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**COUNCIL OF
THE EUROPEAN UNION**

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NOTE

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| from : | German delegation |
| to : | Customs Cooperation Working Party |
| Nos prev. docs: | 6175/99 ENFOCUSTOM 9, 5520/99 ENFOCUSTOM 4 |
| Subject : | Setting up a computerised records system for customs purposes in European Union Member States – Preliminary draft Convention |

The Customs Cooperation Working Party met on 8 March 1999 to continue its discussions on the establishment of a computerised records system for customs purposes in European Union Member States; amongst other things, it considered the necessity for a legal basis and the form that this basis should take. It emerged that delegations were in agreement on many points of principle.

In the light of findings to date, the draft Convention on the establishment of a computerised records system for customs purposes in European Union Member States, annexed hereto, is now submitted for scrutiny by the Customs Cooperation Working Party.

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The Working Party should bear the following considerations in mind:

- The EU Commission's 1996 annual report on the protection of the Communities' financial interests described the extreme flexibility displayed by organised criminals; rather than working out of one particular country, gangs constantly shift their fields of operation.

Crime syndicates range over the whole geographical area of the European Union; national borders are no barrier to them. The report concludes that in order to combat international crime all European customs administrations need to be able to access and cross-check all the available information.

- Setting up a computerised records system would optimise availability and cross-checking of all data held by European customs administrations. Efforts to combat the types of offence covered by customs administrations (including organised crime) could be much improved by the computerised system.
- The purpose of setting up the computerised records system is solely to improve cooperation between customs administrations in prosecuting infringements of customs provisions. This includes the detection, investigation and prosecution of infringements of national customs provisions as well as the punishment and prosecution of infringements of Community customs provisions.
- International crime cannot be combated effectively unless the relevant departments are able to obtain information on investigations in other Member States as quickly as possible and use information on persons or firms already held by those States for the purposes of their own inquiries. It is therefore essential that the computerised records system should include data on persons and firms which were the subject of investigations months or years before.

The Customs Information System is not adequate to meet these requirements. Article 5 of the CIS Convention expressly states that data may be included in the Customs Information System only for the purpose of sighting and reporting, discreet surveillance or specific checks. The register created by the CIS Convention is purely a reporting system, and thus unsuited, by its very nature, for use as a records system. Witness also the length of time that data may be retained (Article 12 of the CIS Convention) which is much too short.

Draft

CONVENTION

**on the basis of Article 34 of the Treaty on European Union
on the establishment of a computerised records system for customs purposes
in the European Union Member States**

THE HIGH CONTRACTING PARTIES to this Convention, Member States of the European Union ---

REFERRING to the Act of the Council of the European Union of ...,

RECALLING the need to strengthen the commitments contained in the Convention on mutual assistance and cooperation between customs administrations, signed in Brussels on 18 December 1997 ¹,

CONSIDERING that customs administrations are responsible within the customs territory of the Community and, in particular at its points of entry and exit, for the prevention, investigation and suppression of offences not only against Community rules, but also against national laws, in particular the cases covered by Articles 30 and 296 of the Treaty establishing the European Community,

CONSIDERING that a serious threat to public health, morality and security is constituted by the developing trend towards illicit trafficking of all kinds,

¹ OJ C 24, 23.1.1998, p. 1 (Naples Convention).

CONVINCED that it is necessary to reinforce cooperation between customs administrations, by laying down procedures under which customs administrations may act jointly and exchange personal and other data concerned with detected infringements, using new technology for the management and transmission of such information, subject to the provisions of the Council of Europe Convention on the Protection of Individuals with Regard to Automatic Processing of Personal Data, done at Strasbourg on 28 January 1981;

WISHING to assist and expedite cooperation between customs administrations on the basis of existing Conventions and other international agreements,

AWARE that the necessary technical facilities already exist and that, as regards personal data protection, recourse may be had to supervisory bodies and administrative structures set up under other Conventions,

CONSIDERING that measures affecting the rights of data subjects or third parties which go beyond the provisions of this Convention may be taken only on the basis of other legal provisions,

BEARING IN MIND that the customs administrations in their day-to-day work have to implement both Community and national provisions, and that there is consequently an obvious need to ensure that the provisions of mutual assistance and cooperation in both sectors evolve as far as possible in parallel,

HAVE AGREED ON THE FOLLOWING PROVISIONS:

CHAPTER I

DEFINITIONS

Article 1

For the purposes of this Convention, the following definitions shall apply:

