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NOTE

From:	General Secretariat of the Council
To:	Working Party on e-Law (e-Justice)
No. prev. doc.:	5599/3/16 REV 3, 9337/16
Subject:	List of bilateral agreements between the Member States and third countries in the area of videoconferencing

1. At the meeting of the Working Party on e-Law (e-Justice) on 3 February 2016, it was suggested to make a listing of all bilateral agreements between the Member States and third countries. This issue was further discussed at the meeting on 1 March 2016 and the Member States were invited to examine internally whether they had existing agreements with third countries relating to videoconferencing.
2. Delegations will find annexed to this document a list of those bilateral agreements which have so far been communicated to the General Secretariat of the Council.

BELGIUM

- In Civil Matters:
 - Mutual declaration of 29 November 1900 by Belgium and Switzerland on the transmission of judicial or extrajudicial acts and letters of request in civil or commercial matters;
 - Convention concluded on 12 June 1970 between the Kingdom of Belgium and the People's Democratic Republic of Algeria on mutual legal assistance in civil and commercial matters, approved by the law of 14 August 1974;
 - Agreement concluded between the Kingdom of Belgium and the Commonwealth of the Bahamas on the maintenance of the Convention between Belgium and Great Britain on the transmission of judicial and extrajudicial acts and the establishment of evidence in civil and commercial matters, signed in London on 21 June 1922, and of the additional convention on *judicatum solvi* security, legal assistance and imprisonment as a substitute for non collectible fine, signed in Brussels on 4 November 1932 (by the exchange of letters dated 3 March 1977 in Nassau and 10 May 1977 in Brussels);
 - Convention between the Kingdom of Belgium and the Kingdom of Morocco on mutual legal assistance in civil, commercial and administrative matters and in the area of legal information, signed in Rabat on 30 April 1981;
 - Convention between the Kingdom of Belgium and the Republic of Tunisia on mutual legal assistance in civil and commercial matters, signed in Tunis on 27 April 1989 and approved by the law of 25 March 1999.

- In Criminal matters:

States with which we hold bilateral conventions on mutual assistance in criminal matters (including specific provisions on mutual assistance in criminal matters in other bilateral conventions)

- ALGERIA: Convention of 12 June 1970 on extradition and mutual assistance (Art. 18 et seq.)
- NETHERLANDS ANTILLES: Convention of 31 May 1889 on extradition (Art. 11 to 13)
- ARGENTINA: Convention of 12 August 1886 on extradition (Art. 14 and 15)
- BOLIVIA: Convention of 24 July 1908 on extradition (Art. 15)
- CANADA: Treaty of 11 January 1996 on mutual legal assistance in criminal matters
- CHILE: Convention on extradition of 29 May 1899 (Art. 15)
- COLOMBIA: Convention on extradition of 21 August 1912 (Art. 13)
- COSTA RICA: convention on extradition of 25 April 1902 (Art. 13)
- CUBA: Convention on extradition of 29 October 1904 (Art. 13)
- EL SALVADOR: Convention of 27 February 1880 on extradition (Art. 12 to 14)
- UNITED STATES: Convention on mutual legal assistance of 28 January 1988
- GUATEMALA: Convention of 20 November 1897 on extradition (Art. 12 and 13)
- HONDURAS: Convention on extradition of 19 April 1900 (Art. 12 and 13)
- HONG KONG: Convention on mutual legal assistance of 20 September 2004
- LEBANON: Convention on extradition of 24 December 1953 (Art. 16 and 17)
- MOROCCO: Convention on mutual legal assistance of 7 July 1997 and Protocol to the Convention on mutual legal assistance, signed on 19 Mars 2007
- MEXICO: Convention on extradition of 22 September 1938 (Art. 14 to 16)
- NICARAGUA: Convention on extradition of 5 November 1904 (Art. 13 and 14)
- PARAGUAY: Convention on extradition of 20 January 1926 (Art. 11 to 14)
- PERU: Convention on extradition of 23 November 1888 (Art. 14 to 16)
- SURINAME: Convention of 31 May 1889 on extradition between Belgium and the Netherlands (Art. 11 to 13)
- TUNISIA: Convention of 27 April 1989 on extradition and mutual legal assistance (Art. 20 et seq.)

N.B. The articles in brackets concern mutual legal assistance – videoconferencing is not provided for, but that does not preclude its use.

Provisions on videoconferencing:

- THAILAND: Convention on mutual assistance of 12 November 2005

Article 13 - Taking of witness statements and evidence by videoconference

Wherever possible and consistent with the fundamental principles of domestic law, when an individual is in the territory of a State Party and has to be heard as a witness or expert by the competent authorities of the other State Party, the first State Party may, at the request of the other, permit the witness statement or evidence to be taken by videoconference, subject to terms and conditions agreed mutually by the States Parties, if it is not possible or desirable for the individual in question to appear in person in the territory of the Requesting State. The States Parties can arrange for the witness statement or evidence to be taken under the direction of a competent authority of the requesting State in the presence of a competent authority of the requested State.

- SOUTH KOREA: Convention on mutual assistance signed on 17 January 2007

Article 18 - TAKING OF WITNESS STATEMENTS AND EVIDENCE BY VIDEOCONFERENCE

Wherever possible and consistent with the fundamental principles of the legislation of the Addressed Party, when an individual is in the territory of the requested Party and has to be heard as a witness or expert by the competent authorities of the requesting Party, the requested Party may, at the request of the requesting Party, permit the witness statement or evidence to be taken by videoconference, subject to terms and conditions agreed mutually by the Parties, if it is not possible or desirable for the individual in question to appear in person in the territory of the requesting Party. The Parties may arrange for the witness statement or evidence to be taken by a competent authority of the requesting Party in the presence of a competent authority of the requested Party.

CZECH REPUBLIC

Responsible authorities of the Ministry of Justice of the Czech Republic have not identified any bilateral agreements with third countries which mention (explicitly) the use of videoconferencing.

GERMANY

Treaty between the Federal Republic of Germany and the United States of America on Mutual Legal Assistance in Criminal Matters (Article 10bis - Video conferencing).

DENMARK

Denmark entered into agreement with the United States of America on 23 June 2005 regarding mutual legal assistance.

Article 3 of the Agreement concerns video conferencing. The Agreement is available at the following link: <https://www.retsinformation.dk/Forms/R0710.aspx?id=130571>, which also contains an English version of the Agreement.

GREECE

Following the Agreement between the European Union and the United States of America on the Mutual Legal Assistance, the Greek Law 3771/2009 ratified the Protocol to the Convention on mutual legal assistance in criminal matters between the Hellenic Republic and the United States of America.

Article 3 of the above mentioned Greek Law provides videoconferencing procedure.

Greece has no other bilateral agreements with third countries in the area of mutual legal assistance, which provide for videoconferencing in judicial proceedings (civil or criminal justice).

CROATIA

Croatia would like to emphasize that in all agreements/treaties/protocols the use of videoconference is not specifically mentioned. The exception is only Treaty between the Republic of Croatia and the Republic of Kosovo on Mutual Legal Assistance in Criminal Matters Agreement where cooperation in using of videoconference system is explicitly indicated.

