

The attached draft text was shared by the UK negotiating team with the Task Force for Relations with the United Kingdom as a draft negotiating document, that is, to be shared among negotiating teams only, in line with the provisions of the Terms of Reference.

The text is now being made public.

**DRAFT WORKING TEXT FOR AN AGREEMENT ON LAW ENFORCEMENT AND
JUDICIAL COOPERATION IN CRIMINAL MATTERS**

Disclaimer:

The UK proposes the following legal text to form the basis for discussions with the EU on an agreement on law enforcement and judicial cooperation in criminal matters. In putting forward this proposal, the UK reserves the right to amend, supplement or withdraw proposals in the light of negotiations and the proposals put forward by the EU. The general and final provisions in this text, including appropriate exemptions may require further adjustment or amendment in light of the negotiations.

The UK has taken account of relevant international precedents, including the EU's own agreements with other third countries, in developing this text.

The UK recalls that it acts in these negotiations on behalf of all the territories for whose international relations it is responsible and in negotiating this draft agreement the UK Government will seek outcomes which support the territories' security and economic interests, reflecting their unique characteristics. The UK reserves its position on the application of these principles to the draft text.

This draft text is being shared by the UK negotiating team with the Task Force for Relations with the United Kingdom as a draft negotiating document. As agreed in the Terms of Reference, the receiving party should not share this material outside of negotiating teams without the consent of the sending party.

Agreement between the United Kingdom of Great Britain and Northern Ireland, of the one part, and the European Union, of the other part, on cooperation in relation to the prevention, investigation, detection or prosecution of criminal offences and the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security

THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND (hereinafter referred to as “the United Kingdom”),

OF THE ONE PART,

AND THE EUROPEAN UNION, (hereinafter referred to as “the Union”),

OF THE OTHER PART

(hereinafter each referred to as a “Party”),

RECOGNISING that at 23.00 GMT on 31 January 2020 the United Kingdom ceased to be a Member State of the Union;

WHEREAS continued cooperation between the United Kingdom and the Union relating to the prevention, investigation, detection or prosecution of criminal offences and the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security will enable the security of the United Kingdom and the Union to be strengthened and it is desirable that an agreement should be concluded between the United Kingdom and the Union providing a legal base for such cooperation;

WHEREAS it is necessary, in order to enable cooperation between the United Kingdom and the Union in the fields covered by this Agreement, to establish a joint committee;

REAFFIRMING the respect of the United Kingdom and the Union for human rights and fundamental freedoms, for example as laid down in the Universal Declaration of Human Rights proclaimed in Paris on 10 December 1948 and for the principles of democracy and the rule of law;

WHEREAS this Agreement does not restrict the decision-making autonomy or treaty-making power of the United Kingdom or of the Union, subject to the provisions of this Agreement and the limitations set by public international law;

WHEREAS it is appropriate for either Party to be able to suspend or terminate cooperation under all or any part of this Agreement, including where one Party has concerns about the other party’s level of protection of human rights, fundamental freedoms, democracy, or the rule of law,

HAVE AGREED the following:

PART 1

GENERAL DEFINITIONS AND INITIAL PROVISIONS

ARTICLE INTRO 1

Definitions of general application

In this Agreement:

"information" means personal data and non-personal data;

"Joint Committee" means the Committee established under Part 13;

"judicial authority" means an authority that is a judicial authority under national law;

"Member State" means a Member State of the European Union;

"personal data" means any information relating to an identified or identifiable natural person, an identifiable person being a person who can be identified, directly or indirectly, in particular, but not limited to, an identifier such as a name, an identification number, location data or an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that person;

"processing of personal data" means any operation or set of operations which is performed upon personal data, whether or not by automatic means, such as collection, recording, organisation, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, blocking, erasure or destruction;

"relevant State" means:

(a) for the United Kingdom, a Member State;

(b) for a Member State, the United Kingdom;

"third state" means any state other than the United Kingdom or a Member State;

"transition period" means the transition period provided for in Part 4 of the Agreement on the Withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community which entered into force at 23.00 GMT on 31 January 2020.

ARTICLE INTRO 2

Competent authorities and central authorities

1. The United Kingdom and the Union (in respect of each Member State) shall notify the Joint Committee of the authority or authorities which are, under national law, competent for the purposes of this Agreement. Notification shall also be given of the authority or authorities which are, under national law, to act as the central authority for the purposes of this Agreement. Different authorities may be notified for the purpose of different Parts of this Agreement.
2. The United Kingdom and the Union may amend the notification given under paragraph 1 at any time.

ARTICLE INTRO 3

Purpose and scope

1. The purpose of this Agreement is to provide for cooperation between the United Kingdom and the Union in relation to the prevention, investigation, detection or prosecution of criminal offences and the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security. This Agreement does not apply to cooperation between the Member States.
2. This Agreement creates reciprocal rights and obligations in accordance with the procedures set out herein.

PART 2

CRIMINAL RECORDS

ARTICLE CRIMINAL RECORDS 1

Objective of Part 2

1. The purpose of this Part is:
 - (a) to supplement and facilitate the application between the United Kingdom and the Member States of Article 13 of the 1959 Convention and its Additional Protocols of 17 March 1978 and 8 November 2001; and
 - (b) to replace, in relations between the United Kingdom and the Member States, Article 22 of the 1959 Convention, as supplemented by Article 4 of its Additional Protocol of 17 March 1978.
2. For the purposes of this Part, the United Kingdom and the Member States shall waive the right to rely among themselves on their reservations to Article 13 of the 1959 Convention.
3. This Part does not relate to the provision of mutual legal assistance on matters that do not relate to the exchange of information from the national register or registers recording convictions (see Part 9).

ARTICLE CRIMINAL RECORDS 2

Definitions

In this Part:

“the 1959 Convention” means the European Convention on Mutual Assistance in Criminal Matters of 20 April 1959;

“conviction” means the final decision of a criminal court against a natural person in respect of a criminal offence entered in the criminal record;

“criminal proceedings” means the pre-trial stage, the trial stage itself and the execution of the conviction;

“criminal record” means the national register or registers recording convictions in accordance with national law.

ARTICLE CRIMINAL RECORDS 3

Central authorities

The central authorities of the United Kingdom and the Member States shall be competent for the exchange of information from the criminal record under this Part.

ARTICLE CRIMINAL RECORDS 4

Notification of convictions

1. The central authorities of the United Kingdom and the Member States shall inform the central authority of the relevant State of all convictions handed down within their respective territories and entered in the criminal record in respect of the nationals of the relevant State at least once per month.
2. If the convicted person is a national of more than one Member State, the central authority of the United Kingdom shall inform the central authority of each of those Member States of the conviction in accordance with paragraph 1.
3. The central authorities of the United Kingdom and the Member States shall inform the central authority of the relevant State of any subsequent modification or deletion in respect of the conviction notified under paragraph 1 as soon as possible.
4. The central authorities shall ensure that notifications under paragraph 1 contain the following information:
 - (a) the name, previous names, date and place of birth, gender and nationality of the convicted person;

- (b) information on the conviction, including the date of conviction, name of the court, the date on which the decision became final, sentence, any supplementary penalties, security measures and subsequent decisions modifying the enforcement of the sentence;
 - (c) information on the offence, including the date of the offence, name or legal classification of the offence and the applicable legal provisions.
5. The central authorities may provide any additional information entered in the criminal record under paragraph 1.
 6. The central authorities of the United Kingdom and the Member States shall refer to the relevant code in Annex CRIMINAL RECORDS 1 when providing information from their criminal record under paragraph 1 in respect of the content of the conviction.
 7. The central authorities of the United Kingdom and the Member States shall provide to the central authority of the relevant State a copy of the convictions and subsequent measures notified under paragraphs 1 and 2 as well as any other information relevant thereto, when requested by the relevant State in individual cases, in order to enable it to consider whether they necessitate any measures at national level.

ARTICLE CRIMINAL RECORDS 5

Requests for information from the criminal record

1. The central authorities of the United Kingdom and the Member States shall submit requests under Article 13 of the 1959 Convention to the central authority of the relevant State.
2. The central authorities of the United Kingdom and the Member States may request information from the criminal record of the relevant State:
 - (a) for any purposes other than that of criminal proceedings; and
 - (b) for the purposes of responding to a request from a national of the requested State for information on that national's convictions;by submitting a request to the central authority of the relevant State.
3. Requests under paragraphs 1 and 2 shall be made using the form set out in Annex CRIMINAL RECORDS 2 in the official language or one of the official languages of the requested State.

ARTICLE CRIMINAL RECORDS 6

Replies to requests

DRAFT UK NEGOTIATING DOCUMENT – NOT FOR TRANSMISSION OUTSIDE OF
NEGOTIATING TEAMS

1. The central authorities of the United Kingdom and the Member States shall provide to the requesting central authority all convictions entered in the criminal record in respect of the relevant person within ten working days when replying to requests under Article 13 of the 1959 Convention.
2. The central authorities of the United Kingdom and the Member States shall provide to the requesting central authority all convictions entered in the criminal record in respect of the relevant person, in accordance with its national law, within ten working days when replying to requests under Article CRIMINAL RECORDS 5.2.
3. Notwithstanding paragraph 2, national law of the United Kingdom and the Member States shall not prevent the provision of information from the criminal record when replying to requests made for the purposes of recruitment for professional or other activities involving frequent, direct contact with children or vulnerable adults.
4. Replies to requests under paragraphs 1 and 2 shall be made using the form set out in Annex CRIMINAL RECORDS 2 in one of the official languages of the requested State.
5. The United Kingdom and the Union (in respect of the Member States) shall notify the Joint Committee of the language(s) which, in addition to the official language(s) of the requested State concerned, may be used for replying to requests under this Part.
6. The central authorities of the United Kingdom and the Member States shall refer to the relevant code in Annex CRIMINAL RECORDS 1 when providing information from their criminal record under paragraphs 1 and 2 in respect of the content of the conviction.

ARTICLE CRIMINAL RECORDS 7

Channel of communication

1. For the purposes of this Part, the Union shall provide the United Kingdom access to the information technology system known as European Criminal Records Information System (ECRIS) established under Article 3(1) of Council Decision 2009/316/JHA of 6 April 2009 on the establishment of the European Criminal Records Information System (ECRIS) in application of Article 11 of Framework Decision 2009/315/JHA.
2. The central authorities of the United Kingdom and the Member States shall provide information from the criminal record under Articles CRIMINAL RECORDS 4 and 6 and submit requests under Article CRIMINAL RECORDS 5 using ECRIS.

PART 3

PASSENGER NAME RECORD DATA

ARTICLE PNR 1

Objective of Part 3

This Part sets out the conditions for the transfer and processing of Passenger Name Record (“PNR”) data between the United Kingdom and the Union to ensure the security and safety of the public and prescribes the means by which the data is protected.

ARTICLE PNR 2

Definitions for Part 3

In this Part:

“carrier” means:

- (a) the owner or agent of a ship or aircraft transporting or intending to transport passengers between the United Kingdom and the Union;
- (b) the person or agent operating or intending to operate any train for the carriage of passengers between the United Kingdom and the Union;

“Passenger Name Record data” (“PNR data”) means the records created by a carrier for each journey booked by or on behalf of any passenger, necessary for the processing and control of reservations, whether it is contained in the carrier’s reservation system, departure control system or equivalent systems providing the same functionalities. Specifically, as used in this Part, PNR data comprises the elements set out in the Annex PNR;

“serious crime” means any offence under the relevant national law punishable by a custodial sentence or a detention order for a maximum period of at least three years;

“service” means an aircraft, ship or train operated or intended to be operated by a carrier;

“special categories of personal data” means any information that reveals an individual’s racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, or information about a person’s health, sex life or sexual orientation.

ARTICLE PNR 3

Competent Authority

The competent authorities of the United Kingdom and the Member States shall be competent for the processing of PNR data under this Part.

ARTICLE PNR 4

Processing of PNR data

1. The United Kingdom and the Member States shall ensure that PNR data received pursuant to this Part is processed strictly for the purposes of preventing, detecting, investigating and prosecuting serious crime and of overseeing the processing of PNR data within the terms of this Part.
2. In exceptional cases, the competent authority may process PNR data where necessary to protect the vital interests of any individual, such as:
 - (a) a risk of death or serious injury; or
 - (b) a significant public health risk, in particular as required by internationally recognised standards.
3. In addition, PNR data may be processed on a case-by-case basis for the purposes of domestic proceedings related to the prevention, detection, investigation and prosecution of serious crime, where disclosure of the relevant PNR data is compelled by a judicial authority.

ARTICLE PNR 5

Logging and documenting of processing

The United Kingdom and the Member States shall log and document all processing of PNR data. The United Kingdom and the Member States shall only use a log or document to:

- (a) self-monitor and to verify the lawfulness of data processing;
- (b) ensure proper data integrity;
- (c) ensure the security of data processing; and
- (d) ensure oversight.

ARTICLE PNR 6

Decisions based on automated processing

1. The United Kingdom and the Member States shall ensure that the databases against which PNR data is compared are reliable, up to date and limited to databases used by the United Kingdom or Member States in relation to the purposes stated in Article PNR 4.1.
2. The United Kingdom and the Member States shall ensure that any automated processing of PNR data for the purposes of Article PNR 4.1 and 4.2 is based on non-discriminatory, specific and reliable models, rules and criteria.
3. The United Kingdom and the Member States shall not take any decisions that have a significantly adverse effect on an individual solely on the basis of automated processing of PNR data.

ARTICLE PNR 7

Non-discrimination

The United Kingdom and the Member States shall ensure that the safeguards applicable to the processing of PNR data apply to all passengers on an equal basis without unlawful discrimination.

ARTICLE PNR 8

Use of special categories of personal data

Any processing by the competent authorities of the United Kingdom or Member States of special categories of personal data shall be prohibited under this Part. To the extent that the PNR data of a passenger which is transferred to the competent authorities includes special categories of personal data, the competent authorities shall erase such data.

ARTICLE PNR 9

Ensuring provision of PNR data and frequency of transfers

1. The United Kingdom and the Member States shall ensure that carriers are not prevented from transferring the PNR data of passengers travelling or intending to travel on services between the United Kingdom and the Union to the competent authority of:
 - (a) the United Kingdom; and
 - (b) the Member State where the service will arrive or depart.
2. The United Kingdom and the Member States shall not require a carrier to provide elements of PNR data which are not already collected or held by the carrier for reservation purposes.
3. The United Kingdom and the Member States shall erase upon receipt any data transferred to them by a carrier, pursuant to this Part, if that data element is not listed in Annex PNR.
4. The United Kingdom and the Member States shall ensure that carriers may transfer PNR data to the competent authorities through authorised agents, who act on behalf of and under the responsibility of the carrier, for the purpose of and under the conditions laid down in this Part.
5. The United Kingdom and the Member States shall ensure that carriers transfer PNR data in accordance with Article PNR 21:
 - (a) initially from 96 hours before the scheduled service departure; and
 - (b) in real time or for a fixed number of routine and scheduled transfers as specified by the United Kingdom or the relevant Member State.

6. In specific cases where there is an indication that additional access is necessary to respond to a specific threat related to the purposes set out in Article PNR 4, the competent authorities may require a carrier to provide PNR data prior to, between or after the scheduled transfers. In exercising this discretion, the United Kingdom and the Member States shall act judiciously and proportionately and use the method of transfer described in Article PNR 21.

ARTICLE PNR 10

Domestic sharing

1. The United Kingdom and the Member States shall ensure that their competent authorities do not disclose PNR data to domestic authorities unless the following conditions are met:
 - (a) the PNR data is disclosed to authorities whose functions are directly related to the purposes set out in Article PNR 4;
 - (b) the PNR data is disclosed only on a case-by-case basis;
 - (c) under the particular circumstances the disclosure is necessary for the purposes set out in Article PNR 4; and
 - (d) only the minimum amount of PNR data necessary is disclosed.
2. When transferring analytical information containing PNR data obtained under this Part, the safeguards applying to PNR data in this Article shall be respected.

