

SPAIN – national procedures for mutual legal assistance in criminal
matters
Updated 12/05/2015

The information contained in this table should be updated on a yearly basis.

The Central Authority (name of the institution, address, telephone, fax and e-mail where available) responsible for mutual legal assistance:	The Central Authority responsible for receiving and transmitting the requests is: Ministerio de Justicia Subdirección General de Cooperación Jurídica Internacional C/ San Bernardo, 62 Tel.: 00 34 91.390.44.11 Fax: 00 34 91 390.44.57 E mail: paula.monge@mjusticia.es When, in case of urgency, the request should be sent directly between the judiciary authorities of the requesting and requested states, a copy of the request should also be sent, at the same time, to the Spanish Ministry of Justice.
If different from the Central Authority, the authority to which the request should be sent (name of the institution, address, telephone, fax and e-mail where available):	
Channels of communication for the request for mutual legal assistance (directly, through diplomatic channels or other):	The Central Authority responsible for receiving and transmitting the requests is: Ministerio de Justicia Subdirección General de Cooperación Jurídica Internacional. When, in case of urgency, the request should be sent directly between the judiciary authorities of the requesting and requested states, a copy of the request should also be sent, at the same time, to the Spanish Ministry of Justice.
Means of communication (e.g. by post, fax, e-mail ¹):	The competent authorities of Spain shall commence the execution of a request sent by fax or other means of electronic communication in case of urgency, provided the requesting authority subsequently submits the original of the request by the official means. Incoming or outgoing requests can also be transmitted through INTERPOL only in urgent cases.
Language requirements:	In accordance with Article 16, paragraph 2, Spain reserves the right to require that requests and annexed documents be addressed to it accompanied by a duly authenticated translation into Spanish.
Double criminality requirement, if	The execution of requests for search or seizure of property in Spain is subject to the following conditions: a. that the offence motivating the letters rogatory is punishable under Spanish law; b. that the offence motivating the letters rogatory is an extraditable offence under

¹ Please indicate if encryption or electronic signature is required.

applicable:	Spanish law; c. that execution of the letters rogatory is consistent with Spanish law.
Limitation of use of evidence obtained:	The evidence obtained as a result of the letters rogatory cannot be used, without consent of executing authority of Spain, for any other purpose/proceedings than specified in the request
Other particularly relevant information (e.g. documentation required for special types of assistance):	<p>The request for a legal assistance shall contain a precise description of the required assistance, a description of the facts of the offence which provides the basis for the request, the legal denomination of the offence together with the pertinent legal provisions, the personal data of the accused or, as the case may be, of the victim or the witnesses if their examination is requested, as well as further details required for the proper execution of the requested legal assistance.</p> <p>The request shall also contain the details of the requesting authority, the file number, the date of the request and it shall bear the signature of the responsible officer and applicable seal of the requesting authority.</p> <p>As said above the original request, dully signed, shall be accompanied by a translation into Spanish</p> <p>In general terms, there is no time limit for executing the requests. However, specifications of urgency or confidentiality in the request will always be respected.</p> <p>Nevertheless, for the purpose of Article 7 (3) of the Convention, the service of summons on an accused person who is in the territory of Spain shall be transmitted to the respective Spanish authorities at least 30 days before the date set for appearance.</p>
Links to national legislation, national guides on procedure:	The web page of the Ministry of Justice (www.mjusticia.es) has relevant information on international cooperation
Parties to the Second Additional Protocol: Link to database with contact details of competent authorities for the purpose of direct transmission of MLA requests	