COMMISSION DECISION
of 1 December 2014

on the notification by the United Kingdom of Great Britain and Northern Ireland of its wish to participate in acts of the Union in the field of police cooperation and judicial cooperation in criminal matters adopted before the entry into force of the Treaty of Lisbon and which are not part of the Schengen acquis

(2014/858/EU)

THE EUROPEAN COMMISSION,

Having regard to Protocol No 36 on transitional provisions, and in particular Article 10(5) thereof, in conjunction with Article 4 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice and Article 331(1) of the Treaty on the Functioning of the European Union,

Whereas:

(1) Article 10(4) of Protocol No 36 allowed the United Kingdom, at the latest six months before the expiry of the five year transitional period referred to in Article 10(3) of Protocol No 36, to notify to the Council that it does not accept, with respect to acts of the Union in the field of police cooperation and judicial cooperation in criminal matters which had been adopted before the entry into force of the Treaty of Lisbon, the powers of the Commission and of the Court of Justice as referred to in Article 10(1) of Protocol No 36.

(2) By letter to the President of the Council of 24 July 2013, the United Kingdom made use of the above possibility through notifying that it did not accept the said powers of the Commission and of the Court of Justice, with the consequence that the relevant acts in the field of police cooperation and judicial cooperation in criminal matters have ceased to apply to the United Kingdom on 1 December 2014.

(3) Article 10(5) of Protocol No 36 allows the United Kingdom to notify of its wish to participate in the acts which have ceased to apply to it.

(4) By letter to the President of the Council taking effect on 1 December 2014, the United Kingdom made use of this possibility by notifying of its wish to participate in some of the above acts.

(5) For the acts concerned which are not part of the Schengen acquis, Article 10(5) of Protocol No 36 refers to Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, Article 4 of which refers to the procedure provided for in Article 331(1) TFEU. The latter provision provides for the Commission confirming the participation of the Member State wishing to participate and noting where necessary that the conditions of participation have been fulfilled.

(6) According to the last sentence of Article 10(5) of Protocol No 36 the Union institutions and the United Kingdom shall seek to re-establish the widest possible measure of participation of the United Kingdom in the acquis of the Union in the area of freedom, security and justice without seriously affecting the practical operability of the various parts thereof, while respecting their coherence.

(7) The conditions set in the last sentence of Article 10(5) of Protocol No 36 are fulfilled for the acts notified by the United Kingdom, which are listed in the Annex to this Decision.

(8) The participation of the United Kingdom in the acts listed in the Annex to this Decision should therefore be confirmed.

HAS ADOPTED THIS DECISION:

Article 1

The participation of the United Kingdom in the acts listed in the Annex to this Decision is confirmed from the date of entry into force of this Decision.
Article 2

This Decision shall be published in the Official Journal of the European Union.

It shall enter into force on 1 December 2014.

Done at Brussels, 1 December 2014.

For the Commission
The President
Jean-Claude JUNCKER
### ANNEX