ARTICLE PNR 11

Exchange of information between the United Kingdom and the Member States

1. The competent authorities of the United Kingdom and the Member States shall share PNR data or the analytical information related to that data with the competent authority of the relevant State on a case-by-case basis, where necessary for the purposes set out in Article PNR 4.
2. The competent authorities of the United Kingdom and the Member States shall share, at the request of the competent authority of the relevant State, PNR data or the analytical information related to that data on a case-by-case basis, where necessary for the purposes set out in Article PNR 4.
3. The competent authorities of the United Kingdom and the Member States shall ensure that only the minimum amount of PNR data necessary is shared under paragraphs 1 and 2.

ARTICLE PNR 12

Law enforcement cooperation

1. The United Kingdom and the Member States shall share, as soon as practicable, relevant and appropriate analytical information containing PNR data obtained under this Part with Europol or Eurojust.
2. The United Kingdom and the Member States shall share, at the request of Europol or Eurojust, PNR data or analytical information containing PNR data obtained under this Part, in specific cases to prevent, detect, investigate, or prosecute within the United Kingdom or a Member State serious crime, including the safeguarding against and the prevention of threats to public security.

ARTICLE PNR 13

Onward transfers

1. The United Kingdom and the Member States shall ensure that their competent authorities do not disclose PNR data to authorities in third states unless the following conditions are met:
 - (a) the PNR data is disclosed to authorities whose functions are directly related to the purposes set out in Article PNR 4;
 - (b) the PNR data is disclosed only on a case-by-case basis;
 - (c) the PNR data is disclosed only if necessary for the purposes set out in Article PNR 4;
 - (d) only the minimum amount of PNR data necessary is disclosed; and
 - (e) the PNR is disclosed only if:
 - (i) in the case of the United Kingdom, the third state to which the data is disclosed has either concluded an Agreement with the Union that provides for the protection of personal data comparable to this Part or is subject to a decision of the European Commission pursuant to Union law, finding that third state ensures an adequate level of data protection within the meaning of Union law;
 - (ii) in the case of a Member State, the third state to which the data is disclosed has either concluded an Agreement with the United Kingdom that provides for the protection of personal data comparable to this Part or is subject to a decision of the United Kingdom pursuant to United Kingdom law, finding that third state ensures an adequate level of data protection within the meaning of United Kingdom law; or
 - (iii) the competent authority, having assessed all the circumstances surrounding the transfer of PNR data to the third state, concludes that appropriate safeguards exist to protect the PNR data.

2. As an exception to subparagraph 1(e), the competent authorities of the United Kingdom and the Member States may share PNR data with a third state if the head of that authority, or a senior official specifically mandated by the head, considers that the disclosure is necessary:

- (a) for the prevention and investigation of a serious and imminent threat to public security;
or
- (b) to protect the vital interests of any individual;

where that third state provides a written assurance, pursuant to an arrangement, agreement or otherwise, that the information shall be protected in line with the protections set out in this Part.

3. If, in accordance with paragraph 1, the competent authority of the United Kingdom or a Member State discloses PNR data of an individual who is a citizen of a relevant State, the United Kingdom or that Member State shall ensure that the competent authority notifies the authorities of the relevant State of the disclosure at the earliest appropriate opportunity.

4. The United Kingdom shall notify the Joint Committee of the following:

- (a) any international agreement concluded by the United Kingdom that provides for the protection of personal data comparable to this Part; and
- (b) any decision by the United Kingdom pursuant to United Kingdom law, finding that a country ensures an adequate level of data protection within the meaning of United Kingdom law.

5. The Union shall notify the Joint Committee of the following:

- (a) any international agreement concluded by the Union that provides for the protection of personal data comparable to this Part; and
- (b) any decision by the European Commission pursuant to Union law, finding that a country ensures an adequate level of data protection within the meaning of Union law.

ARTICLE PNR 14

Period of data retention and depersonalisation

1. The United Kingdom and the Member States shall set appropriate time limits for the periodic review of the need for continued storage of PNR data and in any event shall not retain PNR data for more than five years from the date it is received.
2. The United Kingdom and the Member States shall depersonalise PNR data six months after initial receipt of the data through masking out the following data elements:
 - (a) name(s);

- (b) other names on PNR, including number of travellers on PNR;
 - (c) address, telephone number and electronic contact information of the passenger, the persons who made the reservation for the passenger, persons through whom a passenger may be contacted and persons who are to be informed in the event of an emergency;
 - (d) general remarks, including other supplementary information, special service information and special service request information, to the extent that it contains any information capable of identifying a natural person; and
 - (e) any advance passenger information data collected to the extent that it contains any information capable of identifying a natural person.
3. The United Kingdom and the Member States may unmask PNR data only if it is necessary to carry out investigations for the purposes set out in Article PNR 4. Such unmasked PNR data shall be accessible only to a limited number of specifically authorised officials.
 4. Notwithstanding paragraph 1, the United Kingdom and the Member States may retain PNR data required for any specific action, review, investigation, enforcement action, judicial proceeding, prosecution or enforcement of penalties, until their conclusion.
 5. The United Kingdom and the Member States shall destroy the PNR data at the end of the PNR data retention period.

ARTICLE PNR 15

Data security and integrity

1. The United Kingdom and the Member States shall implement regulatory, procedural or technical measures to protect PNR data transferred under this Part against accidental, unlawful or unauthorised access, processing or loss.
2. The United Kingdom and the Member States shall ensure compliance verification and the protection, security, confidentiality, and integrity of the data. The United Kingdom and the Member States shall:
 - (a) apply encryption, authorisation, and documentation procedures to the PNR data;
 - (b) limit access to PNR data to authorised officials;
 - (c) hold PNR data in a secure physical environment that is protected with access controls; and
 - (d) establish a mechanism that ensures that PNR data queries are conducted in a manner consistent with Article PNR 4.
3. If an individual's PNR data is accessed or disclosed without authorisation:

- (a) by the United Kingdom's competent authority, the United Kingdom shall take measures to notify that individual, to mitigate the risk of harm, and to take remedial action;
- (b) by a competent authority of a Member State, that Member State shall take measures to notify that individual, to mitigate the risk of harm, and to take remedial action.

ARTICLE PNR 16

Transparency

1. The United Kingdom and the Member States shall ensure that their competent authorities make the following available on their website:
 - (a) a list of the legislation authorising the collection of PNR data;
 - (b) the reason for the collection of PNR data;
 - (c) the manner of protecting the PNR data;
 - (d) the manner and extent to which the PNR data may be disclosed;
 - (e) information regarding access, rectification, erasure and redress; and
 - (f) contact information for inquiries.
2. The United Kingdom and the Member States shall work with carriers and other interested parties to promote transparency, preferably at the time of booking, by providing the following information to passengers:
 - (a) the reasons for PNR data collection;
 - (b) the use of PNR data;
 - (c) the procedure for requesting access to PNR data; and
 - (d) the procedure for requesting the rectification of PNR data.

ARTICLE PNR 17

Access for individuals

1. The United Kingdom and the Member States shall ensure that any individual may access their PNR data.
2. The United Kingdom and the Member States shall ensure that their competent authorities, within a reasonable time:

- (a) provide the individual with a copy of their PNR data if the individual makes a written request for their PNR data;
 - (b) reply in writing to any request;
 - (c) provide the individual with access to recorded information confirming that the individual's PNR data has been disclosed;
 - (d) set out the legal or factual reasons for any refusal to allow access to the individual's PNR data;
 - (e) inform the individual if the PNR data does not exist;
 - (f) inform the individual that they may make a complaint and of the complaint procedure.
3. For important reasons of public interest, the United Kingdom and the Member States may make any disclosure of information subject to reasonable legal requirements and limitations, including any limitations necessary to prevent, detect, investigate, or prosecute serious crime, or to protect public or national security, with due regard for the legitimate interests of the individual concerned.

ARTICLE PNR 18

Rectification or erasure for individuals

1. The United Kingdom and the Member States shall ensure that any individual may request the rectification and erasure of their PNR data.
2. The United Kingdom and the Member States shall ensure that their competent authorities consider all written requests for rectification and erasure and shall, within a reasonable time:
 - (a) rectify or erase the PNR data, as appropriate, and notify the individual that the data has been rectified or erased; or
 - (b) refuse all or part of the rectification or erasure and notify the individual that the request is refused and set out the legal or factual reasons for the refusal and inform the individual that they may make a complaint and of the complaint procedure.

ARTICLE PNR 19

Judicial redress

The United Kingdom and the Member States shall ensure that any individual who is of the view that their rights have been infringed by a decision or action in relation to their PNR data may seek an effective remedy in accordance with United Kingdom or Union law by way of judicial review, or such other remedy which may include compensation.

ARTICLE PNR 20

Oversight

1. The data protection safeguards for the processing of PNR data under this Part by the United Kingdom and the Member States shall be subject to oversight by the independent public authority responsible for the protection of individuals' rights in relation to the processing of personal data under the relevant national law.
2. The United Kingdom and the Member States shall ensure that the independent public authority ensures that complaints relating to non-compliance with this Part are received, investigated, responded to, and appropriately redressed.

ARTICLE PNR 21

Method of transfer

The United Kingdom and the Member States shall ensure that carriers transfer PNR data to the competent authorities of the United Kingdom and the Member States exclusively on the basis of the push method and in accordance with the following procedures to be observed by carriers:

- (a) transfer PNR data by electronic means in compliance with the technical requirements of the relevant competent authority or, in the case of technical failure, by any other appropriate means ensuring an appropriate level of data security;
- (b) transfer PNR data using a mutually accepted messaging format;
- (c) transfer PNR data in a secure manner using common protocols required by the relevant competent authority.

PART 4

EXTRADITION

CHAPTER 1

GENERAL PRINCIPLES

ARTICLE SURR 1

Objective of Part 4

1. The United Kingdom and the Union undertake to improve, in accordance with the provisions of this Part, the surrender for the purpose of prosecution or execution of sentence between, on the one hand, the Member States and, on the other hand, the United Kingdom, by taking account of, as minimum standards, the terms of the Convention of 27 September 1996 relating to extradition between the Member States of the European Union.
2. The United Kingdom and the Union undertake, in accordance with the provisions of this Part, to ensure that the extradition system between, on the one hand, the Member States and, on the other hand, the United Kingdom shall be based on a mechanism of surrender pursuant to an arrest warrant in accordance with the terms of this Part.

ARTICLE SURR 2

Definition for Part 4

In this Part:

“arrest warrant” means a judicial decision issued by the United Kingdom or a Member State with a view to the arrest and surrender by a relevant State of a requested person, for the purposes of conducting a criminal prosecution or executing a custodial sentence or detention order.

ARTICLE SURR 3

Scope of Part 4

1. An arrest warrant may be issued for acts punishable by the law of the issuing State by a custodial sentence or a detention order for a maximum period of at least 12 months or, where a sentence has been passed or a detention order has been made, for sentences of at least four months.
2. Without prejudice to paragraphs 3 and 4, surrender shall be subject to the condition that the acts for which the arrest warrant has been issued constitute an offence under the law of the executing State, whatever the constituent elements or however it is described.
3. The United Kingdom and the Union (in respect of any of its Member States) may notify the Joint Committee that, on the basis of reciprocity, the condition of double criminality referred to in paragraph 2 shall not be applied, subject to the condition in paragraph 4.
4. The condition referred to in paragraph 3 is that the offence giving rise to the warrant is:
 - (a) one of the offences listed in paragraph 5, as defined by the law of the issuing State; and
 - (b) punishable in the issuing State by a custodial sentence or a detention order for a maximum period of at least three years.
5. The offences referred to in paragraph 4 are:

- (a) participation in a criminal organisation;
- (b) terrorism;
- (c) trafficking in human beings;
- (d) sexual exploitation and child pornography;
- (e) illicit trafficking in narcotic drugs and psychotropic substance;
- (f) illicit trafficking in weapons, munitions and explosives;
- (g) corruption;
- (h) fraud;
- (i) laundering of the proceedings of crime;
- (j) counterfeiting currency;
- (k) computer-related crime;
- (l) environmental crime, including illicit trafficking in endangered animal species and in endangered plant species and varieties;
- (m) facilitation of unauthorised entry and residence;
- (n) murder;
- (o) grievous bodily injury;
- (p) illicit trade in human organs and tissue;
- (q) kidnapping, illegal restraint and hostage-taking;
- (r) racism and xenophobia;
- (s) organised or armed robbery;
- (t) illicit trafficking in cultural goods including antiques and works of art;
- (u) swindling;
- (v) racketeering and extortion;
- (w) counterfeiting and piracy of products;

- (x) forgery of administrative documents and trafficking therein;
- (y) forgery of means of payment;
- (z) illicit trafficking in hormonal substances and other growth promoters;
- (aa) illicit trafficking in nuclear or radioactive materials;
- (bb) trafficking in stolen vehicles;
- (cc) rape;
- (dd) arson;
- (ee) crimes within the jurisdiction of the International Criminal Court;
- (ff) unlawful seizure of aircraft/ships; and
- (gg) sabotage.

ARTICLE SURR 4

Grounds for mandatory non-execution of the arrest warrant

The United Kingdom and the Member States shall establish an obligation for the executing judicial authority to refuse to execute the arrest warrant in the following cases:

- (a) if, having considered any assurances offered by the issuing State, the executing judicial authority is of the view that to execute the warrant would be contrary to the fundamental rights of the person concerned according to the national law of the executing State;
- (b) if the offence on which the arrest warrant is based is covered by amnesty in the executing State, where that State had jurisdiction to prosecute the offence under its own criminal law;
- (c) if the executing judicial authority is informed that the requested person has been finally judged by a State in respect of the same acts provided that, where there has been a sentence, the sentence has been served or is currently being served or may no longer be executed under the law of the sentencing State;
- (d) if the person who is the subject of the arrest warrant may not, owing to his or her age, be held criminally responsible for the acts on which the arrest warrant is based under the law of the executing State.

ARTICLE SURR 5

Other grounds for non-execution of the arrest warrant

1. The United Kingdom and the Member States may require or permit the executing judicial authority to refuse to execute the arrest warrant in the following cases:
 - (a) if, where the condition in Article SURR 3.2 applies, the act on which the arrest warrant is based does not constitute an offence under the law of the executing State; however, in relation to taxes or duties, customs and exchange, execution of the arrest warrant shall not be refused on the ground that the law of the executing State does not impose the same kind of tax or duty or does not contain the same type of rules as regards taxes, duties and customs and exchange regulations as the law of the issuing State;
 - (b) where the person who is the subject of the arrest warrant is being prosecuted in the executing State for the same act as that on which the arrest warrant is based;
 - (c) where the judicial authorities of the executing State have decided either not to prosecute for the offence on which the arrest warrant is based or to halt proceedings, or where a final judgment has been passed upon the requested person in a State, in respect of the same acts, which prevents further proceedings;
 - (d) where the criminal prosecution or punishment of the requested person is statute-barred according to the law of the executing State and the acts fall within the jurisdiction of that State under its own criminal law;
 - (e) if the executing judicial authority is informed that the requested person has been finally judged by a third state in respect of the same acts provided that, where there has been a sentence, the sentence has been served or is currently being served or may no longer be executed under the law of the sentencing State;
 - (f) if the arrest warrant has been issued for the purposes of execution of a custodial sentence or detention order, where the requested person is staying in, or is a national or a resident of the executing State and that State undertakes to execute the sentence or detention order in accordance with its national law; execution of the sentence or detention order shall take place in accordance with Part 8;
 - (g) where the arrest warrant relates to offences which:
 - (i) are regarded by the law of the executing State as having been committed in whole or in part of the territory of the executing State or in a place treated as such; or
 - (ii) have been committed outside the territory of the issuing State and the law of the executing State does not allow prosecution for the same offences when committed outside its territory.
2. The United Kingdom and the Union (in respect of each Member State) shall notify the Joint Committee of which of the grounds of non-execution in paragraph 1 have been established as an obligation for the executing judicial authorities to refuse the execution of an arrest warrant.