1. "national customs provisions"¹: all laws, regulations and administrative provisions of a Member State the application of which comes wholly or partly within the jurisdiction of the customs administration of the Member State concerning:
 - cross-border traffic in goods subject to bans, restrictions or controls, in particular pursuant to Articles 30 and 296 of the Treaty establishing the European Community,
 - non-harmonised excise duties;
2. "Community customs provisions"²:
 - the body of Community provisions and associated implementing provisions governing the import, export, transit and presence of goods traded between Member States and third countries, and between Member States in the case of goods that do not have Community status within the meaning of Article 23(2) of the Treaty establishing the European Community or goods subject to additional controls or investigations for the purposes of establishing their Community status,

¹ This provision has been taken from the Naples II Convention (Article 4(1)).

² This provision has been taken from the Naples II Convention (Article 4(2)).

- the body of provisions adopted at Community level under the common agricultural policy and the specific provisions adopted with regard to goods resulting from the processing of agricultural products,
 - the body of provisions adopted at Community level for harmonised excise duties and for value-added tax on importation together with the national provisions implementing them;
3. "infringement" ¹: acts in conflict with national or Community customs provisions, including, inter alia.
- participation in, or attempts to commit, such infringements,
 - participation in a criminal organisation committing such infringements,
 - the laundering of money deriving from the infringements referred to in this paragraph;
4. "mutual assistance": the granting of assistance between customs administrations as provided for in existing Conventions and other international agreements ²;
5. "customs administrations" ³: Member States' customs authorities as well as other authorities with jurisdiction for implementing the provisions of this Convention;

¹ This provision has been taken from the Naples II Convention (Article 4(3)).

² Reference to Article 4(4) of the Naples II Convention; the words "as provided for in existing Conventions and other international agreements" are necessary because the provisions on the records system do not contain any separate rules on mutual assistance.

³ This provision has been taken from the Naples II Convention (Article 4(7)).

6. "personal data" ¹: all information relating to an identified or identifiable natural person; a person is considered to be identifiable if he or she can be directly or indirectly identified, inter alia by means of an identification number or of one or more specific elements which are characteristic of his or her physical, physiological, psychological, economic, cultural or social identity;
7. "supplying Member State" ²: a State which includes an item of data in the records system.
8. "retrieving Member State" ³: a Member State which accesses data on the records system via a terminal

¹ This provision has been taken from the Naples II Convention (Article 4(8)).

² This provision has been taken from the CIS Convention (Article 1(3)) (OJ C 316, 27.11.1995, p. 33).

³ This definition is required to complement paragraph 7.

CHAPTER II

ESTABLISHMENT OF A RECORDS SYSTEM

Article 2

1. The customs administrations of the Member States shall set up and maintain a joint computerised records system for customs purposes, hereinafter referred to as the "records system". ¹
2. The aim of the records system, shall be to make available to customs administrations certain information on persons investigated in connection with infringements in one or more Member States in order further to assist and expedite the detection, investigation and prosecution of infringements. ²
3. If the retrieving Member State requires further information on the data subject or if administrative or criminal proceedings are to be brought on the basis of data stored by a Member State, a request for mutual assistance shall be made to the supplying Member State(s)

¹ This provision is based on the CIS Convention (Article 2(1)).

² The aim of setting up the records system is to enable the authorities responsible for prosecuting customs infringements to determine as quickly as possible whether a certain person or firm has been or is currently the subject of investigations in any of the Member States, and if so, where, so that any further information can be obtained from the State(s) concerned without delay, investigations can be coordinated and a common procedure can be agreed upon, where appropriate.

CHAPTER III

OPERATION AND USE OF THE RECORDS SYSTEM

Article 3

1. The records system shall consist of a central database facility and shall be accessible via terminals in each Member State. It shall comprise exclusively data necessary to achieve its aim as stated in Article 2(2) ¹.

Data entered shall relate to ²:

- (i) natural and legal persons who are suspected of having committed or having taken part in an infringement or who have been convicted of such an infringement;
 - (ii) infringements, alleged infringements and when and where they were committed;
 - (iii) departments handling the case and their filing references.
- (2) Personal data as referred to in paragraph 1 may include only the following details ³:
 - (i) name, in the case of legal persons also the head office, maiden name, given names and any alias or assumed name;
 - (ii) date and place of birth;

¹ This provision is based on the CIS Convention (Article 3(1)).

² These data are the minimum compulsorily required for operation of the records system.

³ The range of data is based on that in the CIS Convention (Article 4). The parts of that provision not essential for operation of the records system have not been included here.

