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

2001/0828(CNS) - 02/10/2003 - Final act

PURPOSE : to amend the provisions of Article 40(1) and (7) of the Convention implementing the Schengen Agreement of 14 June 1985 on the gradual abolition of checks at common borders. LEGISLATIVE ACT : Council Decision 2003/725/JHA amending the provisions of Article 40(1) and (7) of the Convention implementing the Schengen Agreement of 14 June 1985 on the gradual abolition of checks at common borders. CONTENT : the Council Decision, base don a Belgian, Spanish and French initiative, provides that officers of one of the Member States who are keeping a person under surveillance in their country as part of a criminal investigation into an extraditable criminal offence because he is suspected of involvement in an extraditable criminal offence or, as a necessary part of a criminal investigation, because there is serious reason to believe that he can assist in identifying or tracing such a person, shall be authorised to continue their surveillance in the territory of another Member State where the latter has authorised cross-border surveillance in response to a request for assistance made in advance with supporting reasons. Conditions may be attached to the authorisation. The Council Decision also extends the scope of the application of the measures of the Schengen Convention to include serious fraud; smuggling of aliens; money laundering; illicit trafficking in nuclear and radioactive substances; participation in a criminal organisation as referred to in Council Joint Action 98/733/JHA on making it a criminal offence to participate in a criminal organisation in the Member States of the European Union; terrorist offences as referred to in Council Framework Decision 2002/475/JHA on combating terrorism. TERRITORIAL PROVISIONS : This Decision shall not be binding upon Ireland and shall not apply to Gibraltar. This Decision shall only apply to the Channel Islands subject to Article 5(1) of Decision 2000 /365/EC. The United Kingdom is taking part in this Decision in accordance with certain provisions of the Treaty. Iceland and Norway. As regards Iceland and Norway, this Decision constitutes a development of the provisions of the Schengen acquis and shall also be associated. ENTRY INTO FORCE : 11.10.2003.