ARTICLE SURR 6

Political offence exemption

1. Execution may not be refused on the ground that the offence may be regarded by the executing State as a political offence, as an offence connected with a political offence or an offence inspired by political motives.
2. The United Kingdom, on the one hand, and the Union, in respect of any of its Member States, on the other hand, may make, however, a declaration to the effect that paragraph 1 will be applied only in relation to:
 - (a) the offences referred to in Articles 1 and 2 of the European Convention on the Suppression of Terrorism, done at Strasbourg on 27 January 1977;
 - (b) offences of conspiracy or association to commit one or more offences referred to in Articles 1 and 2 of the European Convention on the Suppression of Terrorism; and
 - (c) the following offences listed in paragraph (d), as defined as offences under national law of the executing State, which, given their nature or context may seriously damage a State or an international organisation where committed with the aim of:
 - (i) seriously intimidating a population; or
 - (ii) unduly compelling a Government or international organisation to perform or abstain from performing any act; or
 - (iii) seriously de-stabilising or destroying the fundamental political, constitutional, economic or social structures of a country or an international organisation;
 - (d) the offences referred to in paragraph (c) are:
 - (i) attacks upon a person's life which may cause death;
 - (ii) attacks upon the physical integrity of a person;
 - (iii) kidnapping or hostage taking;
 - (iv) causing extensive destruction to a Government or public facility, a transport system, an infrastructure facility, including an information system, a fixed platform located on the continental shelf, a public place or private property likely to endanger human life or result in major economic loss;
 - (v) seizure of aircraft, ships or other means of public or goods transport;
 - (vi) manufacture, possession, acquisition, transport, supply or use of weapons, explosives, or of nuclear, biological or chemical weapons, as well as research into, and development of, biological and chemical weapons;

- (vii) release of dangerous substances, or causing fires, floods or explosions the effect of which is to endanger human life;
- (viii) interfering or disrupting the supply of water, power or any other fundamental natural resource the effect of which is to endanger human life;
- (ix) aggravated theft with a view to committing the offences listed in this paragraph;
- (x) extortion with a view to the perpetration of one of the acts listed in this paragraph;
- (xi) directing a terrorist group;
- (xii) participating in the activities of a terrorist group, including by supplying information or material resources, or by funding its activities in any way, with knowledge of the fact that such participation will contribute to the criminal activities of the terrorist group;
- (xiii) drawing up false administrative documents with a view to committing one of the acts listed at points i – viii and points xi and xii;
- (xiv) aiding and abetting an offence listed in this paragraph; and
- (xv) threatening to commit any of the acts listed in this paragraph.

3. For the purposes of this Article:

“structured group” means a group that is not randomly formed for the immediate commission of an offence and that does not need to have formally defined roles for its members, continuity of its membership or a developed structure;

“terrorist group” means a structured group of more than two persons, established over a period of time and acting in concert to commit terrorist offences.

4. When an arrest warrant has been issued by a relevant State having made a declaration as referred to in paragraph 2, or by a relevant State on behalf of which such a declaration has been made, the executing State may apply reciprocity.

ARTICLE SURR 7

Proportionality

1. The United Kingdom and the Member States may require or permit the executing judicial authority to refuse to execute the arrest warrant on the basis that the surrender would be disproportionate.

2. In deciding whether the surrender would be disproportionate the judge must take into account the following matters (as far as the judge thinks it is appropriate to do so) and no other matters:
 - (a) the seriousness of the conduct alleged to constitute the offence on which the arrest warrant is based;
 - (b) the likely penalty that would be imposed if the person was found guilty of the offence in question;
 - (c) the possibility of the issuing judicial authority taking measures that would be less coercive than the surrender of the person.

ARTICLE SURR 8

Trial readiness

The United Kingdom and the Member States may require or permit the executing judicial authority to refuse to order the surrender of the person concerned where the executing judicial authority is of the view that there are reasonable grounds for believing that the issuing State has not made a decision to charge that person or has not made a decision to try that person, and the person's absence from the issuing State is not the sole reason for that failure.

ARTICLE SURR 9

Nationality exception

1. Execution may not be refused on the ground that the person requested is a national of the executing State.
2. The United Kingdom and the Union (in respect of any of its Member States) may make a declaration to the Joint Committee to the effect that nationals of that State shall not be surrendered or that surrender shall be authorised only under certain specified conditions. The declaration must be on the basis that there are reasons related to the fundamental principles of the national law of the declaring State. In such a case the United Kingdom or the Union (in respect of any of its Member States) may declare within a month after the receipt of the other Party's declaration, that its executing judicial authorities may refuse to surrender its nationals to the declaring State or that surrender shall be authorised only under certain specified conditions.
3. In circumstances where the United Kingdom or a Member State has refused to execute a warrant on the basis that it has made a declaration as referred to in paragraph 2, that State must consider, having considered the views of the issuing State, instituting proceedings against its national which are commensurate with the subject matter of the warrant.
4. Where, in accordance with paragraph 3, the competent authorities of the United Kingdom or a Member State institute proceedings against its national, that State shall ensure that

its competent authorities can take appropriate measures to assist the victim and any witnesses in circumstances where the victim or witness is a resident of another State, particularly in respect of the way in which the proceedings are conducted. For this purpose, the authorities of the State where proceedings take place shall, in particular, abide (to the extent possible) by the provisions of Part 9 for the purpose of hearing victims or witnesses who are resident abroad.

ARTICLE SURR 10

Guarantees to be given by the issuing State in particular cases

The execution of the arrest warrant by the executing judicial authority may be subject to the following conditions:

- (a) if the offence on the basis of which the arrest warrant has been issued is punishable by custodial life sentence or life-time detention order in the issuing State, the execution of the said arrest warrant may be made by the executing State subject to the condition that the issuing State gives an assurance deemed sufficient by the executing State that it will review the penalty or measure imposed, on request or at the latest after 20 years, or will encourage the application of measures of clemency to which the person is entitled to apply for under the law or practice of the issuing State, aiming at a non-execution of such penalty or measure;
- (b) return of the requested person to the executing State and the arrangements for the executing State's recognition of their custodial sentence or detention order shall be carried out in accordance with Part 8;
- (c) where a person who is the subject of an arrest warrant for the purposes of prosecution is a national or resident of the executing State, surrender may be subject to the condition that the person, after being heard, is returned to the executing State in order to serve there the custodial sentence or detention order passed against him or her in the issuing State.

ARTICLE SURR 11

Determination of the competent judicial authorities

1. The issuing judicial authority shall be the judicial authority of the issuing State which is competent to issue an arrest warrant by virtue of the law of that State.
2. The executing judicial authority shall be the judicial authority of the executing State which is competent to execute the arrest warrant by virtue of the law of that State.

ARTICLE SURR 12

Recourse to the central authority

1. The central authority shall assist the competent judicial authorities.

2. The United Kingdom and the Union (in respect of any of its Member States) may notify the Joint Committee that, as a result of the organisation of the internal judicial system of the United Kingdom or a Member State, the central authority(ies) are responsible for the administrative transmission and reception of arrest warrants as well as for all other official correspondence relating thereto. These indications shall be binding upon all the authorities of an issuing State.

ARTICLE SURR 13

Content and form of the arrest warrant

1. The arrest warrant shall contain the following information set out in accordance with the form contained in Annex SURR:
 - (a) the identity and nationality of the requested person;
 - (b) the name, address, telephone number and email address of the issuing judicial authority;
 - (c) evidence of an enforceable judgment, an arrest warrant or any other enforceable judicial decision having the same effect, coming within the scope of Articles SURR 2 and 3;
 - (d) the nature and legal classification of the offence, particularly in respect of Article SURR 3;
 - (e) a description of the circumstances in which the offence was committed, including the time, place and degree of participation in the offence by the requested person;
 - (f) the penalty imposed, if there is a final judgment, or the prescribed scale of penalties for the offence under the law of the issuing State;
 - (g) if possible, other consequences of the offence.
2. The arrest warrant must be in, or be translated into, English.
3. The Union (in respect of any of its Member States) may notify the Joint Committee that a translation into one or more other official languages of a Member State will be required.

CHAPTER 2

SURRENDER PROCEDURE

ARTICLE SURR 14

Transmission of an arrest warrant

When the location of the requested person is known, the issuing judicial authority may transmit the arrest warrant directly to the executing judicial authority.

ARTICLE SURR 15

Detailed procedures for transmitting an arrest warrant

1. If the issuing judicial authority does not know the competent executing judicial authority, it shall make the requisite enquiries, in order to obtain that information from the executing State.
2. The issuing judicial authority may call on the International Criminal Police Organisation (Interpol) to transmit an arrest warrant.
3. The issuing judicial authority may forward the arrest warrant by any secure means capable of producing written records under conditions allowing the executing State to establish its authenticity.
4. All difficulties concerning the transmission or the authenticity of any document needed for the execution of the arrest warrant shall be dealt with by direct contacts between the judicial authorities involved, or, where appropriate, with the involvement of the central authorities of the relevant States.
5. If the authority which receives an arrest warrant is not competent to act upon it, it shall immediately forward the arrest warrant to the competent judicial authority in its State and shall inform the issuing judicial authority accordingly.

ARTICLE SURR 16

Rights of a requested person

1. When a requested person is arrested, the executing judicial authority shall, in accordance with its national law, inform that person of the arrest warrant and of its contents, and also of the possibility of consenting to surrender to the issuing judicial authority.
2. A requested person who is arrested for the purpose of the execution of an arrest warrant shall have a right to be assisted by a legal counsel and by an interpreter in accordance with the national law of the executing State.

ARTICLE SURR 17

Keeping the person in detention

When a person is arrested on the basis of an arrest warrant, the executing judicial authority shall take a decision on whether the requested person should remain in detention, in accordance with the law of the executing State. The person may be released provisionally at any time in conformity with the national law of the executing State, provided that the judicial authority of the said State takes all the measures it deems necessary to prevent the person absconding.

ARTICLE SURR 18

Consent to surrender

1. If the arrested person indicates that he or she consents to surrender, that consent and, if appropriate, express renunciation of entitlement to the “speciality rule” referred to in Article SURR 32.2, shall be given in front of the executing judicial authority, in accordance with the national law of the executing State.
2. The United Kingdom and the Member States shall adopt the measures necessary to ensure that consent and, where appropriate, renunciation, as referred to in paragraph 1, are established in such a way as to show that the person concerned has expressed them voluntarily and in full awareness of the consequences. To that end, the requested person shall have the right to legal counsel.
3. The consent and, where appropriate, renunciation, as referred to in paragraph 1, shall be formally recorded in accordance with the procedure laid down by the national law of the executing State.
4. Subject to the provisions of this paragraph, consent may not be revoked. The United Kingdom and the Member States may provide that consent and, if appropriate, renunciation may be revoked, in accordance with the rules applicable under its national law. In this case, the period between the date of consent and that of its revocation shall not be taken into consideration in establishing the time limits laid down in Article SURR 22. The United Kingdom and the Union (in respect of any of its Member States) may notify the Joint Committee that they wish to have recourse to this possibility, specifying the procedures whereby revocation of consent, and any amendment to them, shall be possible.

ARTICLE SURR 19

Hearing of the requested person

Where the arrested person does not consent to his or her surrender as referred to in Article SURR 18, he or she shall be entitled to be heard by the executing judicial authority, in accordance with the law of the executing State.

ARTICLE SURR 20

Surrender decision

1. The executing judicial authority shall decide, within the time limits and under the conditions defined in this Part, whether the person is to be surrendered.
2. If the executing judicial authority finds the information communicated by the issuing State to be insufficient to allow it to decide on surrender, it shall request that the necessary supplementary information, in particular with respect to Articles SURR 4 to 10 and 13, be furnished as a matter of urgency and may fix a time limit for the receipt thereof, taking into account the need to observe the time limits set in Article SURR 28.

3. The issuing judicial authority may at any time forward any additional useful information to the executing judicial authority.

ARTICLE SURR 21

Decision in the event of multiple requests

1. If two arrest warrants exist for the same person (regardless of whether they are European arrest warrants issued by a Member State or an arrest warrant issued under this Part), the decision as to which of the arrest warrants shall be executed shall be taken by the executing judicial authority with due consideration of all the circumstances and especially the relative seriousness and place of the offences, the respective dates of the arrest warrants and whether the warrant has been issued for the purposes of prosecution or for execution of a custodial sentence or detention order.
2. The executing judicial authority of a Member State may seek the advice of Eurojust when making the choice referred to in paragraph 1.
3. In the event of a conflict between an arrest warrant and a request for extradition presented by a third state, the decision as to whether the arrest warrant or the extradition request takes precedence shall be taken by the competent authority of the executing State with due consideration of all the circumstances, in particular those referred to in paragraph 1 and those mentioned in the applicable convention.
4. This Article shall be without prejudice to the obligations of the United Kingdom and the Member States under the Statute of the International Criminal Court.

ARTICLE SURR 22

Time limits and procedures for the decision to execute the arrest warrant

1. An arrest warrant shall be dealt with and executed as a matter of urgency.
2. In cases where the requested person consents to his or her surrender, the final decision on the execution of the arrest warrant should be taken within a period of 10 calendar days after consent has been given.
3. In other cases, the final decision on the execution of the arrest warrant should be taken within a period of 60 days after the arrest of the requested person.
4. Where in specific cases the arrest warrant cannot be executed within the time limits laid down in paragraphs 2 or 3, the executing judicial authority shall immediately inform the issuing judicial authority thereof, giving the reasons for the delay. In such a case, the time limits may be extended by a further 30 days.
5. As long as the executing judicial authority has not taken a final decision on the arrest warrant, it shall ensure that the material conditions necessary for effective surrender of the person remain fulfilled.

6. Reasons must be given for any refusal to execute an arrest warrant.

ARTICLE SURR 23

Situation pending the decision

1. Where the arrest warrant has been issued for the purpose of conducting a criminal prosecution, the executing judicial authority must:
 - (a) either agree that the requested person should be heard according to Article SURR 24;
 - (b) or agree to the temporary transfer of the requested person.
2. The conditions and the duration of the temporary transfer shall be determined by mutual agreement between the issuing and executing judicial authorities.
3. In the case of temporary transfer, the person must be able to return to the executing State to attend hearings concerning him or her as part of the surrender procedure.

ARTICLE SURR 24

Hearing the person pending the decision

1. The requested person shall be heard by a judicial authority, assisted by another person designated in accordance with the law of the State of the requesting court.
2. The requested person shall be heard in accordance with the law of the executing State and with the conditions determined by mutual agreement between the issuing and executing judicial authorities.
3. The competent executing judicial authority may assign another judicial authority of its State to take part in the hearing of the requested person in order to ensure the proper application of this Article and of the conditions laid down.

ARTICLE SURR 25

Privileges and immunities

1. Where the requested person enjoys a privilege or immunity regarding jurisdiction or execution in the executing State, the time limits referred to in Article SURR 28 shall not start running unless, and counting from the day when, the executing judicial authority is informed of the fact that the privilege or immunity has been waived.
2. The executing State shall ensure that the material conditions necessary for effective surrender are fulfilled when the person no longer enjoys such privilege or immunity.

3. Where power to waive the privilege or immunity lies with an authority of the executing State, the executing judicial authority shall request it to exercise that power forthwith. Where power to waive the privilege or immunity lies with an authority of another State or international organisation, it shall be for the issuing judicial authority to request it to exercise that power.

