## Basic information

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|---|---|
| **1998/0903(CNS)**<br>CNS - Consultation procedure | Procedure completed |
| Judicial cooperation on criminal matters: good practice in mutual legal assistance<br>Repealed by 2014/0339(COD)<br>**Subject**<br>7.40.04 Judicial cooperation in criminal matters | |

## Key players

**European Parliament**

| Committee responsible | Rapporteur | Appointed |
|---|---|---|
| LIBE Civil Liberties and Internal Affairs | BUFFETAUT Stéphane (I-EDN) | 18/03/1998 |

| Committee for opinion | Rapporteur for opinion | Appointed |
|---|---|---|
| JURI Legal Affairs, Citizens' Rights | | |

**Council of the European Union**

| Council configuration | Meetings | Date |
|---|---|---|
| General Affairs | 2111 | 1998-06-29 |
| Justice and Home Affairs (JHA) | 2099 | 1998-05-28 |

## Key events

| Date | Event | Reference | Summary |
|---|---|---|---|
| 10/12/1997 | Legislative proposal published | 13300/1997 | Summary |
| 29/01/1998 | Committee referral announced in Parliament | | |
| 30/03/1998 | Vote in committee | | |
| 30/03/1998 | Committee report tabled for plenary, 1st reading/single reading | A4-0122/1998 | |
| 29/06/1998 | Act adopted by Council after consultation of Parliament | | |
| 29/06/1998 | End of procedure in Parliament | | |
| 07/07/1998 | Final act published in Official Journal | | |

## Technical information

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|---|---|
| **Procedure reference** | 1998/0903(CNS) |
| **Procedure type** | CNS - Consultation procedure |
| **Procedure subtype** | Legislation |
| **Amendments and repeals** | Repealed by 2014/0339(COD) |
| **Legal basis** | Treaty on European Union (after Amsterdam) M K.3-p2<br>Rules of Procedure EP 050 |
| **Stage reached in procedure** | Procedure completed |
| **Committee dossier** | LIBE/4/09692 |

## Documentation gateway

**European Parliament**

| Document type | Committee | Reference | Date | Summary |
|---|---|---|---|---|
| Committee report tabled for plenary, 1st reading/single reading | | A4-0122/1998<br>OJ C 138 04.05.1998, p. 0015 | 30/03/1998 | |
| Text adopted by Parliament, 1st reading/single reading | | T4-0217/1998<br>OJ C 138 04.05.1998, p. 0200-0211 | 03/04/1998 | Summary |

**Council of the EU**

| Document type | Reference | Date | Summary |
|---|---|---|---|
| Legislative proposal | 13300/1997 | 10/12/1997 | Summary |

## Additional information

| Source | Document | Date |
|---|---|---|
| European Commission | EUR-Lex | |

## Final act

Justice and Home Affairs act 1998/0427
OJ L 191 07.07.1998, p. 0001-0003

# Judicial cooperation on criminal matters: good practice in mutual legal assistance

1998/0903(CNS) - 03/04/1998 - Text adopted by Parliament, 1st reading/single reading

In adopting the report by Mr Stéphane BUFFETAUT (I-EDN, F) on the joint action on good practice in mutual legal assistance in criminal matters Parliament approved the draft joint action which it noted was non-binding. For this reason it proposed various amendments seeking to improve judicial assistance on the practical level. It therefore called for: - speeding up of the deposit with the Council Secretariat of the statements of good practice in executing requests for legal assistance (six months and not one year); - compliance by the Member States with the minimum requirements of these declarations and the following of the minimum procedures laid down; - the drawing up by each Member States of an annual report on compliance with

its undertakings, containing summaries and statistics on the execution of requests for assistance received and indicating any anticipated improvements. This report would be made available to the European Judicial Network; - the drawing up of an annual report by the European Judicial Network. This report would deal with the situation and functioning of mutual judicial assistance in criminal matters at European level and would make recommendations based on evaluations of the national reports drawn up by the Member States. This annual report would be forwarded to the Council before 1 July each year and made available to the Member States (who could make comments on it) and to the Commission and the European Parliament for information.

# Judicial cooperation on criminal matters: good practice in mutual legal assistance

1998/0903(CNS) - 10/12/1997 - Legislative proposal

OBJECTIVE: Draft joint action on good practice in mutual legal assistance in criminal matters. CONTENT: the draft joint action seeks to respond to the need to speed up procedures for legal assistance in matters related to organised crime and to reduce the times for transmitting and replying to requests. The joint action therefore proposes that each Member State deposit a statement of good practice. The format for the statement is not specified but the joint action provides for undertakings: - to provide the requesting authorities with the name of the person having responsibilities for executing the request; - to give priority to urgent requests; - to ensure that requests are given the same treatment as similar requests in the requested Member State. It is also proposed that the Member States undertake to acknowledge all requests received and to send the requesting authority a report in the event of serious delay. The statement of good practice would also include an undertaking to submit requests for assistance as soon as the need for assistance is ascertained, in order to allow the requested authorities enough time to execute them. In an emergency, the reasons for the urgency would need to be set out, in order to help the requested authority allocate a suitable level of priority to the request. Each Member State would have the facility to add other undertakings to its statement. The Member States would also need to monitor that they were complying with their undertakings, providing an adequate service and improving their services. Each year the Member States would draw up an annual report on the results of this monitoring.