

24 – JUSTICE, FREEDOM AND SECURITY

LEGISLATION CONSIDERED BENEFICIAL TO BE ENACTED (LAW)

I. LEGISLATION CONSIDERED BENEFICIAL TO BE ENACTED IN PERIOD 2007-2008 (01/10/2007 – 30/09/2008)

| Reference No. | Name of the Legislation to be Amended/Enacted | Objective/Scope | Stage | EU Legislation Envisaged to Comply with | Institution Responsible for the Preparation of the Legislation |
|---------------|---|--|-------------|--|--|
| 24.0007.1.01 | Law on the Protection of Witnesses | An effective method of fighting against crime is to protect witnesses and their relatives, who play a significant role in discovering material facts, thereby ensuring people not to avoid witnessing. | At the GNAT | <ul style="list-style-type: none"> - Decision of the Council of Europe of 23 November 1995 on the Protection of Witnesses in Struggle against International Organized Crime - Decision of the Council of Europe of 20 November 1996 on the Protection of People Cooperating with the Judiciary in Struggle against International Organized Crime - Joint declaration by the Ministers of Justice and Home Affairs of the Member States of the European Union and the candidate countries in association with the European Commission on the protection of commercial drivers engaged in export trade from becoming victims of organised crime | Ministry of Justice |

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|---------------|---|--|-------------|--|--|
| 24.0007.1.02 | Law on the Application of Airport Transit Visa | <p>To make the necessary amendments in order to establish a system in harmony with the EU <i>acquis</i> by the amendment of Passport Law No. 5682.</p> <p>Contributing to the activities of border security and struggle against illegal transit by arranging an airport transit visa for those who will pass in transit from our air border checkpoints.</p> | At the GNAT | <ul style="list-style-type: none"> - Joint Action No. 96/197/JHA on Airport Transit Arrangements - Schengen Acqui SCH/Com-ex (99) 13 – Decision of the Executive Committee of 28 April 1999 on the Definitive Versions of the Common Manual and Common Consular Instruction | <p>Ministry of Interior (General Directorate of Security)</p> <p>Ministry of Foreign Affairs</p> |
| 24.0007.1.03 | Law on International Private Law and Procedural Law | <p>To reform the aspects of International Private Law and Procedural Law No. 2675, which is in force for more than twenty years, that has become old and incongruent in face of social, political and economic changes.</p> <p>Achieving harmonization with the new provisions set by the Turkish Civil Law No. 4721, and harmonization with the European Union legislation.</p> | At the GNAT | <ul style="list-style-type: none"> - Council Regulation No. 44/2001/EC on the Jurisdiction and the Recognition and Enforcement of Judgments in Civil and Commercial Matters - Corrigendum to the Council Regulation No. 44/2001/EC on the Jurisdiction and the Recognition and Enforcement of Judgments in Civil and Commercial Matters - Regulation No. 1496/2002/EC - Regulation No. 1937/2004/EC - Regulation No. 2245/2004/EC | Ministry of Justice |

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|---------------|---|-----------------|-------|---|--|
| | | | | <p>- Lugano Convention</p> <p>(88/592/EEC) opened for signature on 16 September 1988 on Jurisdiction and the Enforcement of Judgments in Civil and Commercial Matters</p> <p>- Rome Convention of 19 June 1980 on the Law Applicable to Contractual Obligations</p> <p>- First and Second Protocols on the Interpretation of the Rome Convention on the Law Applicable to Contractual Obligations by the Court of Justice</p> <p>- Regulation No. 1347/2000/EC</p> <p>- Regulation No. 2201/2003/EC</p> <p>- Regulation No. 2116/2004/EC</p> <p>- Council Decision of 19 December 2002 authorizing the Member States to sign the Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in respect of Parental Responsibility and Measures for the Protection</p> | |

