

BELGIUM – national procedures for mutual legal assistance in criminal matters

Updated 18/05/2015

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

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| <p>The Central Authority (name of the institution, address, telephone, fax and e-mail where available) responsible for mutual legal assistance:</p> | <p>Federal Public Service Justice</p> <p>Directorate General Legislation, Fundamental Rights and Freedoms</p> <p>Central Authority International Cooperation in Criminal Matters</p> <p>115, Boulevard de Waterloo</p> <p>1000 Brussels – Belgium</p> <p>Central e-mail: centralauthority_iccm@just.fgov.be</p> <p>Central Fax number: +32 2 542 71 95</p> |
| <p>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):</p> | <p>In accordance with the 2nd Additional Protocol or in urgent cases in accordance with the 1959 Convention all MLA-requests outside the EU-realm should be transmitted directly to the competent judicial authority.</p> <p>A list of the first instance prosecutor’s offices is available on the EJN-Atlas website:</p> <p>http://www.ejn-crimjust.europa.eu/ejn/.</p> <p>The Central Authority is always available to determine the correct judicial authority.</p> <p>In case no specific location is determined, the matter involves more than one location / judicial authority or the matter is related to organised crime or terrorism or requires special investigative techniques (surveillance including electronic surveillance, undercover operations and controlled deliveries) the request can be transmitted to the Federal Prosecutors Office.</p> <p>Federal Prosecutor's Office</p> <p>Wolstraat 66, bus 1</p> |

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| | <p>1000 Bruxelles</p> <p>Tel. (+32) 2-557 77 11</p> <p>Fax. (+32) 2-557 77 90 or 77 91</p> <p>E-mail parquet.federal@just.fgov.be</p> <p>Important remark:</p> <p>Since April 2014, the so-called (Belgian) judicial landscape is reshaped. The pre-existing 27 first instance courts and prosecutor's offices have been regrouped into divisions of 12 courts and prosecutor's offices with a larger territorial competence. These 12 - with exceptions for Brussels, the new prosecutor's office for Halle-Vilvoorde and for Eupen in the German Speaking Community - cover the provinces of Belgium.</p> <p>The five Circuits, covering 2 provinces, each with a Court of Appeal and General Prosecutor's office remain. The single Supreme Court and the Federal Prosecutor's Office with national and specific competences remain as they were.</p> <p>This reshaping also includes clustering certain competences in one single divisional prosecutor's office. Within each province, one single prosecutor's office and court will be competent for a certain type of cases. The assigned prosecutors will also continue the matter before the Court of Appeal.</p> <p>For example, The Prosecutor General's Office for Antwerp covers the provinces of Antwerp and Limbourg. The Prosecutor for Antwerp covers two divisions: Antwerp and Turnhout. The latter is now exclusively competent for incoming extraditions, EAWs and certain types of MLA.</p> <p>Since the implementation of the new landscape is still ongoing, the exact clustering of competences, esp. regarding international cooperation in criminal matters and in particular with respect to MLA is still not clear throughout the country. For the time being, requesting states are advised to contact the central authority before transmitting MLA-request directly to a prosecutor's office until further notice. The information on the EJN-website is not yet updated.</p> |
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| Channels of communication for the | MLA-requests are normally sent directly between central |

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| request for mutual legal assistance (directly, through diplomatic channels or other): | authorities, unless the direct transmission between judicial authorities applies as indicated above. |
| Means of communication (e.g. by post, fax, e-mail ¹): | <p>The formal transmission of MLA-requests requires, in principle, a transmission by post.</p> <p>The use of e-mail is encouraged, esp. for urgent matters, drafts (advanced copies) and all communication during and / or after the (partial) execution of MLA-requests.</p> |
| Language requirements: | Belgium requires a French or a Dutch translation of the request. |
| Double criminality requirement, if applicable: | Double criminality is a requirement only if coercive measures are requested. |
| Limitation of use of evidence obtained: | <p>As a principle, the evidence obtained through MLA can only be used by the requesting State for the purpose of the request: as evidence in the investigation, prosecution and trial re. the offences indicated in the request (in rem).</p> <p>Exceptions to this limitation, including the (re-)transmission of the obtained evidence to a third State, can be obtained on the basis of a motivated request thereto.</p> |
| Other particularly relevant information (e.g. documentation required for special types of assistance): | <p>Other than the requirements of the applicable instrument(s), additional information may be required depending on the characteristics of the case and / or the requested assistance.</p> <p>Prior consultation with either the Central Authority or the competent judicial authority (and the police service involved) is a must in complex and / or sensitive cases.</p> |

¹ Please indicate if encryption or electronic signature is required.

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| Links to national legislation, national guides on procedure: | www.just.fgov.be |
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| Parties to the Second Additional Protocol: Link to database with contact details of competent authorities for the purpose of direct transmission of MLA requests | http://www.ejn-crimjust.europa.eu/ejn/ |