



EUROPEAN PARLIAMENT

2009 - 2014

Plenary sitting

A7-0020/2012

30.1.2012

RECOMMENDATION

on the draft Council decision on the conclusion of the Agreement between the European Union and the Republic of Iceland and the Kingdom of Norway on the application of certain provisions of the Convention of 29 May 2000 on Mutual Assistance in Criminal Matters between the Member States of the European Union and the 2001 Protocol thereto
(05306/2010 – C7-0030/2010 – 2009/0189(NLE))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Claude Moraes

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the draft Council decision on the conclusion of the Agreement between the European Union and the Republic of Iceland and the Kingdom of Norway on the application of certain provisions of the Convention of 29 May 2000 on Mutual Assistance in Criminal Matters between the Member States of the European Union and the 2001 Protocol thereto
(05306/2010 – C7-0030/2010 – 2009/0189(NLE))

(Consent)

The European Parliament,

- having regard to the draft Council decision (05306/2010),
 - having regard to the draft agreement between the European Union and Iceland and Norway on mutual legal assistance in criminal matters (14938/2003),
 - having regard to the request for consent submitted by the Council in accordance with Article 82(1), point (d) and Article 218(6), second subparagraph, point (a), of the Treaty on the Functioning of the European Union (C7-0030/2010),
 - having regard to Rules 81 and 90(7) of its Rules of Procedure,
 - having regard to the recommendation of the Committee on Civil Liberties, Justice and Home Affairs (A7-0020/2012),
1. Consents to the conclusion of the Agreement;
 2. Instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States, of the Republic of Iceland and of the Kingdom of Norway.

EXPLANATORY STATEMENT

I - Background

In December 2002, the Council authorised the Council Presidency, assisted by the European Commission, to start negotiating a Mutual Legal Assistance agreement with Norway and Iceland.

On 17 December 2003, the Council adopted the Decision concerning the signing of the Agreement between the European Union and the Republic of Iceland and the Kingdom of Norway on the application of certain provisions of the Convention of 29 May 2000 on Mutual Assistance in Criminal Matters between Member States of the European Union and the 2001 Protocol thereto. The agreement was based on Articles 24 and 38 of the Treaty on the European Union.

Internal national procedures for this agreement had not been formally concluded at the time of the entry into force of the Treaty of Lisbon. As a consequence, according to the new legal framework provided for by the Lisbon Treaty and notably by Article 218 TFEU, the consent of the European Parliament is now required.

In view of this, with the proposal for a Council Decision of 17th December.2009, the European Commission has recommended to the Council to obtain the consent of the European Parliament and adopt a decision concluding the agreement without further delay.

II - Substance of the Agreement

This agreement is aimed at improving judicial cooperation between the EU Member States and Norway and Iceland by applying almost all provisions contained in the 2000 Convention on mutual legal assistance between the Member States and its Protocol adopted in 2001.

This includes *inter alia* provisions on hearing of witnesses, experts and accused persons by telephone or video conference, controlled deliveries, covert investigations and joint investigation teams and requests for information on banking transactions, bank accounts and their monitoring to combat crime in general and organised crime in particular.

III - Your rapporteur's position

The draftsman supports the Parliament's consent to this agreement.

This agreement extends to Norway and Iceland rules on mutual legal assistance that are already in force and mostly applied in the Member States. This will, undoubtedly, help combat trans-border crime and enhance cooperation with two countries that are already in the Schengen area and, for the case of Iceland, currently in negotiations for accession to the European Union.

The Rapporteur particularly welcomes the possibility, expressly provided by Article 3 of the Agreement, to involve Eurojust in any instances where a request is refused by a Member State or there are problems encountered in the execution of a request.

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	26.1.2012
Result of final vote	+ : 45 - : 0 0 : 0
Members present for the final vote	Sonia Alfano, Roberta Angelilli, Emine Bozkurt, Simon Busuttil, Philip Claeys, Carlos Coelho, Rosario Crocetta, Ioan Enciu, Frank Engel, Cornelia Ernst, Kinga Gál, Nathalie Griesbeck, Sylvie Guillaume, Ágnes Hankiss, Anna Hedh, Salvatore Iacolino, Sophia in 't Veld, Lívia Járóka, Teresa Jiménez-Becerril Barrio, Timothy Kirkhope, Monica Luisa Macovei, Svetoslav Hristov Malinov, Anthea McIntyre, Louis Michel, Claude Moraes, Jan Mulder, Georgios Papanikolaou, Carmen Romero López, Judith Sargentini, Birgit Sippel, Rui Tavares, Wim van de Camp, Axel Voss, Renate Weber, Josef Weidenholzer, Auke Zijlstra
Substitute(s) present for the final vote	Alexander Alvaro, Edit Bauer, Vilija Blinkevičiūtė, Monika Hohlmeier, Franziska Keller, Ádám Kósa, Ulrike Lunacek
Substitute(s) under Rule 187(2) present for the final vote	Thomas Händel, Eva Ortiz Vilella