



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 5 March 2008

**7004/08
ADD 1**

**CRIMORG 40
ENFOPOL 41
COMIX 169
ENFOCUSTOM 37**

ADDENDUM TO COVER NOTE

From :	Mr. Tibor KISS, Ambassador, Permanent Representative of the Republic of Hungary to the European Union
Date of receipt :	22 February 2008
To :	Mr. Ivan BIZJAK, Director-General, DG H, General Secretariat of the Council of the European Union

No. prev. doc. :	14258/07 CRIMORG 159 ENFOPOL 176 COMIX 915 ENFOCUSTOM 104
Subject :	Implementation of Council Framework Decision 2006/960/JHA of 18 December 2006 on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the European Union - Declaration by the Republic of Hungary under Article 2(a)

Delegations will find attached the list of existing bilateral and multilateral agreements and arrangements which the Republic of Hungary wishes to continue applying as regards information and intelligence exchange between law enforcement authorities as provided in Article 12(6) of Council Framework Decision 2006/960/JHA of 18 December 2006 on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the European Union.

**Obligation to notify, according to Article 12(6) of the Council Framework Decision
2006/960/JHA of 18 December 2006
on simplifying the exchange of information and intelligence between law enforcement
authorities of the Member States of the European Union**

According to Article 12(6) of the Council Framework Decision 2006/960/JHA of 18 December 2006 on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the European Union ('Framework Decision'), Member States are obliged, until 19 December 2007 to notify the Commission and the General Secretariat of the Council about the various bilateral or multilateral agreements relating to the exchange of information and data that they wish to keep in force after the entry into force of the Framework Decision.

With the present letter, Hungary wishes to notify the European Commission and the Council of the European Union about the bilateral or multilateral agreements on information exchange that it wishes to apply even after that the 2006/960/JHA Framework Decision enters into force (points I – V).

Hungary has concluded numerous bilateral or multilateral international agreements with Member States that allow for the exchange of information and intelligence between law enforcement authorities.

Note should be taken of the following: The agreements listed under points I, II, IV and V will be applied in their entirety even after the entry into force of the Framework Decision. However, after the entry into force of the Framework Decision, the provisions of the agreements listed in point 3 will be applied inasmuch as they do not concern the exchange of information. From the entry into force of the Framework Decision its provisions will be applied in the issues connected to the exchange of information and intelligence.

The list of the agreements Hungary wishes to notify:

I Schengen-type agreements on the cross-border cooperation between law enforcement authorities:

1. Agreement concluded between Hungary and **Austria**, signed in Heiligenbrunn, on 6th June 2004 (announced by the Act XXXVII of 2006).
2. Agreement concluded between Hungary and **Slovakia**, signed in Bratislava, on 2nd October 2006 (announced by the Act XCI of 2006).
3. Agreement concluded between Hungary and **Slovenia**, signed in Brdo, on 26th October 2006 (announced by the Act CVIII of 2006).

II Multilateral Agreements concerning the cross-border cooperation of law enforcement authorities:

1. The 1995 **Europol Agreement** (announced by the Act XIV of 2006);
2. Agreement on the cooperation in the fight against cross-border crime in the framework of the Southern European Cooperative Initiative (**SECI**) signed in Bucharest, on 26th June 1999 (announced by the Act CXV of 2000);
3. The 1990 **Convention on the application of the Schengen Agreement** of 14 June 1985 between the governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic, on the gradual abolition of checks at their common borders;
4. **Interpol Agreement** (concluded between the International Criminal Police Organisation (Interpol) and. the European Police Office (Europol));
5. **The 29 May 2000 Convention**, adopted by the EU Council of Ministers on Mutual Assistance in Criminal Matters and its Protocol of 16 October 2001 (announced by the Act CXVI of 2005);
6. **The Treaty of Prüm** on the stepping up of cross-border cooperation, particularly in combating terrorism, cross-border crime and illegal migration (after its entry into force, announced by the Act CXII of 2007);

III Other bilateral agreements providing for, inter alia, the exchange of information between law enforcement authorities (and, for the Hungarian authorities, the possibility to apply the provisions of the Act LIV of 2002 on the international cooperation of law enforcement authorities):

High Contracting Party	Place and date of the conclusion	Subject of the Agreement	The domestic legal measure announcing the Agreement
Germany	Bonn, 22/3/1991	Cooperation in the fight against organised crime	Gov. Regulation 15/1993. (I. 27.)
Spain	Madrid, 2/3/1992	Cooperation in the fight against illegal international drug trafficking, terrorism and organised crime	Gov. Regulation 50/1994. (IV. 8.)
Greece	Budapest, 17/2/1993	Cooperation in the fight against terrorism, illegal drug trafficking, organised crime and other forms of crime	Gov. Regulation 15/1995. (II. 22.)
Czech Republic	Prague, 16/2/1996	Cooperation in the fight against terrorism, illegal trafficking in drugs and other psychotropic substances and organised crime	Gov. Regulation 1/1997. (VI. 4.)
Poland	Warsaw, 15/5/1996	Cooperation in the fight against terrorism, illegal drug trafficking and organised crime	Gov. Regulation 88/1998. (V. 8.)
Cyprus	Budapest, 13/6/1996	Cooperation in the fight against terrorism, illegal drug trafficking and organised crime	Gov. Regulation 73/2001. (IV. 27.)
France	Budapest, 16/1/1997	Cooperation in home affairs	Gov. Regulation 88/1999. (VI. 16.)
Romania	Budapest, 19/2/1997	Cooperation in the fight against terrorism, illegal drug trafficking and organised crime	Gov. Regulation 151/1997. (IX. 16.)
Lithuania	Vilnius, 4/3/1997	Cooperation in the fight against terrorism, illegal drug trafficking, organised crime and other serious criminal acts	Gov. Regulation 84/2003. (VI. 19.)
Sweden	Budapest, 23/4/1997	Cooperation in the fight against organised crime, illegal trafficking in drugs and other psychotropic substances, terrorism and other serious criminal acts	Gov. Regulation 10/1998. (I. 28.)
Latvia	Riga, 6/5/1997	Cooperation in the fight against terrorism, illegal drug trafficking and organised crime	Gov. Regulation 6/1998. (I. 23.)

