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NOTE

From: The Slovak delegation
To: Delegations

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Subject: EU-Japan Mutual Legal Assistance Agreement
- Fact-sheet on the practical conduct of MLA procedures

Delegations will find attached information provided by the Slovak delegation on the practical conduct of mutual legal assistance procedures under the EU-Japan Mutual Legal Assistance Agreement¹ in Slovakia.

¹ OJ, L 39, 12.2.2010, p. 20

**Execution of a request, under the EU-Japan Mutual Legal
Assistance Agreement, in the Slovak Republic**

Practical information

PRELIMINARY REMARKS

1. This information sheet relates only to the execution by the Slovak Republic 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 the Slovak Republic, it is possible to contact *the General Prosecutor's Office of the Slovak Republic*.
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)

Pre-trial Proceedings:

General Prosecutor's Office of the Slovak Republic

Address: Štúrova 2, 812 85 Bratislava, Slovak Republic

Telefon (country code) (area/city code): +421-2-2083 74

Telefax (country code) (area/city code): +421-2-2083 7401

E-mail (if any): inter.coop@genpro.gov.sk

Note: cover letters and any outgoing requests from the Slovak Republic contain contact details of competent prosecutors

Languages that may be used for communication: English

Judicial Proceedings:

Ministry of Justice of the Slovak Republic, International Law Department, Division of the Judicial Cooperation in the Criminal Matters

Address: Župné námestie 13, 813 11 Bratislava, Slovak Republic

Telefon (country code) (area/city code): +421 2 888 91 347

Telefax (country code) (area/city code): +421 2 888 91 604

E-mail (if any): inter.coop@justice.sk

Languages that may be used for communication: English

2. Languages in which MLA requests should be forwarded to the competent authority of the Slovak Republic, 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 the Slovak language; (cover letter may be accepted in English)
- in urgent cases: into the Slovak language; (cover letter may be accepted in English)

3. Procedures for forwarding request for assistance to the competent authority of the Slovak Republic

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

There are no specific procedures required.

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.

The original (written) request should be sent via official channels afterwards.

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.

There are no specific certification requirements other than those mentioned in Art. 7 of the EU – Japan MLA agreement.

If copies of the documents are provided instead of original documents a statement confirming that it is the true copy of the original would be needed (for instance “this is a true copy of the original document”) with the signature of the relevant person.

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.

No specific agreement has been reached so far. However, there is a space for broad application of the Agreement on the basis of Article 3 lit. k)

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.

Yes.

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.

The evidence obtained upon a MLA request cannot be, without prior consent of the requested state, used for any other purposes than those for which they were provided for.

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.

As regards the hearing by videoconference it is extremely important to try the connection in advance. The list of questions to be asked should be provided to the requested state prior the hearing by video-conference. The presence of the lawyer of the accused (during the hearing of a witness or an expert witness) should be solved as well.

It is also useful to agree on the payment of expenses related to the videoconference (including, where appropriate, expenses related to interpretation, video link etc.).

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.

There is no specific need to take the statement under oath. However there is a need to respect fundamental and procedural rights of the persons involved in criminal proceedings (including victims, witnesses, accused). Therefore a person should be notified of rights and obligations under the Slovak laws. The list of rights is always provided in the attachment to the MLA request. A person should have a possibility to read the list of rights and obligations and to confirm that he or she was notified with the signature provided at each page of the document. In case of an accused right of the accused (including a right to be represented by a lawyer) should be respected. If there is an accused person in Slovakia, the actions in Japan should be taken in a presence of a lawyer of the accused, if required.

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.

The legal regulation of bank secrecy in Slovakia does not create obstacles in cooperation under Article 18. There should be a criminal investigation and the link of the person to the investigation and the bank accounts should be clear.

At the time being we are not aware of any limitations based on Article 18 (4).

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