


Basic information	
<p><b>1999/0809(CNS)</b></p> <p>CNS - Consultation procedure</p> <p>Convention on Mutual Assistance in Criminal Matters between the Member States</p> <p>See also <a href="#">2000/0815(CNS)</a></p> <p><b>Subject</b></p> <p>7.40.04 Judicial cooperation in criminal matters</p>	Procedure completed

Key players				
European Parliament	<b>Committee responsible</b>		<b>Rapporteur</b>	<b>Appointed</b>
	<b>LIBE</b>	Citizens' Freedoms and Rights, Justice and Home Affairs	DI PIETRO Antonio (ELDR)	29/07/1999
	<b>Committee for opinion</b>		<b>Rapporteur for opinion</b>	<b>Appointed</b>
	<b>JURI</b>	Legal Affairs and Internal Market	ZIMERAY François (PSE)	23/09/1999
Council of the European Union	<b>Council configuration</b>		<b>Meetings</b>	<b>Date</b>
	Justice and Home Affairs (JHA)		2211	1999-10-29
	Justice and Home Affairs (JHA)		2266	2000-05-29
	Justice and Home Affairs (JHA)		2251	2000-03-27

Key events			
Date	Event	Reference	Summary
13/07/1999	Initial legislative proposal published	<a href="#">09636/1999</a>	<a href="#">Summary</a>
29/10/1999	Debate in Council		
03/12/1999	Legislative proposal published	<a href="#">05060/1999</a>	<a href="#">Summary</a>
17/12/1999	Committee referral announced in Parliament		
26/01/2000	Vote in committee		<a href="#">Summary</a>
26/01/2000	Committee report tabled for plenary, 1st reading/single reading	<a href="#">A5-0019/2000</a>	
17/02/2000	Decision by Parliament	<a href="#">T5-0061/2000</a>	<a href="#">Summary</a>
17/02/2000	Debate in Parliament		

27/03/2000	Debate in Council		
29/05/2000	Act adopted by Council after consultation of Parliament		
29/05/2000	End of procedure in Parliament		
29/12/2000	Final act published in Official Journal		

Technical information	
<b>Procedure reference</b>	1999/0809(CNS)
<b>Procedure type</b>	CNS - Consultation procedure
<b>Procedure subtype</b>	Legislation
<b>Amendments and repeals</b>	See also <a href="#">2000/0815(CNS)</a>
<b>Legal basis</b>	Treaty on European Union (after Amsterdam) M 034-p2
<b>Stage reached in procedure</b>	Procedure completed
<b>Committee dossier</b>	LIBE/5/12041

Documentation gateway				
<b>European Parliament</b>				
Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A5-0019/2000</a> <a href="#">OJ C 339 29.11.2000, p. 0004</a>	26/01/2000	
Text adopted by Parliament, 1st reading/single reading		<a href="#">T5-0061/2000</a> <a href="#">OJ C 339 29.11.2000, p. 0163-0239</a>	17/02/2000	<a href="#">Summary</a>
<b>Council of the EU</b>				
Document type	Reference	Date	Summary	
Initial legislative proposal	<a href="#">09636/1999</a> <a href="#">OJ C 251 02.09.1999, p. 0001</a>	13/07/1999	<a href="#">Summary</a>	
Legislative proposal	<a href="#">05060/1999</a>	03/12/1999	<a href="#">Summary</a>	
Document attached to the procedure	<a href="#">04629/2000</a>	19/06/2000	<a href="#">Summary</a>	

Additional information		
Source	Document	Date
European Commission	<a href="#">EUR-Lex</a>	

Final act

Third pillar act 2000/0712  
[OJ C 197 12.07.2000, p. 0001](#)

Third pillar act 2000/1229  
[OJ C 379 29.12.2000, p. 0007](#)

Interinstitutional agreement 2000/0712  
[OJ C 197 12.07.2000, p. 0003](#)

[Summary](#)

## Convention on Mutual Assistance in Criminal Matters between the Member States

1999/0809(CNS) - 19/06/2000 - Document attached to the procedure

In a unilateral declaration, in accordance with the provisions of Article 23 of the Convention on mutual assistance in penal matters, the Grand Duchy of Luxembourg indicated that if it were to transmit personal data to another Member State under the Convention, it could require that these data can only be used for the purposes of the Convention with its express agreement. In this event, this country undertakes to provide the reasons for its decision in writing.