(iii) nationality;

(iv) sex;

In any case personal data listed in Article 6, first sentence, of the Council of Europe Convention for the Protection of Individuals with Regard to Automatic Processing of Personal Data, done at Strasbourg on 28 January 1981, hereinafter referred to as the "1981 Strasbourg Convention", shall not be included.

3. The Commission shall ensure the technical management of the infrastructure of the records system in accordance with the rules provided for by the implementing measures adopted within the Council. The Commission shall report on the management to the Committee referred to in Article 15. ¹
4. The Commission shall communicate to that Committee the practical arrangements adopted for the technical management. ²

Article 4

1. Without prejudice to the exercise of the responsibilities incumbent upon Member States as set out in Article 33 of the Treaty on European Union, the customs administration of a Member State shall not be obliged in any particular case ³ to store the information provided for in Article 3 if that would mean:
 - (i) harming essential national security interests; or

¹ This provision is based on the CIS Convention (Article 3(2)). To date, no start has been made on the necessary negotiations with Commission. However, the German delegation would be most grateful if the Commission were to assist Member States in their discussions.

² This provision is based on the CIS Convention (Article 3(3)).

³ This provision allows member States to postpone the input of sensitive data until a later date. This is designed to take Member States' legitimate interests into account.

- (ii) jeopardising the success of a current investigation or the safety of individuals.

The data shall be stored later, as soon as the obstacle has been removed.

2. The personal data need not be entered if it relates to a minor infringement and can clearly be of no significance for the customs administrations of other Member States.

Article 5

1. Access to personal data stored in the records system shall be permissible only insofar as required for mutual assistance purposes. ¹
2. Responsibility for the permissibility of retrieval from and input into the records system shall lie with the supplying or retrieving customs administration; it must be possible to identify that administration.

Article 6

1. Direct access to data included in the records system shall be reserved exclusively for the customs administrations designated by each Member State. ²

¹ This provision is designed to ensure (including for reasons of data protection) that data retrieval is permissible only if a request for mutual assistance is to be made and the retrieving Member State thus has a legitimate interest in obtaining the data.

² This provision is based on the CIS Convention (Article 7(1) to (3)).

2. Each Member State shall send the other Member States and the Committee referred to in Article 15 a list of its competent customs administrations which have been designated in accordance with paragraph 1 to have direct access to the records system stating, for each administration, which data it may have access to and for which purposes.
3. Notwithstanding the provisions of paragraphs 1 and 2, Member States may, by unanimous agreement, permit access to the records system by international or regional organisations. Such agreement shall take the form of a protocol to this Convention. In reaching their decision Member States shall take account of any reciprocal arrangements and any opinion of the Joint Supervisory Authority referred to in Article 17 on the adequacy of data protection measures.

Article 7

1. Member States may use data obtained from the records system only in order to achieve the aim stated in Article 2(2); however, they may use it for administrative or other purposes with the prior authorisation of and subject to any conditions imposed by the Member State which included it in the system. Such other use shall be in accordance with the laws, regulations and procedures of the Member State seeking to use such data and should take into account Principle 5.5 of the Recommendation R (87) 15 of 17 September 1987 of the Committee of Ministers of the Council of Europe.¹
2. Without prejudice to paragraphs 1 and 4 of this Article and Article 6(3), data obtained from the records system be used only by customs administrations in each Member State designated by the Member State in question, which are competent, in accordance with the laws, regulations and procedures of that Member State, to act in order to achieve the aim stated in Article 2(2).

¹ This provision is based on the CIS Convention (Article 8(1) to (4)).

3. Each Member State shall send the other Member States and the Committee referred to in Article 15 a list of the competent authorities it has designated in accordance with paragraph 2.
4. Data obtained from the records system may, with the prior authorisation of, and subject to any conditions imposed by, the Member State which included it in the system, be communicated for use by national authorities other than those designated under paragraph 2, non-Member States, and international or regional organisations wishing to make use of them. Each Member State shall take special measures to ensure the security of such data when they are being transmitted or supplied to services located outside its territory. Details of such measures must be communicated to the Joint Supervisory Authority referred to in Article 17.

Article 8

1. The inclusion of data in the records system shall be governed by the laws, regulations and procedures of the supplying Member State, unless this Convention lays down more stringent provisions.¹
2. The use of data obtained from the records system shall be governed by the laws, regulations and procedures of the Member State using such data, unless this Convention lays down more stringent provisions.