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| Reference No. | Name of the Legislation to be Amended/Enacted | Objective/Scope | Stage | EU Legislation Envisaged to Comply with | Institution Responsible for the Preparation of the Legislation |
|---------------|--|---|-----------------------------------|---|--|
| 24.0708.1.01 | Law on DNA Data and National DNA Data Bank of Turkey | To set up an equilibrium between obtaining and storing personal data – e.g. blood and tissue samples – for cases such as criminal proceedings in which such data is necessary, and the protection of the privacy of such data, which lies in the scope of the fundamental rights and freedoms of persons. | Technical studies are in progress | <ul style="list-style-type: none"> - Council Resolution No. 2001/C 187/01 on the Exchange of DNA Analysis Results - Directive 95/46 of the European Parliament and of the Council on the Protection of Individuals with regard to the Processing of Personal Data and on the Free Movement of such Data - Council Resolution 97/C 193/02 on the Exchange of DNA Analysis Results | Ministry of Justice |

II. LEGISLATION CONSIDERED BENEFICIAL TO BE ENACTED IN PERIOD 2008-2009 (01/10/2008 – 30/09/2009)

NO LEGISLATIVE MEASURE HAS BEEN ENVISAGED.

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III. LEGISLATION CONSIDERED BENEFICIAL TO BE ENACTED IN YEARS 2009 (01/10/2009) – 2013

| Reference No. | Name of the Legislation to be Amended/Enacted | Objective/Scope | Stage | EU Legislation Envisaged to Comply with | Institution Responsible for the Preparation of the Legislation |
|---------------|---|---|-----------------------------------|--|--|
| 24.0913.1.01 | Foreigners Law | <p>Harmonization with the EU legislation within the framework of full membership perspective.</p> <p>Harmonization of visa descriptions and types (single and multiple entrance visa) with the EU visa types.</p> <p>Identification of the procedural and legislative framework of the struggle against illegal immigration and employment.</p> | Technical studies are in progress | <p>- Schengen Acqui SCH/Comex (99) 13 – Decision of the Executive Committee of 28 April 1999 on the Definitive Versions of the Common Manual and Common Consular Instruction</p> <p>- Regulation No. 1091/2001/AT</p> <p>- Council Recommendation for harmonizing the means of struggle against illegal immigration and illegal employment, and developing the control procedures in relation to these.</p> <p>- Resolutions of 20 June 1994 and 30 November 1994 on limitation on admission of third-country nationals to the territory of the Member States for employment</p> | <p>Ministry of Interior (General Directorate of Security)</p> <p>Ministry of Foreign Affairs</p> |

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| Reference No. | Name of the Legislation to be Amended/Enacted | Objective/Scope | Stage | EU Legislation Envisaged to Comply with | Institution Responsible for the Preparation of the Legislation |
|---------------|---|--|-----------------------------------|---|--|
| 24.0913.1.02 | Asylum Law | <p>Harmonization with the EU legislation within the framework of full membership perspective.</p> <p>Harmonization of the Turkish legislation on Asylum, Immigration and Foreigners with the EU legislation.</p> <p>Preparation of the necessary administrative and physical infrastructure in this framework.</p> | Technical studies are in progress | <ul style="list-style-type: none"> - Directives 2003/09/EC, 2004/83/EC., 2005/85/EC - Resolution of 30 November and 1 December 1992 on a harmonized approach to matters with regard to host third-countries - Council Declaration No. 15067/02 of 28 November 2002 regarding Safe Third-Countries - Conclusions of 30 November and 1 December 1992 on Countries in Which There is Generally no Serious Risk of Persecution - Resolution of 30 November and 1 December 1992 on Manifestly Unfounded Applications for Asylum - Council Resolution on minimum guarantees for asylum procedures - Amsterdam Treaty Protocol on the right of asylum for citizens of the European Union member states - Resolutions No. 2000/596/EC, No. 2001/275/EC, No. 2002/307/EC - Directive 2001/55/EC - Resolution No. 2002/463/EC - Regulation No.491/2004 | Ministry of Interior (General Directorate of Security) |

