

# Procedure file

Basic information	
CNS - Consultation procedure	1998/0903(CNS)
Judicial cooperation on criminal matters: good practice in mutual legal assistance	Procedure completed
Repealed by <a href="#">2014/0339(COD)</a>	
Subject	
7.40.04 Judicial cooperation in criminal matters	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<b>LIBE</b> Civil Liberties and Internal Affairs		18/03/1998
		I-EDN <a href="#">BUFFETAUT Stéphane</a>	
	Committee for opinion	Rapporteur for opinion	Appointed
	<b>JURI</b> Legal Affairs, Citizens' Rights		
Council of the European Union	Council configuration	Meeting	Date
	<a href="#">General Affairs</a>	<a href="#">2111</a>	29/06/1998
	<a href="#">Justice and Home Affairs (JHA)</a>	<a href="#">2099</a>	28/05/1998

Key events			
09/12/1997	Legislative proposal published	<a href="#">13300/1997</a>	Summary
29/01/1998	Committee referral announced in Parliament		
30/03/1998	Vote in committee		
29/03/1998	Committee report tabled for plenary, 1st reading/single reading	<a href="#">A4-0122/1998</a>	
03/04/1998	Decision by Parliament	T4-0217/1998	Summary
29/06/1998	Act adopted by Council after consultation of Parliament		
29/06/1998	End of procedure in Parliament		
07/07/1998	Final act published in Official Journal		

Technical information	
Procedure reference	1998/0903(CNS)
Procedure type	CNS - Consultation procedure

Procedure subtype	Legislation
	Repealed by <a href="#">2014/0339(COD)</a>
Legal basis	Treaty on the European Union (after Amsterdam) M K.3-p2; Rules of Procedure EP 050
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/4/09692

Documentation gateway					
Legislative proposal		<a href="#">13300/1997</a>	10/12/1997	CSL	Summary
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A4-0122/1998</a> <a href="#">OJ C 138 04.05.1998, p. 0015</a>	30/03/1998	EP	
Text adopted by Parliament, 1st reading/single reading		T4-0217/1998 <a href="#">OJ C 138 04.05.1998, p. 0200-0211</a>	03/04/1998	EP	Summary

Final act	
Justice and Home Affairs act 1998/427 <a href="#">OJ L 191 07.07.1998, p. 0001-0003</a>	

## Judicial cooperation on criminal matters: good practice in mutual legal assistance

OBJECTIVE: Draft joint action on good practice in mutual legal assistance in criminal matters. CONTENT: the draft joint action seeks to respond to the need to speed up procedures for legal assistance in matters related to organised crime and to reduce the times for transmitting and replying to requests. The joint action therefore proposes that each Member State deposit a statement of good practice. The format for the statement is not specified but the joint action provides for undertakings: - to provide the requesting authorities with the name of the person having responsibilities for executing the request; - to give priority to urgent requests; - to ensure that requests are given the same treatment as similar requests in the requested Member State. It is also proposed that the Member States undertake to acknowledge all requests received and to send the requesting authority a report in the event of serious delay. The statement of good practice would also include an undertaking to submit requests for assistance as soon as the need for assistance is ascertained, in order to allow the requested authorities enough time to execute them. In an emergency, the reasons for the urgency would need to be set out, in order to help the requested authority allocate a suitable level of priority to the request. Each Member State would have the facility to add other undertakings to its statement. The Member States would also need to monitor that they were complying with their undertakings, providing an adequate service and improving their services. Each year the Member States would draw up an annual report on the results of this monitoring.?

## Judicial cooperation on criminal matters: good practice in mutual legal assistance

In adopting the report by Mr Stéphane BUFFETAUT (I-EDN, F) on the joint action on good practice in mutual legal assistance in criminal matters Parliament approved the draft joint action which it noted was non-binding. For this reason it proposed various amendments seeking to improve judicial assistance on the practical level. It therefore called for: - speeding up of the deposit with the Council Secretariat of the statements of good practice in executing requests for legal assistance (six months and not one year); - compliance by the Member States with the minimum requirements of these declarations and the following of the minimum procedures laid down; - the drawing up by each Member States of an annual report on compliance with its undertakings, containing summaries and statistics on the execution of requests for assistance received and indicating any anticipated improvements. This report would be made available to the European Judicial Network; - the drawing up of an annual report by the European Judicial Network. This report would deal with the situation and functioning of mutual judicial assistance in criminal matters at European level and would make recommendations based on evaluations of the national reports drawn up by the Member States. This annual report would be forwarded to the Council before 1 July each year and made available to the Member States (who could make comments on it) and to the Commission and the European Parliament for information. ?