



Request for judicial assistance

A judge or prosecutor of one EU country can request judicial assistance from their counterpart in another EU country.

Mutual legal assistance

The first European instrument to regulate such requests was the [1959 Council of Europe Convention](#) and its [1978 Protocol](#) and was followed by the [1990 Convention](#). In 2000, European Union Member States signed a [Convention on Mutual Assistance in Criminal Matters](#) to supplement and facilitate the application of those conventions. The 2000 Convention was reinforced in 2001 by a Protocol which focuses on mutual legal assistance concerning information on bank accounts or banking transactions.

Under the 2000 Convention, mutual assistance is given in connection with:

- criminal proceedings,
- proceedings brought by the administrative authorities when the decision may give rise to proceedings before a court having jurisdiction in criminal matters,
- proceedings relating to offences or infringements for which a legal person (a company or body, not a "person") may be held liable in the requesting Member State.

Cooperation may be through spontaneous exchange of information or following a Member State request. The general rule is that requests should be made directly between judicial authorities with territorial competence for initiating and executing them and should return through the same channels. The requested Member State has to comply with the formalities and procedures expressly indicated by the requesting Member State. To facilitate closer cooperation between law enforcement authorities, judicial authorities and other competent authorities, the 2000 Convention provides for technology-based tools such as video-conferencing, teleconferencing and interception of telecommunications.

Mutual recognition

Since 2001, Member States have also been cooperating increasingly through instruments applying the principle of mutual recognition. Mutual recognition means that the judicial authorities (courts, judges, prosecutors) of one Member State will recognise decisions of judicial authorities in another Member State as being equivalent to those taken in its own Member State. More information on these instruments is to be found in the following subpages:

- the [European Evidence Warrant](#),
- [freezing of assets and evidence](#),
- [confiscation orders](#),
- exchange of information on [convictions/criminal records](#).

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