Schengen : amending article 40 (1) and (7)of the convention. Initiative Belgium, Spain and France

2001/0828(CNS) - 25/09/2001 - Legislative proposal

PURPOSE : to present an initiative from Belgium, Spain and France with a view to the adoption by the Council of a Decision amending Article 40(1) and (7) of the Convention implementing the Schengen Agreement of 14 June 1985 on the gradual abolition of checks at the common borders. CONTENT : the provisions of the Convention implementing the Schengen Agreement on the gradual abolition of checks at common borders which concern cross-border surveillance should be amended and their scope broadened with a view to increasing the success of criminal investigations, particularly those concerning offences connected with organised crime. This draft proposal aims to do just that by specifying that officers of a Member State who are keeping a person under surveillance in their country as part of a judicial investigation into an extraditable criminal offence may continue their surveillance in the territory of another Member State where the latter State has authorised cross-border surveillance in response to a request for judicial assistance made in advance and duly substantiated. Moreover, the wording of the text is to be amended so as to include 'counterfeiting and forgery of means of payment'. Moreover the following issues shall be included in the proposal in order to increase its scope: - organised fraud; - smuggling of illegal immigrants; - laundering of proceeds from organised crime; - illicit trafficking in nuclear radioactive substances. This proposal states that the Decision shall not be binding upon Ireland and it shall not apply to Gibraltar. It shall only apply to the Channel Islands subject to Article 5(1) of Decision 2000/365/EC.