

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

2000/0815(CNS) - 24/10/2000

The committee adopted the report by Martine ROURE (PES, F) amending the French initiative under the consultation procedure. While approving the draft Convention, the committee felt that a few changes to the text were needed for greater clarification. For example, it amended Article 3 so that Member States would be prevented from invoking not only banking and commercial secrecy as reasons to refuse to implement requests for mutual assistance but also the professional secrecy covering financial advice activities of lawyers and members of other regulated legal professions. The committee argued that the effectiveness of the fight against money laundering depended on such non-invocability. It also amended the provision under which Member States could oppose a request for mutual assistance by invoking "essential interests" and stipulated that the requested Member State could make compliance with such a request contingent solely upon the conditions governing the protection of fundamental rights and guarantees which must be observed in a national case of a similar nature. If the Member State in question then refused the request on grounds of incompatibility with such fundamental guarantees enshrined in its domestic law, the committee wanted it to provide due justification for this refusal within 2 months of receiving the request. The committee argued that, if such refusals were not subject to an accelerated procedure, mutual legal assistance would lose its effectiveness in an area where only rapid judicial cooperation at European level made any sense. Lastly, the committee proposed that a European cooperation unit be set up to reinforce the effectiveness of cooperation among the national multidisciplinary teams and encourage the identification and use of best practice.