STATE	TREATY(CONVENTION) NAME/ SIGNING DATE
ALBANIA	Convention on the Issuing of Culprits, 22 June 1926 "Official Gazette", number 117-29, general succession, came into force on the 17th May 1929
	Memorandum of Conformity on Cooperation between the State Attorney of the Republic of Croatia and Public Attorney of the Republic of Albania Concerning Transnational Crime and Money Laundry acquired by the crime Signed on 11th of June 2007, came into force on 11th of June 2007
ALGERIA	Treaty on Mutual Assistance Concerning Legal Actions in Civil and Criminal Matters from 31 March 1982 (the Treaty text was published in SL FNRJ – Appendix: – International treaties, No. 2/83)
AUSTRALIA	Treaty with Australia on the Mutual Extradition of Culprits, Belgrade, 6 December 1900 subsection 1. of the clause I. Decisions on the proclamation of bilateral international treaties where Republic of Croatia is a party on the basis of succession (Australia) - "Official Gazette" – International treaties, number 1/97 (the Treaty text was published in the newspapers of the Kingdom Of Serbia under the title of " Sl. novine", No. 35/1901) Convention with Australia on Mutual Assistance Concerning Legal Actions in Civil and Commercial Matters that are or could be in course in front of the relative judicature, London, 27 February 1936 subsection 2. of the Clause I. Decisions on the proclamation of bilateral international treaties where Republic of Croatia is a party on the basis of succession (Australia) - "Official Gazette" – International treaties, No. 1/97 (the Convention text was published in " Sl. novine" of the Kingdom of Yugoslavia, No. 116-xxxv/1937)

Treaty with Australia on the Exchange of the Official Publications, Canberra, 19 November 1953

subsection 3. of the Clause I. Decisions on the proclamation of bilateral international treaties where Republic of Croatia is a party on the basis of succession (Australia) - "Official Gazette" – International treaties, No. 1/97

(the Treaty text was published in SL FNRJ – Appendix: International and other treaties, No. 5/55)

AUSTRIA

Treaty on the Mutual Legal Traffic between FNRJ and the Republic of Austria, Vienna, 16 December 1954

subsec. 2. of the Clause I. Decisions on the proclamation of bilateral international treaties where Republic of Croatia is a party on the basis of succession (Austria) - "Official Gazette" – International treaties, No. 1/97

(the Treaty text was published in SL FNRJ – Appendix: – International treaties, No. 8/55)

Treaty with Austria on The Mutual Acknowledgement and the Implementation of the Decisions on Sustenance, Vienna, 10 October 1961

subsec. 8. of the Clause I. Decisions on the proclamation of bilateral international treaties where Republic of Croatia is a party on the basis of succession (Austria) - "Official Gazette" – International treaties, No. 1/97

(the Treaty was published in SL FNRJ – Appendix: International treaties No. 2/63)

Treaty with Austria on Extradition, Belgrade, 1 February 1982

subsec. 16. of the Clause I. Decisions on the proclamation of bilateral international treaties where Republic of Croatia is a party on the basis of succession (Austria) - "Official Gazette" – International treaties, No. 1/97

(the Treaty text was published in SL FNRJ – Appendix: International treaties No. 2/1983, since 01.02.1983)

Treaty with Austria on the Mutual Implementation of the Court Decisions Concerning Criminal Matters, Belgrade, 1 February 1982

subsec. 15. of the Clause I. Decisions on the proclamation of bilateral international treaties where Republic of Croatia is a party on the basis of succession (Austria) - "Official Gazette" – International treaties, No. 1/97

(the Treaty text was published in SL FNRJ – Appendix: International treaties No. 6/1983)

Treaty with Austria on Legal Assistance Concerning Criminal Matters, Belgrade, 1 February 1982

subsec. 14. of the Clause I. Decisions on the proclamation of bilateral international treaties where Republic of Croatia is a party on the basis of succession (Austria) - "Official Gazette" – International treaties, No. 1/97

(the Treaty text was published in SL FNRJ – Appendix: International treaties No. 2/1983 since 01.02. 1983)

Treaty with Austria on the Mutual Acknowledgement and Implementation of the Decisions of the Chosen Courts and the Settlements Concerning Commercial Matters reached in front of the Chosen Courts, Belgrade, 18 March 1960

subsec. 5. of the Clause I. Decisions on the proclamation of bilateral international treaties where Republic of Croatia is a party on the basis of succession (Austria) - "Official Gazette" – International treaties, No. 1/97

(the Treaty text was published in SL FNRJ – Appendix: International treaties No. 5/1961)

Treaty between the Republic of Croatia and the Republic of Austria on the Annex of the European Convention on the Mutual Legal Assistance Concerning Criminal Matters, in the text with the additional Protocol to the European Convention on the Mutual Legal Assistance Concerning Criminal Matters and the Facilitation of its Application

Signed on 20.11.2003

Memoranda of understanding between Ministry of Justice of the Republic of Croatia and Federal Ministry of Justice of the Republic of Austria

Signed on 29.10.2004, entered into force on 29.10.2004

BELGIUM

The convention on the Issuing of Birth Certificates and Liberation of Legalization, 24 September 1971

subsec. 11. of the Clause I. Decisions on the proclamation of bilateral international treaties where Republic of Croatia is a party on the basis of succession (with the Kingdom of Belgium) - "Official Gazette" – International treaties, No. 11/97

(the Convention text was published in SL SFRJ –No. 55/1972)

Treaty on the Legal Assistance Concerning Civil and Commercial Matters between the former Yugoslavia (SFRJ) and the Kingdom of Belgium, Belgrade, 24 September 1971

subsec. 10. of the Clause I. Decisions on the proclamation of bilateral international treaties where Republic of Croatia is a party on the basis of succession (with the Kingdom of Belgium) - "Official Gazette" – International treaties, No. 11/97

(the Treaty text was published in SL SFRJ – International treaties No. 7/74 since 01.07.1974)

The Convention on Extradition and the Legal Assistance Concerning Criminal Matters between the former Yugoslavia (SFRJ) and the Kingdom of Belgium, Beograd, 4 June 1971

subsec. 9. of the Clause I. Decisions on the proclamation of bilateral international treaties where Republic of Croatia is a party on the basis of succession (with the Kingdom of Belgium) - "Official Gazette" – International treaties, No. 11/97

(the Convention text was published in SL SFRJ – International treaties, No. 9/73 od 01.09.1973)

Convention with Belgium on the Acknowledgment and Implementation of the Court Decisions on Sustenance, Belgrade, 12 December 1973

subsec. 12. of the Clause I. Decisions on the proclamation of bilateral international treaties where Republic of Croatia is a party on the basis of succession (with the Kingdom of Belgium) - "Official Gazette" – International treaties, No. 11/97

(the Convention text was published in SL SFRJ – International treaties, No. 45/76)

BOSNIA AND HERZEGOVINA	<p>Treaty between the Governments of the Republic of Croatia, Bosnia and Herzegovina and the Federation of Bosnia and Herzegovina on the Legal Assistance Concerning Civil and Criminal Matters, Split, 26 February 1996 (the application area- the Federation of Bosnia and Herzegovina)</p> <p>"Official Gazette" – International treaties, No. 12/96, came into force on 20th of December 1996</p> <p>Treaty between the Republic of Croatia and Bosnia and Herzegovina on the Amendments of the Treaty between the Government of the Republic of Croatia, the Government of Bosnia and Herzegovina and the Government of the Federation of Bosnia and Herzegovina on the Legal Assistance Concerning Civil and Criminal Matters, signed on 17.06.2002</p> <p>"Official Gazette" - International Treaties, No. 5/03, came into force on 8th of February 2006</p>
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	<p>Treaty between the Governments of the Republic of Croatia, Bosnia and Herzegovina and the Federation of Bosnia and Herzegovina on the Mutual Implementation of the Court Decisions Concerning Criminal Matters, 26 February 1996</p> <p>"Official Gazette"-International Treaties, No. 3/10, came into force on 8th of July 2010</p> <p>Treaty between the Republic of Croatia and Bosnia and Herzegovina on the Amendments of the Treaty between the Governments of the Republic of Croatia, Bosnia and Herzegovina and the Federation of Bosnia and Herzegovina on the Legal Assistance Concerning Criminal Matters, signed on 07.06.2004</p> <p>"Official Gazette"-International Treaties, No. 3/10, came into force on 8th of July 2010</p>
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Protocol on Agreement in the Implementation of Mutual Cooperation Concerning Combat against all forms of hard crime between the State Attorney of the Republic of Croatia and Federal Attorney of Bosnia and Herzegovina

