EUROPEAN UNION
THE COUNCIL

Brussels, 15 December 1997

13437/97

LIMITE

JUSTPEN 117

NOTE

from : Incoming UK Presidency

to : Working Party on Mutual Assistance in Criminal Matters

No. prev. doc.: 13261/97 JUSTPEN 115

Subject: **Proposed organisation of work during the UK Presidency**

Meetings of the Working Party

The meeting dates during the UK Presidency will be as follows:

6-7 January
26-27 January
18-19 February
18-19 March
21 April
5-6 May
10-11 June

The proposed agendas for the meetings in January, February and March are attached.

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Working Practices

The Justice and Home Affairs Council, at its meeting on 4-5 December 1997, has confirmed its instruction to officials to complete the mutual legal assistance Convention by mid-1998. The Presidency intends that this Working Party should concentrate on that task. In addition, when sufficient progress has been made on the Convention text, the Presidency will submit to the Working Party proposals for a Protocol to the Convention.

Fortunately, thanks to the work of the Luxembourg Presidency and the support of the Working Party, good progress has been made on the Convention. Nevertheless, the time remaining until the meeting of the Justice and Home Affairs Council in May 1998 is very limited. In practice, the Working Party will need to complete work on the Convention by the end of March, in order to allow time for the text to be submitted through K4 and Coreper. This means that we will have to attempt to complete the work in only 4 meetings. The Presidency therefore requests the support of the Working Party in adopting the following working practices:

* The Presidency will give advance notice of Articles to be covered at each meeting. Delegates are asked to come prepared to reach agreement on the agenda items.

* Wherever possible, delegates who wish to propose changes to the text should offer drafting suggestions. It would be helpful if delegates could give advance notice of these, either in writing or orally, eg by telephone to the General Secretariat or Presidency.

* The agendas will focus on those Articles where substantial work remains.

* Discussion will focus on difficulties and objections which have already been registered. In accordance with the decision of the Justice and Home Affairs Council on 4-5 December 1997, any proposals to widen the scope of the Convention would be considered at a later stage for possible inclusion in the Protocol to the Convention.

* For some Articles, where there is substantial consensus except for one or two Member States, it will not be possible to make more than one attempt to resolve the remaining difficulty.

Provisional agenda:

6 - 7 January 1997

1. Adoption of the agenda

2. Draft Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union[1]

   - Article 12 (Hearing by video conference and by telephone)
   - Article 3 (Compliance with the formalities and procedures indicated by the requesting Member State)
   - Article 5 (Restitution)
   - Article 11 (Sending and service of procedural documents)

3. Other business

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(1) - Article 12 will be taken on 6 January.
- Articles 3, 5 and 11 will be discussed on 7 January.

Provisional agenda:

26 - 27 January 1997

1. Adoption of the agenda

2. Draft Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union[1]

   - Articles 6-9 - (Interception of telecommunications)

   - Data protection, subject to progress made in the meeting of the Working Party on 16 December

   - Jurisdiction of the Court of Justice

3. Other business

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(1) - Interception will be discussed on 26 January.
- Data Protection will be taken on the morning of 27 January, subject to progress in the meeting on 16 December.
- Jurisdiction of the Court of Justice will be taken on the afternoon of 27 January.

Provisional agenda:

18 - 19 February 1997

1. Adoption of the agenda

2. Draft Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union[3]

   - Article 2 (Procedures in connection with which assistance is to be afforded)
   - Article 15a (Covert investigations, subject to progress made in the meeting of the Working Party on 16 December)
   - Article 15 (Requests for mutual assistance)
   - Article 12 (Hearing by video conference and by telephone, subject to progress made in the meeting of the Working Party on 6-7 January)

3. Other business

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[3] - Article 2 will be discussed on the morning of 18 February.
- Article 15a will be discussed on the afternoon of 18 February, subject to progress made in the meeting of the Working Party on 16 December).
- Article 15 will be discussed on the morning of the 19 February.
- Article 12 will be discussed on the afternoon of 19 February, subject to progress made in the meeting of the Working Party on 6-7 January.

Provisional agenda:

18 - 19 March 1997

1. Adoption of the agenda

2. Draft Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union[4]

   - Article 16 (Statements)
   - Article 17 (Reservations)
   - Article 18 (Entry into force)
   - Articles 6-9 (Interception of telecommunications, subject to progress made in the meeting of the Working Party on 26-27 January)
   - Outstanding issues - ensure consistency across the draft text eg the language used ("judicial authorities", "competent " authorities, etc), the list of statements to be made under Article 16, the list of reservations in Article 17, and seek the removal of any remaining reservations.

3. Other business

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(4) - Articles 16, 17 and 18 will be discussed on the morning of 18 March.
- Interception will be discussed on the afternoon of 18 March, subject to progress made in the meeting of the Working Party on 26-27 January.
- Outstanding issues will be dealt with on 19 March.