EU/Iceland/Norway agreement: mutual assistance in criminal matters. 2000 Convention and 2001 Protocol thereto

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PURPOSE: to conclude the Agreement between the EU and Iceland and Norway on the application of certain provisions of the Convention of 29 May 2000 on Mutual Assistance in Criminal Matters between the Member States of the EU and the 2001 Protocol thereto.

PROPOSED ACT: Council Decision.

CONTENT: the objective of the above-mentioned Agreement is to improve judicial cooperation in criminal matters between the Member States of the EU and Iceland and Norway by applying certain provisions of the Convention of 29 May 2000 on Mutual Assistance in Criminal Matters between Member States of the European Union and the 2001 Protocol to Iceland and Norway. The Agreement was signed in 2003, but has not been concluded and has not entered into force.

The purpose of the Convention of 29 May 2000 on Mutual Assistance in Criminal Matters is to encourage and modernise cooperation between judicial, police and customs authorities by supplementing the provisions and facilitating the application of the 1959 Council of Europe Convention on Mutual Assistance in Criminal Matters, and its 1978 Protocol, the 1990 Convention applying the Schengen Agreement and the Benelux Treaty of 1962.

The convention is supplemented by a Protocol established by the Council which provides for supplementary measures such as requests for information on banking transactions in order to combat crime in general and organised crime in particular.

Procedure: following the entry into force of the Lisbon Treaty on 1 December 2009, the procedures to be followed for the conclusion of the Agreement are governed by Article 218 of the Treaty on the Functioning of the European Union. The Agreement was signed already 6 years ago and therefore it should now be concluded as soon as possible. It is for this reason that the Commission proposes to conclude the Agreement. It recommends that the Council, after obtaining the consent of the European Parliament, adopt a decision concluding the Agreement. It should be noted that in accordance with Article 218(6)(a) of the Treaty on the Functioning of the European Union, it is provided that in the case of agreements covering fields to which the ordinary legislative procedure applies, the Council shall adopt a decision concluding the agreement, **after obtaining the consent of the European Parliament**.

Territorial application: the UK and Ireland will take part in the adoption of the Decision. Denmark will not be bound by the Agreement.