



SUMMARIES OF THE COUNCIL OF EUROPE TREATIES

The summaries available hereunder are designed to meet a practical need, that of supplying the public at large with concise descriptions of the Council of Europe treaties. The summaries are necessarily short and can therefore only give a first introduction to the main features of each treaty.

Subject-matter: **MUTUAL ASSISTANCE IN CRIMINAL MATTERS**

European Convention on Mutual Assistance in Criminal Matters ([ETS No. 30](#)), open for signature, in Strasbourg, on 20 April 1959.

Entry into force: 12 June 1962.

Under this Convention, Parties agree to afford each other the widest measure of mutual assistance with a view to gathering evidence, hearing witnesses, experts and prosecuted persons, etc.

The Convention sets out rules for the enforcement of letters rogatory by the authorities of a Party ("requested Party") which aim to procure evidence (audition of witnesses, experts and prosecuted persons, service of writs and records of judicial verdicts) or to communicate the evidence (records or documents) in criminal proceedings undertaken by the judicial authorities of another Party ("requesting Party").

The Convention also specifies the requirements that requests for mutual assistance and letters rogatory have to meet (transmitting authorities, languages, refusal of mutual assistance).

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European Convention on the Punishment of Road Traffic Offences ([ETS No. 52](#)), open for signature, in Strasbourg, on 30 November 1964.

Entry into force: 18 July 1972.

The Convention aims to address the increase in road traffic between Parties and the dangers consequent upon the violation of rules designed to protect road users. It sets out a framework of mutual co-operation for more effective punishment of road traffic offences in the territories of the Parties.

The Convention derogates from the principle of territoriality by empowering a Party in whose territory a road traffic offence has been committed to choose between instituting proceedings itself or requesting the State of residence of the offender to prosecute the offence.

A list of offences to which the Convention applies appears in Annex 1, named the "Common Schedule of Road Traffic Offences".

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European Convention on the International Effects of Deprivation of the Right to Drive a Motor Vehicle ([ETS No. 88](#)), open for signature, in Brussels, on 3 June 1976.

Entry into force: 28 April 1983.

Under the terms of this Convention, a Party which has ordered any final measure designed to restrict the right to drive of a driver who has committed a road traffic offence must notify without delay the Party which delivered the driving license and the Party in whose territory the offender is habitually resident. Consequently, any Party which has been thus notified may, in accordance with its law, execute the order.

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Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters ([ETS No. 99](#)), open for signature, in Strasbourg, on 17 March 1978.

Entry into force: 12 April 1982.

The Protocol completes provisions contained in the Convention (ETS No. 30). It withdraws the possibility offered by the Convention to refuse assistance solely on the ground that the request concerns an offence which the requested Party considers a fiscal offence. It extends international co-operation to the service of documents concerning the enforcement of a sentence and similar measures (suspension of pronouncement of a sentence, conditional release, deferment of commencement of enforcement of a sentence or interruption of such enforcement). Finally, it adds provisions relating to the exchange of information on judicial records.

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European Convention on Offences relating to Cultural Property ([ETS No. 119](#)), open for signature, in Delphi, on 23 June 1985.

Entry into force: The Convention will enter into force following the third ratification.

Based on the concept of common responsibility and solidarity in the protection of European cultural heritage, the Convention aims to protect cultural property against criminal activities. To achieve this objective the Parties undertake to enhance public awareness of the need for protection, to co-operate in the prevention of offences against cultural property, to acknowledge the seriousness of such offences and to provide for adequate sanctions or measures with a view to co-operating in the prevention of offences relating to cultural property and in the discovery of cultural property removed.

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Convention on Insider Trading ([ETS No. 130](#)), open for signature, in Strasbourg, on 20 April 1989.

Entry into force: 1 October 1991.

The Convention provides for mutual assistance through the exchange of information between those responsible at national level for the surveillance of stock exchange transactions in order to discover and identify as rapidly as possible the preparation of irregular operations of insider trading.

Parties may, by simple declaration, extend this mutual assistance machinery to the search for those responsible for other irregular deals which could adversely affect equal access to information for all stock market traders or the quality of the information supplied to investors in order to ensure honest dealing (fraudulent financial operations, "rigging" of stock market prices, "laundering" of the proceedings of crime, etc.).

The Parties undertake to afford each other the widest measure of mutual assistance in criminal matters relating to offences involving insider trading.

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Protocol to the Convention on Insider Trading ([ETS No. 133](#)), open for signature, in Strasbourg, on 11 September 1989.

Entry into force: 1 October 1991.

The Protocol allows Parties which are members of the European Union to apply Union rules and therefore not to apply the rules arising from this Convention (ETS No. 130) except in so far as there is no Union rule governing the particular subject concerned.

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Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime ([ETS No. 141](#)), open for signature, in Strasbourg, on 8 November 1990.

Entry into force: 1 September 1993.

The aim of this Convention is to facilitate international co-operation and mutual assistance in investigating crime and tracking down, seizing and confiscating the proceeds thereof. The Convention is intended to assist States in attaining a similar degree of efficiency even in the absence of full legislative harmony.

