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NOTE

From: Presidency
To: Delegations

Subject: Adoption of / accession to the 2000 MLA Convention and its Protocol

During the discussions which lead to the Presidency report on "The way forward in the field of mutual recognition in criminal matters" (9728/19), there was consensus among the Member States that the focus should be on enhancing the application of *existing* instruments of cooperation in criminal matters, rather than on adopting *new* instruments.

The Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union, commonly referred to as the '2000 MLA Convention', is generally considered to be a very important instrument of cooperation in criminal matters.

It is reminded that the Convention was signed and adopted by Council Act of 29 May 2000 (OJ C 197, 12.7.2000, p. 1 - see also the explanatory report in OJ C 379, 29.12.2000, p. 7). By this Act, the Council recommended that the Convention be adopted by the Member States in accordance with their respective constitutional requirements. Moreover, in accordance with its Article 28, the Convention is open for accession by new Member States.

By Council Act of 16 October 2001, a Protocol to the Convention was signed and established (OJ C 326, 21.11. 2001, p. 1 - see also the explanatory report in OJ C 257, 24.10.2002, p. 1).

In respect of the first eight Member States that had notified the Council Secretariat that they had completed the adoption formalities, the Convention entered into force on 23 August 2005, in accordance with its Article 29(3). In respect of the other Member States, it entered into force 90 days after the relevant notifications.

Up to now, all Member States except Greece, Ireland and Croatia are party to the Convention, see

<https://www.consilium.europa.eu/en/documents-publications/treaties-agreements/agreement/?id=2000023&DocLanguage=en>¹

Moreover, all Member States except Greece, Ireland, Italy, Estonia and Croatia are party to the protocol to the Convention, see

<https://www.consilium.europa.eu/en/documents-publications/treaties-agreements/agreement/?id=2001090&DocLanguage=en>

In view of the importance of the Convention and of the Protocol thereto, and in the light of the fact that Member States wish to focus on enhancing the application of existing instruments, the Presidency would like to invite the Member States concerned whether they (still) aim to adopt / accede (to) the Convention and its Protocol, and if so, where they stand in this process.

¹ Or see the website of the European Judicial Network:
https://www.ejn-crimjust.europa.eu/ejn/EJN_Library_RatificationsByCou.aspx