



**COUNCIL OF
THE EUROPEAN UNION**

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NOTE

from :	General Secretariat of the Council
to :	Council / Mixed Committee (Norway/Iceland)
No. prev. doc. :	7925/02 ENFOPOL 50 + COR 1 (fi) + COR 2 (el, en) + ADD 1; 9429/02 ENFOPOL 78 COPEN 33 COMIX 373
Subject :	Adoption in the languages of the Communities of a Council Decision amending Article 40 of the Schengen Convention

1. By letter dated 5 July 2001, the Kingdom of Belgium, the Kingdom of Spain and the French Republic sent to the General Secretariat of the Council an initiative with a view to the adoption of a Council Decision amending Article 40 of the Schengen Convention (11488/01 ENFOPOL 88 COPEN 45 COMIX 584)
2. The European Parliament was invited to give its opinion on the initiative. The opinion was delivered on 9 April 2002 (not yet published in the OJ).
3. At its meeting on 5 June 2002 the COREPER reached agreement concerning the draft Council decision amending Article 40 of the Schengen Convention. The text reflecting this agreement as contained in document 9429/02 ENFOPOL 78 COPEN 33 COMIX 373 has undergone the appropriate Jurist/Linguistic screening.

4. On this basis the Council is requested to

- adopt the draft decision as set out in document 9429/02 ENFOPOL 78 COPEN 33 COMIX 373;
- to insert in the Council's minutes the following statement of the German delegation (7925/02 ENFOPOL 50 COPEN 27 COMIX 264 ADD 1): *"As regards cross-border surveillance of persons other than the suspect, Germany will apply Article 40(1) of the Schengen Convention only when the requirements of Article 17(1) of the Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters are met."*