ARTICLE SURR 26

Competing international obligations

1. This Part shall not prejudice the obligations of the executing State where the requested person has been extradited to that State from a third state and where that person is protected by provisions of the arrangement under which he or she was extradited concerning speciality. The executing State shall take all necessary measures for requesting forthwith the consent of the State from which the requested person was extradited so that he or she can be surrendered to the State which issued the arrest warrant. The time limits referred to in Article SURR 28 shall not start running until the day on which these speciality rules cease to apply.
2. Pending the decision of the State from which the requested person was extradited, the executing State shall ensure that the material conditions necessary for effective surrender remain fulfilled.

ARTICLE SURR 27

Notification of the decision

The executing judicial authority shall notify the issuing judicial authority immediately of the decision on the action to be taken on the arrest warrant.

ARTICLE SURR 28

Time limits for surrender of the person

1. The person requested shall be surrendered as soon as possible on a date agreed between the authorities concerned.
2. He or she shall be surrendered no later than 10 days after the final decision on the execution of the arrest warrant.
3. If the surrender of the requested person within the period laid down in paragraph 2 is prevented by circumstances beyond the control of any of the States, the executing and issuing judicial authorities shall immediately contact each other and agree on a new surrender date. In that event, the surrender shall take place within 10 days of the new date thus agreed.
4. The surrender may exceptionally be temporarily postponed for serious humanitarian reasons, for example if there are substantial grounds for believing that it would manifestly

endanger the requested person's life or health. The execution of the arrest warrant shall take place as soon as these grounds have ceased to exist. The executing judicial authority shall immediately inform the issuing judicial authority and agree on a new surrender date. In that event, the surrender shall take place within 10 days of the new date thus agreed.

5. Upon expiry of the time limits referred to in paragraphs 2 to 4, if the person is still being held in custody he or she shall be released. Upon release, the executing and issuing judicial authorities shall immediately contact each other and agree the arrangements for the surrender of the person.

ARTICLE SURR 29

Postponed or conditional surrender

1. The executing judicial authority may, after deciding to execute the arrest warrant, postpone the surrender of the requested person so that he or she may be prosecuted in the executing State or, if he or she has already been sentenced, so that he or she may serve, in its territory, a sentence passed for an act other than that referred to in the arrest warrant.
2. Instead of postponing the surrender, the executing judicial authority may temporarily surrender the requested person to the issuing State under conditions to be determined by mutual agreement between the executing and the issuing judicial authorities. The agreement shall be made in writing and the conditions shall be binding on all the authorities in the issuing State.

ARTICLE SURR 30

Transit

1. The United Kingdom and the Member States shall permit the transit through their territory of a requested person who is being surrendered provided that it has been given information on:
 - (a) the identity and nationality of the person subject to the arrest warrant;
 - (b) the existence of an arrest warrant;
 - (c) the nature and legal classification of the offence;
 - (d) the description of the circumstances of the offence, including the date and place.
2. A State, by or in respect of which a declaration has been made in accordance with Article SURR 9.2, to the effect that nationals shall not be surrendered or that surrender shall be authorised only under certain specified conditions, may, under the same terms, refuse the transit of its nationals through its territory or submit it to the same conditions.
3. The United Kingdom and the Union (in respect of each Member State) shall notify the Joint Committee of the authority designated as being responsible for receiving transit requests

and the necessary documents, as well as any other official correspondence relating to transit requests.

4. The transit request and the information set out in paragraph 1 may be addressed to the authority designated pursuant to paragraph 3 by any means capable of producing a written record. The State of transit shall notify its decision by the same procedure.
5. This Part does not apply in the case of transport by air without a scheduled stopover. However, if an unscheduled landing occurs, the issuing State shall provide the authority designated pursuant to paragraph 3 with the information provided for in paragraph 1.
6. Where a transit concerns a person who is to be extradited from a third state to the United Kingdom or a Member State, this Article shall apply *mutatis mutandis*. In particular the expression “arrest warrant” as defined by this Part shall be deemed to be replaced by “extradition request”.

CHAPTER 3

EFFECTS OF THE SURRENDER

ARTICLE SURR 31

Deduction of the period of detention served in the executing State

1. The issuing State shall deduct all periods of detention arising from the execution of an arrest warrant from the total period of detention to be served in the issuing State as a result of a custodial sentence or detention order being passed.
2. To that end, all information concerning the duration of the detention of the requested person on the basis of the arrest warrant shall be transmitted by the executing judicial authority or the central authority to the issuing judicial authority at the time of the surrender.

ARTICLE SURR 32

Speciality

1. The United Kingdom and the Union (in respect of any of its Member States) may notify the Joint Committee that, for relations with a relevant State to which the same notification applies, consent is presumed to have been given for the prosecution, sentencing or detention with a view to the carrying out of a custodial sentence or detention order for an offence committed prior to a person's surrender, other than that for which he or she was surrendered, unless in a particular case the executing judicial authority states otherwise in its decision on surrender.
2. Except in the cases referred to in paragraphs 1 and 3, a person surrendered under this Part may not be prosecuted, sentenced or otherwise deprived of his or her liberty for an offence committed prior to his or her surrender other than that for which he or she was surrendered.

3. Paragraph 2 does not apply in the following cases:
- (a) when the person having had an opportunity to leave the territory of the State to which he or she has been surrendered has not done so within 45 days of his or her final discharge, or has returned to that territory after leaving it;
 - (b) the offence is not punishable by a custodial sentence or detention order;
 - (c) the criminal proceedings do not give rise to the application of a measure restricting personal liberty;
 - (d) when the person could be liable to a penalty or a measure not involving the deprivation of liberty, in particular a financial penalty or a measure in lieu thereof, even if the penalty or measure may give rise to a restriction of his or her personal liberty;
 - (e) when the person consented to be surrendered, where appropriate at the same time as he or she renounced the speciality rule, in accordance with Article SURR 18;
 - (f) when the person, after his/her surrender, has expressly renounced entitlement to the speciality rule with regard to specific offences preceding his or her surrender. Renunciation shall be given before the competent judicial authorities of the issuing State and shall be recorded in accordance with that State's national law. The renunciation shall be drawn up in such a way as to make clear that the person has given it voluntarily and in full awareness of the consequences. To that end, the person shall have the right to legal counsel;
 - (g) where the executing judicial authority which surrendered the person gives its consent in accordance with paragraph 4.
4. A request for consent shall be submitted to the executing judicial authority, accompanied by the information mentioned in Article SURR 13.1 and a translation as referred to in Article SURR 13.2. Consent shall be given when the offence for which it is requested is itself subject to surrender in accordance with the provisions of this Part. Consent shall be refused on the grounds referred to in Article SURR 4 and otherwise may be refused only on the grounds referred to in Articles SURR 5, or 6.2 and 9.2. The decision shall be taken no later than 30 days after receipt of the request. For the situations mentioned in Article SURR 10 the issuing State must give the guarantees provided for therein.

ARTICLE SURR 33

Surrender or subsequent extradition

1. The United Kingdom and the Union (in respect of any of its Member States) may notify the Joint Committee that, for relations with other States to which the same notification applies, the consent for the surrender of a person to a State other than the executing State pursuant to an arrest warrant issued for an offence committed prior to his or her surrender is presumed to

have been given, unless in a particular case the executing judicial authority states otherwise in its decision on surrender.

2. In any case, a person who has been surrendered to the issuing State pursuant to an arrest warrant may, without the consent of the executing State, be surrendered to a State other than the executing State pursuant to an arrest warrant issued for any offence committed prior to his or her surrender in the following cases:
 - (a) where the requested person, having had an opportunity to leave the territory of the State to which he or she has been surrendered, has not done so within 45 days of his or her final discharge, or has returned to that territory after leaving it;
 - (b) where the requested person consents to be surrendered to a State other than the executing State pursuant to an arrest warrant. Consent shall be given before the competent judicial authorities of the issuing State and shall be recorded in accordance with that State's national law. It shall be drawn up in such a way as to make clear that the person concerned has given it voluntarily and in full awareness of the consequences. To that end, the requested person shall have the right to legal counsel;
 - (c) where the requested person is not subject to the speciality rule, in accordance with Article SURR 32.3(a), (e), (f) and (g);
 - (d) the request for consent shall be submitted in accordance with Article SURR 13, accompanied by the information mentioned in Article SURR 14.1 and a translation as stated in Article SURR 14.2;
 - (e) consent shall be given when the offence for which it is requested is itself subject to surrender in accordance with the provisions of this Part;
 - (f) the decision shall be taken no later than 30 days after receipt of the request;
 - (g) consent shall be refused on the grounds referred to in Article SURR 4 and otherwise may be refused only on the grounds referred to in Articles SURR 5 or 6.2 and 9.2.
3. For the situations referred to in Article SURR 10, the issuing State must give the guarantees provided for therein.
4. Notwithstanding paragraph 1, a person who has been surrendered pursuant to an arrest warrant shall not be extradited to a third state without the consent of the competent authority of the State which surrendered the person. Such consent shall be given in accordance with the Conventions by which that State is bound, as well as with its national law.

ARTICLE SURR 34

Handing over of property

1. At the request of the issuing judicial authority or on its own initiative, the executing judicial authority shall, in accordance with its national law, seize and hand over property which:

- (a) may be required as evidence;
 - (b) or has been acquired by the requested person as a result of the offence
2. The property referred to in paragraph 1 shall be handed over even if the arrest warrant cannot be carried out owing to the death or escape of the requested person.
 3. If the property referred to in paragraph 1 is liable to seizure or confiscation in the territory of the executing State, the latter may, if the property is needed in connection with pending criminal proceedings, temporarily retain it or hand it over to the issuing State, on condition that it is returned.
 4. Any rights which the executing State or third parties may have acquired in the property referred to in paragraph 1 shall be preserved. Where such rights exist, the issuing State shall return the property without charge to the executing State as soon as the criminal proceedings have been terminated.

ARTICLE SURR 35

Expenses

1. Expenses incurred in the territory of the executing State for the execution of an arrest warrant shall be borne by that State.
2. All other expenses shall be borne by the issuing State.

PART 5

COOPERATION VIA EUROPOL

CHAPTER 1

GENERAL PRINCIPLES

ARTICLE EUROPOL 1

Objective of Part 5

The purpose of this Part is to establish cooperative relations between Europol and the law enforcement authorities of the United Kingdom mentioned in Article EUROPOL 6 (“the law enforcement authorities”) in order to support the United Kingdom and the Member States in preventing and combating serious crime, terrorism and other forms of international crime, as referred to in Article EUROPOL 3, in particular through the exchange of information between Europol and the law enforcement authorities.

ARTICLE EUROPOL 2

Definitions

In this Part:

“law enforcement authorities” means the National Crime Agency and other law enforcement authorities of the United Kingdom falling within the definition in Article EUROPOL 6.

CHAPTER 2

SCOPE

ARTICLE EUROPOL 3

Forms of crime

1. The cooperation as established in this Part relates to all forms of crime as listed in Annex EUROPOL 1, including related criminal offences.
2. Related criminal offences are criminal offences committed in order to procure the means of perpetrating the criminal acts referred to in paragraph 1, criminal offences committed in order to facilitate or perpetrate such acts, and criminal offences committed to ensure the impunity of such acts.
3. Where Europol's mandate is changed in any way, the Joint Committee may, upon a proposal from the Union, by decision amend Annex EUROPOL 1 accordingly from the date when the change to Europol's mandate enters into effect.

ARTICLE EUROPOL 4

Areas of cooperation

The cooperation may, in addition to the exchange of information under the conditions laid down in this Part, in support of the operational functions of the law enforcement authorities and Europol, include the exchange of specialist knowledge, general situation reports, results of strategic analysis, information on criminal investigation procedures, information on crime prevention methods and the participation in training activities as well as providing advice and support in individual criminal investigations.

CHAPTER 3

MODE OF COOPERATION

ARTICLE EUROPOL 5

National contact point

1. The national contact point for the United Kingdom listed in Annex EUROPOL 2 shall be the central point of contact between Europol and the law enforcement authorities.
2. The exchange of information between Europol and the law enforcement authorities shall take place between Europol and the national contact point. This does not preclude, however, direct exchanges of information between Europol and the law enforcement authorities, if considered appropriate by both Europol and the relevant law enforcement authority.
3. The national contact point shall also be the central point of contact in respect of review, correction and/or deletion of personal data as mentioned in Article EUROPOL 13.
4. The United Kingdom shall ensure the possibility for the national contact point to enable information exchange on a 24-hour basis. The national contact point shall ensure that information can be exchanged without delay with the law enforcement authorities.

ARTICLE EUROPOL 6

National law enforcement authorities

1. The law enforcement authorities are law enforcement services and other public authorities existing in the United Kingdom which are responsible under national law for preventing and combating criminal offences which fall within the scope of this Part including the National Crime Agency.
2. The transmission of information shall be restricted to the law enforcement authorities.

ARTICLE EUROPOL 7

Consultations and closer cooperation

1. The United Kingdom and the Union agree that to further the cooperation and enhance as well as monitor the development of the provisions of this Part regular exchanges, as appropriate, are integral. Specifically:
 - (a) high level meetings between the law enforcement authorities and Europol shall take place regularly to discuss issues relating to this Part and the cooperation in general;
 - (b) a representative of the national contact point and Europol shall consult each other regularly on policy issues and matters of common interest for the purpose of realising their objectives and coordinating their respective activities;

- (c) a representative of the national contact point shall attend the meetings of the Heads of Europol National Units.
2. When appropriate, consultation shall be arranged at the required level between representatives of the law enforcement authorities and Europol, responsible for the areas of criminality to which this Part applies, to agree upon the most effective way in which to organise their particular activities.

ARTICLE EUROPOL 8

Liaison officers

1. The United Kingdom and the Union agree to enhance the cooperation as laid down in this Part through the secondment of liaison officer(s) from the United Kingdom to Europol. Europol may second one or more liaison officer(s) to the United Kingdom.
2. The liaison officers' tasks, rights and obligations, their number, and the costs involved shall be governed by an administrative arrangement between the United Kingdom and Europol.
3. The hosting authority shall arrange for all necessary facilities, such as office space and telecommunications equipment to be provided to such liaison officers within its premises, at its own cost.
4. The archives of the liaison officer(s) shall be inviolable from any interference by officials of the hosting authority. These archives shall include all records, correspondence, documents, manuscripts, computer records, photographs, films and recordings belonging to or held by the liaison officer(s).
5. Europol shall as far as possible assist the United Kingdom in respect of concluding an agreement with the Kingdom of the Netherlands concerning the privileges and immunities enjoyed by the United Kingdom's seconded liaison officers to Europol. Within the territory of the United Kingdom, a Europol liaison officer shall enjoy such privileges and immunities as are necessary for the fulfilment of his or her functions on behalf of Europol. The liaison officers from the United Kingdom which have been seconded to Europol prior to the commencement of this Part may be assigned the responsibilities of liaison officers in accordance with this Article. In such a case, the rights and obligations of those liaison officers shall be governed by administrative arrangements referred to in paragraph 2.
6. Liaison officers from the United Kingdom and representatives of the law enforcement authorities may participate in operational meetings. Member State liaison officers and third state liaison officers, law enforcement authorities from the Member States and third state, Europol staff and other stakeholders may also attend meetings organised by the liaison officers or the law enforcement authorities.

