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Recommendation for a

COUNCIL DECISION

concerning the accession of Croatia to the Convention of 29 May 2000, established by the Council in accordance with Article 34 of the Treaty on European Union, on Mutual Assistance in Criminal Matters between the Member States of the European Union and its Protocol of 16 October 2001

EXPLANATORY MEMORANDUM

The Act of 2012 concerning the conditions of accession of the Republic of Croatia to the European Union¹ simplified its accession to the conventions and protocols concluded by the Member States on the basis of Article 34 of the Treaty on European Union (ex Article K.3 TEU). It is no longer necessary to negotiate and conclude specific accession protocols (which would have to be ratified by the 28 Member States): Article 3(4) and (5) of the Act of Accession simply state that Croatia accedes to the conventions and protocols by virtue of the Act.

Article 3(4) and (5) of the Act of Accession accordingly state that the Council will take a decision determining the date on which these conventions will enter into force in relation to Croatia and making all the adjustments required by reason of the accession of this new Member State to these conventions (including at the very least the adoption of the conventions in the Croatian language so that this version can be 'equally authentic'). The Council will act on a recommendation by the Commission, after consulting the European Parliament.

Annex I to the Act of Accession lists the six conventions and protocols concerned in the area of justice and home affairs.

The list includes the Convention of 29 May 2000, established by the Council in accordance with Article 34 of the Treaty on European Union, on Mutual Assistance in Criminal Matters between the Member States of the European Union, and its Protocol of 16 October 2001, established by the Council in accordance with Article 34 of the Treaty on European Union, to the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union.

This Commission Recommendation for a Council Decision is intended to make the adjustments required by reason of the accession of Croatia to the aforementioned Convention and Protocol, in accordance with Article 3(4) and (5) of the Act of Accession.

¹ OJ L 112, 24.4.2012, p. 10.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union,

Having regard to the Act of Accession of Croatia, and in particular Article 3(4) and (5) thereof,

Having regard to the recommendation from the Commission²,

Having regard to the opinion of the European Parliament³,

Whereas:

- (1) The Convention established by the Council in accordance with Article 34 of the Treaty on European Union on Mutual Assistance in Criminal Matters between the Member States of the European Union ('the Mutual Assistance Convention') was signed at Brussels on 29 May 2000 and entered into force on 23 August 2005.
- (2) The Mutual Assistance Convention was complemented by the Mutual Assistance Protocol of 16 October 2001, established by the Council in accordance with Article 34 of the Treaty on European Union ('the Mutual Assistance Protocol'), which entered into force on 5 October 2005.
- (3) Article 3(4) of the Act of Accession provides for the accession of Croatia to the conventions and protocols concluded between the Member States, listed in Annex I to the Act. These conventions and protocols will enter into force in relation to Croatia on the date determined by the Council. The list includes the Mutual Assistance Convention and the Mutual Assistance Protocol.
- (4) In accordance with Article 3(5) of the Act of Accession the Council will make all the adjustments required by reason of Croatia's accession to this Convention and Protocol,

HAS ADOPTED THIS DECISION:

Article 1

The Mutual Assistance Convention shall enter into force on [*the first day of the first month following the date of adoption of this Decision*] between Croatia and the Member States for which the Convention is in force at that date.

² OJ C [...], [...], p. [...].

³ OJ C [...], [...], p. [...].

The Mutual Assistance Protocol shall enter into force on [*the first day of the first month following the date of adoption of this Decision*] between Croatia and the Member States for which the Protocol is in force at that date.

Article 2

The texts of the Mutual Assistance Convention and the Mutual Assistance Protocol drawn up in the Croatian language, which are annexed to this Decision, shall be authentic under the same conditions as the other texts of the said Convention and the said Protocol.

Article 3

This Decision shall take effect on the twentieth day following that of its publication in the Official Journal of the European Union.

Done at Brussels,

*For the Council
The President*