



**EUROPEAN UNION
THE COUNCIL**

Brussels, 23 July 1999

10379/99

LIMITE

COPEN 25

OUTCOME OF PROCEEDINGS

of : Working Party on Cooperation in Criminal Matters

on : 15 & 16 July 1999

1. Adoption of the agenda

The agenda set out in telex no 3139 of 2 July 1999 and telex no 3299 of 13 July 1999 was agreed.

2. Presidency working programme

- presentation by the Presidency

The Chairman presented the Presidency programme regarding cooperation in criminal matters and referred in this context to document 9481/99 JAI 52, which contains a list of issues in the field of justice and home affairs to be dealt with under the Finnish Presidency. The priority was the finalization of the draft Convention on mutual assistance and the Presidency aimed at reaching political agreement on the draft at the JHA Council in December 1999. Other issues

were mutual recognition of judicial decisions and judgements in criminal matters (subject to decision of the MDG), coordination between the Member States regarding mutual assistance provisions on the draft UN Convention on transnational organized crime, the dialogue with the USA and Canada and coordination regarding proceedings in other international fora, including in particular the Council of Europe. The ongoing work in respect of the implementation of the Convention on driving disqualifications would be continued and an explanatory report on the Agreement on cooperation in proceedings for road traffic offences and the enforcement of financial penalties in respect thereof should be prepared.

Delegations were invited to consider which items they would like to include on the agenda of the joint experts meeting with the USA and Canada on mutual assistance by the end of the Finnish Presidency.

The Presidency had scheduled meetings of the Working Party on 8 and 9 September , 22 September, 13 and 14 October, 8 November and 8 December 1999.

3. Draft Convention on mutual assistance in criminal matters between the Member States of the European Union

- **Protocol to the Amsterdam Treaty integrating the Schengen acquis into the framework of the European Union (Norway and Iceland)**
doc. 9593/99 COPEN 10

The Spanish delegation requested that the following proposal for amendments to Article 1 of the draft Convention as set out in doc. 8560/99 JUSTPEN 39 be noted:

1. The third indent of Article 1 is deleted

2. The following new Article 1(2) is added:

“The provisions of this Convention shall in no way prejudice the application of the Convention of 19 June 1990 applying the Schengen Agreement of 14 June 1985 on the Gradual Abolition of Checks at their Common Borders.”

3. The former Article 1(2) becomes Article 1(3)

The Netherlands delegations was against the Spanish proposal. The Chairman reminded delegations of earlier discussions when Article 1 was drafted according to which the Convention would supplement the instruments listed in paragraph 1, as it is the case with the two EU extradition conventions. A consequence of linking the Convention to the other instruments (1959 Council of Europe Convention and the 1990 Schengen Implementing Convention) is that the provisions of these other instruments continue to have full effect to the extent that they deal with matters which do not come within the scope of the Convention. On the other hand, where provisions of the Convention and the instruments listed in paragraph 1 are in conflict, the provisions of the Convention prevail.

The Working Party continued to examine the implications of the incorporation of the Schengen acquis into the framework of the EU on the basis of document 9593/99 COPEN 10. The outcome of proceedings regarding this point is set out in document 10240/99 COPEN 23.

4. **Joint investigation teams**
doc. 8560/99 JUSTPEN 39

The outcome of proceedings regarding this point is set out in document 10381/99 COPEN 27.

5. Other business

- a. Discussion at the fourth session of the Ad Hoc Committee on the drafting of a UN Convention against transnational organized crime – Article 14 on mutual legal assistance (Vienna, 28 June to 9 July 1999)**
Doc. 10026/99 COPEN 21

It was agreed that the Working Party would examine the relevant parts of the draft Convention, including in particular Article 14 on mutual assistance and Article 10 on extradition, and various proposals made by delegations of EU Member States regarding these Articles, at its meeting in the beginning of September 1999.

- b. Next meeting**

The Chairman indicated that the draft UN Convention on transnational organized crime and the provision of the draft Convention on mutual assistance concerning joint investigation teams would be on the agenda of the next meeting.