Parties undertake in particular:

- to criminalise the laundering of the proceeds of crime;
- to confiscate instrumentalities and proceeds (or property the value of which corresponds to such proceeds).

For the purposes of international co-operation, the Convention provides for:

- forms of investigative assistance (for example, assistance in procuring evidence, transfer of information to another State without a request, adoption of common investigative techniques, lifting of bank secrecy etc.),
- provisional measures: freezing of bank accounts, seizure of property to prevent its removal,
- measures to confiscate the proceeds of crime: enforcement by the requested State of a confiscation order made abroad, institution by the requested State, of domestic proceedings leading to confiscation at the request of another State.

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Agreement on Illicit Traffic by Sea, implementing Article 17 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances ([ETS No. 156](#)), open for signature, in Strasbourg, on 31 January 1995.

Entry into force: 1 May 2000

The Agreement is based on Article 17 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, done at Vienna on 20 December 1988. It sets up a basis for international co-operation between Parties, defines rules as regard competent authorities, rules governing the exercise of jurisdiction, proceedings, authorised measures, responsibilities for enforcement measures, and other general rules.

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Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters ([ETS No. 182](#)), open for signature, in Strasbourg, on 8 November 2001.

Entry into force: 1 February 2004.

The Protocol is intended to improve States' ability to react to cross-border crime in the light of political and social developments in Europe and technological developments throughout the world. It will therefore serve to improve and supplement the 1959 Convention and the 1978 Additional Protocol to it, in particular by broadening the range of situations in which mutual assistance may be requested and making the provision of assistance easier, quicker and more flexible. It also takes account of the need to protect individual rights in the processing of personal data.

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Convention on Cybercrime ([ETS No. 185](#)), open for signature, in Budapest, on 23 November 2001.

Entry into force: 1 July 2004.

The Convention is the first international treaty on crimes committed via the Internet and other computer networks, dealing particularly with infringements of copyright, computer-related fraud, child pornography and violations of network security. It also contains a series of powers and procedures such as the search of computer networks and interception.

Its main objective, set out in the preamble, is to pursue a common criminal policy aimed at the protection of society against cybercrime, especially by adopting appropriate legislation and fostering international co-operation.

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Additional Protocol to the Convention on Cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems ([ETS No. 189](#)), open for signature, in Strasbourg, on 28 January 2003.

Entry into force: 1 March 2006.

This Protocol entails an extension of the Cybercrime Convention's scope, including its substantive, procedural and international cooperation provisions, so as to cover also offences of racist or xenophobic propaganda. Thus, apart from harmonising the substantive law elements of such behaviour, the Protocol aims at improving the ability of the Parties to make use of the means and avenues of international cooperation set out in the Convention (ETS No. 185) in this area.

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Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism ([CETS No. 198](#)), open for signature, in Warsaw, on 16 May 2005.

Entry into force: 1 May 2008.

The Council of Europe decided to update and widen its 1990 Convention to take into account the fact that not only could terrorism be financed through money laundering from criminal activity, but also through legitimate activities.

This new Convention is the first international treaty covering both the prevention and the control of money laundering and the financing of terrorism. The text addresses the fact that quick access to financial information or information on assets held by criminal organisations, including terrorist groups, is the key to successful preventive and repressive measures, and, ultimately, is the best way to stop them.

The Convention includes a mechanism to ensure the proper implementation by Parties of its provisions.

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Council of Europe Convention on Offences relating to Cultural Property ([CETS No. 221](#)), open for signature, in Nicosia, on 19 May 2017.

Entry into force: 1 April 2022.

The Convention on Offences relating to Cultural Property aims to prevent and combat the illicit trafficking and destruction of cultural property, in the framework of the Organisation's action to fight terrorism and organised crime.

The Convention, which will be open for signature to any country in the world, also aims to foster international co-operation to fight these crimes, which are destroying the world's cultural heritage.

The Convention, which will be the only international treaty specifically dealing with the criminalisation of the illicit trafficking of cultural property, establishes a number of criminal offences, including theft; unlawful excavation, importation and exportation; and illegal acquisition and placing on the market. It also criminalises the falsification of documents and the destruction or damage of cultural property when committed intentionally.

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Second Additional Protocol to the Convention on Cybercrime on enhanced co-operation and disclosure of electronic evidence ([CETS No. 224](#)), open for signature, in Strasbourg, on 12 May 2022.

Entry into force: The Protocol will enter into force following five ratifications.

Considering the proliferation of cybercrime and the increasing complexity of obtaining electronic evidence that may be stored in foreign, multiple, shifting or unknown jurisdictions, the powers of law enforcement are limited by territorial boundaries. As a result, only a very small share of cybercrime that is reported to criminal justice authorities is leading to court decisions.

As a response, the Protocol provides a legal basis for disclosure of domain name registration information and for direct co-operation with service providers for subscriber information, effective means to obtain subscriber information and traffic data, immediate co-operation in emergencies, mutual assistance tools, as well as personal data protection safeguards.