Concluded on the 21st of January 2005, came into force on 21st of January 2005

Protocol on cooperation between Ministry of Justice of the Republic of Croatia and Ministry of Justice of Bosnia and Herzegovina

Concluded on the 23th of July 2008, came into force on 23th of July 2008

Agreement between the Republic of Croatia and Bosnia and Herzegovina on the amendments of the Agreement on Mutual Implementation of the Court Decisions Concerning Criminal Matters

"Official Gazette"-International Treaties, No. 3/10, came into force on 18th of September 2010

Extradition Treaty between the Republic of Croatia and Bosnia and Herzegovina signed in Zagreb, on 28th of November 2012

Official Gazette - International Treaties, No. 1/14, came into force on 6th of March 2014

BULGARIA

Treaty between the Federative National Republic of Yugoslavia and the National Republic of Bulgaria, Sophia, 23 March 1956

subsec. 1. of the Clause I. Decisions on the proclamation of bilateral international treaties where Republic of Croatia is a party on the basis of succession (and the treaty with the Republic of Bulgaria) - "Official Gazette" - International treaties, No. 4/02

(SL FNRJ – Appendix-International treaties No. 1/1957 since 01.01.1957)

CYPRUS

Treaty between the Former Yugoslavia (SFRJ) and Republic of Cyprus on Mutual Assistance Concerning Legal Assistance in Civil and Criminal Matters from 19 September 1984

Concluded 19.09.1984, ratified 21 and 27.12.1985
SL FNRJ – Appendix-International treaties No. 2/86

MONTE
NEGRO

Memorandum on Conformity in the Implementation on Mutual Cooperation Concerning Combat against all forms of hard crime between the State Attorney of the Republic of Croatia and the Supreme State Attorney of the Republic of Montenegro

Concluded on 25th of February 2005, came into force on 25th of February 2005

Agreement on Cooperation between the State Attorney of the Republic of Croatia and the Supreme State Attorney of the Republic of Montenegro Concerning Prosecution of Perpetrators of War Crimes, Crimes Against Humanity and Genocide

Concluded on 28th of July 2006, came into force on 28th of July 2006

	<p>Treaty between the Republic of Croatia and the Republic of Montenegro on extradition</p> <p>Signed on 1st of October 2010, temporarily application from 1st of October 2010</p> <p>Published in Official Gazette – International agreements, nr. 6/2011, entered into force on 16th of May 2011</p> <p>Publication of entering into force in Official Gazette – International agreements nr. 12/2011</p> <p>Memorandum on Cooperation between Ministry of Justice of the RoC, Directorate for Penitentiary System and Institute for execution of penalties of Montenegro in penitentiary matters</p> <p>Signed on 29th of June 2011</p> <p>Treaty between the RoC and Montenegro on mutual execution of judicial decisions in criminal matters, Zagreb, 9th of September 2011</p> <p>Signed on 9th of September 2011, temporarily application since 09.09.2011</p> <p>The Croatian parliament ratified Agreement on the 28th of September 2012</p> <p>Published in Official Gazette (MU 08/12) and entered into force on the 26th of October 2012</p>
CZECH REPUBLIC	<p>Treaty on the Regulation of Legal Relations Concerning Civil, Family and Criminal Matters between the Former Yugoslavia (SFRJ) and Czech Republic, Belgrade, 20 January 1964</p> <p>See subsec. 14. of the Clause I. Decisions on the proclamation of bilateral international treaties where Republic of Croatia is a party on the basis of succession (with Czech Republic) - "Official Gazette" – International treaties No. 11/97</p> <p>(the Treaty text was published in SL SFRJ: Appendix – International and other treaties No. 13/64)</p>
	<p>Treaty between the former Yugoslavia (SFRJ) and the former Czech Republic(ČSSR) on the Mutual Convicts Extradition for the purpose of Serving a Term, Prague, 23 May 1989</p> <p>subsec. 24. of the Clause I. Decisions on the proclamation of bilateral international treaties where Republic of Croatia is a party on the basis of succession (with Czech Republic) - "Official Gazette" – International treaties No. 11/97</p> <p>(the Treaty text was published in SL SFRJ – International treaties No. 6/90)</p>

DENMARK	<p>Treaty on conciliation, arbitration and judicial settlements between the Kingdom of Denmark and the Kingdom of Yugoslavia Signed on 14th of December 1935, published in 239-LXXII/1937</p>
	<p>Treaty between the former Yugoslavia (SFRJ) and the Kingdom of Denmark on the Mutual Convicts Extradition for the purpose of Serving a Term, Belgrade, 28 October 1988 subsec. 13. of the Clause I. Succession decisions - "Official Gazette" – International treaties No. 8/98 (the Treaty text was published in SL SFRJ – International treaties No. Tekst 5/98 since 01.05. 1989)</p>
FRANCE	<p>The Convention on the Acknowledgement and Carrying out of the Court Decisions Concerning Civil and Commercial Matters between the former Yugoslavia (SFRJ) and the Republic of France, Paris, 18 May 1971 subsec. 12. of the Clause I. Decisions on the proclamation of bilateral international treaties where Republic of Croatia is a party on the basis of succession - "Official Gazette" – International treaties No. 4/96 (the Convention text was published in SL SFRJ – International and other treaties No. 7/72) Agreement on the Facilitation of The Hague Convention on Civil Action since 01.03.1954., ratified on 29 October 1969 "Official Gazette" – International Treaties No. 4/96 Convention on the Issuing of Identity Papers and Liberation of Legalization since 29 October 1969 "Official Gazette" – International Treaties No. 4/96 Convention on the Mutual Legal Assistance Concerning Criminal Matters between the former Yugoslavia (SFRJ) and the Republic of France, Belgrade, 29 October 1969 subsec. 9. of the Clause I. Decisions on...succession - "Official Gazette" – International treaties No. 4/96 (the Convention text was published in SL SFRJ – International and other treaties No. 16/71) Convention on the Issuing of Persons between the former Yugoslavia (SFRJ) and the Republic of France, Paris, 23 September 1970 subsec. 10. of the Clause I. Decisions on...succession - "Official Gazette" – International treaties No. 4/96 (the Convention text was published in SL SFRJ – International and other treaties No. 43/71) Agreement on the Extradition of War Criminals (the exchange of letters) between the French and the Yugoslav Government, Paris, 27 April 1946 The text has not been published. See: Clause 2 Decisions on...succession – Official Gazette-International treaties No. 4/96</p>

