



**COUNCIL OF
THE EUROPEAN UNION**

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NOTE

From :	The Hungarian 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 Hungarian delegation on the practical conduct of mutual legal assistance procedure under the EU-Japan Mutual Legal Assistance Agreement¹ in Hungary.

¹ OJ, L 39, 12.2.2010, p. 20.

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

Practical information

PRELIMINARY REMARKS

1. This information sheet relates only to the execution by Hungary 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 Hungary, it is possible to contact either the Ministry of Public Administration and Justice or the Office of the Prosecutor General, see contact details below.
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)

Ministry of Public Administration and Justice

Department of International Criminal Law

Budapest, Hungary

Telephone: +36 1 795 5823

Fax: + 36 1 795 0552, + 36 1 795 0554

E-mail: nemzb@kim.gov.hu

Languages that may be used for communication with the central Authority: Hungarian, English

Office of the Prosecutor General

Budapest, Hungary

Telefon: + 36 1 354 5541

Fax: + 36 1 269 2662

E-mail: neuf@mku.hu

Languages that may be used for communication with the central Authority: Hungarian, English

In case of MLA requests concerning a measure to be performed by a judge, requests should be forwarded to the Ministry of Public Administration and Justice, any other requests shall be sent to the Office of the Prosecutor General.

2. Languages in which MLA requests should be forwarded to the competent authority of Hungary, 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 Hungarian
- in urgent cases: into Hungarian or English

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

MLA requests can be submitted in writing, by post or by telefax.

If the MLA request is sent in another manner, for example by e-mail, written confirmation is needed.

4. Certification

The requirements stated in Article 10 paragraph 6 shall be applied.

5. List of possible actions sought

It has to be agreed upon in the particular case.

6. Double criminality requirement, if applicable

Hungary requires double criminality in every case.

(See Annex IV of the Agreement: With regard to paragraph 2 of Article 11 of the Agreement, “two Member States” referred to in this paragraph are the Republic of Austria and *the Republic of Hungary*.)

7. Confidentiality or limitation of use of evidence obtained

Hungary makes use of Paragraph 2 of Article 13 of the EU-Japan MLA agreement, in general.

Hungary requires a statement that the evidence obtained will be treated as confidential and will be used only for the purpose of that criminal proceeding which the MLA request concerns.

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

Hearing by video-conference:

The requirements stated in Article 16 paragraph 2 shall be applied.

Taking testimony or statements

The requirements stated in Article 15 shall be applied.

Obtaining items

The Hungarian rules on search, body search and seizure can be found in paragraphs 149-155 and 158 of the Act No XIX of 1998 on the Hungarian Criminal Procedural Code.

Bank Accounts

No particular requirements shall be applied.

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

Concerning those questions which are not regulated by the EU-Japan Agreement, the relevant provisions of the Hungarian Act No XXXVIII of 1996 on international legal assistance in criminal matters shall be applied.