



**COUNCIL OF
THE EUROPEAN UNION**

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NOTE

From :	General Secretariat
To :	Delegations
No. prev. doc.:	10878/11 COPEN 133 EJN 71 EUROJUST 87 COASI 96 DS 1396/11
Subject :	EU-Japan Mutual Legal Assistance Agreement - Fact-sheet on the practical conduct of MLA procedures

Delegations will find attached the final model of national fact-sheet on the practical conduct of mutual legal assistance procedure under the EU-Japan Mutual Legal Assistance Agreement.¹

The content of the model fact-sheet has been discussed at the meetings of the Cooperation in Criminal Matters Working Party on 31 March 2011 and 15 June 2011. Japan also made suggestions to supplement the model. These are to be found in document DS 1396/11. Delegations were invited to provide written comments in this respect. It should be noted that the model is indicative and may be subject to amendments by each Member State.

According to the conclusions of the meeting on 15 June, delegations are kindly invited to fill out the model fact-sheet and send it to the General Secretariat of the Council (marie-helene.descamps@consilium.europa.eu) by 15 September 2011.

¹ OJ, L 39, 12.2.2010, p. 20.

Execution of a request, under the EU-Japan Mutual Legal Assistance Agreement, in *(name of the State to be inserted)*

Practical information

PRELIMINARY REMARKS

1. This information sheet relates only to the execution by *(name of the State to be inserted)* of mutual legal assistance requests under the EU-Japan Mutual Legal Assistance Agreement.
2. For any information about mutual legal assistance requests issued by the competent authorities of *(name of the State to be inserted)*, it is possible to contact *(name of the competent central authority and contact details, if different from those below-mentioned)*.
3. This fact-sheet may be subject to amendment and can be updated at any time.

PRACTICAL DETAILS

1. Central authority or authorities designated in accordance with Article 4 of the EU-Japan MLA agreement, in view of the execution of a MLA request in (*name of the State to be inserted*) (see also Annex I of the agreement):

(If different authorities have been designated please specify for which purpose each of them may be contacted)

- Official name(s):

- Contact details of the central authority / authorities:

Address:

Telefon (country code) (area/city code):

Telefax (country code) (area/city code):

E-mail (if any):

Languages that may be used for communication:

2. Languages in which MLA requests should be forwarded to the competent authority of (*name of the State to be inserted*), according to Article 9 of the EU-Japan MLA agreement (see also Annex III of the agreement):

Requests for assistance and the relevant documents should be sent accompanied by translation:

- in all cases: into (*accepted language or languages to be inserted*);

- in urgent cases: into (*accepted language or languages to be inserted*).

3. Procedures for forwarding request for assistance to the competent authority of (name of the State to be inserted)

Please indicate what specific procedures, if any, will be requested by the competent authorities of your State for forwarding MLA request.

Please indicate whether your authorities will need any confirmation in written when, in urgent cases, the request has been sent by any other means, including fax or e-mail, pursuant to Paragraph 2 of Article 8 of the EU-Japan MLA agreement.

4. Certification

Please indicate whether in order to ensure admissibility of records or documents your State will require any specific requirement under the certification procedure Article 10, paragraph 6 of the EU-Japan MLA agreement. Please specify.

5. List of possible actions sought

Regarding to Paragraph k) of Article 3 of the EU-Japan MLA agreement, please indicate, if any forms of assistance other than those listed under Paragraphs a)-j) of Article 3 of the EU-Japan MLA agreement is permitted under your national law.

6. Double criminality requirement, if applicable

Please indicate whether your State intends to make use of the first part of Paragraph 2 of Article 11 of the EU-Japan MLA agreement.

7. Confidentiality or limitation of use of evidence obtained

Please indicate whether your State intends to make use of Paragraph 2 of Article 13 of the EU-Japan MLA agreement in accordance with your national law, either on a case-by-case basis, or in general.

If so, please indicate, as far as possible, under which conditions the use of the information collected may be authorised.

8. Any extra information on specific type of request(s):

Hearing by video-conference:

Please indicate whether any particular requirements, either legal or technical, other than those listed in Paragraph 2 of Article 16, are necessary under the domestic legislation of your State in order to execute a request for hearing by video-conference (e.g time limit for the reception of such a request).

Please indicate any practical suggestions that may help to execute such a request.

Taking testimony or statements

Please indicate the requirements under your domestic legislation for testimony or statements gathered under Article 15 of the EU-Japan MLA agreement to be considered admissible evidence, e.g. do you require the statement to be taken under oath or under a penalty of criminal punishment for false statement, to be admissible evidence.

Obtaining items

Regarding "the information justifying such (coercive) measures under the laws of the requested State" stated under Article 17 of the EU-Japan MLA agreement, please elaborate on such information, including any limitation with respect to the authority which the cooperation request originated.

Bank Accounts

Please indicate whether any particular requirements exist under your domestic legislation in order to obtain records, documents or reports of bank accounts under Article 18 of the EU-Japan MLA agreement, as well as any practical suggestion that may help to execute such a request.

Also indicate any applicable conditions as referred in Art.18(4) which may limit the execution of the request to obtain the bank record.

9. Other particularly relevant information (such as national legislation, national guides on procedure, links to national websites...):