GREECE	<p>Convention between FNRJ and the Kingdom of Greece on the Mutual Legal Relations, Athens, 18 June 1959</p> <p>subsec. 2. of the Clause I. Decisions on...succession - "Official Gazette" – International treaties No.4/96</p> <p>(the Convention text was published in SL FNRJ: Appendix – International and other treaties No. 7/60)</p> <p>Agreement between FNRJ and the Kingdom of Greece on the Mutual Acknowledgement and the Implementation of the Court Acts – Decisions, Athens, 18 June 1959 godine</p> <p>(the Clause I. Decisions on ... succession - "Official Gazette" – International treaties No. 4/96)</p> <p>(the Treaty text was published in SL FNRJ- Appendix: International and other treaties, No. 6/60)</p>
IRAQ	<p>Treaty on Legal and Judicial Cooperation from 23th of May 1986</p> <p>SL FNRJ ("Official Gazette") – International Treaties No. 2/87 – general succession</p>
IRAN	<p>Treaty on Mutual Exemption on <i>cutio iudicatum solvi</i> Before Iranian and Yugoslavian Courts from 1956</p> <p>SL FNRJ ("Official Gazette") – Appendix-International treaties No. 2/57 – general succession</p>
ITALY	<p>Convention on the Mutual Legal Assistance in Civil and Administrative Matters since 3 December 1960.</p> <p>The Convention text was published in "Službeni list FNRJ" – Appendix, No. 5/63 – general succession</p> <p>Convention on the Issuing of Culprits since 6 April 1922.</p> <p>The Convention text was published in "Službene novine", No. 42/31 – general succession</p> <p>Convention on the Legal and Court Protection of the respective citizens since 6 April 1922</p> <p>The Convention text was published in "Službene novine", No. 42/31 – general succession</p>

CANADA	<p>Convention with Canada on the Legal Assistance System Concerning Proceedings in Civil and Commercial Matters that are or could be in course in front of the respective judicature, London, 27 February 1936</p> <p>subsec. 1. of the Clause I. Decisions on the proclamation of bilateral international treaties where Republic of Croatia is a party on the basis of succession (Canada) - "Official Gazette" – International treaties No. 1/97</p> <p>(the Convention text was published in Sl. novine of the Kingdom of Yugoslavia No. 116-xxv/1937)</p>
	<p>Memorandum of Conformity on Implementation and Promotion of Mutual Cooperation Concerning War Crimes, Crimes Against Humanity and Genocide between the Department for Crimes Against Humanity and War Crimes of the State Attorney of the Republic of Croatia and the Ministry of Justice of Canada</p> <p>Signed on 9th of May 2006, came into force on 9th of May 2006</p>
CHINA	<p>Memorandum on Conformity on Cooperation between the State Attorney of the Republic of Croatia and the Supreme National Attorney of the National Republic of China</p> <p>Signed on 25th of October 2006, came into force on 25th of October 2006</p>
KOSOVO	<p>Memorandum on Conformity on Cooperation between the State Attorney of the Republic of Croatia and State Attorney of the Republic of Kosovo Concerning Transnational Crime and Money Laundering Acquired by the Crime</p> <p>Signed on 8th of January 2010, came into force on 8th of January 2010</p> <p>Treaty between the Republic of Croatia and the Republic of Kosovo on Mutual Legal Assistance in Criminal Matters</p> <p>Signed on 11th of May 2012</p> <p>Entered into force on 22nd of November 2012</p>
HUNGARY	<p>Treaty between the former Yugoslavia (SFRJ) and the NR of Hungary on the Mutual Legal Traffic since 7 March 1968</p> <p>subsec. 12. and 34. of the Clause I. Decisions on the proclamation of bilateral international treaties where Republic of Croatia is a party on the basis of succession (with the Republic of Hungary) - "Official Gazette" – International treaties, No. 13/97</p> <p>(the Treaty text was published in SL SFRJ – Appendix: International and other treaties, No. 3/68 and SL SFRJ – International treaties No. 1/87)</p> <p>Treaty on the Amendments of the Treaty on the Mutual Legal Traffic, Belgrade, 7 March 1968, ratified on 25 April 1986</p> <p>"Official Gazette" – International treaties No. 13/97</p>

Memorandum on cooperation between the Ministry of Justice of the Republic of Croatia and the Ministry of Justice of the Republic of Hungary

Signed on 6th of July 2004, came into force on 6th of July 2004

Agreement on the Cooperation between the Directorate for the Penitentiary System of the Ministry of Justice of the Republic of Croatia and Penitentiary Service of the Ministry of Justice and Internal Affairs of the Republic of Hungary

Signed on 29th of March 2009

Annex to the Agreement on Cooperation

Signed on 21st and 24th of May 2010

MACEDONIA	<p>Treaty between the Republic of Croatia and the Republic of Macedonia on the Legal Assistance Concerning Civil and Criminal Matters, signed in Skopje on 2. September 1994</p> <p>The Treaty was published in "Official Gazette" – International treaties No.3/95</p> <p>The Treaty came into force on 29. May 1995. (Publication- Official Gazette/International treaties No. 1/97)</p> <p>Treaty between the Republic of Croatia and the Republic of Macedonia on the Mutual Implementation of the Court Decisions Concerning Criminal Matters, signed in Skopje on 2 September 1994</p> <p>The Treaty was published in "Official Gazette" – International treaties No. 8/95</p> <p>The Treaty came into force on 26 June 1995 (Publication-Official Gazette/International treaties No. 12/97)</p> <p>Protocol on Cooperation between the Ministry of Justice of the Republic of Croatia and the Ministry of Justice of the Republic of Macedonia</p> <p>Signed on 2nd of February 2006, came into force on 2nd of February 2006</p> <p>Memorandum on Conformity and Mutual Cooperation in Combating Against all Forms of Hard Crime between the State Attorney of the Republic of Croatia and Public Attorney of the Republic of Macedonia</p> <p>Signed on 13th of November 2007, came into force on 13th of November 2007</p> <p>Extradition Treaty between the Republic of Croatia and the Republic of Macedonia</p> <p>Signed in Zagreb on 31st of October 2011 – temporarily application since 31st of October 2011</p> <p>Extradition Treaty between the Republic of Croatia and the Republic of Macedonia</p> <p>Entered into force on 22nd of November 2012</p>
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MONGOLIA	<p>Treaty on Legal Assistance in Civil, Family and Criminal Matters from 8th of June 1981</p> <p>"Official Gazette" – International Treaties No. 7/82</p>
THE NETHERLANDS	<p>Treaty on the Issuing of Culprits since 28.02. (11.03) 1896.</p> <p>The Convention text was published in "Srpske novine", No. 275/1896. –</p> <p>general succession.</p>
	<p>Treaty on Judicial Hearing, Arbitration and Conciliation between the Kingdom of Yugoslavia and the Kingdom of the Netherlands</p> <p>Signed on 11th of March 1931, published in the "Official Gazette", No 85-xxxvii/1932</p> <p>The text has not been published but see: subsec. 3. of the Clause I. Decisions on the proclamation of bilateral international treaties where Republic of Croatia is a party on the basis of succession (and the Treaty with the Kingdom of the Netherlands) – Official Gazette-International treaties 4/02</p>
	<p>The Letter of Intention between the Ministry of Justice of the Republic of Croatia and the Ministry of Justice of the Netherlands Concerning Further Strengthening of the Capacity of the Croatian Ministry of Justice</p> <p>Signed on 7th of September 2009</p>
NEW ZEALAND	<p>Agreement on the Mutual Culprits Extradition since 6 December 1900</p> <p>subsec. 1. of the Clause I. Decisions on the proclamation of bilateral international treaties where Republic of Croatia is a party on the basis of succession (with New Zealand) - "Official Gazette" – International treaties, No. 4/02</p> <p>The exchange of Notes Concerning the Amendements of the Treaty on the Mutual Culprits Extradition since 6 December 1900 in relation to specific mandated territories since 7 December 1927, 27 August 1928 and since 22 October 1928</p> <p>subsec. 2. of the Clause I. Decisions on the proclamation of bilateral international treaties where Republic of Croatia is a party on the basis of succession – (and the Treaty with New Zealand) - "Official Gazette" – International treaties, No. 4/02</p> <p>(ratification in u "Zbirka ugovora Društva naroda", the volume lxxxiii, p. 490., Martens – II, xxix, p. 563)</p> <p>Convention on the Legal Assistance System Concerning Proceedings in Civil and Commercial Matters that have been or could be in course in front of the respective judicature since 27 February 1936</p> <p>subsec. 3. of the Clause I. Decisions on the proclamation of bilateral international treaties where Republic of Croatia is a party on the basis of succession (with New Zealand) - "Official Gazette" – International treaties, No. 4/02</p>