CHAPTER 4

INFORMATION EXCHANGE

ARTICLE EUROPOL 9

General provisions

1. This Article and Articles EUROPOL 10, 11 and 13 apply to the United Kingdom at any point in time when a decision under Article 36(3) of Directive (EU) 2016/680 that relates to the processing of personal data received from Europol is not applicable in relation to the United Kingdom. Those provisions apply to Europol at any point in time when the law of the United Kingdom does not specify that all of the Member States ensure an adequate level of protection in relation to the processing of personal data received from Europol.
2. Exchange of information between the law enforcement authorities and Europol can only take place in accordance with their respective national and international legal frameworks and for the purpose of and in accordance with the provisions of this Part.
3. The transmission of personal data and classified information by Europol must be necessary in individual cases for the purpose of preventing and combating the criminal offences referred to in Article EUROPOL 3.
4. The law enforcement authorities and Europol shall only supply information to each other which was collected, stored and transmitted in accordance with their respective legal frameworks on data protection and sensitive non-classified and classified information, and has not been clearly obtained in obvious violation of human rights.
5. Individuals shall have the right to access the information related to them transmitted on the basis of this Part, in line with the law on data protection that applies to the person processing the data, and to have such information checked, corrected or deleted. In cases where this right is exercised, the transmitting party shall be consulted before a final decision on the request is taken.
6. Requests for public access to information transmitted on the basis of this Part shall be submitted to whichever of the law enforcement authorities or Europol transmitted the information for their advice as soon as possible.
7. Where a privacy or security breach is identified with respect to information transmitted under this Part, the law enforcement authorities or Europol shall inform each other promptly upon becoming aware of it, in accordance with their legal frameworks. Upon notification, the law enforcement authorities and Europol shall work collaboratively to address or resolve the issue. As regards potentially informing data subjects as a result of those breaches, the law enforcement authorities and Europol shall consult each other as soon as possible.

ARTICLE EUROPOL 10

Transmission of personal data

1. Requests from Europol or the law enforcement authorities for personal data shall be made only for the purpose of this Part and the personal data shall only be processed for the specific purpose(s) referred to in paragraph 2.
2. Europol or the law enforcement authorities will determine at the moment of transmission of the personal data or before, the specific purpose or purposes for which the data were transmitted, and any restriction on its use, deletion or destruction, including possible access restrictions in general or specific terms. Where the need for such restrictions becomes apparent after the supply, the law enforcement authorities and Europol will promptly inform each other of such restrictions.
3. The law enforcement authorities and Europol shall determine without undue delay, no later than six months after receipt, if and to what extent the personal data which have been supplied are necessary for the purpose for which they were supplied and inform the transmitting authority thereof. The personal data must be deleted when the data is not necessary for the purpose for which they were transmitted.

ARTICLE EUROPOL 11

Use of the information

1. Information transmitted under this Part may be used only for the purpose for which it was transmitted and any restriction on its use, deletion or destruction, including possible access restrictions in general or specific terms must be respected by the law enforcement authorities and Europol.
2. Use of information for a purpose other than the purpose for which the information was transmitted must be authorised by the transmitting party.

ARTICLE EUROPOL 12

Onward transmission of the information received

1. Onward transmission of the information provided by Europol shall be restricted to the law enforcement authorities and shall take place, at the initiative of the law enforcement authorities or at the request of Europol, under the same conditions as those applying to the original transmission. Any other onward transmission, including to third states and international organisations, must receive the prior explicit authorisation of Europol.
2. Onward transmission of the information received by Europol shall be restricted to the authorities responsible in the Member States for preventing and combating criminal offences and shall take place under the same conditions as those applying to the original transmission. Any other onward transmission, including to third states or international organisations must receive the prior explicit authorisation of the law enforcement authority in the United Kingdom which transmitted the information to Europol.
3. The requirement to obtain prior authorisation in paragraphs 1 or 2 does not apply where it is necessary for Europol or the law enforcement authorities to transfer the information in

order to prevent an immediate and serious threat to the public security of the United Kingdom, a Member State or a third state, or to safeguard the essential interests of the United Kingdom or a Member State, and the prior authorisation cannot be obtained in good time. The United Kingdom and Europol shall inform the authority responsible for giving prior authorisation without delay.

ARTICLE EUROPOL 13

Storage, Review, Correction and Deletion of personal data

1. The law enforcement authorities and Europol shall retain personal data only as long as it is necessary for the purpose for which it was transmitted.
2. The need for continued storage of personal data shall be reviewed no later than three years after the transmission. During the review, the law enforcement authorities and Europol may decide on the continued storage of data until the following review which shall take place after another period of three years if that is still necessary for the performance of its tasks. If no decision is taken on the continued storage of data, those data shall be deleted automatically.
3. The law enforcement authorities and Europol shall inform each other where they have reason to believe that personal data they have previously transmitted is incorrect, inaccurate, no longer up to date or should not have been transmitted, and, if so informed, the law enforcement agencies and Europol shall correct or delete that personal data, and provide notification thereof.
4. The law enforcement authorities and Europol shall inform each other where they have reason to believe that personal data previously received by them is incorrect, inaccurate, no longer up to date or should not have been transmitted, and, if so informed, shall provide their position on the matter.
5. In the event that Europol is notified of the correction or deletion of data received from the law enforcement authorities, it may nonetheless decide not to delete the information if it, based on the information in its files that is more extensive than that possessed by the law enforcement authorities, has further need to process that information. Europol shall inform the law enforcement authorities of the continued storage of such information.

ARTICLE EUROPOL 14

Facilitation of flow of personal data between United Kingdom and Europol

1. Without prejudice to any provision in this Part, in the interest of maintaining and enhancing mutual operational benefits, the United Kingdom and the Union agree to work together in the Joint Committee to identify arrangements to facilitate the continued flow of personal data between the law enforcement authorities and Europol, particularly regarding data which is stored by Europol for the following purposes:

- (a) cross-checking aimed at identifying connections or other relevant links between information related to:
 - (i) persons who are suspected of having committed or taken part in a criminal offence in respect of which Europol is competent, or who have been convicted of such an offence;
 - (ii) persons regarding whom there are factual indications or reasonable grounds to believe that they shall commit criminal offences in respect of offences to which this Part applies;
 - (b) analysis of a strategic or thematic nature.
2. In respect of the information referenced in paragraph 1, the arrangements agreed should allow for the transfer of data in volumes and to timescales appropriate to mutual operational requirements, and ensure that the return to the law enforcement authorities of results from searches can be expedited and, where possible, allow for those results to be returned simultaneously.
 3. The Joint Committee may by decision amend this Part to implement an arrangement reached under paragraph 1.

ARTICLE EUROPOL 15

Assessment of the source and of the information

1. When information is supplied by the law enforcement authorities or Europol on the basis of this Part, the reliability of the source of the information shall be indicated as far as possible on the basis of the following criteria:
 - (a) where there is no doubt of the authenticity, trustworthiness and competence of the source, or if the information is supplied by a source who, in the past, has proved to be reliable in all instances;
 - (b) source from whom information received has in most instances proved to be reliable;
 - (c) source from whom information received has in most instances proved to be unreliable;
 - (d) the reliability of the source cannot be assessed.
2. When information is supplied by the law enforcement authorities or Europol on the basis of this Part, the accuracy of the information shall be indicated as far as possible on the basis of the following criteria:
 - (a) information whose accuracy is not in doubt;

- (b) information known personally to the source but not known personally to the official passing it on;
 - (c) information not known personally to the source but corroborated by other information already recorded;
 - (d) information which is not known personally to the source and cannot be corroborated.
3. If either Europol or a law enforcement authority, on the basis of information already in its possession, comes to the conclusion that the assessment of information supplied by Europol or the transmitting authority needs correction, it shall inform Europol or the other authority, as the case may be, and attempt to agree on an amendment to the assessment. Neither the law enforcement authority nor Europol shall change the assessment of information received without such agreement.
4. If a law enforcement authority or Europol receives information without an assessment, it shall attempt as far as possible and in agreement with Europol or the transmitting authority, as the case may be, to assess the reliability of the source or the information on the basis of information already in its possession.
5. If no reliable assessment can be made, or no agreement in general terms exists, the information shall be evaluated as at paragraph 1(d) and paragraph 2(d).

ARTICLE EUROPOL 16

Data security

The law enforcement authorities and Europol shall ensure that the information exchanged or received is protected through technical and organisational measures. Such measures shall only be necessary where the effort they involve is proportionate to the objective they are designed to achieve in terms of protection, and shall be designed to:

- (a) deny unauthorised persons access to data processing equipment used for processing personal data (equipment access control);
- (b) prevent the unauthorised reading, copying, modification or removal of data media (data media control);
- (c) prevent the unauthorised input of personal data and the unauthorised inspection, modification or deletion of stored personal data (storage control);
- (d) prevent the use of automated data-processing systems by unauthorised persons using data- communication equipment (user control);
- (e) ensure that persons authorised to use an automated data- processing system have access only to the personal data covered by their access authorisation (data access control);

- (f) ensure that it is possible to verify and establish to which bodies personal data may be or have been transmitted using data communication equipment (communication control);
- (g) ensure that it is possible to verify and establish what data have been accessed by which member of personnel and at what time (access log);
- (h) ensure that it is possible to verify and establish which personal data have been input into automated data-processing systems and when and by whom the personal data were input (input control);
- (i) prevent the unauthorised reading, copying, modification or deletion of personal data during transfers of personal data or during transportation of data media (transport control);
- (j) ensure that installed systems may, in the event of interruption, be restored immediately (recovery);
- (k) ensure that the functions of the system perform without fault, that the appearance of faults in the functions is immediately reported (reliability) and that stored personal data cannot be corrupted by system malfunctions (integrity).

CHAPTER 5

OTHER FORMS OF COOPERATION

ARTICLE EUROPOL 17

Analysis Projects

Experts from the United Kingdom may participate in operational, strategic and thematic analysis projects which are undertaken by Europol.

ARTICLE EUROPOL 18

Provision of expertise to Europol

1. The United Kingdom and the Union agree to work together in the Joint Committee to identify arrangements to allow the provision of personnel support by the United Kingdom to enhance Europol's assets, capacity and expertise in relation to high priority areas of crime, including in respect of analysis projects, and in particular where the United Kingdom has seconded national experts to the agency.

2. The Joint Committee may by decision conclude an arrangement pursuant to paragraph 1 which shall be annexed to this Agreement. The Joint Committee may by decision amend this Part in consequence of that arrangement.

CHAPTER 6

CONFIDENTIALITY OF INFORMATION

ARTICLE EUROPOL 19

Principles of security and confidentiality

The law enforcement authorities and Europol shall:

- (a) protect and safeguard unclassified information subject to this Part and the administrative arrangement on confidentiality referred to in Article EUROPOL 20, with the exception of information which is expressly marked or is clearly recognisable as being public information, by various measures including the obligation of discretion and confidentiality, limiting access to authorised personnel and general technical and procedural measures;
- (b) protect and safeguard classified information subject to this Part and the administrative arrangement on confidentiality referred to in Article EUROPOL 20;
- (c) ensure that it has a security organisation, framework and measures in place. The United Kingdom and the Union mutually accept and apply the basic principles and minimum standards implemented in their respective security systems and procedures to ensure that at least an appropriate level of protection is granted for classified information subject to this Part;
- (d) ensure that the premises where information subject to this Part is kept have an appropriate level of physical security in accordance with the respective legal framework of the party;
- (e) ensure that access to and possession of information is restricted to those persons who by reason of their duties or obligations need to be acquainted with such information or need to handle it;
- (f) ensure that all persons who, in the conduct of their official duties require access or whose duties or functions may afford access to classified information shall be subject to a basic security screening in accordance with the respective legal framework of the party;
- (g) be responsible for the choice of the appropriate classification level for information supplied to the other party;

- (h) ensure that classified information subject to this Part keeps the classification level given to it by the originating party. The receiving party shall protect and safeguard the classified information according to its legal framework for the protection of classified information holding an equivalent classification level;
- (i) not use or permit the use of classified information subject to this Part except for the purposes and within any limitations stated by or on behalf of the originator, without the written consent of the originator;
- (j) subject to the provisions of national law, not disclose or permit the disclosure of classified information subject to this Part to third parties, without the prior written consent of the originator.

ARTICLE EUROPOL 20

Confidentiality

The protection of the information exchanged between the law enforcement authorities and Europol, shall be regulated in an administrative agreement between the law enforcement authorities and Europol implementing the principles outlined in this Chapter. The administrative agreement shall include in particular provisions on the law enforcement authorities and Europol's security organisation, education and training, standards of security screening, table of equivalence, handling of classified information and values of information assurance. Exchange of classified information is conditional upon the conclusion of the administrative agreement on confidentiality. The administrative agreement shall be consistent with the Agreement between the United Kingdom and the Union on security procedures for exchanging and protecting classified information which came into force on [date].

CHAPTER 7

DISPUTES AND LIABILITY

ARTICLE EUROPOL 21

Liability

1. The law enforcement authorities and Europol shall be liable, in accordance with their respective legal frameworks, for any damage caused to an individual as a result of legal or factual errors in information exchanged. In order to avoid liability under their respective legal frameworks vis-à-vis an injured individual, neither the law enforcement authorities nor Europol may plead that the other had transmitted inaccurate information. If damages are awarded against any of the law enforcement authorities or Europol because of its use of information which was erroneously communicated by the other, or communicated as a result of a failure on the part of the other to comply with their obligations, the amount paid in damages by the law enforcement authority or Europol shall be repaid by the other, unless the information was used in breach of this Part.

2. The law enforcement authorities and Europol shall not require each other to pay for punitive or non-compensatory damages under paragraph 1 above.
3. The law enforcement authorities and Europol shall advise as early as possible of any potential claim for compensation that may arise pursuant to this Article. Upon such advice, the law enforcement authorities and Europol shall work collaboratively and cooperatively to address the issues arising as necessary.

CHAPTER 8

FINAL PROVISIONS

ARTICLE EUROPOL 22

Secure communication line

The United Kingdom and the Union agree to establish, implement and operate a secure communication line for the purpose of exchange of information between the law enforcement authorities and Europol, to be regulated in an administrative arrangement.

ARTICLE EUROPOL 23

Expenses

The United Kingdom, Member States and Europol will bear their own expenses which arise in the course of implementation of this Part, unless otherwise provided for in this Part.

PART 6

COOPERATION VIA EUROJUST

ARTICLE EUROJUST 1

Objective of Part 6

The purpose of this Part is to establish cooperative relations between Eurojust and the competent authorities of the United Kingdom in combatting serious crime, particularly organised crime and terrorism.

ARTICLE EUROJUST 2

Definitions

In this Part:

“Administrative Director” means the Administrative Director of Eurojust;

“Assistant” means a person who may assist the Liaison Prosecutor and the Deputy to the Liaison Prosecutor, as referred to in Article EUROJUST 5;

“College” means the College of Eurojust;

“Deputy to the Liaison Prosecutor” means a public prosecutor subject to the national law of the United Kingdom who shall be able to act on behalf of, or substitute, the Liaison Prosecutor;

“Liaison Prosecutor” means a public prosecutor subject to the national law of the United Kingdom as regards his or her status;

“National Member” means the National Member seconded to Eurojust by each Member State.

ARTICLE EUROJUST 3

Scope of cooperation

1. Eurojust and the competent authorities of the United Kingdom shall cooperate within the operational functions of Eurojust in respect of the forms of serious crime listed in Annex EUROJUST, including related criminal offences.
2. Related criminal offences shall be the criminal offences committed in order to procure the means of perpetrating the criminal acts referred to in paragraph 1, criminal offences committed in order to facilitate or carry out such acts, and criminal offences committed to ensure the impunity of such acts.
3. If Eurojust’s mandate is changed in any way, the Joint Committee may, upon a proposal from the Union by decision extend the scope of application of this Part and amend Annex EUROJUST accordingly from the date when the change to Eurojust’s mandate enters into effect.

ARTICLE EUROJUST 4

Competence for the execution of this Part

Within Eurojust, the National Members concerned and the College are competent for the execution of this Part.

ARTICLE EUROJUST 5

Liaison Prosecutor

1. To facilitate cooperation as laid down in this Part, the United Kingdom shall second a Liaison Prosecutor and a Deputy to the Liaison Prosecutor.

