Mutual assistance in criminal matters: accession of Bulgaria and Romania to the 2000 Convention and 2001 Protocol thereto

2007/0080(CNS) - 25/04/2007 - Legislative proposal

PURPOSE: to enable Bulgaria and Romania to accede to the Convention of 29 May 2000 on Mutual Assistance in Criminal Matters between the Member States of the European Union.

PROPOSED ACT: Council Decision.

CONTENT: the 2005 Act of accession of Bulgaria and Romaniahas introduced a simplified system for the accession of Bulgaria and Romania to the conventions (and protocols) concluded by the Member States on the basis of Art. 34 TEU (previously Art. K.3 TEU) or Art. 293 EC. It is no longer necessary, as in the past, to negotiate and conclude specific accession protocols to these conventions (which would have implied ratification by 27 States): Article 3(3) of the Act provides simply that Bulgaria and Romania accede to these conventions and protocols by virtue of the Act of Accession.

Article 3(3) and 3(4) of the Act of Accession provide that, to that effect, the Council shall adopt a decision in order to determine the date on which these conventions shall enter into force for Bulgaria and Romania and to make all the necessary adjustments to these conventions required by reason of the accession of the two new Member States (which would include, in any event, the adoption of the conventions in the Bulgarian and Romanian languages, so that these versions can be "equally authentic"). The Council shall act on a recommendation of the Commission, after consulting the European Parliament.

Annex I to the Act of Accession gives the list of the 7 conventions and protocols concerned in the Justice and Home Affairs area.

The list includes in particular the Convention, on Mutual Assistance in Criminal Matters between the Member States of the European Union and its Protocol of 16 October 2001, established by the Council in accordance with Article 34 of the Treaty on European Union, to the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union.

The present draft Commission Recommendation is intended to make the adjustments required by reason of the accession of Bulgaria and Romania to the aforementioned Convention and its Protocol, in accordance with Article 3(4) of the Act of Accession.