GERMANY	<p>Treaty on the Legal Assistance Concerning Criminal Matters since 1 October 1971 the Treaty text was published in "Službeni list", No. 33/72 – general succession</p> <p>The Agreement text was published in "Službeni list" – Appendix, No. 17/76 – general succession</p>
POLAND	<p>Treaty between the Government of FNRJ and the Government of the NR of Poland on the Legal Actions Concerning Civil and Criminal Matters, ratified in Warsaw on 6 February 1960</p> <p>subsec.10. of the Clause I. Decrees concerning the confirmation of the treaty on the succession of bilateral treaties between the government of the RH and the government of the Republic of Poland - "Official Gazette" – International treaties, No. 9/95</p>
ROMANIA	<p>Treaty on the Legal Assistance since 18. October 1960. the Treaty text was published in "Službeni list FNRJ" – Appendix, No. 8/61 – general succession</p> <p>The additional Protocol Concerning the Treaty on the Legal Assistance since 18 October 1960, ratified on 21 January 1972. the Treaty text was published in "Službeni list SFRJ" – Appendix, No. 4/73 – general succession</p> <p>Protocol on Cooperation between the Ministry of Justice of the Republic of Croatia and Ministry of Justice of Romania Signed in Bucharest on 2nd of July 2012 Entered into force on 21st of December 2012</p>
THE RUSSIAN FEDERATION	<p>Treaty between FNRJ and U.S.S.R. on the Legal Assistance Concerning Civil, Family and Criminal Matters, Moscow, 24 February 1962</p> <p>the Clause 6 Decisions...(with the Russian Federation) - "Official Gazette" – International treaties, No. 4/98</p> <p>The treaty was published u SL FNRJ – Appendix, No. 5/1963.</p>

THE USA	<p>The Convention on the Issuing of Culprits since 12/25 October 1901</p> <p>the Convention text was published in "Službene novine", No. 33/1902 – general succession</p> <p>The Letter of Agreement Concerning the Implementation of the Act between the Governments of the Republic of Croatia and the United States of America, signed in Zagreb on 19 September 2001.</p> <p>"Official Gazette" - International treaties, No. 15/01</p>
SLOVENIA	<p>Treaty between the Republic of Croatia and the Republic of Slovenia on the Legal Assistance Concerning Civil and Criminal Matters, Zagreb, 7 February 1994</p> <p>the Treaty text was published in "Official Gazette" – International treaties, No 3/94</p> <p>It came into force on 19.08.1995 (the Clause. 51 of the Ratification... – OG-International treaties 1/97)</p> <p>Treaty between the Republic of Croatia and the Republic of Slovenia on the Mutual Implementation of the Court Decisions Concerning Criminal Matters, Zagreb, 7 February 1994</p> <p>the Treaty text was published in "Official Gazette" – International treaties, No. 3/94</p> <p>It came into force on 19.08.1995. (the Clause. 46 of the Ratification ... - OG- International treaties 1/97)</p> <p>Treaty between the Republic of Croatia and the Republic of Slovenia on Extradition, Brdo near Kranj, 8 July 1994</p> <p>the Treaty text was published in "Official Gazette" – International treaties, No. 5/95</p> <p>It came into force on 10.04.1998. (Ratification...OG-International treaties 6/98 i 5/99)</p> <p>Treaty between the Governments of the Republic of Croatia and the Republic of Slovenia on the Acceptance of Persons on the Shared Frontier since 4 June 1993.</p> <p>the Treaty text was published in "Official Gazette" – International treaties, No. OG 6/94</p> <p>Memorandum on Cooperation between the Ministry of Justice of the Republic of Croatia and the Ministry of Justice of the Republic of Slovenia</p> <p>Signed on 15th of April 2005</p> <p>Agreement on cooperation between the Directorate for the Penitentiary System of the Ministry of Justice of the Republic of Croatia and the Directorate for Execution of Criminal Sanctions of the Ministry of Justice of the Republic of Slovenia</p> <p>Signed on 13th of April 2007</p> <p>Annex to the Agreement on Cooperation</p> <p>Signed on 20th of April 2011</p>

THE REPUBLIC OF SLOVAKIA	<p>Treaty on the Regulation of the Legal Relations Concerning Civil, Family and Criminal Matters between the former Yugoslavia (SFRJ) and the Czech Republic, Belgrade, 20 January 1964</p> <p>subsec. 10. of the Clause I. Decisions ... (with the Republic of Slovakia) "Official Gazette" – International treaties, No 11/97 (the Treaty text was published in SL SFRJ: Appendix – International and other treaties, No. 13/64)</p> <p>Treaty between SFRJ and the former Czech Republic (ČSSR) on the Mutual Convicts Extradition for the purpose of Serving a Term, Prague, 23 May 1989</p> <p>subsec. 23. of the Clause I. Decisions on the proclamation of bilateral international treaties where Republic of Croatia is a party on the basis of succession (with the Republic of Slovakia) - "Official Gazette" – International treaties, No. 11/97</p> <p>(the Treaty text was published in SL SFRJ – International treaties, No. 6/90)</p> <p>Memorandum on Cooperation between the Ministry of Justice of the Republic of Croatia and the Ministry of Justice of Slovakia</p> <p>Signed on 12th of November 2004, came into force on 12th of November 2004</p>
SERBIA	<p>Treaty between the Republic of Croatia and the Former Republic of Yugoslavia on the Legal Assistance Concerning Civil and Criminal Matters, signed in Belgrade, on 15 September 1997</p> <p>The Treaty text was published in "Official Gazette" – International treaties, No. 6/98</p> <p>It came into force on 28.05.1998. (Ratification ... OG-International treaties 8/98)</p>
	<p>Memorandum on Conformity in Implementing and Development of Mutual Cooperation Concerning Combat Against all Forms of Hard Crime concluded between the State Attorney of the Republic of Croatia and Republican Public Attorney and Attorney for War Crimes of the Republic of Serbia</p> <p>Signed on 5th of February 2005, came into force on 5th of February 2005</p>
	<p>Protocol on Cooperation between the Ministry of Justice of the Republic of Croatia and the Ministry of Justice of the Republic of Serbia</p> <p>Signed on 5th of December 2005, came into force on 5th of December 2005</p>