Article 9²

1. Each of the Member States shall designate a competent customs administration, which shall have national responsibility for the records system.

¹ This provision is based on the CIS Convention (Article 9(1) and (2)).

² This provision is based on the CIS Convention (Article 10(1) to (3)).

2. This administration shall be responsible for the correct operation of the records system within the Member State and shall take the measures necessary to ensure compliance with the provisions of this Convention.
3. The Member States shall inform one another of the competent administrations referred to in paragraph 1.

CHAPTER IV

AMENDMENT OF DATA

Article 10¹

1. Only the supplying Member State shall have the right to amend, supplement, correct, or delete data which it has included in the records system.
2. Should a supplying Member State note, or have drawn to its attention, that the data it included are factually inaccurate or were included, or are stored contrary to this Convention, it shall amend, supplement, correct or delete the data.
3. If one of the Member States has evidence to suggest that an item of data is factually inaccurate, or was included or is stored on the records system contrary to this Convention, it shall advise the supplying Member State as soon as possible. The latter shall check the data concerned and, if necessary, correct or delete the item without delay.
4. Subject to the provisions of this Convention, where in any Member State a court, or other competent authority within that Member State, makes a final decision as to amendment, supplementation, correction, or deletion, of data in the records system, the Member States undertake mutually to enforce such a decision. In the event of conflict between such decisions of courts or other competent authorities in different Member States, including those referred to in Article 14(4) concerning correction or deletion, the Member State which included the data in question shall delete it from the system.

¹ This provision is based on the CIS Convention (Article 11(1) to (3) and (5)).

CHAPTER V

RETENTION OF DATA

Article 11

1. Data included in the records system shall be kept for ten years, unless shorter time limits are set under national provisions ¹. After that period the data shall be deleted by the supplying Member State. Each time limit shall begin to run afresh on the date on which an event leading to the storage of data relating to that individual occurs.
2. If the person is the subject of a final legal decision granting discharge, release or acquittal, the data relating to that decision shall be deleted without delay.

¹ This retention period is required to be able to achieve the aims of the records system.

CHAPTER VI

PERSONAL DATA PROTECTION

Article 12¹

1. Each Member State intending to receive personal data from, or include it in, the records system shall, no later than the time of entry into force of this Convention, adopt the national legislation sufficient to achieve a level of protection of personal data at least equal to that resulting from the principles of the 1981 Strasbourg Convention.
2. A Member State shall receive personal data from, or include them in, the records system only where the arrangements for the protection of such data provided for in paragraph 1 have entered into force in the territory of that Member State. The Member State shall also have previously designated a national supervisory authority or authorities in accordance with Article 16.
3. In order to ensure the proper application of the data-protection provisions in this Convention, the records system shall be regarded in every Member State as a national data-file subject to the national provisions referred to in paragraph 1 and any more stringent provisions contained in this Convention.

Article 13²

1. Subject to Article 7(1), each Member State shall ensure that it shall be unlawful under its laws, regulations and procedures for personal data from the records system to be used other than for the purpose of the aim stated in Article 2(2).

¹ This provision is based on the CIS Convention (Article 13(1) to (3)).

² This provision is based on the CIS Convention (Article 14(1) to (2)).

2. Data may be duplicated only for technical purposes, provided that such duplication is necessary for direct searching by the administrations referred to in Article 6. Subject to Article 7(1), personal data included by other Member States may not be copied from the records system into other national data files.

*Article 14*¹

1. The rights of persons with regard to personal data in the records system, in particular their right of access, shall be put into effect in accordance with the laws, regulations and procedures of the Member State in which such rights are invoked.

If laid down in the laws, regulations and procedures of the Member State concerned, the national supervisory authority provided for in Article 16 shall decide whether information is to be communicated and the procedures for so doing.

A Member State which has not supplied the data concerned may communicate data only if it has previously given the supplying Member State an opportunity to state its position.

2. A Member State to which an application for access to personal data is made shall refuse access if this is indispensable for the protection of the rights and freedoms of third parties.
3. In each Member State, a person may, according to the laws, regulations and procedures of the Member State concerned, have personal data relating to himself corrected or deleted if that data were factually inaccurate, or were included or were stored in the records system contrary to the aim stated in Article 2(2) of this Convention or to the provisions of Article 5 of the 1981 Strasbourg Convention.

¹ This provision is based on the CIS Convention (Article 15(1) to (5)); paragraph 2 has been adjusted accordingly.

