

COUNCIL OF EUROPE

COMMITTEE OF MINISTERS

RECOMMENDATION No. R (80) 8

OF THE COMMITTEE OF MINISTERS TO MEMBER STATES CONCERNING THE PRACTICAL APPLICATION OF THE EUROPEAN CONVENTION ON MUTUAL ASSISTANCE IN CRIMINAL MATTERS

*(Adopted by the Committee of Ministers on 27 June 1980
at the 321st meeting of the Ministers' Deputies)*

The Committee of Ministers, under the terms of Article 15.b of the Statute of the Council of Europe,

Recalling Resolutions (71) 43 and (77) 36 on the practical application of the European Convention on Mutual Assistance in Criminal Matters ;

Desirous of extending and further facilitating the application of this convention, which was opened for signature on 20 April 1959 and entered into force on 12 June 1962,

I. Recommends the governments of member states :

1. if they are not yet Contracting Parties to the convention, to ratify it as soon as possible ;
2. if they are Contracting Parties to the convention, to be guided in its practical application by the following principles :

Concerning compliance with a request for assistance

In complying with a request for assistance, the competent authority of the requested state should be guided by the principles contained in Article 6 of the European Convention on Human Rights.

In particular, it should comply with a request for assistance as rapidly as possible. Where the requested authority finds that an exceptional length of time is necessary to comply with the request, it should so inform the requesting authority, if possible by indicating at the same time the approximate date on which the reply can be expected.

Concerning the execution of letters rogatory (Article 4 of the convention)

When applying Article 4 of the convention and subject to its domestic law, the competent authority of the requested state should make generous use of its discretion to allow officials of the requesting state and interested persons to be present at the execution of letters rogatory and to co-operate in these proceedings as actively as possible ;

II. Instructs the Secretary General of the Council of Europe to transmit this recommendation to the governments of those Contracting States which are not members of the Council of Europe.