	<p>Agreement on Cooperation in Prosecuting Perpetrators of War Crimes, Crimes Against Humanity and Genocide</p> <p>Signed on 13th of October 2006, came into force on 13th of October 2006</p>
	<p>Treaty on Extradition between the Republic of Croatia and the Republic of Serbia</p> <p>Signed on 29th of June 2010, came into force on 29th of June 2010</p>
SPAIN	<p>Agreement between the Government of the former Yugoslavia (SFRJ) and the Government of the Kingdom of Spain on the Legal Assistance Concerning Criminal Matters and the Issuing of Culprits, Belgrade, 8 July 1980</p> <p>subsec. 3. of the Clause I. Decisions on the proclamation of bilateral international treaties where Republic of Croatia is a party on the basis of succession (with the Kingdom of Spain) - "Official Gazette" – International treaties, No. 13/97</p> <p>(the Treaty text was published in SL SFRJ – International treaties, No. 3/81)</p>
THE SWISS CONFEDERATION	<p>Convention with the Swiss Confederation on the Issuing of Culprits, Vienna, 28 November 1887</p> <p>subsec. of the Clause I. Decisions on the proclamation of bilateral international treaties where Republic of Croatia is a party on the basis of succession (with the Swiss Confederation) - "Official Gazette" – International treaties, No. 1/97</p> <p>(the Treaty text was published in the Official newspapers of the Kingdom of Serbia, No. 83/1888)</p>
TURKEY	<p>Convention between the former Yugoslavia (SFRJ) and the Republic of Turkey on the Legal Assistance Concerning Criminal Matters, Ankara, 8 October 1973</p> <p>subsec. 4 toč.I. Decisions ... (with Turkey) - "Official Gazette" – International treaties, No. 13/97</p> <p>(the Convention text was published in SL SFRJ – International treaties No. 12/76)</p> <p>Convention on Issuing between the former Yugoslavia (SFRJ) and the Republic of Turkey since 17 November 1973.</p> <p>(the Convention text was published in SL SFRJ – Appendix No. 47/75) – general succession</p>

Treaty between the Republic of Croatia and the Republic of Turkey on the Legal Assistance Concerning Civil and Commercial Matters, signed in Ancara on 10 February 1999

the Treaty was published in "Official Gazette" – International treaties, No. 15/2000

It came into force on 19.01.2003 (Ratification Official Gazette-International treaties 1/03)

Joint Declaration concerning Cooperation between the Ministry of Justice of the Republic of Turkey and the Ministry of Justice of the Republic of Croatia

Signed in Zagreb on the 8th of February 2013

THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND	<p>Convention between the Kingdom of Yugoslavia and Great Britain on the Mutual Assistance System Concerning Proceedings in Civil and Commercial Matters that are or could be in course in front of the respective judicature, London, 27 February 1936</p> <p>subsec. 3 of the Clause I. Decisions on the proclamation of bilateral international treaties where Republic of Croatia is a party on the basis of succession (with the United Kingdom and New Zealand) - "Official Gazette" – International treaties, No. 11/97, 4/02</p> <p>(the Convention text was published in the Official newspapers of the Kingdom of Yugoslavia, No. 16-xxv, since 26 May 1937. Collection of international treaties No. 10/1937)</p> <p>Treaty on the Mutual Culprits Extradition between the Kingdom of Serbia and Great Britain, Belgrade, 6 December 1900</p> <p>subsec. 1 of the Clause I. Decisions on the proclamation of bilateral international treaties where Republic of Croatia is a party on the basis of succession (and the Treaty with New Zealand) - "Official Gazette" – International treaties, No. 4/02</p> <p>(the Treaty text was published in the Official newspapers of the Kingdom of Serbia No. 35, since 13 February 1901)</p> <p>The exchange of the Notes on the Amendments of the Treaty on the Mutual Culprits Extradition since 6 December 1900., in relation to specific mandated territories since 7 December 1927, 27 August 1928, and 22 October 1928</p> <p>subsec. 2. of the Clause I. Decisions on the proclamation of bilateral international treaties where Republic of Croatia is a party on the basis of succession (and the Treaty with New Zealand) - "Official Gazette" – International treaties, No. 4/02</p> <p>(ratification in the Treaties Collection of the Society of Nations, volume lxxxiii, p. 490., Martens – II, xxix, p. 563)</p>
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ITALY

Italy does not have similar agreements as regards judicial cooperation in civil matters.

The bilateral agreements concluded by Italy with non-EU countries on judicial cooperation in criminal matters and which are currently in force, explicitly mentioning the use of videoconferencing, are as follows:

- 1) **Agreement between the Italian Republic and the Republic of Albania**, supplementing the European Convention on Extradition of 13 December 1957 and the European Convention on Mutual Assistance in Criminal Matters of 20 April 1959, and designed to facilitate their application, done at Tirana on 3 December 2007, the ratification of which was authorised by Law No 97 of 14 June 2011¹;

¹ Article VII Hearing by video conference. 1. If a person is in the territory of one Contracting Party and has to be heard as a witness or expert by the judicial authorities of the other Contracting Party, the latter may, where it is not desirable or possible for the person to be heard to appear in its territory in person, request that the hearing take place by video conference, as provided for in paragraphs 2 to 8. 2. The requested Party shall agree to the hearing by video conference provided that the use of the video conference is not contrary to its fundamental principles of law and on condition that it has the technical means to conduct the hearing remotely. If the requested Party does not have the technical means to carry out the video conference, they may be made available by the requesting Party by mutual agreement. 3. Applications for a hearing by video conference shall contain, in addition to the information referred to in Article 14 of the European Convention on Mutual Assistance, the reason why it is not desirable or possible for the witness or expert to attend, the name of the judicial authority and of the persons who will be conducting the hearing. 4. The judicial authority of the requested Party shall summon the person concerned to appear in accordance with the forms laid down by its law. 5. At the hearing by video conference the following rules shall apply: (a) a judicial authority of the requested Party shall be present during the hearing, where necessary assisted by an interpreter, and shall also be responsible for ensuring both the identification of the person to be heard and compliance with the fundamental principles of the law of the requested Party. If the judicial authority of the requested Party is of the view that during the hearing the fundamental principles of the law of the requested Party are being infringed, it shall immediately take the necessary measures to ensure that the hearing continues in accordance with the said principles; (b) measures for the protection of the person to be heard shall be agreed, where necessary, by the competent authorities of the requested Party; (c) the hearing shall be conducted directly by, or under the direction of, the judicial authority of the requesting Party in accordance with its own laws; (d) at the request of the requesting Party or the person to be heard, the requested Party shall ensure that the person to be heard is assisted by an interpreter, if necessary; (e) the person to be heard may exercise the right not to testify, provided for in the law of either the requested or the requesting Party. 6. Without prejudice to any measures agreed for the protection of the persons, the judicial authority of the requested Party shall on the conclusion of the hearing draw up minutes indicating the date and place of the hearing, the identity of the person heard, the identities and functions of all other persons in the requested Party participating in the hearing, any oaths taken and the technical conditions under which the hearing took place. This document shall be forwarded by the competent authority of the requested Party to the competent authority of the requesting Party. 7. The cost of establishing the video link, costs related to the servicing of the video link in the requested Party, the remuneration of interpreters provided by it and allowances to witnesses and experts and their travelling expenses in the requested Party shall be reimbursed by the requesting Party to the requested Party, unless the latter waives its entitlement to reimbursement, wholly or in part. 8. Each contracting Party shall take

- 2) **Bilateral agreement between Italy and Montenegro**, supplementing the European Convention on Mutual Assistance in Criminal Matters of 20 April 1959, designed to facilitate its application, done at Podgorica on 25 July 2013, the ratification of which was authorised by Law No 63 of 6 May 2015¹;

the necessary measures to ensure that its national law is applied where witnesses or experts are being heard within its territory in accordance with this Article and refuse to testify when under an obligation to testify or do not testify according to the truth, in the same way as if the hearing took place in a national procedure. 9. The provisions of this Article shall also apply to hearings of the defendants, and of the other actors and parties to the proceedings. In this case, the decision to hold the video conference, and the conditions under which it is conducted, shall be agreed by the contracting Parties, in accordance with their national law and the relevant international instruments, including the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms. The provisions set out in paragraphs 2 to 8 shall apply *mutatis mutandis*.

