EU-Japan agreement on mutual legal assistance

The Council adopted an agreement between the EU and Japan on mutual legal assistance in criminal matters (13377/10).

It is the first such agreement between the two parties providing a solid basis for mutual legal assistance between all 27 member states and Japan, while at the same time ensuring respect for the fundamental values of the EU. Hitherto, no member states had any bilateral mutual legal assistance treaty with Japan.

The agreement provides for a wide range of measures, including taking of evidence, seizing proceeds of crime, obtaining bank information and conducting hearings and taking of testimony by videoconferencing. The information obtained can be used only for the specific purpose set out in the request.

The agreement also contains an adequate set of grounds of refusal (political offence exception, non-discrimination clause, ne bis in idem, double criminality). It explicitly stipulates that where a request concerns an offence punishable by death, the requested member state may refuse assistance unless it agrees with Japan on the conditions under which the request can be executed. The death penalty does not exist in the EU and the EU is advocating the abolishment of the death penalty throughout the world.