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| Reference No. | Name of the Legislation to be Amended/Enacted | Objective/Scope | Stage | EU Legislation Envisaged to Comply with | Institution Responsible for the Preparation of the Legislation |
|---------------|---|--|-------|--|---|
| 24.0913.1.03 | Law Amending the Decree Having the Force of Law No. 485 | To set out the legal basis for Joint Customs Monitoring Operations. Enabling information and document exchange for operations to be carried out pursuant to obligations arising from international or bilateral agreements. | | Council Resolution of 09 June 1997 on Joint Customs Monitoring Operations | Undersecretariat of Customs |
| 24.0913.1.04 | Law Approving the Convention on Cooperation and Assistance between Customs Administrations | Improving cooperation and assistance between Customs Administrations. | | Council Resolution of 18 December 1997 on cooperation and assistance between customs administrations | Undersecretariat of Customs |
| 24.0913.1.05 | Law Amending Law No. 6136 on Firearms, Knives and Other Weapons, and the Law No. 2521 on Manufacture, Purchase, Sale and Carrying of Sporting Guns, Shotguns and Hunting Knives Also included in the chapter on the Free Movement of Goods with reference number 01.0913.1.02 | Harmonization with the EU technical legislation for the establishment of free movement of goods Aims at laying down the procedures of licensing, import and carrying between member states of arms for civil use, and facilitating the entrance to and use of arms for hunting purposes in the country. | | Directive 91/477/EEC on control of the acquisition and possession of weapons | Ministry of Interior (General Directorate of Security and General Command of Gendarmerie) |

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| Reference No. | Name of the Legislation to be Amended/Enacted | Objective/Scope | Stage | EU Legislation Envisaged to Comply with | Institution Responsible for the Preparation of the Legislation |
|----------------------|---|---|--------------|---|---|
| 24.0913.1.06 | Law on the Approval of the Convention on the Use of Information Technologies for Customs Purposes | Establishing the legal basis for the Convention on the Use of Information Technologies for Customs Purposes | | The EU Convention on the Use of Information Technologies for Customs Purposes | Undersecretariat of Customs |

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SECONDARY LEGISLATION (REGULATIONS, IMPLEMENTING REGULATIONS, COMMUNIQUÉS, CIRCULARS, ETC) ENVISAGED TO BE ENACTED AND DOCUMENTS SUCH AS STRATEGIES, PLANS AND PROGRAMS ENVISAGED TO BE DRAFTED

I. SECONDARY LEGISLATION ENVISAGED TO BE ENACTED IN YEAR 2007

| Reference No. | Name of the Secondary Legislation to be Amended/Enacted | Objective/Scope | Stage | EU Legislation Envisaged to Comply with | Institution Responsible for the Preparation of the Legislation |
|---------------|---|---|--|--|--|
| 24.2007.2.01 | <p>Implementing Regulation on the Obligations and Other Measures to Prevent Laundering Proceeds of Crime</p> <p>Also included in the chapter on the Free Movement of Capital with reference number 04.2007.2.03.</p> | <p>Specification of procedures and principles on the obliged parties' obligations, supervision of obligations, the operations carried out on behalf of other persons, statements made to the customs administration, and other measures to be taken in order to prevent the laundering proceeds of crime and financing of terror.</p> | <p>Technical studies are in progress</p> | <p>- Directive 2005/60/EC on the prevention of the use of financial system for the purpose of money laundering and terrorist financing - Council Framework Decision 2001/500/JHA on money laundering, the identification, tracing, freezing, seizing and confiscation of instrumentalities and the proceeds of crime - Joint Action 98/699/JHA dated 3 December 1998 on Money Laundering, the Identification, Tracing, Seizing and Confiscation of Proceeds from Crime</p> | <p>Ministry of Finance</p> |

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|---------------|---|---|-----------------------------------|--|--|
| 24.2007.2.02 | Implementing Regulation of Ministry of Interior General Directorate of Security Department of Anti-Smuggling and Organized Crime Operations | Aims at structuring the TADOC as a Branch Directorate of Reinforcing the Department in terms of personnel and effectiveness. | Technical studies are in progress | Council Recommendation of 25 April 2002 on the need to enhance cooperation and exchanges of information between the various operational units specializing in combating trafficking in precursors in the Member States | Ministry of Interior (General Directorate of Security) |
| 24.2007.2.03 | Secondary legislation for harmonizing the Turkish Visa sticker with the EU Schengen Visa sticker | Contributing to the harmonization of the visa policy, application methods and relevant infrastructure of Turkey with the EU <i>acquis</i> and applications. | Technical studies are in progress | <ul style="list-style-type: none"> - Regulation No. 1683/95/EC laying down a uniform format for visas - Regulation No. 334/2002/EC - Relevant chapters of the Common Consular Instruction - Council Resolution of 12.07.2002 amending the Common Consular Instruction - The recommendations and best applications chapter of the Schengen Catalogue | Ministry of Foreign Affairs Ministry of Interior (General Directorate of Security) Ministry of Finance |

