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THE COUNCIL**

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**NOTE**

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from : Presidency  
to : Article 36 Committee

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Subject : Draft Convention on mutual assistance in criminal matters between the Member States of the European Union  
- interception of telecommunications

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The delegations will find enclosed a text elaborated by the Presidency following the meeting of the Article 36 Committee on 9 and 10 September 1999 for the purpose of further discussions. The reworded Article 15 replaces earlier Articles 3 and 15.

### **TITLE III**

#### *Article 15: Definitions*

##### *Criminal investigation*

For the purpose of the application of Articles 16, 17 and 18, a "criminal investigation" is an investigation following the commission of a particular criminal offence in order to identify and arrest, charge, prosecute or deliver judgment on those persons responsible.

##### *Competent authorities*

For the purpose of the application of Articles 16, 17 and 18, a "competent authority" is a judicial authority, or, where judicial authorities have no competence in this area, a competent authority under national law when acting for the purpose of a criminal investigation, specified pursuant to Article 21(1)(e).

Cases where an authority is acting under national law solely for purposes other than a criminal investigation do not fall within the scope of paragraph 2.