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PROPOSAL

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	25 August 2022
To:	General Secretariat of the Council
No. Cion doc.:	COM(2022) 418 final - Annexes
Subject:	ANNEXES to the Proposal for a Council Decision approving the modification of Annexes I, II and III to the Agreement between the European Union and Japan on mutual legal assistance in criminal matters

Delegations will find attached document COM(2022) 418 final - Annexes.

Encl.: COM(2022) 418 final - Annexes

EUROPEAN
COMMISSION

Brussels, 25.8.2022
COM(2022) 418 final

ANNEXES 1 to 3

ANNEXES

to the

Proposal for a Council Decision

approving the modification of Annexes I, II and III to the Agreement between the European Union and Japan on mutual legal assistance in criminal matters

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 Federal Republic of Germany: the Federal Office of Justice;
- the Republic of Estonia: the Ministry of Justice;
- Ireland: the Minister for Justice and Equality 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 cooperation;
- 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 Justice and Security 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 European Union (with regard to Regulation (EU) 2017/1939): the European Public Prosecutor's Office (EPPO);

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

ANNEX II

THE COMPETENT AUTHORITIES

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 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 and for Migration of Baden-Württemberg, Stuttgart;
  - the Bavarian State Ministry of Justice, Munich;
  - the Senate Department for Justice, Consumer Protection and Anti-Discrimination, Berlin;
  - the Ministry of Justice of the Federal State of Brandenburg, Potsdam;
  - the Senator of Justice and Constitution, Bremen;
  - Free and Hanseatic City of Hamburg Office for Justice and Consumer Protection, Hamburg;
  - the Hessian Ministry of Justice, Wiesbaden;
  - the Ministry of Justice, Gender Equality and Consumer Protection, Mecklenburg-Vorpommern, Schwerin;
  - the Ministry of Justice of Lower-Saxony, Hanover;
  - the Ministry of Justice North-Rhine/Westphalia, Düsseldorf;

- the Ministry of Justice of the state of Rhineland-Palatinate, Mainz;
- the Ministry of Justice of Saarland, Saarbrücken;
- the Saxon State Ministry of Justice, Democracy, European Affairs and Gender Equality, Dresden;
- the Ministry of Justice and Gender Equality Saxony-Anhalt, Magdeburg;
- the Ministry of Justice, Europe and Consumer Protection 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,
- police court public prosecutors, and
- the anti-terrorist public prosecutor at the national anti-terrorist prosecutor's office, deputy anti-terrorist public prosecutors and assistant anti-terrorist 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), 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 European Union (with regard to Regulation (EU) 2017/1939): the European Public Prosecutor's Office (EPPO);
- Japan: Courts, Presiding Judges, Judges, Public Prosecutors, Public Prosecutor's Assistant Officers, and Judicial Police Officials.

ANNEX III

LANGUAGES

With regard to Article 9 of this Agreement, the Member States and Japan 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 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 in all cases and English in urgent 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 European Union (with regard to Regulation (EU) 2017/1939): English and all the official languages of the Member States participating in the enhanced cooperation on the establishment of the European Public Prosecutor's Office (EPPO);

– 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.