Convention (2000) on mutual assistance in criminal matters: organised and financial crime, money laundering. Initiative France. 2001 Protocol

2000/0815(CNS) - 14/10/2002 - Document attached to the procedure

This document consists of the explanatory report to the Protocol to the 2000 convention on mutual assistance in criminal matters between the Member States of the European Union. The report recalls in particular that in June 2000 France introduced a draft instrument relating to mutual assistance in criminal matters between the Member States of the Union. The initiative was made in the light of the conclusions of the European Council held at Tampere on 15 and 16 October 1999, in which it was concluded that serious economic crime is one of the sectors of particular relevance and that money laundering is at the very heart of organised crime and should be rooted out wherever it occurs. The report highlights that the initiative was originally framed as a new Convention designed to supplement in particular the 1959 Council of Europe Convention on mutual assistance in criminal matters and the Convention on mutual assistance in criminal matters between the Member States of the European Union adopted on 29 May 2000. In the course of the negotiations the instrument was changed into a Protocol to the 2000 Convention and supplemented by certain provisions which were not originally covered (Articles 3 and 9). One provision in the original draft relating to abolishment of the dual criminality requirement was not included in the Protocol. Like the European Mutual Assistance Convention and the 2000 Convention, the provisions of the Protocol are of general application with one important exception: the provisions in Article 1 apply only to certain offences. The provisions of the Protocol can be divided into three different parts: - Assistance relating to bank accounts (Articles 1-4); - Additional requests (Articles 5 and 6) and - Grounds for refusals (Articles 7-10). Articles 11-16 include provisions relating to reservations, entry into force, accession of new Member States, position of and entry into force for Iceland and Norway and depository.