¹ Article 4. Examination by video conference

1. If a person is in the territory of the requested Party and has to be examined as a witness or expert by the competent authorities of the requesting Party, the latter may request that the examination take place by video conference, in accordance with the provisions of this Article, if it is not desirable or possible for the person to appear voluntarily in its territory.
2. Examination by video conference may also be requested for the purpose of questioning a person in respect of whom an investigation or criminal proceedings have been initiated, if that person consents and if the national legislation of each Party so permits. In that case, the defence counsel for the person under examination must be permitted to be present in the place where the person is or before the judicial authority of the requesting Party, with the defence counsel being allowed to communicate confidentially at a distance with his or her client.
3. Examination by video conference must always take place in cases where the person who has to be heard or questioned is detained in the territory of the requested Party.
4. The requested Party shall authorise the examination by video conference if it has the technical means to implement it.
5. Applications for examination by video conference must indicate, in addition to the information laid down in Article 14 of the European Convention, the reasons why it is undesirable or impossible that the free person to be heard or questioned should appear in person in the requesting State, and mention the competent authority and the individuals who will take the statement.
6. The competent authority of the requested Party shall summon the person to be examined in accordance with its legislation.
7. With reference to examination by video conference, the following provisions shall apply:
 - (a) the competent authorities of both States shall be present during the examination, assisted by an interpreter if necessary.

The competent authority of the requested Party shall provide for the identification of the person to be examined and ensure that the activity is conducted in accordance with its domestic legal system. When the competent authority of the requested Party considers that the fundamental principles of its legislation are not being respected in the course of the examination, it shall adopt immediately the necessary measures in order for the examination to take place in compliance with those principles;
 - (b) the competent authorities of both States shall agree on the measures to protect the person summoned for examination, if this is necessary;
 - (c) at the request of the requesting Party or of the person to be examined, the requested Party shall make provision for that person to be assisted by an interpreter, if necessary;
 - (d) the person summoned to make statements may refuse to do so when the legislation of the requested Party or of the requesting Party so permits.

- 3) **Treaty between the Government of the Italian Republic and the People's Republic of China** on Mutual Legal Assistance in Criminal Matters, done at Rome on 7 October 2010, the ratification of which was authorised by Law No 64 of 29 April 2015¹;
 - 4) **Treaty on Legal Assistance in Criminal Matters between the Government of the Italian Republic and the Government of the United Mexican States**, done at Rome on 28 July 2011, the ratification of which was authorised by Law No 90 of 15 June 2015²;
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8. Without prejudice to paragraph 7(b), the competent authority of the requested Party shall, on the conclusion of the examination, draw up minutes indicating the date and place of the examination, the identity of the person examined, the identity and qualifications of all other persons participating in the activity and the technical conditions under which the examination took place. The original copy of the minutes shall be forwarded without delay by the competent authority of the requested Party to the competent authority of the requesting Party, through the respective authority indicated in Article 15(1) of the European Convention.
9. The expenses incurred by the requested Party in carrying out the video conference shall be refunded by the requesting Party, unless the requested Party waives its entitlement to reimbursement, wholly or in part.
10. The requested Party may consent to the use of technologies for video conferencing also for purposes other than those specified in paragraphs 1 and 2 of this Article, including identification of persons and objects and comparisons.

¹ Article 5. Execution of requests. 1. The requested Party shall execute the request for assistance immediately, in accordance with its national legislation. 2. Where its national legislation so permits, the requested Party may execute the request for assistance according to the modalities laid down by the requesting Party. 3. The Parties may agree to use videoconferencing for taking evidence or statements in certain situations, insofar as is possible and permitted by the legislation of both Parties. 4. The requested Party shall endeavour to inform the requesting Party promptly of the outcome of the execution of the request. If the assistance requested cannot be provided, the requested Party must immediately notify the requesting Party of this fact, stating the reasons.

² Article 12. Appearance via video conference. 1. If a person is in the territory of the requested State and has to be heard as a witness or expert by the competent authorities of the requesting State, the latter may request that the hearing take place by video conference.

2. Appearance by video conference may also be requested for the purpose of questioning persons in respect of whom criminal proceedings have been initiated, in accordance with the legislation of the requested State. In this case, defence counsel may be present, either in the place where the person appearing is, or before the competent authority of the requesting State, in which case the defence counsel must be able to communicate confidentially at a distance with his or her client.

3. Appearance by video conference shall always be implemented in cases where the person who has to be heard or questioned is detained in the territory of the requested State, insofar as the requested State has the technical means to do so.

4. The costs incurred in carrying out the video conference shall be reimbursed by the requesting State to the requested State, unless the latter waives its entitlement to reimbursement, wholly or in part.

Article 13. Temporary transfer of detained persons. 1. When, for the purposes of Article 12, it is not possible to implement the video conference, the requested State, at the request of the requesting State, may temporarily transfer to the requesting State a person detained in its own territory, to enable the person to appear before a competent authority of the requesting State for the purpose of questioning or giving evidence or statements, or participating in other procedural acts, on the basis of a prior written agreement between the States concerning the transfer and the conditions under which it is to be carried out.

2. The temporary transfer of the person may be effected provided that:

(a) it does not interfere with criminal proceedings or investigations in progress in the requested State in which the person concerned is required to appear;

(b) the person transferred is kept in detention by the requesting State;

(c) the person detained consents, if he or she is to be questioned.

3. The period spent in detention in the requesting State shall be counted towards the sentence imposed in the requested State.

- 5) **Treaty between the United States of America and the Italian Republic** on Mutual Assistance in Criminal Matters, signed on 9 November 1982, done at Rome on 3 May 2006, the ratification of which was authorised by Law No 25 of 16 March 2009¹;

4. When, for the purpose of temporary transfer, it is intended that the person detained shall transit through the territory of a third State, the requesting State shall be responsible for submitting, where necessary, a transit request to this effect to the competent authorities of the third State and informing the requested State in good time of the outcome of the request, forwarding the related documentation to it.

5. The requesting State shall return the person transferred to the requested State as soon as the activity referred to in paragraph 1 of this Article has been completed, or at the end of a period specifically agreed on by the central authorities of the two States.

6. For the purposes of this Article, the provisions of Article 11(2) shall continue to apply.

¹ Article 18c. Videoconferencing

1. The use of technologies for video conferencing between the Italian Republic and the United States of America is permitted for the examination, in proceedings for which judicial assistance is available, of a witness or expert who is in the requested State. Where not specifically laid down in this Article, the modalities for such procedures shall be those prescribed elsewhere in this Treaty. 2. The requesting State and the requested State may consult each other with a view to resolving any legal, technical or logistical issues relating to the execution of the request.

3. Without prejudice to any jurisdiction under the law of the requesting State, making an intentionally false statement or other misconduct of the witness or expert during the course of the video conference shall be punishable in the requested State in the same manner as if it had been committed in the course of its domestic proceedings.

4. This Article is without prejudice to the use of other means for obtaining testimony in the requested State which are available under the Treaty or applicable law.

5. The requested State may consent to the use of technologies for video conferencing for purposes other than those referred to in paragraph 1, including the identification of persons or things or the taking of statements in the course of the investigation.

