Convention on Mutual Assistance in Criminal Matters between the Member States

1999/0809(CNS) - 03/12/1999 - Legislative proposal

The draft Council act has been amended following the meeting of the Council (Justice and Home Affairs) on 02/12/1999. It is worthremembering that the draft Convention on mutual assistance in criminal matters between the Member States of the European Union covers the following aspects : - Requests for mutual assistance: general measures, procedures in which mutual assistance is agreed; compliance with formalities and procedures; sending and service of procedural documents transmission of requests; spontaneous exchange of information. - Requests for certain specific forms of mutual assistance: restitution; temporary transfer of persons held in custody for purposes of investigation; hearing by video conference; hearing of witnesses and experts by telephone conference; controlled deliveries; joint investigation teams; covert investigations; criminal liability regarding officials; civil liability regarding officials. - Interception of telecommunications: competent authorities; requests for interception; interceptions of subjects on natioanl territory by the use of service providers; interception of subjects on the territory of another Member State without technical assistance of this member state; responsibility for charges made by telecommunications operators; bilateral agreements. The Council agreed, following its meeting on 02.12.1999, that provisions relating to the protection of personal data which are communicated pursuant to the application of this Convention are necessary. These provisions will be included in the Convention taking into account the ongoing horizontal discussions regarding data protection in the third pillar. The Council confirms its aim of an early adoption of the Convention. The Council agrees that the Convention will be established by the Council in March 2000.