High Contracting Party	Place and date of the conclusion	Subject of the Agreement	The domestic legal measure announcing the Agreement
Estonia	Budapest, 13/5/1997	Cooperation in the fight against terrorism, illegal drug trafficking and organised crime	Gov. Regulation 5/1998. (I. 23.)
Italy	Rome, 13/5/1997	Cooperation in the fight against terrorism, illegal trafficking in drugs and other psychotropic substances and organised crime	Gov. Regulation 74/1998. (IV. 22.)
Netherlands	The Hague, 2/11/1998	Cooperation of the law enforcement authorities in the fight against international organised crime	Gov. Regulation 176/1999. (XII. 8.)
Belgium	Brussels, 4/11/1998	Police cooperation and cooperation in the fight against organised crime	Gov. Regulation 153/2002. (VII. 5.)
Bulgaria	Budapest, 11/11/1998	Cooperation in the fight against terrorism, illegal drug trafficking and organised crime	Gov. Regulation 118/1999. (VIII. 6.)
Ireland	Budapest, 3/11/1999	Cooperation in the fight against illegal drug trafficking, money laundering, organised crime, trafficking in human beings, terrorism and other serious criminal acts	Gov. Regulation 180/2000. (XI. 8.)
United Kingdom	London, 9/2/2000	Cooperation in the fight against illegal drug trafficking, organised crime, international terrorism and illegal migration	Gov. Regulation 146/2000. (VIII. 23.)
Malta	Budapest, 18/5/2000	Cooperation in the fight against illegal trafficking in drugs and other psychotropic substances and organised crime	Gov. Regulation 278/2000. (XII. 29.)
Finland	Budapest, 24/10/2002	Cooperation in the prevention of and fight against crime, especially organised crime	Gov. Regulation 172/2003. (X. 28.)

IV Customs Cooperation Agreements that will be applied after the entry into force of the Framework Decision and, therefore, are subject of notification according to Article 12(6) of the Framework Decision:

High Contracting Party	Place and date of conclusion	The domestic legal measure announcing the Agreement
Austria	Budapest, 2/5/1977	Regulation of the Council of Ministers 33/1978. (VII. 4.)
Czech Republic	Prague, 8/7/1998	Gov. Regulation 196/1998. (XII. 4.)
Denmark	Copenhagen, 6/11/1998	Gov. Regulation 79/1999. (VI. 11.)
Finland	Helsinki, 27/5/1998	Gov. Regulation 45/1999. (III. 11.)
France	Budapest, 26/2/1998	Gov. Regulation 145/2000. (VIII. 23.)
Poland	Budapest, 3/4/1997	Gov. Regulation 205/1997. (XI. 21.)
Latvia	Riga, 2/5/2001	Gov. Regulation 15/2002. (II. 18.)
United Kingdom	Budapest, 28/9/1990	Gov. Regulation 30/1991. (II. 26.)
Germany	Bonn, 18/12/1991	International Treaty signed by the Minister of Finance, 1994/14
Romania	Bucharest, 1/2/1968	Regulatory Act 29 of 1968
Sweden	Stockholm, 25/8/1992	Gov. Regulation 94/1993. (VI. 23.)
Slovakia	Poprad, 29/1/1998	Gov. Regulation 90/1998. (XII. 1.)

Furthermore, the following bilateral agreements on the procedural rules of data exchange between customs authorities shall stay in force:

1. Agreement concluded between the Hungarian Customs and Finance Guard (HC&FC) and the Central Customs Authority of Slovakia (Rajka, 24/3/2005);
2. Cooperation Agreement between the Hungarian Customs and Finance Guard and the Central Customs Authority of the Netherlands (Budapest, 20/9/2006)
3. Agreement concluded between the Hungarian Customs and Finance Guard and the Central Customs Authority of Romania (Bucharest, 31/5/2007);

It is important to note that these agreements are not applied by the Criminal Service of the HC&FC, because these agreements facilitate the exchange of administrative data. The data exchange for criminal purposes is performed on the basis of the Naples II Convention and on the basis of treaties on the mutual assistance in criminal matters.

V The Protective Service of Law Enforcement Agencies (PSLEA) has concluded bilateral agreements with agencies and bodies of other States. These agreements provide for the facilitation of the PSLEA's work and will be applied even after the entry into force of the Framework Decision. The following executions agreements, concluded with the competent authorities of the respective Member States, fall in this category:

1. Concerning Romania: agreement on the execution of the intergovernmental agreement concluded in 1997, entered in to force on 16 December 2003;
2. Concerning Slovakia: agreement on the execution of the intergovernmental agreement concluded in 1995, entered in to force on 17 February 2004;
3. Concerning Austria: agreement on the execution of the 2002 Lutzmannsburg Declaration, entered into force on 17 December 2002.
4. Concerning Croatia: agreement on the execution of the 1992 intergovernmental agreement, entered into force on 17 September 2002.