

**EUROPEAN UNION
THE COUNCIL**

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NOTE

from :	Presidency
to :	Article 36 Committee
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Subject :	Draft Convention on mutual assistance in criminal matters between the Member States of the European Union - interception of telecommunications

The delegations will find enclosed a text elaborated by the Presidency following the meeting of the Article 36 Committee on 9 and 10 September 1999 for the purpose of further discussions. The reworded Article 15 replaces earlier Articles 3 and 15.

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TITLE III

Article 15: Definitions

Criminal investigation

For the purpose of the application of Articles 16, 17 and 18, a "criminal investigation" is an investigation following the commission of a particular criminal offence in order to identify and arrest, charge, prosecute or deliver judgment on those persons responsible.

Competent authorities

For the purpose of the application of Articles 16, 17 and 18, a "competent authority" is a judicial authority, or, where judicial authorities have no competence in this area, a competent authority under national law when acting for the purpose of a criminal investigation, specified pursuant to Article 21(1)(e).

Cases where an authority is acting under national law solely for purposes other than a criminal investigation do not fall within the scope of paragraph 2.