UN Convention against transnational organised crime (UNTOC): protocol against the smuggling of migrants by land, sea and air

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On 22 August 2003, the Commission transmitted a proposal to the Council for a Council Decision on the conclusion, on behalf of the European Community, of the United Nations Convention Against Transnational Organised Crime and of two Protocols to that Convention.

On 17 October 2003, the Council decided to consult the European Parliament on this proposal and asked the European Parliament for its opinion. On 13 January 2004, the Parliament approved the conclusion of the United Nations Convention Against Transnational Organised Crime (UNTOC) and the two Protocols. In view of the important changes that have been made to the text of the original Commission proposals, it will be necessary to reconsult the Parliament.

On 29 April 2004, the Council adopted a Decision authorising the Commission to conclude the UN Convention against Organised Crime (CNS/2003/0195). No agreement was reached on the draft Council decisions for the conclusion by the Community of two Protocols to UNTOC (CNS/2003/0196 and CNS /2003/0197).

On 18 October 2005, the Commission transmitted to the Council two amended proposals on the conclusion, on behalf of the European Community, of the Protocol Against the Smuggling of Migrants by Land, Sea and Air and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women And Children, supplementing the United Nations Convention Against Transnational Organised Crime.

Further to the discussions on these proposals in the Multidisciplinary group on organised crime and after having consulted the Legal Services of the Council and the Commission, the Presidency, in an effort to take this file forward presented a revised draft of the above Council Decisions. It was deemed expedient, for each of the two protocols, to have two separate Council decisions:

- one for matters covered by Part III, Title IV of the Treaty establishing the European Community;
- one for matters covered by Articles 179 and 181a of that Treaty.

This was done in view of the particular position of Denmark. The two separated proposals for each Protocol contain the same declaration of competence.

Following the discussions at the Multidisciplinary group on organised crime on 8 February 2006, the JHA Counsellors meeting of 28 February 2006 and the CATS meeting of 8 March 2006, consensus was reached on these agreements at the Coreper meeting of 29 March 2006.

As a consequence, the Council presents a revised and consolidated version of these texts which the Parliament is now called upon to examine.