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| Reference No. | Name of the Secondary Legislation to be Amended/Enacted | Objective/Scope | Stage | EU Legislation Envisaged to Comply with | Institution Responsible for the Preparation of the Legislation |
|---------------|---|---|-----------------------------------|---|--|
| 24.2007.2.04 | Implementing Regulation on the Procedures and Principles of Research and Investigations Also included in the chapter on the Free Movement of Capital with reference number 04.2007.2.05. | Specification of the procedures and principles of research and investigations to be carried out in accordance with Law No. 5549. | Technical studies are in progress | Resolution No. 2005/60/EC | Ministry of Finance |
| 24.2007.2.05 | Implementing Regulation on Training, Internal Audit, Control and Risk Management Systems along with other Measures Also included in the chapter on the Free Movement of Capital with reference number 04.2007.2.05. | Specification of the procedures and principles of training, internal audit, control and risk management systems along with other measures, which will be carried out in accordance with Law No. 5549. | Technical studies are in progress | Resolution No. 2005/60/EC | Ministry of Finance |

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II. SECONDARY LEGISLATION ENVISAGED TO BE ENACTED IN YEAR 2008

| Reference No. | Name of the Secondary Legislation to be Amended/Enacted | Objective/Scope | Stage | EU Legislation Envisaged to Comply with | Institution Responsible for the Preparation of the Legislation |
|---------------|---|---|-----------------------------------|--|--|
| 24.2008.2.01 | Implementing Regulation Amending Implementing Regulation on Refuge/Asylum No. 94/6169 | Aims at not derogating from the provisions of international conventions on human rights and freedoms, in particular the European Human Rights Convention of which we are a party, and thereby identification of detailed procedures in accordance with the EU acquis and provisions of international conventions, in case deportation decision is taken for the foreigners outside the scope of the 1951 Geneva Convention of the UN on the Legal Status of Refugees, and in case such persons are sent back to the country of their permanent residence they have been residing before coming to Turkey or to the country of origin or to countries from which they directly come to Turkey. | Technical studies are in progress | Directive 2004/83/EC on minimum standards for the qualification and the status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted | Ministry of Interior (General Directorate of Security) |

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|---------------|---|---|--|---|--|
| 24.2008.2.02 | <p>Pursuant to the Law No. 4652 of 09.05.2001 on the Higher Education of Police,</p> <ul style="list-style-type: none"> - Implementing Regulation on Admission and Education of the Faculty of Border Security - Implementing Regulation on Admission and Education of the Vocational School of Higher Education on Border Security - Implementing Regulation on Faculty of Border Security Discipline - Implementing Regulation on Vocational School of Higher Education on Border Security Discipline - Implementing Regulation on the Establishment, Duties and Functions of the Vocational School of Higher Education on Border Security | <p>Since border policing and management is a professional occupation and requires to provide specific education and training, it is necessary to establish a Faculty of Border Security and sufficient number of Vocational Schools of Higher Education on Border Security shall be established pursuant to the Law No. 4652 on the Higher Education of Police. By means of these institutions, the need for qualified and professional personnel to work at the departments on border management of the General Directorate of Security shall be fulfilled. The arrangements to be made are necessary for the establishment of these institutions.</p> | | <ul style="list-style-type: none"> - Recommendations of the EU progress reports on integrated border management - National Action Plan for the Application of Integrated Border Management Strategy of Turkey | <p>Ministry of Interior (General Directorate of Security)</p> |
| 24.2008.2.03 | <p>Implementing Regulation Amending the Regulation on the Principles and Procedures of the Controlled Deliverance Application</p> | <p>Regulating the implementation of the relevant Regulation after the amendment is made to the Anti-Smuggling Law, which establishes the legal basis for the Undersecretariat of Customs, along with the Gendarmerie and the Police, to demand for Controlled Deliverance.</p> | <p>Technical studies are in progress</p> | <p>Council Recommendation of 25.4.2002 on improving investigation methods in the fight against organized crime linked to organized drug trafficking</p> | <p>Ministry of Interior Undersecretariat of Customs</p> |
| 24.2008.2.04 | <p>Memorandum of Understanding in the Fight against Smuggling between the Ministry of Interior and the Ministry of State in charge of the Customs</p> | <p>Improving the level of cooperation between the Ministry of Interior and the Ministry of State in charge of Customs.</p> | <p>Technical studies are in progress</p> | <p>Council Resolution of 29.11.1996 on the cooperation of police-customs cooperation in the fight against drugs</p> | <p>Ministry of Interior Undersecretariat of Customs</p> |

