

▪ *Legal basis of the request*

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It is useful to point out, as early as possible in the MLA request, on which legal basis (general or specific) it is done. It may take the following form: “Referring to Article .... of (f. ex.) the European Convention on Mutual Assistance in Criminal Matters (Strasbourg, 20 April 1959)....”. In addition to the Convention, an explicit reference of any relevant co-operation treaties based on reciprocity should be made, including relevant UN Conventions and/or bilateral treaties. This indication should contribute to the proper execution of the request and avoid misunderstandings by the requested authority.

It is important to note that the general rule mentioned above is limited by 2 exceptions which were taken into account to justify the inclusion of this information on a regular basis:

- When the request is based on a CoE legal instrument covering specific types of crimes, the corresponding legal basis shall be indicated. In particular, when the Money Laundering Convention of 1990 applies, the text of the statutory provisions the requesting authority relies upon shall be indicated in so far as coercive action is requested (art. 27 para. 1 letter d of the Convention cited).