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NOTE

From:	General Secretariat of the Council
To:	Delegations
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Subject:	2009 EU-Japan Agreement on Mutual Legal Assistance - Updating of the Annexes

It is recalled that Annexes I, II and III of the 2009 EU - Japan Agreement on mutual legal assistance in criminal matters (OJ L 39, 12 February 2010, p. 20) need to be modified. In accordance with Article 30 of the Agreement, this can be done by mutual consent in writing (exchange of letters).

On the basis of doc. 7713/15 of 1 April 2015, the General Secretariat informed the Japanese authorities of the changes that it proposes to be made to the said Annexes.

After careful scrutiny, at the end of August 2015 the Japanese authorities informed the General Secretariat that they could accept all changes as proposed in the Annex to doc. 7713/15. The Japanese authorities kindly requested, however, to substitute the current text of the Annexes with new revised texts, instead of making changes to the three existing Annexes. This would be more helpful to practitioners, since all information would then be contained in a single document.

Such new texts are set out in the Annex to this document. The General Secretariat has checked the texts, and they seem a faithful reflection of the current text of the Annexes, with the incorporation of the changes proposed by the Member States.

The General Secretariat considers that the modification of the Annexes can be carried out through an exchange of letters in which reference is made to the texts in the Annex to this note.

In the event that any delegation has any comment in this regard, they are kindly invited to inform the General Secretariat thereof before close of business on **Friday 23 October 2015**.

AGREEMENT

between the European Union and Japan on mutual legal assistance in criminal matters

(OJ L 39, 12 February 2010, p. 20)

Proposed new texts of Annexes I, II and III

ANNEX I

THE CENTRAL AUTHORITIES

The Central Authorities of the Contracting Parties are the following authorities:

the Kingdom of Belgium: the Federal Public Service Justice, International Criminal Cooperation Department;

the Republic of Bulgaria: the Ministry of Justice;

the Czech Republic:

- before the case is brought before a court (i.e. in pre-trial proceedings): the Supreme Public Prosecutor's Office of the Czech Republic, and
- after the case has been brought before a court (i.e. in trial stage of criminal proceedings): the Ministry of Justice of the Czech Republic;

the Kingdom of Denmark: the Ministry of Justice;

the Federal Republic of Germany: the Federal Office of Justice;

the Republic of Estonia: the Ministry of Justice;

Ireland: the Minister for Justice, Equality and Law Reform or a person designated by the Minister;

the Hellenic Republic: the Ministry of Justice, Transparency and Human Rights;

the Kingdom of Spain: the Ministry of Justice, the Subdirectorate General for international legal co-operation;

the French Republic: the Ministry of Justice, the Office for International Mutual Assistance in Criminal Matters, Directorate for Criminal Matters and Pardons;

the Republic of Croatia: the Ministry of Justice;

the Italian Republic: the Ministry of Justice, Department of Judicial Affairs - Directorate General of Criminal Matters;

the Republic of Cyprus: the Ministry of Justice and Public Order;

the Republic of Latvia:

- during pre-trial investigation until prosecution: State Police,
- during pre-trial investigation until submitting the case to the court: the General Prosecutor's Office, and
- during the trial: the Ministry of Justice;

the Republic of Lithuania:

- the Ministry of Justice of the Republic of Lithuania, and
- the General Prosecutor's Office of the Republic of Lithuania;

the Grand Duchy of Luxembourg: the Prosecutor General;

Hungary:

- the Ministry of Justice, and
- the Office of the Prosecutor General;

the Republic of Malta: the Office of the Attorney General;

the Kingdom of the Netherlands: the Ministry of Security and Justice of the Netherlands;

the Republic of Austria: the Ministry of Justice;

the Republic of Poland:

- during pre-trial stage: the Prosecutor General's Office,
- during the trial: the Ministry of Justice;

the Portuguese Republic: the Prosecutor General's Office;

Romania: the Ministry of Justice,
Directorate for International Law and Judicial Cooperation, Division for International Judicial
Cooperation in Criminal Matters;

the Republic of Slovenia: the Ministry of Justice, International Legal Assistance Division;

the Slovak Republic:

- in pre-trial proceedings: the General Prosecutor's Office,
- in trial stage: the Ministry of Justice, and
- for receiving: the Ministry of Justice;

the Republic of Finland: the Ministry of Justice;

the Kingdom of Sweden:

- the Ministry of Justice, and
- for requests relating to the service of documents: County Administrative Board of Stockholm;

the United Kingdom of Great Britain and Northern Ireland: the Home Office (United Kingdom
Central Authority), Her Majesty's Revenue and Customs, Crown Office and Procurator Fiscal
Service (Scotland Central Authority);

Japan: the Minister of Justice and the National Public Safety Commission or persons designated by
them.

