

Friday 3 April 1998

- having regard to Rule 58 of its Rules of Procedure,
 - having regard to the report of the Committee on Civil Liberties and Internal Affairs and the opinion of the Committee on Legal Affairs and Citizens' Rights (A4-0122/98),
 - whereas the draft submitted to it is incomplete,
1. Approves the draft of the Council Presidency with regard to the part submitted to it, subject to Parliament's amendments;
 2. Requests the Council to amend its draft accordingly;
 3. Requests the Council to inform Parliament should the Council intend to depart from the text approved by Parliament;
 4. Asks to be consulted again once the Council has drawn up a complete draft Convention;
 5. Instructs its President to forward this opinion to the Council and Commission.

II.

Draft Joint Action on good practice in mutual legal assistance in criminal matters (13300/97 — C4-0069/98 — 98/0903 (CNS))

The draft was approved with the following amendments:

TEXT PROPOSED
BY THE COUNCIL

AMENDMENTS
BY PARLIAMENT

(Amendment 22)

Article 1(1)

1. Each Member State shall deposit with the General Secretariat of the Council of the European Union within *12 months* of the coming into force of this Joint Action a Statement of good practice in executing requests from other Member States and sending requests to other Member States for legal assistance in criminal matters.

1. Each Member State shall deposit with the General Secretariat of the Council of the European Union within **six months** of the coming into force of this Joint Action a Statement of good practice in executing requests from other Member States and sending requests to other Member States for legal assistance in criminal matters.

(Amendment 23)

Article 1(2), introduction and (a) and (b)

2. The Statements referred to in paragraph 1 shall include undertakings:

- (a) to acknowledge on receipt all requests, and written enquiries about the execution of requests, for assistance in obtaining evidence;
- (b) when acknowledging the requests and enquiries referred to in this paragraph, to provide the requesting authorities with the name and contact details, including telephone and fax numbers and 24 hour emergency contact numbers, of the person having responsibilities for executing the request;

2. The Statements referred to in paragraph 1 shall include undertakings:

- (a) to acknowledge on receipt **and in writing** all requests, and written enquiries about the execution of requests, for assistance in obtaining evidence;
- (b) when acknowledging the requests and enquiries referred to in this paragraph, to provide the requesting authorities **as soon as possible** with the name and contact details, including telephone and fax numbers and 24 hour emergency contact numbers, of the person having responsibilities for executing the request;

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TEXT PROPOSED
BY THE COUNCILAMENDMENTS
BY PARLIAMENT

(Amendment 24)

Article 1(3)

3. Any Statement submitted in accordance with this Article may, without prejudice to paragraph 2, be modified at any time by the Member State which made it by means of a further Statement deposited with the General Secretariat of the Council of the European Union. Any such further Statement shall be for the purposes of further improving good practice in executing requests for legal assistance in criminal matters.

3. Any Statement submitted in accordance with this Article may, without prejudice to paragraph 2, be modified at any time by the Member State which made it by means of a further Statement deposited with the General Secretariat of the Council of the European Union. Any such further Statement **amending the previous statement** shall be for the purposes of further improving good practice in executing requests for legal assistance in criminal matters, **in the spirit of Article 1(1) of the European Convention on Mutual Assistance in Criminal Matters of 20 April 1959.**

3a. Any Statement submitted in accordance with this Article, including the amending Statements referred to in paragraph 3, shall immediately be placed at the disposal of the European Judicial Network.

(Amendment 25)

Article 2

Without prejudice to the mechanism for evaluating the application and implementation at national level of international undertakings, adopted by the Council on ... December 1997, each Member State shall *monitor* compliance with its undertakings made in accordance with Article 1, *and the times taken to execute requests for assistance from other Member States, and shall establish targets for improving compliance and reducing times taken. Each year before 1 April, each Member State shall deposit with the General Secretariat of the Council of the European Union an Annual Report on the results of this monitoring.* The first Annual Report of each Member State shall be deposited no later than 1 April [1999] and shall cover the period from deposit, in accordance with paragraph 1 of Article 1, of the first Statement of the Member State to 1 January [1999].

Without prejudice to the mechanism for evaluating the application and implementation at national level of international undertakings, adopted by the Council on ... December 1997, each Member State shall **draw up each year a report on** compliance with its undertakings made in accordance with Article 1, **containing summaries and statistics on the execution of requests for assistance received from other Member States, and may, if necessary, indicate targets for improving compliance and the time taken to carry out mutual assistance. This report shall be deposited each year before 1 April with the General Secretariat of the Council of the European Union, which shall immediately make it available to the European Judicial Network.** The first Annual Report of each Member State shall be deposited no later than 1 April [1999] and shall cover the period from deposit, in accordance with paragraph 1 of Article 1, of the first Statement of the Member State to 1 January [1999].

(Amendment 26)

Article 3. title

European Judicial Network

Report of the European Judicial Network

(Amendment 27)

Article 3

The General Secretariat of the Council of the European Union shall make the Statements referred to in Article 1 and the Annual Reports referred to in Article 2 available to the European Judicial Network as soon as they are deposited.

The European Judicial Network shall draw up each year before 1 July a report for the Council summarizing the situation in the European Union and evaluating the national reports against the statements referred to in Article 1. It shall provide summaries containing supporting statistics with regard to the functioning of mutual assistance in criminal matters, and shall make recommendations.

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TEXT PROPOSED
BY THE COUNCILAMENDMENTS
BY PARLIAMENT

The annual report of the European Judicial Network shall be made available to the Member States, which may send their observations and comments to the General Secretariat of the Council, and shall also be forwarded to the Commission and the European Parliament for information.

Legislative resolution embodying Parliament's opinion on the draft Joint Action on good practice in mutual legal assistance in criminal matters (13300/97 — C4-0069/98 — 98/0903 (CNS))

(Consultation procedure)

The European Parliament,

- having regard to the Council draft (13300/98 — 98/0903(CNS)),
 - having been consulted by the Council pursuant to Article K.6, 2nd paragraph, of the Treaty on European Union (C4-0069/98),
 - having regard to Rule 58 of its Rules of Procedure,
 - having regard to the report of the Committee on Civil Liberties and Internal Affairs and the opinion of the Committee on Legal Affairs and Citizens' Rights (A4-0122/98).
1. Approves the Council draft, subject to Parliament's amendments;
 2. Requests the Council to amend its draft accordingly;
 3. Calls for the Council to inform Parliament should the Council intend to depart from the text approved by Parliament;
 4. Asks to be consulted again should the Council intend to make substantial modifications to its;
 5. Instructs its President to forward this opinion to the Council and Commission.

2. Driving disqualifications *

A4-0121/98

Draft Convention on driving disqualifications (5217/98 — C4-0061/98 — 98/0901(CNS))

The draft was approved subject to the following amendments:

COUNCIL DRAFT

AMENDMENTS BY PARLIAMENT

(Amendment 1)

Article 2a(1)

1. The State of the offence shall without delay notify the State of residence of any driving disqualification imposed for an offence arising from conduct referred to in the Annex.

1 The State of the offence shall without delay, **and at the latest within seven working days**, notify the State of residence of any driving disqualification imposed for an offence arising from conduct referred to in the Annex.