4. In the territory of each Member State, any person may, in accordance with the laws, regulations and procedures of the Member State in question, bring an action or, if appropriate, a complaint before the courts or the authority competent under the laws, regulations and procedures of that Member State concerning personal data relating to himself on the records system, in order to:
- (i) correct or delete factually inaccurate personal data;
 - (ii) correct or delete personal data included or stored in the records system contrary to this Convention;
 - (iii) obtain access to personal data;
 - (iv) obtain compensation pursuant to Article 20(2).

The Member States concerned undertake mutually to enforce the final decisions taken by a court, or other competent authority, pursuant to (i), (ii) and (iii).

5. The references in this Article and in Article 10(4) to a "final decision" do not imply any obligation on the part of any Member State to appeal against a decision taken by a court or other competent authority.

CHAPTER VII

INSTITUTIONAL FRAMEWORK

Article 15¹

1. A Committee consisting of representatives from the customs administrations of the Member States shall be set up. The Committee shall take its decisions unanimously where the provisions of the first indent of paragraph 2 are concerned and by a two-thirds majority where the provisions of the second indent of paragraph 2 are concerned. It shall adopt its rules of procedure unanimously.
2. The Committee shall be responsible:
 - for the implementation and correct application of the provisions of this Convention, without prejudice to the powers of the authorities referred to in Articles 16(1) and 17 (1);
 - for the proper functioning of the records system with regard to technical and operational aspects. The Committee shall take all necessary steps to ensure that the measures set out in Articles 11 and 18 are properly implemented with regard to the records system. For the purpose of applying this paragraph, the Committee may have direct access to, and use of, data from the records system.
3. The Committee shall report annually to the Council, in accordance with Title VI of the Treaty on European Union, regarding the efficiency and effectiveness of the records system, making recommendations as necessary.
4. The Commission shall be party to the Committee's proceedings.

¹ This provision is based on the CIS Convention (Article 16(1) to (4)).

CHAPTER VIII

PERSONAL DATA PROTECTION SUPERVISION

Article 16¹

1. Each Member State shall designate a national supervisory authority or authorities responsible for personal data protection to carry out independent supervision of such data included in the records system.

The supervisory authorities, in accordance with their respective national laws shall carry out independent supervision and checks, to ensure that the processing and use of data held in the records system do not violate the rights of the data subject. For this purpose the supervisory authorities shall have access to the records system.

2. Any person may ask any national supervisory authority to check personal data relating to himself on the records system and the use which has been or is being made of that data. This right shall be exercised in accordance with the laws, regulations and procedures of the Member State in which the request is made. If the data have been included by another Member State, the check shall be carried out in close coordination with that Member State's national supervisory authority.

Article 17²

1. A Joint Supervisory Authority shall be set up, consisting of two representatives from each Member State drawn from the respective independent national supervisory authority or authorities.

¹ This provision is based on the CIS Convention (Article 17(1) to (2)).

² This provision is based on the CIS Convention (Article 18(1) to (5)).

2. The Joint Supervisory Authority shall perform its task in accordance with the provisions of this Convention and of the 1981 Strasbourg Convention, taking into account Recommendation R (87) 15 of 17 September 1987 of the Committee of Ministers of the Council of Europe.
3. The Joint Supervisory Authority shall be competent to supervise operation of the records system, to examine any difficulties of application or interpretation which may arise during its operation, to study problems which may arise with regard to the exercise of independent supervision by the national supervisory authorities of the Member States, or in the exercise of rights of access by individuals to the system, and to draw up proposals for the purpose of finding joint solutions to problems.
4. For the purpose of fulfilling its responsibilities, the Joint Supervisory Authority shall have access to the records system.
5. Reports drawn up by the Joint Supervisory Authority shall be forwarded to the authorities to which the national supervisory authorities submit their reports.

CHAPTER IX

SECURITY OF THE RECORDS SYSTEM

Article 18¹

1. All necessary administrative measures to maintain security shall be taken:
 - (i) by the competent authorities of the Member States in respect of the terminals of the records system in their respective States;
 - (ii) by the Committee referred to in Article 15 in respect of the records system and the terminals located on the same premises as the system and used for technical purposes and the checks required by paragraph 3.
2. In particular, the competent authorities and the Committee referred to in Article 15 shall take measures:
 - (i) to prevent any unauthorised person from having access to installations used for the processing of data;
 - (ii) to prevent data and data media from being read, copied, modified or removed by unauthorised persons;
 - (iii) to prevent the unauthorised entry of data and any unauthorised consultation, modification, or deletion of data;
 - (iv) to prevent data in the records system from being accessed by unauthorised persons by means of data transmission equipment;
 - (v) to guarantee that, with respect to the use of the records system, authorised persons have right of access only to data for which they have competence;
 - (vi) to guarantee that it is possible to check and establish to which authorities data may be transmitted by data transmission equipment;

¹ This provision is based on the CIS Convention (Article 19(1) to (3)).