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|---------------|--|---|-----------------------------------|---|--|
| 24.2008.2.05 | Undersecretariat of Customs Action Plan | Identification of the strategy for Customs Cooperation | Technical studies are in progress | Council Resolution of 02.10.2003 on the Strategy for Customs Cooperation | Undersecretariat of Customs |
| 24.2008.2.06 | Signing of Memoranda of Understanding between the representatives of relevant bodies and the Undersecretariat of Customs | Improving cooperation with private corporations and legal persons | Technical studies are in progress | Joint Action No. 96/698/JHA on cooperation between customs authorities and business organizations in combating drug trafficking | Undersecretariat of Customs |

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III. SECONDARY LEGISLATION ENVISAGED TO BE ENACTED IN YEAR 2009

| Reference No. | Name of the Secondary Legislation to be Amended/Enacted | Objective/Scope | Stage | EU Legislation Envisaged to Comply with | Institution Responsible for the Preparation of the Legislation |
|---------------|---|---|-------|--|--|
| 24.2009.2.01 | Cooperation Agreement at Operational Level – Council Convention on Data Protection and Council Framework Decision | After the enforcement of the Data Protection Law, cooperation with the Europol at operational level will be ensured, which in turn will carry us one step forward in the fight against international crime. | | - Convention of 03.11.1998 on rules to be applied to Europol analysis files - 2002/465/JHA | Ministry of Interior (General Directorate of Security) |
| 24.2009.2.02 | Council Conventions on preparing the legal infrastructure and harmonization of the present Document Safety with the Europol rules concerning Confidentiality of Information | After the enforcement of the Data Protection Law, cooperation with the Europol at operational level will be ensured, which in turn will carry us one step forward in the fight against international crime. Pursuant to this arrangement, exchanges of critical data will be possible. The confidentiality and safety standards, which are valid for the entire police force, concerning shared information will be determined. | | - Council Resolution of 03.11.1998 on the adoption of Europol rules on confidentiality of data - Council Regulation of 05.06.2003 amending the Council Resolution of 03.11.1998 on the adoption of Europol rules on confidentiality of data | Ministry of Interior (General Directorate of Security) |
| 24.2009.2.03 | Council Convention on the duties and obligations of the National Unit of Europol and national obligations and rights established in the Convention | The Europol Convention and the duties and functions of the National Unit of Europol in our country shall be determined and arrangements needed to be made in this field with EU membership shall be accomplished. | | Council Act of 26.07.1995 drawing up the Convention on the establishment of a European Police Office | Ministry of Interior (General Directorate of Security) |

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|---------------|---|---|-------|--|--|
| 24.2009.2.04 | Protocol and Council Conventions on the matters of crime within the field of duty of Europol, specification of workflow plans among law enforcement officers in relation to money laundering activities | Aims at enabling healthy functioning of the national coordination in cooperating with the Europol. | | <p>- Protocol of 30.11.2000 based on Article 43 of the convention establishing the European Police Office</p> <p>- Protocol of 28.11.2002 amending the protocol on the convention establishing the European Police Office and the privileges and exemptions of Europol</p> | Ministry of Interior (General Directorate of Security) |
| 24.2009.2.05 | Circular regulating the use of Interpol data banks | Enabling the use of Interpol Data Banks by law enforcing units in our country. | | Resolution No. 2004/919/EC | Ministry of Interior (General Directorate of Security) |
| 24.2009.2.06 | Circular regulating information flow | To clarify the information exchanges regarding the smuggling of cars and other similar matters within the scope of the cooperation agreement between Europol and our country, and the format of such exchange, and improving international cooperation in this field. | | Resolution No. 2004/9191/EC | Ministry of Interior (General Directorate of Security) |

