



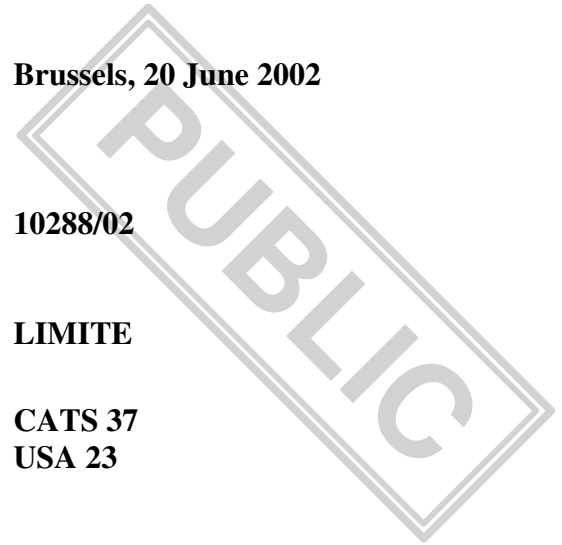
**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 20 June 2002

10288/02

LIMITE

**CATS 37
USA 23**



NOTE

From : Presidency
To : Coreper

Subject : Negotiation with USA on judicial cooperation in criminal matters
– Procedure

1. On 26 May 2002 the JHA Council approved the negotiation mandate for the Presidency, assisted by the Commission, on judicial co-operation in criminal matters on the basis of Articles 38 and 24 TEU¹, by which the Presidency is authorised to negotiate an agreement between the European Union and the United States of America in the field of criminal cooperation.
2. In accordance with paragraph 32 of this mandate, the Presidency requests Coreper "to institute or mandate a working group of experts to follow the negotiations at expert level". In addition, according to the decision of the Council, "Coreper is invited to examine, as appropriate, the implications of the ongoing enlargement on the negotiations with the USA".
3. The Presidency requests to be given a mandate to organise meetings of the above mentioned working group of experts, whenever necessary, by preference in the margin of the meetings of the Article 36 Committee or, where appropriate, in the margin of meetings of other Council working parties suitable to the planning of the negotiations.

¹ Doc. 6438/4/02 REV 4 RESTREINT UE.

4. As regards the implications of the ongoing enlargement on the negotiations with the USA, and given that any future agreement might affect the *acquis* of the Union as well as bilateral agreements of the candidate countries with the USA, the Presidency requests Coreper to be mandated to inform the candidate countries at regular intervals of those aspects of the negotiations that might be of relevance to the candidate countries. This information process might take place through the Permanent Representations of the candidate countries in Brussels.
5. It should be noted in this context that several of these countries have, like the Member States, bilateral treaties with the United States of America on mutual legal assistance and/or extradition, and, according to information available, that several of them are in a process of discussing bilateral agreements on criminal law cooperation. Obviously, these co-operation arrangements between the candidate countries and the United States of America may be affected by the future agreement between the European Union and the United States of America on co-operation, once the candidate countries will have entered the European Union. On the other hand, in view of the enlargement process, it is also important for the Presidency to be made aware of any difficulties that the future EU-USA agreement might create for future Member States.
6. As it is foreseen that the first meeting with an expert group might take place early in July during the Danish Presidency, the Presidency requests Coreper to take its decisions as quickly as possible.