2. The United Kingdom may second Assistants to provide assistance to the Liaison Prosecutor and Deputy to the Liaison Prosecutor.
3. The mandate and the duration of the secondments shall be determined by the United Kingdom.
4. The United Kingdom shall inform Eurojust of the nature and extent of the judicial powers of the Liaison Prosecutor, the Deputy to the Liaison Prosecutor and Assistants to act in relation to foreign judicial authorities.
5. The Liaison Prosecutor, the Deputy to the Liaison Prosecutor and Assistants shall have access to the information contained in the national criminal records or in any other register of the United Kingdom in accordance with national law in the case of a prosecutor or person of equivalent competence.
6. The Liaison Prosecutor, as well as the Deputy to the Liaison Prosecutor and Assistants may contact the competent authorities of the United Kingdom directly.
7. Eurojust shall endeavour to provide sufficient facilities to the Liaison Prosecutor, and to the Deputy to the Liaison Prosecutor, and Assistants, which shall include the use of office space and telecommunications services, to the extent possible within the constraints of the infrastructure and budget of Eurojust.
8. The working documents of the Liaison Prosecutor, the Deputy to the Liaison Prosecutor, and Assistants, shall be held inviolable by Eurojust.

ARTICLE EUROJUST 6

Contact point to Eurojust

The United Kingdom shall put in place or appoint at least one contact point to Eurojust within the offices of the competent authorities of the United Kingdom. Any such appointment shall be duly notified to Eurojust by official letter.

ARTICLE EUROJUST 7

Operational and strategic meetings

1. The Liaison Prosecutor, the Deputy to the Liaison Prosecutor, Assistants, and representatives of other relevant competent authorities of the United Kingdom, including the contact point to Eurojust, may participate in strategic meetings, at the invitation of the President of Eurojust and in operational meetings with the approval of the National Members concerned.
2. National Members, their deputies and assistants, the Administrative Director and Eurojust staff may also attend meetings organised by the Liaison Prosecutor, the Deputy Liaison Prosecutor or other competent authorities of the United Kingdom, including the contact point to Eurojust.

ARTICLE EUROJUST 8

Exchange of information

1. In accordance with this Part, the competent authorities of the United Kingdom and Eurojust may exchange information that is adequate, relevant and not excessive to achieve the purpose of this Part as laid down in Article EUROJUST 1.
2. Requests for information shall state the purpose for which the information is requested. In the event of spontaneous transfer of information, the provision of information shall include notification of the purpose for which the information is supplied.
3. When providing information, the competent authorities of the United Kingdom or Eurojust may impose restrictions to the use of the information provided, which shall be respected. This also includes possible access restrictions, restrictions on further transmission and terms for deletion or destruction. Notification may also be given at a later stage, when the need for such restrictions becomes apparent after the transfer.
4. The competent authorities of the United Kingdom and Eurojust shall keep a record of the transmission and receipt of information communicated under this Part, including the purpose for such transmissions.
5. The competent authorities of the United Kingdom shall only transmit personal data where it is reasonably necessary to enable Eurojust to perform, in accordance with its legal framework, a function that the competent authorities perform in the United Kingdom.

ARTICLE EUROJUST 9

Channels of transmission

1. The information shall be exchanged:
 - (a) either between the Liaison Prosecutor, the Deputy to the Liaison Prosecutor, and Assistants or, if no Liaison Prosecutor is appointed or otherwise available, the contact point to Eurojust and the National Members concerned or the College; or
 - (b) directly between the competent authority in charge of investigating and/or prosecuting and/or carrying out the criminal proceedings and the National Members concerned or the College. In this event, the Liaison Prosecutor shall be informed about any such information exchanges.
2. Eurojust and the competent authorities of the United Kingdom are not precluded from agreeing to use other channels for the exchange of information in particular cases.
3. Both Eurojust and the competent authorities of the United Kingdom shall ensure that their respective representatives are authorised to exchange information at the appropriate level and are adequately screened.

ARTICLE EUROJUST 10

Privacy and data protection

1. This Article and Articles EUROJUST 11 to 14 apply to the competent authorities of the United Kingdom at any point in time when a decision under Article 36(3) of Directive (EU) 2016/680 that relates to the processing of personal data received from Eurojust is not applicable in relation to the United Kingdom. These provisions apply to Eurojust at any point in time when the law of the United Kingdom does not specify that all of the Member States ensure an adequate level of protection in relation to the processing of personal data received from Eurojust.
2. In respect of personal data exchanged pursuant to this Part, the competent authorities of the United Kingdom or Eurojust (as appropriate) shall ensure that:
 - (a) the personal data are fairly processed;
 - (b) the personal data provided are adequate, relevant and not excessive in relation to the specific purpose of the request or transfer as defined in Article EUROJUST 8.2 of this Part;
 - (c) the personal data are retained only so long as necessary for the purpose for which the data were provided or further processed in accordance with this Part; and
 - (d) possibly inaccurate personal data are brought promptly to the attention of the person who received it in order that appropriate corrective action is taken.

ARTICLE EUROJUST 11

Transmission of special categories of personal data

1. Personal data revealing racial or ethnic origin, political opinions or religious or other beliefs, trade union membership or concerning health and sexual life may only be provided if they are strictly necessary for a purpose set forth in Article EUROJUST 1.
2. The competent authorities of the United Kingdom or Eurojust shall take adequate safeguards, particularly appropriate technical and organisational security measures, to comply with the special sensitivity of the categories of personal data mentioned in paragraph 1 of this Article.

ARTICLE EUROJUST 12

Right of access to personal data

1. The data subject shall be entitled to have access to his or her personal data exchanged under this Part. Access shall be exercised in accordance with the law applicable to the territory in which the personal data is processed. The competent authorities of the United

Kingdom or Eurojust shall ensure that its decision is communicated to the data subject in a timely manner. Access to personal data shall be denied if providing such access may jeopardise:

- (a) the purposes of the processing;
 - (b) investigations, prosecutions or criminal proceedings conducted by the competent authorities in the United Kingdom or by the competent authorities in the Member States that Eurojust is assisting; or
 - (c) the rights and freedoms of third parties.
2. Where the competent authorities of the United Kingdom or Eurojust receive a request it shall give Eurojust or the competent authorities of the United Kingdom the opportunity to express its opinion as to the possible existence of one of the grounds to deny access as set forth in paragraph 1 of this article.
 3. This Article is without prejudice to any rights an individual may have under the applicable legal framework to seek access to information held by the competent authorities of the United Kingdom or Eurojust, or other appropriate relief. For the purpose of this paragraph, the “applicable legal framework” means the national law of the United Kingdom where the competent authorities of the United Kingdom transmitted the information, or the legal framework that applies to Eurojust where Eurojust transmitted the information.

ARTICLE EUROJUST 13

Right of rectification, erasure and restriction of processing of personal data

1. The data subject shall be entitled to request to the competent authorities of the United Kingdom or Eurojust where they have processed data relating to him/her under this Part to rectify, erase or restrict the processing of those data that are incorrect or incomplete or if their collection, further processing or storage contravenes this Part or the respective applicable rules. Such a request shall be made in writing and shall include all relevant information to substantiate it.
2. If any of the competent authorities of the United Kingdom or Eurojust becomes aware via the request of the data subject, via notification from the other or via any other way that information it has received from the other is not accurate, it shall take all appropriate measures to safeguard against erroneous reliance on such information, which may include supplementation, deletion or correction of such information.
3. If any of the competent authorities of the United Kingdom or Eurojust becomes aware that information it possesses causes significant doubt as to the accuracy of information received pursuant to this Part, or an assessment is made by Eurojust or any of the competent authorities of the United Kingdom of the accuracy of information or the reliability of a source, it shall, where feasible inform the other entity thereof. That entity shall, where necessary, notify any further recipient so that they rectify, erase or restrict the processing of such personal data accordingly.

ARTICLE EUROJUST 14

Time limits for the storage of personal data

Personal data shall be stored only for so long as necessary for the achievement of the purposes of this Part or for the purposes for which the data were collected or further processed according to Article EUROJUST 1.

ARTICLE EUROJUST 15

Data security

The competent authorities of the United Kingdom and Eurojust shall ensure that the necessary technical measures and organisational arrangements are utilised to protect personal data received under this Part against accidental or unlawful destruction, accidental loss or unauthorised disclosure, alteration, access or any unauthorised form of processing. The competent authorities of the United Kingdom and Eurojust shall particularly ensure that only those authorised to access personal data can have access to such data.

ARTICLE EUROJUST 16

Onward transfers

The competent authorities of the United Kingdom and Eurojust shall not communicate any information provided by the other to any third state or body without the consent of whichever of the competent authorities of the United Kingdom or Eurojust provided the information and without appropriate safeguards regarding the protection of personal data.

ARTICLE EUROJUST 17

Liability

1. The competent authorities of the United Kingdom and Eurojust shall be liable, in accordance with their respective legal frameworks, for any damage caused to an individual as a result of legal or factual errors in information exchanged. In order to avoid liability under their respective legal framework vis-à-vis an injured individual, neither the competent authorities of the United Kingdom nor Eurojust may plead that the other had transmitted inaccurate information. If damages are awarded against any of the competent authorities of the United Kingdom or Eurojust because of its use of information which was erroneously communicated by the other, or communicated as a result of a failure on the part of the other to comply with their obligations, the amount paid in damages by the competent authority of the United Kingdom or Eurojust shall be repaid by the other, unless the information was used in breach of this Part.
2. The competent authorities of the United Kingdom and Eurojust shall not require each other to pay for punitive or non-compensatory damages under paragraph 1 above.

3. The competent authorities of the United Kingdom and Eurojust shall advise as early as possible of any potential claim for compensation that may arise pursuant to this Article. Upon such advice, the competent authorities of the United Kingdom and Eurojust shall work collaboratively and cooperatively to address the issues arising as necessary.

ARTICLE EUROJUST 18

Expenses

Without prejudice to Article EUROJUST 5.7, neither the competent authorities of the United Kingdom nor Eurojust shall make any pecuniary claim against the other for expenses arising out of the execution of this Part. Should expenses of an extraordinary nature arise out of the execution of this Part, the Joint Committee may by decision determine the manner in which they shall be addressed.

PART 7

CONTINUED DIALOGUE

ARTICLE DIALOGUE 1

Cooperation on criminal matters etc.

1. With a view to advancing their common security and shared interests, the United Kingdom and the Union shall cooperate on:
 - (a) facilitating co-operation between judicial authorities in relation to proceedings in criminal matters and the enforcement of decisions where there is, or may be, a cross border element;
 - (b) facilitating police co-operation involving all relevant authorities including police, customs and other specialised law enforcement services in relation to the prevention, detection and investigation of criminal offences where there is, or may be, a cross border element;
 - (c) preventing, detecting and investigating counter-terrorism and countering violent extremism where there is, or may be, a cross border element.
2. Recognising the mutual advantage of collaboration in this area, this cooperation should include close dialogue covering issues including (but not limited to) emerging threats and new capabilities, and the sharing of best practice.

PART 8

PRISONER TRANSFER

ARTICLE PT 1

Objective of Part 8

1. The United Kingdom and the Union undertake to afford each other the widest measure of co-operation in respect of the transfer of sentenced persons in accordance with the provisions of this Part.
2. A sentence imposed in the United Kingdom or a Member State may be transferred, with, or where the person is in the administering State, without the sentenced person, to a Member State or the United Kingdom in accordance with the provisions of this Part for the sentence to be enforced in the administering State.
3. A sentenced person may express interest to the sentencing State or to the administering State in being transferred under this Part.
4. Transfer may be requested by either the sentencing State or the administering State.

ARTICLE PT 2

Definitions for Part 8

In this Part:

“administering State” means the State in which the sentence is to be enforced;

“judgment” means a final decision or order of a court imposing a sentence on a natural person;
“sentence” means any punishment or measure involving deprivation of liberty, in any institution, including a hospital, ordered by a court for a limited or unlimited period of time on account of a criminal offence;

“sentencing State” means the State in which the sentence was imposed;

“transfer” means the transfer of a sentence alone, or a sentence and the sentenced person from a Member State to the United Kingdom, or from the United Kingdom to a Member State.

ARTICLE PT 3

Conditions for transfer

1. A sentence or sentence and sentenced person may be transferred under this Part only if all of the following conditions are met:
 - (a) the sentenced person is a national of the administering State;
 - (b) the judgment is final;

- (c) at the time of receipt of the request for transfer, the sentenced person still has at least six months of the sentence to serve or if the sentence is indeterminate;
 - (d) where consent is required, the consent of the sentenced person or, where in view of the sentenced person's age, or physical or mental condition either State considers it necessary, by the sentenced person's legal representative. Where consent is not required, the sentenced person has been given an opportunity to state their opinion; and
 - (e) the acts or omissions for which the sentence has been imposed constitute a criminal offence according to the law of the administering State or would constitute a criminal offence if committed on its territory, or is an offence listed in Article PT 11.1.
2. In exceptional cases, the sentencing State and administering State may agree to a transfer even if the time to be served by the sentenced person is less than that specified in paragraph 1(c).

ARTICLE PT 4

Obligation to furnish information

1. Any sentenced person to whom this Part may apply shall be informed by the sentencing State of the substance of this Part.
2. Where there is a request for transfer, the sentencing State shall provide to the administering State with the following:
 - (a) the name, date, and place of birth of the sentenced person;
 - (b) their address, if any, in the administering State;
 - (c) a statement of the facts upon which the sentence was based;
 - (d) the nature, duration and date of commencement of the sentence;
 - (e) a certified copy of the judgment and the law on which it is based;
 - (f) a statement indicating how much of the sentence has already been served, including information on any pretrial detention, remission, and any other factor relevant to the enforcement of the sentence;
 - (g) whenever appropriate, any medical or social reports on the sentenced person, information about their treatment in the sentencing State, and any recommendation for further treatment in the administering State;
 - (h) where required, a declaration containing the opinion of the sentenced person as to the proposed transfer, or a statement that the sentenced person refuses to provide an opinion in this regard; and

- (i) where necessary, a copy of the expulsion or deportation order or any other order having the effect that the sentenced person will no longer be allowed to remain in the territory of the sentencing State once released from prison.
3. The sentenced person shall be informed in writing of any action taken by the sentencing State or by the administering State, as well as of any decision taken by either State on a request for transfer.

ARTICLE PT 5

Supporting documents

1. The administering State, if agreeing to the transfer, shall furnish the sentencing State with:
 - (a) a document or statement indicating that the sentenced person is a national of that State;
 - (b) a copy of the relevant law of the administering State which provides that the acts or omissions on account of which the sentence has been imposed in the sentencing State constitute a criminal offence according to the law of the administering State, or would constitute a criminal offence if committed on its territory; and
 - (c) a statement on how the sentence will be enforced including information on early or conditional release and any proposal for adaptation in accordance with Article PT 13.2.
2. The requesting State may ask to be provided with any of the documents or statements referred to in paragraph 1 above before making a request for transfer or taking a decision on whether or not to agree to the transfer.

ARTICLE PT 6

Requests and replies

1. Requests for transfer and replies shall be made in writing.
2. Subject to paragraph 3, all communications shall be made through the competent authority.
3. The United Kingdom and the Union, in respect of the Member States, may, by a declaration to the Joint Committee, indicate that it will use other channels of communication.

ARTICLE PT 7

Consent and its verification

1. Where Article PT 8 does not apply, the sentencing State shall ensure that the sentenced person gives consent to the transfer in accordance with Article PT 3.1(d) and does so voluntarily and with full knowledge of the legal consequences. The procedure for giving consent shall be governed by the law of the sentencing State.
2. The sentencing State shall afford an opportunity to the administering State to verify through a consul, or other official agreed upon with the administering State, that the consent is given in accordance with the conditions set out in paragraph 1.

