



European Communities No. 2 (2006)

Protocol

drawn up on the basis of Article K.3 of the Treaty on European Union, on the scope of the laundering of proceeds in the Convention on the use of information technology for customs purposes and the inclusion of the registration number of the means of transport in the Convention

Brussels, 12 March 1999

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
November 2006*

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PROTOCOL
DRAWN UP ON THE BASIS OF ARTICLE K.3 OF THE TREATY ON
EUROPEAN UNION¹, ON THE SCOPE OF THE LAUNDERING OF
PROCEEDS IN THE CONVENTION ON THE USE OF INFORMATION
TECHNOLOGY FOR CUSTOMS PURPOSES AND THE INCLUSION OF
THE REGISTRATION NUMBER OF THE MEANS OF TRANSPORT IN THE
CONVENTION

THE HIGH CONTRACTING PARTIES to this Protocol, Member States of the European Union,

REFERRING to the Act of the Council of the European Union of 12 March 1999,

HAVING REGARD to the Convention drawn up on the basis of Article K.3 of the Treaty on European Union on the use of information technology for customs purposes (1), hereinafter referred to as ‘the Convention’;

HAVE AGREED on the following provisions:

ARTICLE 1

The second indent of Article 1(1) of the Convention shall be amended to read as follows:

“— the transfer, conversion, concealment or disguise of property or proceeds derived from, obtained directly or indirectly through or used in, illicit international drug trafficking or any infringement of:

- (i) all laws, regulations and administrative provisions of a Member State the application of which comes wholly or partly within the jurisdiction of the customs administration of the Member State concerning cross-border traffic in goods subject to bans, restrictions or controls, in particular pursuant to Articles 36 and 223 of the Treaty establishing the European Community, and non-harmonised excise duties, or
- (ii) the body of Community provisions and associated implementing provisions governing the import, export, transit and presence of goods traded between Member States and third countries, and between Member States in the case of goods that do not have

¹ Treaty Series No. 12 (1994) Cm 2485
(1) OJ C 316, 27.11.1995, p. 34.

Community status within the meaning of Article 9(2) of the Treaty establishing the European Community or goods subject to additional controls or investigations for the purposes of establishing their Community status, or

- (iii) the body of provisions adopted at Community level under the common agricultural policy and the specific provisions adopted with regard to goods resulting from the processing of agricultural products, or
- (iv) the body of provisions adopted at Community level for harmonised excise duties and for value-added tax on importation together with the national provisions implementing them.”

ARTICLE 2

The data categories listed in Article 4 of the Convention shall be supplemented by the following category:

“(ix) registration number of the means of transport.”

ARTICLE 3

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 depositary of the completion of their respective constitutional requirements for adopting this Protocol.
3. This Protocol shall enter into force ninety 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 drawing up this Protocol, is the last to fulfil that formality. However, it shall at the earliest enter into force at the same time as the Convention.

ARTICLE 4

1. This Protocol shall be open to accession by any State that becomes a Member State of the European Union.
2. The instruments of accession shall be deposited with the depositary.

3. The texts of this Protocol in the language of the acceding State, drawn up by the Council of the European Union, shall be authentic.

4. This Protocol shall enter into force with respect to any State that accedes to it ninety days after the date of deposit of its instrument of accession or on the date of entry into force of this Protocol if the latter has not already entered into force upon expiry of the said period of ninety days.

ARTICLE 5

Any State that becomes a Member State of the European Union and accedes to the Convention in accordance with Article 25 thereof shall accept the provisions of this Protocol.

ARTICLE 6

1. Amendments to this Protocol may be proposed by any Member State that is a High Contracting Party. Any proposed amendment shall be sent to the depositary, who shall communicate it to the Council.

2. Amendments shall be adopted by the Council, which shall recommend them to the Member States for adoption in accordance with their respective constitutional requirements.

3. Amendments adopted in this manner shall come into force in accordance with Article 3.

ARTICLE 7

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 of the European Communities the notifications, instruments or communications concerning this Protocol.

Done at Brussels on the twelfth day of March in the year one thousand nine hundred and ninety-nine.

DECLARATIONS

1. The Kingdom of Spain declares the intention to include data in the Customs Information System after having considered, in each case, the principles of legal security and presumption of innocence, in particular when the data to be included relate to fiscal matters.

2. Denmark declares, as far as it is concerned, that Article 1 will only apply to the predicate offences in respect of which at any time receiving stolen goods is punishable under Danish law, including Section 191a of the Danish Criminal Code on receiving stolen drugs in connection with smuggling of a particularly aggravated nature.



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