Judicial cooperation on criminal matters: good practice in mutual legal assistance

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OBJECTIVE: Draft joint action on good practice in mutual legal assistance in criminal matters.
CONTENT: the draft joint action seeks to respond to the need to speed up procedures for legal assistance in matters related to organised crime and to reduce the times for transmitting and replying to requests. The joint action therefore proposes that each Member State deposit a statement of good practice. The format for the statement is not specified but the joint action provides for undertakings: - to provide the requesting authorities with the name of the person having responsibilities for executing the request; - to give priority to urgent requests; - to ensure that requests are given the same treatment as similar requests in the requested Member State. It is also proposed that the Member States undertake to acknowledge all requests received and to send the requesting authority a report in the event of serious delay. The statement of good practice would also include an undertaking to submit requests for assistance as soon as the need for assistance is ascertained, in order to allow the requested authorities enough time to execute them. In an emergency, the reasons for the urgency would need to be set out, in order to help the requested authority allocate a suitable level of priority to the request. Each Member State would have the facility to add other undertakings to its statement. The Member States would also need to monitor that they were complying with their undertakings, providing an adequate service and improving their services. Each year the Member States would draw up an annual report on the results of this monitoring.