

Germany – national procedures for mutual legal assistance in criminal matters

Updated 30.01.2025

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

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| The Central Authority (name of the institution, address, telephone, fax and e-mail where available) responsible for mutual legal assistance:                              | Federal Office of Justice<br>Section III 1<br>Adenauerallee 99 – 103<br>D-53113 Bonn<br>Tel. 0049 / 228 / 99410 – 40<br>Fax 0049 / 228 / 99410 - 5591   |
| 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):   | In general, see Article 15 of the CoE Convention on Mutual Assistance in Criminal Matters However, there is place for bilateral agreements. For detailed provisions relating to specific countries please refer to the information in the country section of the Guidelines on Relations with Foreign Countries in Criminal Law Matters:<br><br><a href="http://www.bmj.de/DE/Service/StatistikenFachinformationenPublikationen/Fachinformationen/RiVAST/_node.html">http://www.bmj.de/DE/Service/StatistikenFachinformationenPublikationen/Fachinformationen/RiVAST/_node.html</a> |
| Means of communication (e.g. by post, fax, e-mail <sup>1)</sup> ):  | By postal service, as a general rule. In practice, advance transmission by fax is regularly accepted if there are no doubts regarding authenticity; this is also true for advance transmission by e-mail, which occurs occasionally.  |
| Language requirements:  | All requests for mutual legal assistance and annexed documents should be translated into German. However, Germany also accepts documents in English or French on the basis of reciprocity. For details and also for country-specific arrangements on account of bilateral agreements  |

<sup>1</sup> Please indicate if encryption or electronic signature is required.

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|  | <p>please refer to the information in the country section of the Guidelines on Relations with Foreign Countries in Criminal Law</p> <p>Matters:<br/> <a href="http://www.bmj.de/DE/Service/StatistikenFachinformationenPublikationen/Fachinformationen/RiVAST/_node.html">http://www.bmj.de/DE/Service/StatistikenFachinformationenPublikationen/Fachinformationen/RiVAST/_node.html</a>.</p>                                |
| Double criminality requirement, if applicable:   | <p>Search and seizure of property are subject to the requirement of double criminality (see the German reservation to Article 5 of the CoE Convention on Mutual Legal Assistance). In principle, the execution of all requests that require coercive measures or that are conducted without the knowledge of the defendant (e.g. surveillance of telecommunication) is subject to the requirement of double criminality.</p> |
| Limitation of use of evidence obtained:  | <p>Restrictions on use of evidence may be required in particular cases.</p>  |
| Other particularly relevant information (e.g. documentation required for special types of assistance):   |  |
| Links to national legislation, national guides on procedure:   | <p>German legislation is available under <a href="http://www.gesetze-im-internet.de/">http://www.gesetze-im-internet.de/</a> There is also a selection of translated statutes and ordinances. <a href="http://www.gesetze-im-internet.de/Teilliste_translations.html">http://www.gesetze-im-internet.de/Teilliste_translations.html</a></p>  |
| Parties to the Second Additional Protocol: Link to database with contact details of competent authorities for the purpose of direct transmission of MLA requests | <p>The contact details can be found in the Atlas of the European Judicial Network. <a href="http://www.ejn-crimjust.europa.eu/ejn/">http://www.ejn-crimjust.europa.eu/ejn/</a></p>   |