

RESOLUTION (71) 43

(Adopted by the Ministers' Deputies on 14 December 1971)

**ON THE PRACTICAL APPLICATION OF THE EUROPEAN CONVENTION
ON MUTUAL ASSISTANCE IN CRIMINAL MATTERS**

The Committee of Ministers,

Having regard to the provisions of the European Convention on Mutual Assistance in Criminal Matters, opened for signature in Strasbourg on 20 April 1959;

Desirous of facilitating the efficient functioning of the system of mutual assistance provided for in this Convention,

Recommends :

1. that the governments of member States not yet Contracting Parties to the Convention ratify it as soon as possible with a view to extending the system of mutual assistance;

2. that the following principles should be observed in the practical application of the Convention :

(a) Each summons of an expert or a witness should indicate the fact that his expenses will be refunded;

(b) Any period of custody to which a person has been subjected by application of Article 11 should, where possible, be deducted from the period of imprisonment which he is to serve, either by the judge when rendering judgment or by the administration responsible for the enforcement of sanctions or by any other competent authority;

(c) The words "in the case of urgency" in Article 15 (2) should not be interpreted restrictively, so that assistance between States may be speeded up and rendered more effective;

(d) A Contracting State refusing mutual assistance shall give reasons for its decision sufficient to show why it considers the request as falling outside the scope of the Convention.