

PROTOCOL
DRAWN UP ON THE BASIS OF ARTICLE 43(1)
OF THE CONVENTION ON THE ESTABLISHMENT
OF A EUROPEAN POLICE OFFICE
(EUROPOL CONVENTION) AMENDING ARTICLE 2
AND THE ANNEX TO THAT CONVENTION

THE HIGH CONTRACTING PARTIES to this Protocol and Contracting Parties to the Convention on the establishment of a European Police Office, Member States of the European Union,

REFERRING to the Act of the Council of the European Union of the thirtieth day of November in the year two thousand,

WHEREAS:

- (1) There is a need to give Europol more effective tools to fight money laundering in order to reinforce Europol's possibilities to support the Member States in this fight.
- (2) The European Council invited the Council of the European Union to extend the competence of Europol to money laundering in general, regardless of the type of offence from which the laundered proceeds originate,

HAVE AGREED ON THE FOLLOWING PROVISIONS:

ARTICLE 1

The Europol Convention is hereby amended as follows:

1) Article 2 is amended as follows:

(a) in paragraph 2 the first subparagraph shall be replaced by the following:

"2. In order to achieve progressively the objective mentioned in paragraph 1, Europol shall initially act to prevent and combat unlawful drug trafficking, illegal money laundering activities, trafficking in nuclear and radioactive substances, illegal immigrant smuggling, trade in human beings and motor vehicle crime.";

(b) in paragraph 3 the first subparagraph shall be replaced by the following:

"3. Europol's competence as regards a form of crime or specific manifestations thereof shall cover related criminal offences. It shall, however, not cover offences predicate to illegal money laundering activities with regard to which forms of crime Europol has no competence pursuant to paragraph 2."

2) The Annex is amended as follows:

the paragraph beginning with the words "In addition, in accordance with Article 2(2)" shall be replaced by the following:

"In addition, in accordance with Article 2(2), the act of instructing Europol to deal with one of the forms of crime listed above implies that it is also competent to deal with the related criminal offences."

ARTICLE 2

1. This Protocol shall be subject to adoption by the Member States in accordance with their respective constitutional requirements.
2. Member States shall notify the Secretary-General of the Council of the European Union of the completion of their constitutional requirements for adopting this Protocol.
3. This Protocol shall enter into force 90 days after the notification, referred to in paragraph 2, by the Member State which, being a member of the European Union on the date of adoption by the Council of the act establishing this Protocol, is the last to fulfil that formality.

ARTICLE 3

1. This Protocol shall be open to accession by any State which becomes a member of the European Union if this Protocol has not entered into force on the date of deposit of the instruments of accession to the Europol Convention in accordance with Article 46 of the Europol Convention.
2. Instruments of accession to this Protocol shall be deposited simultaneously with the instruments of accession to the Europol Convention in accordance with Article 46 thereof.
3. The text of this Protocol in the language of the acceding State, drawn up by the Council of the European Union, shall be authentic.
4. If on the expiry of the period referred to in Article 46(4) of the Europol Convention, this Protocol has not entered into force, it will enter into force for the acceding Member State on the date of entry into force of this Protocol in accordance with Article 2(3).
5. If this Protocol enters into force in accordance with Article 2(3) before the period referred to in Article 46(4) of the Europol Convention has expired but after the deposit of the instrument of accession referred to in paragraph 2, the acceding Member State shall accede to the Europol Convention as amended by virtue of this Protocol, in accordance with Article 46 of the Europol Convention.

ARTICLE 4

1. The Secretary-General of the Council of the European Union shall act as depositary of this Protocol.
2. The depositary shall publish in the Official Journal information on the progress of adoptions and accessions and also any other notification concerning this Protocol.