

UK's block opt-out and partial re-opt-in to the ex-third pillar acquis

The Council and the European Commission have adopted their respective decisions concerning the notification of the United Kingdom of its wish to take part in 35 of the pre-Lisbon EU rules in the field of police and judicial cooperation in criminal matters (the so-called "ex-third pillar measures").

Protocol 36 to the Treaties enabled the UK to decide, by 31 May 2014, whether it would continue to be bound by the approximately 130 "ex-third pillar" measures or if it would exercise its right to opt out from them.

The UK notified the Council in July 2013 of its decision to opt-out from these measures. This means that, on 1 December 2014, these acts cease to apply to the UK.

However, Protocol 36 also stipulates that the UK may request to participate again in some of these acts. In this case, the usual conditions and procedures for UK opt-in apply.

In practice, that means that the Council, acting unanimously, decides on the re-participation of the UK to ex-third pillar measures related to the Schengen acquis, while the Commission decides on the UK's re-participation in the non-Schengen ex-third pillar acts.

The UK has notified of its wish to opt back into 35 "ex-third pillar" measures, with effect on 1 December. Six of these concern the Schengen acquis. They include the chapters of the Schengen Convention on police and judicial cooperation in criminal matters and the Schengen Information System (SIS II, which is the police/justice part of the Schengen data base). The remaining 29 non-Schengen measures include the European Arrest Warrant, Europol and Eurojust.

Both re-opt-in decisions (Schengen and non-Schengen) were adopted by the respective institutions and published together in the Official Journal.

In addition, in order to help clarifying the situation, a list of ex-third pillar acquis which ceases to apply to the UK as of 1 December, as well as a list of ex-third pillar acquis which has been "lisbonised" for the UK (i.e. amended post-Lisbon by an act in which the UK is bound) have been published in the Official Journal for information.

More information:

[Protocol 36 to the Treaties](#)

[UK notification according to Article 10\(4\) of Protocol 36](#)

[UK notification according to Article 10\(5\) of Protocol 36](#)

[Official Journal L-345 of 1 December 2014 :](#)

- Council decision on re-opt in
- Commission decision on re-opt in

[Official Journal C-430 of 1 December 2014 :](#)

- List of ex-third pillar acquis which cease to apply to the UK
 - List of "lisbonised" ex-third pillar acts for the UK
 - Consolidated version of Decision 2000/365/EC as amended by the above Council Decision
 - Consolidated version of Decision 2004/926/EC as amended by the above Council Decision
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