## Convention on Mutual Assistance in Criminal Matters between the Member States

1999/0809(CNS) - 29/05/2000 - Final act

PURPOSE : to draw up a Convention concerning mutual assistance between the Member States on criminal matters. EUROPEAN UNION MEASURE : Council Act establishing the Convention relating to mutual assistance between Member States of the European Union on criminal matters. CONTENT : the Council adopted the Convention after agreement was reached in the Mixed Committee with Iceland and Norway held in the margins of the Council of Europe Convention on Mutual assistance and the Benelux Treaty as well as the provisions of the Schengen acquis integrated in the European Union by the Amsterdam Treaty. The provisions of the Convention supplementing the Schengen acquis will apply also to Norway and Iceland pursuant to the arrangements with these two countries. Furthermore, the Convention covers a large number of issues : it sets out rules for which proceedings assistance shall be afforded, on formalities and procedures, on sending and service of documents and on direct contacts between the authorities involved in mutual assistance. In addition, the Convention contains provisions on a number of specific forms of mutual assistance, such as restitution, temporary transfer of persons, hearing by video and telephone conference and cross-border investigation methods - that is controlled deliveries, joint investigation teams and covert investigations. Moreover, the Convention also includes important provisions on interception of telecommunications. Finally, questions on data protection have also been dealt with. The Member States are invited to apply the applicable procedures before the end of 01.01.2001.

## Convention on Mutual Assistance in Criminal Matters between the Member States

1999/0809(CNS) - 13/07/1999 - Initial legislative proposal

PURPOSE: to draw up a Convention concerning mutual assistance between the Member States on criminal matters. CONTENT: with a view to the achievement of the objectives of the European Union, the Member States are considering rules regarding mutual judicial assistance in penal matters between the Member States of the Union as a matter of common interest which falls within the scope of the cooperation established under Title VI of the Treaty. The draft Council act is based on Art. 34 (2) of the Treaty on European Union and seeks to establish the convention relating to mutual judicial assistance in penal matters between the Member States of the European Union.

## Convention on Mutual Assistance in Criminal Matters between the Member States

1999/0809(CNS) - 17/02/2000 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted the report by Mr Di Pietro (ELDR, I) on mutual assistance between the Member States on criminal matters with a certain number of amendments to the text proposed by the Council. The amendments focus on the fundamental rights of the defence, introduce some modifications in order to clarify certain confusing or contradictory points and delete Article 18 on the interception of subjects on the territory of another Member State without technical assistance of this Member State. The Parliament calls on the Member States to constantly improve their respective legal orders and legal systems so as to eliminate factors causing delays, inefficiencies and violations of the European Convention on Human Rights

and ensure respect for human rights and fundamental freedoms and in particular the rights of the defence and the right to a fair trial. The Council is called upon to adopt the necessary rules regarding the interception of telecommunications and the video-conferencing of hearings of the accused, co-defendants or persons under investigation, while respecting the fundamental rights and freedoms of the accused as well as judicial safeguards. The Parliament also inserted a provision whereby an expert or a witness asked to give evidence at a hearing by videoconference or teleconference may ask to be heard directly by the requesting authority in the territory of the State that has requested the hearing. As far as the accused, co-defendants or persons under investigation are concerned, the Parliament asks that hearings via videoconference should only take place if the persons to be interrogated consent to it and with the safeguards for the rights of the defence provided by the fundamental principles of national law. Consent shall be given only in the presence of the defence counsel. The Parliament asks that this article should only enter into force when the Council has adopted such rules as may prove to be necessary with a view to the protection of the rights of accused persons in a legally binding instrument. In order to avoid the traumatic experience of a hearing, the Parliament asks that if a witness is a minor, the hearing should be held by videoconference and that the minor must be assisted by a person whom he or she trusts or by an uninvolved expert or lawyer.

## **Convention on Mutual Assistance in Criminal Matters between the Member States**

1999/0809(CNS) - 03/12/1999 - Legislative proposal

The draft Council act has been amended following the meeting of the Council (Justice and Home Affairs) on 02/12/1999. It is worth remembering that the draft Convention on mutual assistance in criminal matters between the Member States of the European Union covers the following aspects : - Requests for mutual assistance: general measures, procedures in which mutual assistance is agreed; compliance with formalities and procedures; sending and service of procedural documents transmission of requests; spontaneous exchange of information. - Requests for certain specific forms of mutual assistance: restitution; temporary transfer of persons held in custody for purposes of investigation; hearing by video conference; hearing of witnesses and experts by telephone conference; controlled deliveries; joint investigation teams; covert investigations; criminal liability regarding officials; civil liability regarding officials. - Interception of telecommunications: competent authorities; requests for interception; interceptions of subjects on national territory by the use of service providers; interception of subjects on the territory of another Member State without technical assistance of this member state; responsibility for charges made by telecommunications operators; bilateral agreements. The Council agreed, following its meeting on 02.12.1999, that provisions relating to the protection of personal data which are communicated pursuant to the application of this Convention are necessary. These provisions will be included in the Convention taking into account the ongoing horizontal discussions regarding data protection in the third pillar. The Council confirms its aim of an early adoption of the Convention. The Council agrees that the Convention will be established by the Council in March 2000.