ARTICLE PT 8

Transfer without the consent of the sentenced person

1. The consent of the sentenced person shall not be required in the following circumstances:
 - (a) when the sentenced person has fled to or otherwise returned to the State of nationality being aware of the criminal proceedings pending in the sentencing State;
 - (b) when the sentenced person has fled to or otherwise returned to the State of nationality being aware that a judgment has been issued;
 - (c) where the sentence or an administrative decision includes an expulsion or deportation order or any other measure as the result of which the sentenced person will no longer be allowed to remain in the territory of the sentencing State once released from detention;
 - (d) where the sentenced person is ordinarily resident in the administering State.
2. For the purposes of paragraph 1(a) or (b), at the request of the sentencing State, the administering State may, prior to the arrival of the documents supporting the request, or prior to the decision on that request, arrest the sentenced person, or take any other measure to ensure that the sentenced person remains in its territory, pending a decision on the request. Requests for provisional measures shall include the information mentioned in Article PT 4.2. The penal position of the sentenced person shall not be aggravated as a result of any period spent in custody by reason of this paragraph.
3. The sentencing State shall take into consideration the opinion of the sentenced person before forwarding a request to the administering State.

ARTICLE PT 9

Reasons for refusal to accept and enforce

1. The competent authority of the administering State may refuse to accept the judgment and enforce the sentence, if:

- (a) the request is not fully completed or clearly does not reflect the contents of the judgment and has not been fully completed or amended within a reasonable timeframe set by the competent authority of the administering State;
- (b) the conditions for transfer set out in Article PT 3 are not satisfied;
- (c) enforcement of the sentence would conflict with the principle of "ne bis in idem";
- (d) in a case referred to in Article PT 11.3 and, where the administering State has made a declaration under Article PT 11.4, in a case referred to in Article PT 11.1, the judgment relates to acts which would not amount to an offence under the law of the administering State. With regard to taxes or duties, customs and exchange, administration of a judgment may not be refused for the reason that the law of the administering State does not lay down the same type of tax or duty or does not contain the same type of law in relation to taxes, duties and customs and exchange regulations as the law of the sentencing State;
- (e) the enforcement of the sentence is barred by statute in the administering State;
- (f) enforcement of the sentence is not possible as there is immunity under the law of the administering State;
- (g) the sentence has been imposed on a person who, according to the law of the administering State, could not have been found criminally liable for the conduct in respect of which the judgment was issued by virtue of their age;
- (h) the judgment was given in absentia, except where the information provided in accordance with Article PT 4.2 sets out that the sentenced person was summoned in person or notified by an appropriate person competent to do so under the law of the sentencing State of the time and place of the proceedings which resulted in the judgment being given in absentia, or that the person has indicated to a competent authority that they do not challenge the case;
- (i) the administering State, prior to a decision being made according to Article PT 10.1, makes a request, in accordance with Article PT 17.1, and the sentencing State does not consent, in accordance with that Article, to the person concerned being prosecuted, sentenced or otherwise deprived of liberty in the administering State for an offence committed before the transfer other than that for which the person was transferred;
- (j) the sentence imposed includes a measure of psychiatric or health care or another measure leading to deprivation of liberty, which, despite the terms of Article PT 13.2, cannot be administered by the administering State under its legal or health care procedures;
- (k) the judgment relates to criminal offences which are considered under the law of the administering State to have been committed solely or for a greater or crucial part within its territory, or in a place tantamount to its territory.

2. Any decision under paragraph 1(k) in relation to offences committed partially within the territory of the administering State, or in a place tantamount to its territory, shall be taken by the competent authority of the administering State in exceptional circumstances and each request will be considered on a case-by-case basis, having regard to the individual circumstances of the case, and, in particular, to whether a greater or crucial part of the conduct in question has taken place in the sentencing State.
3. In the cases referred to in paragraph 1(a), (b), (c), (h), (j) and (k), before deciding not to accept the judgment and enforce the sentence, the competent authority of the administering State shall ask the advice of the competent authority of the sentencing State, by any appropriate channels, and shall, where appropriate, request that it provide any significant further information as quickly as possible.

ARTICLE PT 10

Decision on the enforcement of the sentence and deadlines

1. The competent authority in the administering State shall make a decision without delay whether to accept the judgment and enforce the sentence and shall notify the sentencing State, including notifying the sentencing State of any decision to adapt the sentence in accordance with Article PT 13.2.
2. The administering State shall make the final decision on the acceptance of the judgment and the enforcement of the sentence within a timeframe of 90 days from receipt of the judgment and the information set out in Article PT 4.2.
3. When in exceptional cases it is not possible for the competent authority of the administering State to adhere to the timeframe provided for in paragraph 2, it shall immediately inform the competent authority of the sentencing State by any channels, giving the reasons for the delay and the estimated time required for the final decision to be made.

ARTICLE PT 11

Dual criminality

1. The following offences, if they are punishable in the sentencing State by a custodial sentence or a measure involving deprivation of liberty for a maximum period of at least three years, and as they are defined by the law of the sentencing State, shall, under the terms of this Part and without confirmation of the dual criminality of the act, require acceptance of the judgment and enforcement of the sentence imposed:
 - (a) participation in a criminal organisation;
 - (b) terrorism;
 - (c) trafficking in human beings;

- (d) sexual exploitation of children and child pornography;
- (e) illicit trafficking in narcotic drugs and psychotropic substances;
- (f) illicit trafficking in weapons, munitions and explosives;
- (g) corruption;
- (h) fraud;
- (i) laundering of the proceeds of crime;
- (j) counterfeiting currency, including of the euro;
- (k) computer-related crime;
- (l) environmental crime, including illicit trafficking in endangered animal species and in endangered plant species and varieties;
- (m) facilitation of unauthorised entry and residence;
- (n) murder;
- (o) grievous bodily injury;
- (p) illicit trade in human organs and tissue;
- (q) kidnapping, illegal restraint and hostage-taking;
- (r) racism and xenophobia;
- (s) organised or armed robbery;
- (t) illicit trafficking in cultural goods, including antiques and works of art;
- (u) swindling;
- (v) racketeering and extortion;
- (w) counterfeiting and piracy of products;
- (x) forgery of administrative documents and trafficking therein;
- (y) forgery of means of payment;
- (z) illicit trafficking in hormonal substances and other growth promoters;

- (aa) illicit trafficking in nuclear or radioactive materials;
 - (bb) trafficking in stolen vehicles;
 - (cc) rape;
 - (dd) arson;
 - (ee) crimes within the jurisdiction of the International Criminal Court;
 - (ff) unlawful seizure of aircraft/ships;
 - (gg) sabotage.
2. The Joint Committee may by decision add other categories of offences to the list provided for in paragraph 1 at any time.
 3. For offences other than those covered by paragraph 1, the administering State may make the acceptance of the judgment and enforcement of the sentence conditional on it relating to acts which also amount to an offence in accordance with the law of the administering State, regardless of its component parts or the manner in which it is described.
 4. The United Kingdom and the Union (in respect of any of the Member States) may, on enactment of this Part or later, by a declaration communicated to the other Party declare paragraph 1 will not apply. Any such declaration may be revoked at any point.

ARTICLE PT 12

Effect of transfer for sentencing State

1. The taking into charge of the sentenced person by the authorities of the administering State shall have the effect of suspending the enforcement of the sentence in the sentencing State.
2. The sentencing State may no longer enforce the sentence if the administering State considers enforcement of the sentence to have been completed.

ARTICLE PT 13

Continued Enforcement

1. The administering State shall be bound by the legal nature and duration of the sentence as determined by the sentencing State.
2. If, however, this sentence is by its nature or duration incompatible with the law of the administering State, or its law so requires, that State may, by a court or administrative order, and with the agreement with the sentencing State, adapt the sanction to the punishment or measure prescribed by its own law for a similar offence. As to its nature,

the punishment or measure shall, as far as possible, correspond with that imposed by the sentence to be enforced. It shall not aggravate, by its nature or duration, the sanction imposed in the sentencing State, nor exceed the maximum prescribed by the law of the administering State.

ARTICLE PT 14

Pardon, amnesty, commutation, and review of judgment

1. The United Kingdom and the Member States may grant pardon, amnesty or commutation of the sentence in accordance with their respective constitutional arrangements or other laws.
2. The sentencing State alone shall have the right to decide on any application for review of the judgment.

ARTICLE PT 15

Termination of enforcement

The administering State shall terminate enforcement of the sentence as soon as it is informed by the sentencing State of any decision or measure as a result of which the sentence ceases to be enforceable.

ARTICLE PT 16

Information on enforcement

The administering State shall provide information to the sentencing State concerning the enforcement of the sentence:

- (a) when it considers enforcement of the sentence to have been completed;
- (b) if the sentenced person has escaped from custody before enforcement of the sentence has been completed; or
- (c) if the sentencing State requests a special report.

ARTICLE PT 17

Speciality

1. Any person transferred under the provisions of Article PT 8.1(c) and (d) shall not be proceeded against, sentenced or detained with a view to the carrying out of a sentence or detention order, for any offence committed prior to his or her transfer, other than that for which the sentence to be enforced was imposed, nor shall that person for any other reason be restricted in their personal freedom, except in the following cases:

- (a) when the sentencing State so authorises;
 - (b) when the sentenced person, having had an opportunity to leave the territory of the administering State, has not done so within 30 days of final discharge, or if the sentenced person has returned to that territory after leaving it;
 - (c) where the sentenced person consents.
2. A request for authorisation under paragraph 1(a) shall be submitted, accompanied by all relevant documents and a legal record of any statement made by the sentenced person; authorisation shall be given when the offence for which it is requested would itself be subject to extradition under the law of the sentencing State or when extradition would be excluded only by reason of the amount of punishment. The decision shall be taken as soon as possible and no later than 90 days after receipt of the request for consent. Where it is not possible for the sentencing State to comply with the period provided for in this paragraph, it shall inform the administering State, providing the reasons for the delay and the estimated time needed for the decision to be taken.

ARTICLE PT 18

Link to Surrender

This Part shall apply where an undertaking has been given, in accordance with Part 4 of this Agreement, for a sentence, subject to surrender, to be served in the administering State.

ARTICLE PT 19

Transit

1. The United Kingdom and the Member States shall, in accordance with their national law, permit the transit of a sentenced person through their territory if a transit request is made by a relevant State where the relevant State has agreed with another relevant State or with a third state to the transfer of that person to or from its territory.
2. The United Kingdom or a Member State may refuse to permit transit:
 - (a) if the sentenced person is one of its nationals; or
 - (b) if the offence for which the sentence was imposed is not an offence under its own law.
3. Transit requests and replies shall be communicated through the channels referred to in the provisions of Article PT 6.2 and 6.3.
4. The United Kingdom and the Member States may permit transit of a sentenced person through their territory made by a third state if the third state has agreed with a State to transfer the sentenced person to or from its territory.

DRAFT UK NEGOTIATING DOCUMENT – NOT FOR TRANSMISSION OUTSIDE OF
NEGOTIATING TEAMS

5. The State requested to grant transit may hold the sentenced person in custody only for such time as transit through its territory requires.
6. The State requested to grant transit may be asked to give an assurance that the sentenced person will not be prosecuted, or, except as provided in the preceding paragraph, detained, or otherwise subjected to any restriction on liberty in the territory of the transit State for any offence committed or sentence imposed prior to their departure from the territory of the sentencing State.
7. This Part does not apply in the case of transport by air over the territory of the United Kingdom or a Member State and no landing there is scheduled. However, the United Kingdom and the Union (in respect of any Member State) may, by notification to the other Party, require that it be notified of any such transit over its territory.

ARTICLE PT 20

Language and costs

1. Information under Article PT 4.2 shall be furnished in the one of the official languages of the State to which it is addressed.
2. The United Kingdom and the Union (in respect of the Member States) shall notify the Joint Committee of the language(s) which, in addition to the official language(s) of the requested State concerned, may be used for replying to requests under this Part.
3. No translation of requests for transfer or of supporting documents shall be required. Except as provided in Article PT 4.2(e), documents transmitted in application of this Part need not be certified.
4. Expenditure arising from the operation of this Part shall be met by the administering State, except for the expenditure arising from the transfer of the sentenced person to the administering State and those arising solely in the sentencing State.

ARTICLE PT 21

Temporal application

This Part shall be applicable to sentences imposed either before or after its entry into force.

ARTICLE PT 22

Relationship to other Agreements

1. This Part applies to the United Kingdom and the Member States except to the extent that the United Kingdom and a Member State agree to separate agreements for the transfer of sentences and sentenced persons.

2. If a request for transfer falls within the scope of both this Part and any other agreement on the transfer of sentenced persons, the requesting State shall, when making the request, indicate under which instrument the request is made.

ARTICLE PT 23

Transitional provision

Requests for transfers received by the administering State before the date of entry into force of this Part shall continue to be governed by existing instruments relating to the transfer of sentences and sentenced persons. Requests for transfer received by the administering State after that date shall be governed by this Part.

PART 9

MUTUAL LEGAL ASSISTANCE

CHAPTER 1

GENERAL PROVISIONS

ARTICLE MLA 1

Objective of Part 9

1. The purpose of this Part is to supplement the provisions and facilitate the application between the United Kingdom and the Member States of:
 - (a) the European Convention on Mutual Assistance in Criminal Matters of 20 April 1959, hereinafter referred to as the "1959 Convention";
 - (b) the Additional Protocol of 17 March 1978 to the Mutual Assistance Convention;
 - (c) the Second Additional Protocol of 8 November 2001 to the European Convention on Mutual Assistance.
2. This Part does not relate to the exchange of information from the national register or registers recording convictions (see Part 2).

ARTICLE MLA 2

Definitions

In this Part:

“issuing authority” means:

- (a) a judicial authority or a public prosecutor competent in the case concerned in accordance with national law; or
- (b) any other authority as defined by the issuing State which, in the specific case, is acting in its capacity as an investigating authority in criminal proceedings with competence to order the gathering of evidence in accordance with national law;

“MLA Request” means a request for mutual legal assistance issued by the United Kingdom or a Member State to a relevant State in the form prescribed by Article MLA 4.

ARTICLE MLA 3

Types of proceedings for which an MLA Request can be issued

An MLA Request may be issued in relation to criminal or administrative proceedings brought under the national law of the issuing State.

ARTICLE MLA 4

Content and Form of MLA Request

1. An MLA Request shall be completed in the form set out in Annex MLA 1 and signed.
2. The MLA Request shall, in particular, contain the following information:
 - (a) the name of the issuing authority;
 - (b) the object of and reasons for the request;
 - (c) the necessary information available on the person(s) concerned;
 - (d) a description of the criminal act, which is the subject of the investigation or proceedings, and the applicable provisions of the criminal law of the issuing State;
 - (e) a description of the investigative measure(s) requested and the evidence to be obtained.
3. The United Kingdom and the Union (in respect of each of the Member States) shall notify the Joint Committee of the language(s) which, in addition to the official language(s) of the State concerned, may be used for completing or translating the MLA Form when the State concerned is an executing State.
4. The issuing State shall translate the MLA Request set out in Annex MLA 1 into an official language of the executing State or any other language indicated by or in respect of the executing State in accordance with paragraph 3.

ARTICLE MLA 4

Types of proceedings for which an MLA Request can be issued

An MLA Request may be issued in relation to criminal or administrative proceedings brought under the national law of the issuing State.

ARTICLE MLA 5

Proceedings in connection with which mutual assistance is also to be afforded

1. The issuing authority may only issue an MLA Request where it is satisfied that the following conditions have been met:
 - (a) the issuing of an MLA Request is necessary and proportionate for the purpose of the proceedings referred to in Article MLA 4 taking into account the rights of the suspected or accused person; and
 - (b) the investigative measure(s) indicated in the MLA Form could have been ordered under the same conditions in a similar domestic case.
2. The executing State may consult the issuing State in circumstances where the executing authority is of the view that the conditions in paragraph 1 may not have been met.