(vii) to guarantee that it is possible to check and establish a posteriori what data has been entered in the records system, when and by whom, and to monitor interrogation;

(viii) to prevent the unauthorised reading, copying, modification or deletion of data during the transmission of data and the transport of data media.

3. The Committee referred to in Article 15 shall monitor interrogation of the records system for the purpose of checking that searches made were admissible and were made by authorised users. At least 1% of all searches made shall be checked. A record of such searches and checks shall be maintained in the system, shall be used only for the abovementioned purpose by the said Committee and the supervisory authorities referred to in Articles 16 and 17, and shall be deleted after six months.

Article 19¹

The competent customs administration referred to in Article 9(1) of this Convention shall be responsible for the security measures set out in Article 18, in relation to the terminals located in the territory of the Member State concerned, the review functions set out in Article 11(1) and (2), and otherwise for the proper implementation of this Convention so far as is necessary under the laws, regulations and procedures of that Member State.

¹ This provision has been taken from the CIS Convention (Article 20).

CHAPTER X

RESPONSIBILITIES AND LIABILITIES

Article 20¹

1. Each Member State shall be responsible for the accuracy, currency and lawfulness of data it has included in the records system. Each Member State shall also be responsible for complying with the provisions of Article 5 of the 1981 Strasbourg Convention.
2. Each Member State shall be liable, in accordance with its own laws, regulations and procedures for injury caused to a person through the use of the records system in the Member State concerned.

This shall also be the case where the injury was caused by the supplying Member State entering inaccurate data or entering data contrary to this Convention.

3. If the Member State against which an action in respect of inaccurate data is brought is not the Member State which supplied it, the Member States concerned shall seek agreement as to what proportion, if any, of the sums paid out in compensation shall be reimbursed by the supplying Member State to the other Member State. Any such sums agreed shall be reimbursed on request.

Article 21²

1. The costs incurred in connection with the operation and use of the records system by the Member States within their territories shall be borne by each of them.

¹ This provision is based on the CIS Convention (Article 21(1) to (3)).

² This provision is based on the CIS Convention (Article 22(1) to (2)).

2. Other expenditure incurred in the implementation of this Convention, except for that which cannot be kept separate from the operation of the records system for the purpose of applying the customs and agricultural rules of the Community, shall be borne by Member States. Each Member State's share shall be determined according to the proportion of its gross national product to the sum total of the gross national products of the Member States for the year preceding the year in which the costs are incurred.

For the purpose of applying this paragraph, the expression "gross national product" means the gross national product determined in accordance with Council

Directive 89/130/EEC, Euratom of 13 February 1989 on the harmonisation of the compilation of gross national product at market prices ¹ or any amending or replacing Community instrument.

¹ OJ L 49, 21.02.1989, p. 26.

CHAPTER XI

IMPLEMENTATION AND FINAL PROVISIONS

*Article 22*¹

The information provided for under this Convention shall be exchanged directly between the authorities of the Member States.

*Article 23*²

1. This Convention shall be subject to adoption by the Member States in accordance with their respective constitutional requirements.
2. Member States shall notify the Secretary-General of the Council of the European Union of the completion of their constitutional requirements for adopting this Convention.

*Article 24*³

1. This Convention shall be open to accession by any State that becomes a member of the European Union.
2. The text of this Convention in the language of the acceding State, drawn up by the Council of the European Union, shall be authentic.
3. Instruments of accession shall be deposited with the depositary.

¹ This provision has been taken from the CIS Convention (Article 23).

² This provision has been taken from the CIS Convention (Article 24).

³ This provision has been taken from the CIS Convention (Article 25).

4. This Convention shall enter into force with respect to any State that accedes to it ninety days after the deposit of its instrument of accession or on the date of entry into force of the Convention if it has not already entered into force at the time of expiry of the said period of ninety days.

Article 25¹

1. The Secretary-General of the Council of the European Union shall act as depositary of this Convention.
 2. The depositary shall publish in the Official Journal of the European Communities information on the progress of adoptions and accessions, declarations and reservations, and also any other notification concerning this Convention.
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¹ This provision has been taken from the CIS Convention (Article 26).