



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 18 February 2009 (20.02)
(OR. en,es)**

**5916/08
ADD 1**

**CRIMORG 24
ENFOPOL 27
COMIX 86
ENFOCUSTOM 18**

ADDENDUM TO COVER NOTE

from:	Mr José PÉREZ NAVARRETE, Home Affairs Counsellor, Permanent Representation of Spain to the European Union
date of receipt:	16 February 2009
to:	Mr Ivan BIZJAK, Director-General, DG H, General Secretariat of the Council of the European Union

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 – Declarations by Spain under Articles 2(a) and 6(1)
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Sir,

I enclose a further declaration by Spain, with regard to Article 12(3) and (6) of 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, in addition to the one previously made by Spain in January 2008.

(Complimentary close)

(signed) José PÉREZ NAVARRETE

As a complement to the Spanish declaration contained in doc. 5916/08 CRIMORG 24, we would like to add these two sentences at the end of the last paragraph, which would result as follows:

"Please also be informed that, with regard to Article 12(3), no international agreement has been signed as far as Spain is concerned, *which, according to the criteria provided by doc. 12255/08¹, obviously means that the following bilateral agreements are in force:*

- Bilateral Agreement on police and customs cross border cooperation between France and Spain signed in Blois on 7 July 1998.
- Bilateral Agreement on police and customs cross border cooperation between and with Portugal -signed at referendum in Évora on 19 November 2005- are in force.
- Bilateral Agreement between Spain and Latvia on cooperation in the fields of fight against terrorism, organised crime and illicit traffic on drugs and precursors signed in Madrid on 24 November 2003.
- Bilateral Agreement between Spain and Romania regarding cooperation in the fight against criminality, signed in Madrid on 30 March 2006.
- Bilateral Agreement between the Republic of Cyprus and the Kingdom of Spain on Cooperation in Combating Organised Crime (30/4/2007).
- Convention on mutual assistance regarding investigation and repression of customs fraud between France and Spain signed in Paris on 30 May 1962.
- Agreement of 27 November 1969 between the Kingdom of Spain and the Federal Republic of Germany on mutual assistance between customs administrations.

¹ And precisely that provided in its Par. 4: "declarations should only contain agreements or arrangements that go beyond the Swedish Framework Decision within the same scope of the Framework Decision; hence, if bilateral agreements are not providing for more simple rules and procedures on exchange of information between law enforcement services than the Framework Decision but have a broader (because more vague) scope, they should not be included".

- Agreement of 27 December 1988 between the Kingdom of Spain and the Kingdom of Sweden on mutual administrative customs assistance.
- Bilateral agreement of 18 May 1990 between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Spain Mutual on administrative assistance – customs maritime cooperation.

This criteria also applies to any other Agreement on bilateral police and/or customs cooperation actually in force between the Kingdom of Spain and any other Member State.

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