

ITALY

National Procedures for Mutual Assistance in Criminal Matters

Updated on 03/05/2021

The Central Authority responsible for MLA	Ministero della Giustizia (Ministry of Justice) – Direzione Generale degli Affari Internazionali e della Cooperazione Giudiziaria (Directorate General of International Affairs and Judicial Cooperation) - Ufficio I (Office 1), via Arenula 70 (Arenula street 70) – 00186 Roma Phone: +39 06 68852180 Fax: +39 06 68897528 E-mail: cooperation.dginternazionale.dag@giustizia.it
If different from the Central Authority, the authority to which the request should be sent:	Directly between Central Authorities. However, diplomatic channels are not excluded. Direct communication between judicial authorities involved is also allowed, but only in urgent cases, according to article 15, paragraph 2, of the European Convention on Mutual Assistance in criminal matters, signed in Strasbourg on 20.4.1959; in these cases – according to article 15, paragraph 6, of the Convention – the Minister of Justice must be informed. In any case, we suggest to ask the advice of the national experts listed in the list of official, as well as the contact points of the European Judicial Network and refer to the relevant tools, like Atlas, Fiches Belges, etc.
Channels of communication for the request of MLA: (through diplomatic channels or other): In case of urgency (Art 15.2) direct transmission (link to contact details of competent authorities) or other	See above.
Means of communication (eg. by post, fax, e-mail ¹):	By post. However, requests and other communications via fax and e-mail are also accepted by the Central Authority, provided that the competent judicial authority (to whom the request is sent) does not object. Encryption and/or electronic signature is not required.
Language requirements:	Languages accepted are Italian, English and French. Other languages are also accepted, if provided for by bilateral agreements.

¹ Please indicate if encryption or electronic signature is required.

Double criminality requirement, if applicable:	No, double criminality requirement does not apply to incoming requests.
Limitation of use of evidence obtained:	No limitations for incoming requests apply. For outgoing requests Italy accepts that foreign national laws provide for limitation in the use of obtained evidence, usually allowing this use only in the specific case which originated the request.
Other relevant information: (e.g. documentation required for special types of assistance)	From 1 st December 2019 the 2nd Additional Protocol entered into force also in Italy, which, therefore, executes also the requests for videoconferences and the other relevant measures.
Links to national legislation, national guides on procedure:	In order to have information on national legislation, we suggest to ask the advice of the national experts listed in the list of official, as well as the contact points of the European Judicial Network.
Parties to the Second Additional Protocol: Channels of communication for <u>direct transmission requests</u> (Link to database with contact details of competent authorities for the purpose of direct transmission of MLA requests)	Art. 4 of the 2nd Additional Protocol provides for direct communication between judicial authorities (see new art. 15, paragraph 1, of the Convention); it also states that in urgent cases, where direct transmission is permitted under the Convention, it may take place through the International Criminal Police Organisation (see new art. 15, paragraph 7, of the Convention). Information about national legislation and procedures can be gathered by asking the advice of the national experts listed in the list of official, as well as the contact points of the European Judicial Network, and also referring to the relevant tools, like Atlas, Fiches Belges, etc.