- 6) **Agreement between Italy and Switzerland** supplementing the European Convention on Mutual Assistance in Criminal Matters of 20 April 1959 and facilitating its application, done at Rome on 10 September 1998, the ratification of which was authorised by Law No 367 of 5 October 2001¹.

¹ **Art. VI Videoconferencing 1.** If a person is in the territory of the requested State and has to be heard as a witness or expert by the judicial authorities of the requesting State, the latter may, where it is not desirable or possible for the person to be heard to appear in its territory in person, request that the hearing take place by video conference, as provided for in paragraphs 2 to 8.

2. The requested State shall give its consent for the video conference if this does not conflict with the fundamental principles of its law and provided that it has available the technical means required for video conferencing. Should the requested State not have available the technical means to carry out the video conference, these may be provided to it by the requesting State, on the basis of an agreement.

3. Requests concerning videoconferencing shall contain, in addition to the data referred to in Article 14 of the Convention and Article XVI of this Agreement, a statement of the reasons why the presence of the witness, or expert or person in respect of whom criminal proceedings have been initiated, is not desired or not possible, and the name of the judicial authority and of the persons in respect of whom a video conference is requested.

4. The judicial authority of the requested State shall summon the person concerned to appear in accordance with the forms laid down by its legislation.

5. The following provisions shall apply to the witness(es) or expert(s) participating in the video conference: a judicial authority of the requested State shall be present during the video conference, where necessary assisted by an interpreter, and shall also be responsible for ensuring both the identification of the person to be heard and respect for the fundamental principles of the law of the requested State. If the judicial authority of the requested State judges that during the video conference the fundamental principles of the law of the requested State are infringed, it shall immediately take the necessary measures to ensure that the video conference continues in accordance with the said principles; measures for the protection of the person to be heard may be agreed between the competent authorities of the requesting and the requested States; the video conference shall be conducted directly by, or under the direction of, the judicial authority of the requesting State in accordance with its own laws; at the request of the requesting State the requested State shall ensure that the person to be heard is assisted by an interpreter, if necessary; the person to be heard may exercise the right not to answer, provided for in the law of either the requested or the requesting State.

6. Without prejudice to any measures agreed for the protection of persons, on the conclusion of the video conference, the judicial authority shall draw up minutes indicating the date and place, the identity of the witness, expert or person in respect of whom criminal proceedings have been initiated, the identities and functions of all other persons participating in the video conference, any oaths taken and the technical conditions under which the video conference took place. The judicial authority of the requested State shall also confirm that the activities were carried out without any influence or coercion being brought to bear on the person concerned. The minutes shall be forwarded by the competent authority of the requested State to the competent authority of the requesting State.

7. The cost of establishing the video link, costs related to the servicing of the video link in the requested State, the remuneration of any interpreters provided by it and allowances to experts and their travelling expenses in the requested State shall be reimbursed by the requesting State to the requested State, unless the latter waives its entitlement to reimbursement, wholly or in part. Each State shall take the necessary measures to ensure that its national law applies where witnesses or experts are being heard within its territory in accordance with this Article and refuse to testify when under an obligation to testify or do not testify according to the truth, in the same way as if the hearing took place in a national procedure. Videoconferencing may also be requested for a person in respect of whom criminal proceedings have been initiated, if it is not appropriate or possible for the person in question to appear in person in the territory of the requesting State. In this case, the video conference may only be carried out after the consent of the person in question has been obtained. The defence counsel must also be present, either in the place where the person in respect of whom criminal proceedings have been initiated is, or before the judicial authority of the requesting State, in which case the defence counsel may communicate confidentially with his or her client by means of the appropriate technical tools.

It should be noted that all the treaties negotiated recently by Italy with non-EU countries concerning judicial cooperation in criminal matters include provisions on the use of videoconferencing (in particular, those negotiated with the Republic of Ecuador, the Republic of Colombia, the United Arab Emirates, the Republic of the Philippines, the Republic of Kazakhstan, the Republic of Serbia and the former Yugoslav Republic of Macedonia); however, the ratification process for these agreements has not yet been completed and consequently they have not yet entered into force.

CYPRUS

In the area of mutual legal assistance Cyprus has a bilateral agreement with the USA which refers to videoconferencing in judicial proceedings (civil and criminal).

The bilateral agreement has been drafted by Instrument [as contemplated by Article 3(2) of the Agreement on Mutual Legal Assistance between the United States of America and the European Union signed on 25th June 2003] as to the application of the Treaty between the Government of the United States of America and the Government of the Republic of Cyprus on Mutual Legal Assistance in Criminal Matters signed on 20nd December 1999 (Rat. Law 7(III)/2008).

MALTA

Mutual Legal Assistance Treaties with the EU (Malta signed the treaty on 18 May 2006). This Treaty includes facilitating video testimony and mutual legal assistance between the USA and Malta.

Malta also signed the UN Convention against Corruption on 12 May 2005, which *inter alia*, provides for video conferencing and mutual legal assistance.

POLAND

Poland has a plenty of Mutual Legal Assistance agreements, but only in one we have special article relating to VC (with USA).

PORTUGAL

The agreement on legal and judicial cooperation between the Government of the Portuguese Republic and the Government of Cabo Verde, concluded in Praia, 2 December 2003. This agreement was approved by Resolution No. 6/2005 of the Assembly of the Republic and ratified by Decree No. 10/2005 of the President of the Republic, both published in the official journal, the *Diário da República*, on 15 February 2005 (Series I-A, No. 32) and applies both to civil and criminal matters.

ROMANIA

- Civil matters

The bilateral agreements concluded between Romania and third countries until 2005, do not contain specific provisions on using videoconference and teleconference. All treaties allow the obtaining of evidence, indirectly through the addressed court. Considering also the provisions of the Romanian legislation regarding the international judicial cooperation in civil and commercial matters (Law no. 189/2003), the Romanian judicial authority may consider upon request from another judicial authority, the use of a special procedure, on the condition it does not contravene the Romanian legislation.

- Criminal matters

The bilateral treaties concluded between Romania and third countries (such as Albania, Algeria, China, Cuba, Morocco etc.), do not contain specific provisions on using videoconference. As regards the other form of judicial cooperation, we mention that the legislation in force in criminal matters does not provide for the hearing of a person by means of teleconference.

In general, the requests addressed to third countries for international judicial cooperation regarding the hearing of persons through videoconference, are based on the provisions of treaties/ agreements concluded at international level (if these provisions are applicable for the relations between the two states, addressing state – addressed state) or on courtesy, ensuring the reciprocity.

SLOVAKIA

There is currently no bilateral contract relating to videoconferencing.

SWEDEN

Instrument as contemplated by Article 3(2) of the Agreement on Mutual Legal Assistance between the United States of America and the European Union signed 25 June 2003, as to application of the Treaty between the Government of the Kingdom of Sweden and the Government of the United States of America on Mutual Legal Assistance in Criminal Matters signed 17 December 2001.

THE UNITED KINGDOM

MLA Treaties signed since 2000

Algeria

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/238379/7922.pdf

Brazil

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/238237/8087.pdf

China

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/332387/42168_Cm_8911_Print_ONLY.PDF

Jordan

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/192197/treaty.pdf

Kazakhstan

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/489261/Kazakh_No.1_2016_Cm_9179_MLA_Web.pdf

Libya

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/243337/7549.pdf

Malaysia

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/238299/8013.pdf

Morocco

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/227153/8683.pdf

Philippines

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/236030/8398.pdf

UAE

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/243197/7185.pdf
