



**EUROPEAN UNION  
THE COUNCIL**

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**SEMDOC**

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**NOTE**

from :	Italian delegation
to :	Article 36 Committee
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Subject :	Italian proposal on Article 11 b of the draft Convention on mutual assistance in criminal matters between the Member States of the European Union

**ARTICLE 11 b**

**Interceptions of subjects on national territory by the use of service providers**

1. For the purposes of lawful interceptions of telecommunications, the international telecommunication systems operating on the territory of a Member State shall be directly accessible to the other Member States, by use of the service providers present on their territory.
2. In the case provided for in paragraph 1, the competent authorities of a Member State shall for the purposes of a criminal investigation and in accordance with the applicable national law, carry out the interception on the condition that the subject of the interception is present in that Member State.

3. Paragraph 2 shall also apply where the competent authority of a Member State makes a request another Member State, pursuant to Article 12, paragraph 2(b), for the interception of a person present on the territory of the requested State.
  4. Where direct access is lacking, the Member State hosting the international telecommunications systems provided for in paragraph 1 shall reply to the request for assistance using the ordinary forms. In that case, the reasons for refusal provided for in Article 2 of the European Mutual Assistance Convention shall be sent out.
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