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III. SECONDARY LEGISLATION ENVISAGED TO BE ENACTED IN YEARS 2010 – 2013

| Reference No. | Name of the Secondary Legislation to be Amended/Enacted | Objective/Scope | Stage | EU Legislation Envisaged to Comply with | Institution Responsible for the Preparation of the Legislation |
|---------------|---|--|-------|---|---|
| 24.1013.2.01 | Circulars on harmonization with the EU implementations regarding the visas issued at the border checkpoints, and in this framework, terminating the sticker and stamp visa issuance that has been applied to 51 countries | Harmonization with the EU legislation within the framework of full membership perspective. To support the creation of a visa information system | | Regulation No. 539/2001/EC listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement | Ministry of Foreign Affairs Ministry of Interior (General Directorate of Security) |
| 24.1013.2.02 | Council of Ministers Decision and/or Circulars regarding the rearrangement of the countries subject to visa or exempt from visa in our Visa Regime Table, in order to harmonize with the Negative and Positive Visa Lists of the EU | Harmonization with the EU legislation within the framework of full membership perspective. Harmonization with the Negative and Positive Visa Lists of the EU. | | Common Consular Instructions of the EU | Ministry of Interior (General Directorate of Security) Ministry of Foreign Affairs |

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| Reference No. | Name of the Secondary Legislation to be Amended/Enacted | Objective/Scope | Stage | EU Legislation Envisaged to Comply with | Institution Responsible for the Preparation of the Legislation |
|---------------|--|---|-------|---|--|
| 24.1013.2.03 | <p>Implementing Regulation on Asylum Law</p> <p>(It will be enacted after the adoption of the law with reference number 24.0913.1.02)</p> | <p>Harmonization with the EU legislation within the framework of full membership perspective.</p> <p>Envisaged to be enacted as Secondary Legislation for the implementation of the Asylum Law Envisaged to be Enacted between Years 2010 – 2013.</p> | | <ul style="list-style-type: none"> - Directives 2003/09/EC, 2004/83/EC, 2005/85/EC - Resolution of 30 November and 1 December 1992 on a harmonized approach to matters with regard to host third-countries - Council Declaration No. 15067/02 of 28 November 2002 regarding Safe Third-Countries - Conclusions of 30 November and 1 December 1992 on Countries in Which There is Generally no Serious Risk of Persecution - Resolution of 30 November and 1 December 1992 on Manifestly Unfounded Applications for Asylum - Council Resolution on minimum guarantees for asylum procedures - Amsterdam Treaty Protocol on the right of asylum for citizens of the European Union member states - Resolutions No. 2000/596/EC, No. 2001/275/EC, No. 2002/307/EC - Directive 2001/55/EC - Resolution No. 2002/463/EC - Regulation No. 491/2004 | <p>Ministry of Interior (General Directorate of Security)</p> |

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| Reference No. | Name of the Secondary Legislation to be Amended/Enacted | Objective/Scope | Stage | EU Legislation Envisaged to Comply with | Institution Responsible for the Preparation of the Legislation |
|---------------|---|---|--|---|--|
| 24.1013.2.04 | <p>Council of Ministers Decision on the Approval of the Convention on the Use of Information Technologies for Customs Purposes</p> <p>(It will be enacted after we become a party of the Convention on the Use of Information Technologies for Customs Purposes following the accession to the EU)</p> | Establishing the legal basis for the Convention on the Use of Information Technologies for Customs Purposes | Although we will officially become a party of the convention after full membership, the technical infrastructure (CIS) regarding the application of the convention shall be prepared until 2008. | The EU Convention on the Use of Information Technologies for Customs Purposes | Undersecretariat of Customs |