



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 06.05.1997
COM(97) 207 final

96/0296 (ACC)

Amended proposal for a

COUNCIL DECISION

on the conclusion of the Agreement on customs cooperation
and mutual assistance in customs matters
between the European Community
and the United States of America

(presented by the Commission pursuant to Article 189 a (2)
of the EC-Treaty)

Explanatory memorandum

On 3 December 1996, the Commission presented to the Council a proposal for the conclusion of the agreement on customs cooperation and mutual assistance in customs matters between the European Community and the United States of America [Com(96) 624 final - 96/0296 (ACC)].

However, a last minute problem occurred with Article 17 (5) of the draft agreement attached to the proposal. It is therefore necessary to amend the said article accordingly.

The new Article 17 (5) of the draft agreement is attached. All other parts of the proposal of 3 December 1996 remain unchanged.

In order to enable the Agreement on customs cooperation and mutual assistance in customs matters to be signed at the EU/US Summit on 28 May 1997, the Commission proposes that the Council approve the amended proposal for a decision on the signing and conclusion of the Agreement.

New Article 17 (5)

The receiving Contracting Party may disclose, to a defendant in a criminal prosecution, information material to that defendant's innocence or the credibility of witnesses testifying against that defendant in the prosecution to the extent that the law applicable in such a case in the receiving Contracting Party so requires. The receiving Contracting Party shall notify the providing Contracting Party in advance of such proposed disclosure and provide an explanation regarding the legal requirements for disclosure.

The receiving Contracting Party shall consider specific concerns related to disclosure of the information such as the safety and privacy of persons named or identified by the information. In any case, the receiving Contracting Party shall ensure that the items of information which are to be disclosed shall be limited to what is strictly necessary for the specific purpose of the disclosure concerned, and that personal data can only be used, treated or stored for the purpose of that criminal prosecution.

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