EU/Japan agreement on mutual legal assistance in criminal matters: modification of Annexes I, II and III

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PURPOSE: to approve the amendment of Annexes I, II and III to the Agreement between the European Union and Japan on mutual legal assistance in criminal matters.

PROPOSED ACT: Council Decision.

ROLE OF THE EUROPEAN PARLIAMENT: Council may adopt the act only if Parliament has given its consent to the act.

BACKGROUND: the Agreement between the European Union and Japan aims to establish more effective cooperation between the European Union and Japan on mutual legal assistance in criminal matters. Under the Agreement, at the request of the requesting state the requested state is required to provide mutual legal assistance in connection with investigations, prosecutions and other proceedings (including judicial proceedings) in criminal matters.

The Agreement between the European Union and Japan on mutual legal assistance in criminal matters was concluded by Council Decision 2010/616/EU and entered into force on 2 January 2011.

The annexes to the Agreement list the Central Authorities of the Contracting Parties (Annex I); the authorities competent to originate requests for mutual legal assistance pursuant to the Agreement (Annex II); and the languages accepted (Annex III). In accordance with Article 30 of the Agreement, Contracting Parties to the Agreement may modify the annexes by mutual consent without amending the Agreement.

It is necessary to take account of certain amendments made by the national authorities of the Member States and to ensure that the European Public Prosecutor's Office is recognised as a competent authority to originate, send, receive and respond to requests for mutual legal assistance under the Agreement.

CONTENT: this proposal includes a **modified text of Annexes I, II and III to the Agreement between the European Union and Japan** on Mutual Assistance in Criminal Matters, which establish:

- the list of the Central Authorities of the Contracting Parties (Annex I);

- the authorities competent under the laws of the States to originate requests for mutual legal assistance pursuant to the Agreement (Annex II);

- the languages accepted (Annex III).

The annexes also include a new body of the Union - the European Public Prosecutor’s Office.