**13173/13**

**COM(2013) 580 final**

**2013/0281 (APP)**

**EXPLANATORY MEMORANDUM (EM) ON EUROPEAN UNION DOCUMENT**

**Proposal for a COUNCIL DECISION on the repeal of Council Decision 2007/124/EC, Euratom**

Submitted by the Home Office on September 2013

**SUBJECT MATTER**

1. The European Commission has put forward a proposal to repeal Council Decision 2007/124/EC, Euratom.
2. Council Decision 2007/124/EC, Euratom, established the Specific Programme for Prevention, Preparedness and Consequence Management of Terrorism and other Security related risks (known as CIPS), for the period 1 January 2007 to 31 December 2013, as part of the General Programme on Security and Safeguarding Liberties.
3. CIPS was a funding programme established to contribute to supporting Member States’ efforts to prevent, prepare for, and to protect people and critical infrastructure against risks linked with terrorist attacks and other security related risks. Now that period is ending it is to be repealed. The repeal will not affect the current projects that are running under the CIPS programme.
4. The Internal Security Fund (Police) includes objectives in line with CIPS and is proposed to be available from 1 January 2014 to 31 December 2020.

**SCRUTINY HISTORY**

1. No previous scrutiny history for this Council Decision to repeal Euratom.

**MINISTERIAL RESPONSIBILITY**

1. The Home Secretary has overall responsibility for the UK’s Counter-terrorism Strategy (CONTEST).

**INTEREST OF THE DEVOLVED ADMINISTRATIONS**

1. National Security is a reserved matter under the UK’s devolution settlements and so no devolved administration interests arise. The Devolved Administrations have been consulted in the preparation of this EM as they may have an interest from a crime and policing perspective.

**LEGAL AND PROCEDURAL ISSUES**

1. **Legal basis**
2. The proposal is made pursuant to the 2007 Council Decision, which was adopted under Article 352 of the Treaty on the Functioning of the European Union (TFEU) and Article 203 of the European Atomic Energy Community.
3. **European Parliament Procedure**
4. Special Legislative Procedure applies.
5. **Voting procedure**
6. Unanimity
7. **Impact on United Kingdom Law**
8. There will be no impact on UK law.
9. **Application to Gibraltar**
10. There is no specific exclusion applying to Gibraltar under the terms of the measure.
11. **Fundamental rights analysis**
12. There are no consequences for fundamental rights on this decision.

**APPLICATION TO THE EUROPEAN ECONOMIC AREA**

1. The proposal relates to the European Union Member States and would not apply to the EEA states.

**SUBSIDIARITY**

1. Subsidiarity would have been considered when the Council Decision was first adopted and is not relevant to its repeal.

**POLICY IMPLICATIONS**

1. There will be no policy implications for the repeal of this measure. The measure is due to end on 31December 2013. The ISF (Police) Programme provides an alternative funding programme.

**CONSULTATION**

1. None required.

**IMPACT ASSESSMENT**

1. None is required.

**FINANCIAL IMPLICATIONS**

1. None.

**TIMETABLE**

1. The instrument will end on 31 December 2013 and will be repealed with effect from 1 January 2014.

**JAMES BROKENSHIRE**

**Home Office**