ANNEX II

With regard to Article 6 of this Agreement, the authorities which are competent under the laws of the States to originate requests for assistance pursuant to this Agreement are set out below:

the Kingdom of Belgium: the judicial authorities: to be understood as meaning members of the judiciary responsible for administering the law, examining magistrates and members of the Department of Public Prosecution;

the Republic of Bulgaria: the Supreme Cassation Prosecutor's Office of the Republic of Bulgaria for pre-trial cases of criminal proceedings and the courts of the Republic of Bulgaria for pending cases in trial phase of criminal proceedings;

the Czech Republic: public prosecutors and courts of the Czech Republic;

the Kingdom of Denmark:

- the District Courts, the High Courts and the Supreme Court,
- the Department of Public Prosecutions, which includes:
 - the Ministry of Justice,
 - the director of Public Prosecutions,
 - the Prosecutor, and
 - the Police Commissioners;

the Federal Republic of Germany:

- the Federal Ministry of Justice and Consumer Protection;
- Federal Court of Justice, Karlsruhe;
- the Public Prosecutor General of the Federal Court of Justice, Karlsruhe;
- the Federal Office of Justice;
- the Ministry of Justice of Baden-Württemberg, Stuttgart;
- the Bavarian State Ministry of Justice, Munich;
- the Senate Department for Justice and Consumer Protection, Berlin;
- the Ministry of Justice and for Europe and Consumer Protection of the Federal State of Brandenburg, Potsdam;
- the Senator of Justice and Constitution, Bremen;
- Secretary of State for Justice and Gender Equality of the Free and Hanseatic City of Hamburg, Hamburg;
- the Hessian Ministry of Justice, Wiesbaden;
- the Ministry of Justice Mecklenburg-Vorpommern, Schwerin;
- the Ministry of Justice of Lower-Saxony, Hanover;
- the Ministry of Justice North-Rhine/Westphalia, Düsseldorf;
- the Ministry of Justice and Consumer Protection of the state of Rhineland-Palatinate, Mainz;
- the Ministry of Justice of Saarland, Saarbrücken;
- the Saxon State Ministry of Justice, Dresden;
- the Ministry of Justice and Gender Equality Saxony-Anhalt, Magdeburg;

- the Ministry of Justice, Cultural and European Affairs Schleswig-Holstein, Kiel;
- the Thuringian Ministry of Migration, Justice, and Consumer Protection, Erfurt;
- the Higher Regional Courts;
- the Regional Courts;
- the Local Courts;
- the Chief Public Prosecutor at the Higher Regional Courts;
- the Directors of Public Prosecutions at the Regional Courts;
- the Central Office of the Land Judicial Administrations for the Investigation of National Socialist Crimes, Ludwigsburg;
- the Federal Criminal Police Office;
- the Central Office of the German Customs Investigations Service;

the Republic of Estonia: judges and prosecutors;

Ireland: the Director for Public Prosecutions;

the Hellenic Republic: Public Prosecutor's Office at the Court of Appeal;

the Kingdom of Spain: criminal court magistrates and judges, and public prosecutors;

the French Republic:

- first presidents, presidents, judges and magistrates at criminal courts,
- examining magistrates at such courts,
- members of the public prosecution service at such courts, namely:
 - principal public prosecutors,
 - deputy principal public prosecutors,
 - assistant principal public prosecutors,
 - public prosecutors, deputy public prosecutors and assistant public prosecutors,
 - the financial public prosecutor at the national financial prosecutor's office, deputy financial public prosecutors and assistant financial public prosecutors, and
 - police court public prosecutors;

the Republic of Croatia: courts and state attorney's offices designated in a special law for providing international legal assistance, administrative authorities conducting misdemeanour procedures in connection with offences that are under Croatian law punishable by fines;

the Italian Republic:

Prosecutors:

- Director of Public Prosecution
- Assistant Public Prosecutor
- Director of Military Public Prosecution
- Assistant Military Public Prosecutor
- General Public Prosecutor
- Assistant General Public Prosecutor
- General Military Public Prosecutor
- Assistant General Military Public Prosecutor

Judges:

- Judge of Peace
- Investigation Judge
- Preliminary hearing Judge
- Ordinary Court
- Military Court
- Court of Assizes
- Court of Appeal
- Court of Assizes of Appeal
- Military Court of Appeal
- Court of Cassation;

the Republic of Cyprus:

