLICATION

The proposal does not have any direct implication for the EU budget.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 352 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 203 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national Parliaments,

Having regard to the consent of the European Parliament¹,

Acting in accordance with a special legislative procedure,

Whereas:

- (1) Council Decision 2007/124/EC, Euratom establishing for the period 2007 to 2013, as part of the General Programme on Security and Safeguarding Liberties, the Specific Programme 'Prevention, Preparedness and Consequence Management of Terrorism and other Security-related risks' covers the period from 1 January 2007 to 31 December 2013.
- (2) The instrument for financial support for police cooperation, preventing and combating crime, and crisis management as part of the Internal Security Fund is established for the period from 1 January 2014 to 31 December 2020².
- (3) Council Decision 2007/124/EC, Euratom should therefore be repealed with effect from 1 January 2014,

HAS ADOPTED THIS DECISION:

Article 1

Council Decision 2007/124/EC, Euratom is repealed with effect from 1 January 2014.

Article 2

1. This repeal shall not affect the continuation or modification, including the total or partial cancellation, of the projects until their closure or the financial assistance approved by the Commission on the basis of Council Decision 2007/124/EC, Euratom, or any other legislation applying to that assistance on 31 December 2013.

¹ OJ C , , p. .

² Proposal for a Regulation of the European Parliament and of the Council establishing, as part of the Internal Security Fund, the instrument for financial support for police cooperation, preventing and combating crime, and crisis management, COM(2011) 753.

2. When adopting decisions on co-financing under the instrument for financial support for police cooperation, preventing and combating crime, and crisis management as part of the Internal Security Fund, the Commission shall take account of measures adopted on the basis of Council Decision 2007/124/EC, Euratom before [*date of publication in the Official Journal*] which have financial repercussions during the period covered by that co-financing.

3. Sums committed for co-financing approved by the Commission between 1 January 2011 and 31 December 2013 for which the documents required for closure of the operations have not been sent to the Commission by the deadline for submitting the final report shall be automatically decommitted by the Commission by 31 December 2017, giving rise to the repayment of amounts unduly paid.

Amounts relating to operations which have been suspended due to legal proceedings or administrative appeals having suspensory effect shall be disregarded in calculating the amount to be automatically decommitted.

4. Member States shall submit to the Commission by 30 June 2015 an evaluation report on the results and impacts of actions co-financed by Council Decision 2007/124/EC, Euratom for the period 2011 to 2013.

5. The Commission shall submit to the European Parliament and the Council, by 31 December 2015, a report on the results achieved and on quantitative aspects of the implementation of Council Decision 2007/124/EC, Euratom for the period 2011 to 2013.

Article 3

1. This Decision shall enter into force on the same day as the Regulation of the European Parliament and of the Council establishing, as part of the Internal Security Fund, the instrument for financial support for police cooperation, preventing and combating crime, and crisis management (hereinafter referred to as ‘the Regulation establishing the ISF-Police’).

2. If the Regulation establishing the ISF-Police enters into force before the publication of this Decision in the *Official Journal of the European Union*, this Decision shall enter into force on the day following that of its publication.

Article 4

This Decision is addressed to the Member States in accordance with the Treaties.

Done at Brussels,

For the Council
The President