



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 26 June 2003**

**10707/03**

**LIMITE**

**CATS 40  
USA 64**

**OUTCOME OF PROCEEDINGS**

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of : Article 36 Committee

on : 23 June 2003

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No. prev. doc. : 10618/03 CATS 37 USA 60; 8296/2/03 CATS 21 USA 30 REV 2; 9153/03  
CATS 28 USA 41 + COR 1(fr) + COR 2(fr,it,nl,en,el,es,pt) + COR 3(sv) + COR  
4(da) + COR 5

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Subject : Item 4 of the agenda:  
Co-ordination of the Member States' position regarding the Agreements on  
judicial cooperation with the USA

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At the Council meeting on 6 June 2003, the Council authorised the Presidency to sign the EU-US Agreements on mutual legal assistance and on extradition. That decision, set out in doc. 8296/2/03 REV 2 CATS 21 USA 30 stipulates in its Article 2 that:

- "1. The Member States shall take the necessary steps with a view to the drawing up of written instruments between them and the USA as contemplated in Article 3 (2) of the Agreement on Extradition and Article 3 (2) and (3) of the Agreement on Mutual Legal Assistance.
  
2. The Member States shall co-ordinate their actions pursuant to paragraph 1 within the Council."

At its session of 23 June 2003, the Article 36 Committee, discussed the Presidency's proposal, as laid down in 10618/03 CATS 37 USA 60. The Article 36 Committee agreed that the "written instruments" should be agreed as soon as possible and hence co-ordination should start immediately.

The Committee therefore decided that:

- 1) Co-ordination of the Member States' position on the bilateral negotiations of the "written instruments" referred to in Articles 3(2) of the EU-US Agreements on extradition and on mutual legal assistance should take place as soon as possible, whilst fully respecting each Member State's particular situation.
- 2) The Presidency liaises with the United States in an attempt to draw up two joint model "written instruments" on the understanding that each Member State will be able to tailor the model to its bilateral extradition and mutual legal assistance relationships with the United States of America.
- 3) The Presidency should consult with the JHA Counsellors, who may be joined by experts from Member States, before engaging in in-depth discussions with the United States of America on such model "written instruments".