- the Attorney General of the Republic,
- the Chief of Police,
- the Director of Customs & Excise,
- members of the Unit for Combating Money Laundering (MOKAS)
- the Commissioner of Taxation, and
- any other authority or person who is entitled to make inquiries and prosecutions in the Republic of Cyprus;

the Republic of Latvia: investigators, prosecutors and judges;

the Republic of Lithuania: judges and prosecutors;

the Grand Duchy of Luxembourg: the judicial authorities: to be understood as meaning members of the judiciary responsible for administering the law, examining magistrates and members of the Department of Public Prosecution;

Hungary: prosecutor's offices and courts;

the Republic of Malta:

- the Magistrates Court,
- the Juvenile Court,
- the Criminal Court and the Court of Criminal Appeal,
- the Attorney General,
- the Deputy Attorney General,
- the Legal Officers within the Attorney General's office; and
- the Magistrates;

the Kingdom of the Netherlands: members of the judiciary responsible for administering the law, examining magistrates and members of the Department of Public Prosecutions;

the Republic of Austria: courts and prosecutors;

the Republic of Poland: prosecutors and courts;

the Portuguese Republic: prosecution services in the investigation phase, investigation judges and trial judges;

Romania: courts and the prosecutor's offices of the courts;

the Republic of Slovenia:

- local court judges,
- investigative judges,
- district court judges,
- higher court judges,
- supreme court judges,
- constitutional court judges,
- district state prosecutors,
- higher state prosecutors,
- supreme state prosecutors;

the Slovak Republic: judges and prosecutors;

the Republic of Finland:

- the Ministry of Justice,
- the Courts of First Instance, the Courts of Appeal, and the Supreme Court,
- the public prosecutors,
- the police authorities, the custom authorities, and the frontier guard officers in their capacity of preliminary criminal investigations authorities in criminal proceedings under the Preliminary Criminal Investigations Act;

the Kingdom of Sweden:

- courts, prosecutors and the Enforcement Authority, and
- for requests relating to the service of documents: County Administrative Board of Stockholm

the United Kingdom of Great Britain and Northern Ireland: courts and prosecutors;

Japan: Courts, Presiding Judges, Judges, Public Prosecutors, Public Prosecutor's Assistant Officers, and Judicial Police Officials.

ANNEX III

With regard to Article 9 of this Agreement, Japan and the Member States accept the following languages:

the Kingdom of Belgium: Dutch, French and German in all cases and English in urgent cases;

the Republic of Bulgaria: Bulgarian in all cases and English in urgent cases;

the Czech Republic: Czech in all cases and English in urgent cases;

the Kingdom of Denmark: Danish in all cases and English in urgent cases;

the Federal Republic of Germany: German in all cases and English in urgent cases;

the Republic of Estonia: Estonian and English in all cases;

Ireland: English and Irish in all cases;

the Hellenic Republic: Greek in all cases and English in urgent cases;

the Kingdom of Spain: Spanish in all cases;

the French Republic: French in all cases;

the Republic of Croatia: Croatian in all cases and English in urgent cases;

the Italian Republic: Italian in all cases and English in urgent cases;

the Republic of Cyprus: Greek and English in all cases;

the Republic of Latvia: Latvian in all cases and English in urgent cases;

the Republic of Lithuania: Lithuanian in all cases and English in urgent cases;

the Grand Duchy of Luxembourg: French and German in all cases and English in urgent cases;

Hungary: Hungarian in all cases and English in urgent cases;

the Republic of Malta: Maltese in all cases;

the Kingdom of the Netherlands: Dutch in all cases and English in urgent cases;

the Republic of Austria: German in all cases and English in urgent cases;

the Republic of Poland: Polish in all cases;

the Portuguese Republic: Portuguese in all cases and English or French in urgent cases;

Romania: Romanian, English or French in all cases. With regard to longer documents, Romania reserves the right, in any specific case, to require a Romanian translation or to have one made at the expense of the requesting State;

the Republic of Slovenia: Slovenian and English in all cases;

the Slovak Republic: Slovak in all cases;

the Republic of Finland: Finnish, Swedish and English in all cases;

the Kingdom of Sweden: Swedish, Danish or Norwegian in all cases, unless the authority dealing with the application otherwise allows in the individual case;

the United Kingdom of Great Britain and Northern Ireland: English in all cases;

Japan: Japanese in all cases and English in urgent cases. However, Japan reserves the right, in any specific urgent case, to require translation into Japanese with regard to the request from the requesting State which does not accept translation into English under this Annex.