ARTICLE MLA 6

Grounds for non-recognition or non-execution

1. Mutual assistance shall not be afforded where there are substantial grounds to believe that the execution of the investigative measure indicated in the MLA Request would be incompatible with the executing State's obligations in relation to fundamental rights.
2. Mutual assistance may be refused by the executing State where the execution of the MLA Request would be contrary to the principle of "ne bis in idem".
3. Mutual assistance may be refused by the executing State where the conduct for which the MLA Request has been issued does not constitute an offence under the law of the executing State, unless it concerns an offence listed within the categories of offences set out in Annex MLA 2, as indicated by the issuing authority in the MLA Request, if it is punishable in the issuing State by a custodial sentence or a detention order for a maximum period of at least three years.

ARTICLE MLA 7

Recognition and Execution

1. Subject to the application of one of the grounds for non-recognition or non-execution of an MLA Request, the executing State shall recognise an MLA Request, transmitted in accordance with this Part.
2. Subject to the provisions of this Part and to the application of the law of the executing State, the executing State shall comply with the formalities and procedures that are expressly requested by the issuing authority.
4. The executing State may refuse to comply with requests that are not issued by an issuing authority.
5. Authorities of the issuing State may support the authorities of the executing State where the actions the authorities of the issuing State undertaken in support would be lawful in an equivalent domestic case. The authorities of the executing State shall cooperate with the authorities of the issuing State unless to do so would prejudice the fundamental principles of law of the executing State.

ARTICLE MLA 8

Time limits for recognition and execution

1. The measures specified in an MLA Request shall be carried out in the same manner as if the case in question was a domestic case.
2. The deadlines specified in this Article are subject to any alternative deadlines specified in the MLA Request.
3. The executing State shall take the decision on the recognition or execution of the MLA Request no later than 30 days after receipt of the MLA Form.
4. Unless evidence mentioned in the investigative measure covered by the MLA Request is already in the possession of the executing State, the executing State shall carry out the investigative measure without delay and without prejudice to paragraph 5, not later than 120 days following the decision referred to in paragraph 3.
5. If it is not practicable in a specific case for the executing State to meet the time limit set out in paragraph 3 or the specific date set out in paragraph 2, it shall, without delay, inform the issuing State by any means, giving the reasons for the delay and the estimated time necessary for the decision to be taken. In such a case, the time limit laid down in paragraph 3 may be extended by a maximum of 30 days.
6. If it is not practicable in a specific case for the executing State to meet the time limit set out in paragraph 4, it shall, without delay, inform the issuing State by any means, giving the reasons for the delay and it shall consult with the issuing State on the appropriate timing to carry out the investigative measure.
7. If the request cannot, or cannot fully, be executed in accordance with the requirements set by this Article, the authorities of the issuing State shall promptly inform the authorities of

the executing State and indicate the conditions under which it might be possible to execute the request. The authorities of the issuing and the executing State may subsequently agree on further action to be taken concerning the request, where necessary by making such action subject to the fulfilment of those conditions.

ARTICLE MLA 9

Sending and service of procedural documents

1. The United Kingdom and the Member States shall send procedural documents intended for persons who are in the territory of a relevant State to them directly by post.
2. Procedural documents may be sent via the relevant authorities of the executing State only if:
 - (a) the address of the person for whom the document is intended is unknown or uncertain; or
 - (b) the relevant procedural law of the executing State requires proof of service of the document on the addressee, other than proof that can be obtained by post; or
 - (c) it has not been possible to serve the document by post; or
 - (d) the issuing State has justified reasons for considering that dispatch by post will be ineffective or is inappropriate.
3. Where there is reason to believe that the addressee does not understand the language in which the document is drawn up, the document, or at least the important passages thereof, must be translated into one of the official language(s) of the State in which the addressee is staying. If the authority which issued the procedural document knows that the addressee understands only some other language, the document, or at least the important passages thereof, must be translated into that other language.
4. All procedural documents shall be accompanied by a report stating that the addressee may obtain information from the authority which issued the document or from other authorities in that State regarding his or her rights and obligations concerning the document. Paragraph 3 shall also apply to that report.

ARTICLE MLA 10

Transmission of requests for mutual assistance

1. Requests for mutual legal assistance shall be made directly between issuing authorities and competent authorities in the executing State that are able to receive and recognise requests.
2. Any information laid by the United Kingdom or a Member State with a view to proceedings before the courts of a relevant State within the meaning of Article 21 of the 1959 Convention may be the subject of direct communications between the judicial authorities.

3. Notwithstanding paragraph 1, the United Kingdom may notify the Joint Committee that requests and communications to it, as specified in the declaration, must be sent via the central authorities. The United Kingdom may at any time by a further declaration limit the scope of such a declaration for the purpose of giving greater effect to paragraph 1. The Union (in respect of any of its Member States) may declare that it will apply the principle of reciprocity in relation to a declaration referred to in this paragraph.
4. Any request for mutual legal assistance may, in case of urgency, be made via the International Criminal Police Organisation (Interpol) or Europol or Eurojust.
5. Any request for the spontaneous exchanges of information referred to in Article MLA 11 may be made directly via Interpol or Europol or Eurojust, provided that an exchange between Interpol is agreed by both the issuing State and the executing State.
6. Where, in respect of requests pursuant to Articles MLA 16 or 17 the competent authority is a judicial authority or a central authority in the United Kingdom or a Member State and a police or customs authority in a relevant State, requests may be made and answered directly between these authorities. Paragraph 2 shall apply to these contacts.
7. Where, in respect of requests for mutual assistance in relation to proceedings as envisaged in Article MLA 19.1, the competent authority is a judicial authority or a central authority in the United Kingdom or a Member State and an administrative authority in a relevant State, requests may be made and answered directly between these authorities.
8. The United Kingdom and the Union (in respect of any Member State) may notify the Joint Committee that it is not bound by the first sentence of paragraph 6 or by paragraph 7 of this Article, or both, or that it will apply those provisions only under certain conditions which it shall specify. Such a declaration may be withdrawn or amended at any time.
9. The following requests or communications shall be made through the central authorities of the United Kingdom and the Member States:
 - (a) requests for temporary transfer or transit of persons held in custody as referred to in Article MLA 13 and in Article 11 of the 1959 Convention;
 - (b) notices of information from judicial records as referred to in Article 22 of the 1959 Convention. However, requests for copies of convictions and measures as referred to in Article 4 of the Second Additional Protocol to the 1959 Convention may be made directly to the competent authorities.

ARTICLE MLA 11

Spontaneous exchange of information

1. Within the limits of their national law, the competent authorities of the United Kingdom and the Member States may exchange information, without a request to that effect, relating to criminal offences and the infringements of rules of law referred to in Article MLA 3, the

punishment or handling of which falls within the competence of the executing authority at the time the information is provided.

2. In this Article “competent authorities” may include the police forces and prosecuting authorities of the United Kingdom and the Member States.
3. The issuing authority may, pursuant to its national law, impose conditions on the use of such information by the executing authority.
4. The executing authority shall be bound by those conditions.

CHAPTER 2

REQUEST FOR CERTAIN SPECIFIC FORMS OF MUTUAL ASSISTANCE

ARTICLE MLA 12

Restitution

1. At the request of the issuing State and without prejudice to the rights of bona fide third parties, the executing State may place articles obtained by criminal means at the disposal of the issuing State with a view to their return to their rightful owners.
2. In applying Articles 3 and 6 of the 1959 Convention, the issuing State may waive the return of articles either before or after handing them over to the executing State if the restitution of such articles to the rightful owner may be facilitated thereby. The rights of bona fide third parties shall not be affected.
3. In the event of a waiver before handing over the articles to the issuing State, the executing State shall exercise no security right or other right of recourse under tax or customs legislation in respect of these articles.
4. A waiver as referred to in paragraph 2 shall be without prejudice to the right of the executing State to collect taxes or duties from the rightful owner.

ARTICLE MLA 13

Temporary transfer of persons held in custody for purpose of investigation

1. Where there is agreement between the competent authorities of the United Kingdom and a Member State, a State which has requested an investigation for which the presence of the person held in custody on its own territory is required may temporarily transfer that person to the territory of the State in which the investigation is to take place.
2. The agreement shall cover the arrangements for the temporary transfer of the person and the date by which he or she must be returned to the territory of the issuing State.

3. Where consent to the transfer is required from the person concerned, a statement of consent or a copy thereof shall be provided promptly to the executing State.
4. The period of custody in the territory of the executing State shall be deducted from the period of detention which the person concerned is or will be obliged to undergo in the territory of the issuing State.
5. The provisions of Articles 11.2 and 11.3, 12 and 20 of the 1959 Convention shall apply *mutatis mutandis* to this Article.
6. The United Kingdom and the Union (in respect of any Member State) may notify the Joint Committee that, before an agreement is reached under paragraph 1 of this Article, the consent referred to in paragraph 3 of this Article will be required or will be required under certain conditions indicated in the declaration.

ARTICLE MLA 14

Hearing by videoconference

1. If a person is in the territory of the United Kingdom or a Member State and has to be heard as a witness or expert by the judicial authorities of a relevant State, the latter may, where it is not desirable or possible for the person to be heard to appear in its territory in person, request that the hearing take place by videoconference, as provided for in paragraphs 2 to 8.
2. The executing State shall agree to the hearing by videoconference provided that the use of the videoconference is not contrary to fundamental principles of its law and on condition that it has the technical means to carry out the hearing. If the executing State has no access to the technical means for videoconferencing, such means may be made available to it by the issuing State by mutual agreement.
3. Requests for a hearing by videoconference shall contain, in addition to the information referred to in Article 14 of the 1959 Convention the reason why it is not desirable or possible for the witness or expert to attend in person, the name of the judicial authority and of the persons who will be conducting the hearing.
4. The judicial authority of the issuing State shall summon the person concerned to appear in accordance with the forms laid down by its law.
5. With reference to hearing by videoconference, the following rules shall apply:
 - (a) a judicial authority of the executing State shall be present during the hearing, where necessary assisted by an interpreter, and shall also be responsible for ensuring both the identification of the person to be heard and respect for the fundamental principles of the law of the executing State. If the judicial authority of the executing State is of the view that during the hearing the fundamental principles of the law of the executing

State are being infringed, it shall immediately take the necessary measures to ensure that the hearing continues in accordance with the said principles;

- (b) measures for the protection of the person to be heard shall be agreed, where necessary, between the competent authorities of the issuing and the executing States;
 - (c) the hearing shall be conducted directly by, or under the direction of, the judicial authority of the issuing State in accordance with its own laws;
 - (d) at the request of the issuing State or the person to be heard the executing State shall ensure that the person to be heard is assisted by an interpreter, if necessary;
 - (e) the person to be heard may claim the right not to testify which would accrue to him or her under the law of either the executing or the issuing State.
6. Without prejudice to any measures agreed for the protection of the persons, the judicial authority of the executing State shall on the conclusion of the hearing draw up minutes indicating the date and place of the hearing, the identity of the person heard, the identities and functions of all other persons in the executing State participating in the hearing, any oaths taken and the technical conditions under which the hearing took place. The document shall be forwarded by the competent authority of the executing State to the issuing State.
7. The cost of establishing the video link, costs related to the servicing of the video link in the executing State, the remuneration of interpreters provided by it and allowances to witnesses and experts and their travelling expenses in the executing State shall be refunded by the issuing State to the executing State, unless the latter waives the refunding of all or some of these expenses.
8. Each State shall take the necessary measures to ensure that, where witnesses or experts are being heard within its territory in accordance with this Article and refuse to testify when under an obligation to testify or do not testify according to the truth, its national law applies in the same way as if the hearing took place in a domestic procedure.
9. States may at their discretion also apply the provisions of this Article, where appropriate and with the agreement of their competent judicial authorities, to hearings by video conference involving an accused person. In this case, the decision to hold the videoconference, and the manner in which the video conference shall be carried out, shall be subject to agreement between the States concerned, in accordance with their national law and relevant international instruments.
10. The United Kingdom and the Union (in respect of any Member State) may notify the Joint Committee that it will not apply the first subparagraph. Such a notification may be withdrawn at any time.
11. Hearings under this Article shall only be carried out with the consent of the accused person.

ARTICLE MLA 15

Hearing of witnesses and experts by telephone conference

1. If a person is in the territory of the United Kingdom or a Member State and has to be heard as a witness or expert by judicial authorities of a relevant State, the latter may, where its national law so provides, request assistance of the former State to enable the hearing to take place by telephone conference, as provided for in paragraphs 2 to 5.
2. A hearing may be conducted by telephone conference only if the witness or expert agrees that the hearing takes place by this method.
3. The executing State shall agree to the hearing by telephone conference where this is not contrary to fundamental principles of its law.
4. A request for a hearing by telephone conference shall contain, in addition to the information referred to in Article 14 of the 1959 Convention, the name of the judicial authority and of the persons who will be conducting the hearing and an indication that the witness or expert is willing to take part in a hearing by telephone conference.
5. The practical arrangements regarding the hearing shall be agreed between the States concerned. When agreeing such arrangements, the executing State shall undertake to:
 - (a) notify the witness or expert concerned of the time and the venue of the hearing;
 - (b) ensure the identification of the witness or expert;
 - (c) verify that the witness or expert agrees to the hearing by telephone conference.
6. The executing State may make its agreement subject, fully or in part, to the relevant provisions of MLA Article 14.5 and 14.8. Unless otherwise agreed, the provisions of Article MLA 14.7 shall apply *mutatis mutandis*.

ARTICLE MLA 16

Controlled deliveries

1. The United Kingdom and the Member States shall ensure that, at the request of a relevant State, controlled deliveries may be permitted on their territory in the framework of criminal investigations into extraditable offences between those two States.
2. The decision to carry out controlled deliveries shall be taken in each individual case by the competent authorities of the executing State, with due regard for the national law of that State.
3. Controlled deliveries shall take place in accordance with the procedures of the executing State. The right to act and to direct and control operations shall lie with the competent authorities of that State.

ARTICLE MLA 17

Covert investigations

1. The United Kingdom and the Member States may agree to assist a relevant State in the conduct of investigations into crime by officers acting under covert or false identity (“covert investigations”).
2. The decision on the request is taken in each individual case by the competent authorities of the executing State with due regard to its national law and procedures. The duration of the covert investigation, the detailed conditions, and the legal status of the officers concerned during covert investigations shall be agreed between the States with due regard to their national law and procedures.
3. Covert investigations shall take place in accordance with the national law and procedures of the States on the territory of which the covert investigation takes place. The States involved shall cooperate to ensure that the covert investigation is prepared and supervised and to make arrangements for the security of the officers acting under covert or false identity.
4. The United Kingdom and the Union (in respect of any Member State) may notify the Joint Committee that it is not bound by this Article. Such a declaration may be withdrawn at any time.

ARTICLE MLA 18

Criminal liability regarding officials

During the operations referred to in Articles MLA 16 and 17, where officials of the United Kingdom or a Member State are operating in a relevant State, they shall be regarded as officials of the relevant State with respect to offences committed against them or by them.

ARTICLE MLA 19

Civil liability regarding officials

1. Where, in accordance with Articles MLA 16 and 17, officials of the United Kingdom or a Member State are operating in a relevant State, the United Kingdom or the Member State shall be liable for any damage caused by them during their operations, in accordance with the law of the State in whose territory they are operating.
2. The State in whose territory the damage referred to in paragraph 1 was caused shall make good such damage under the conditions applicable to damage caused by its own officials.
3. The State whose officials have caused damage to any person in the territory of another State shall reimburse the latter in full any sums it has paid to the victims or persons entitled on their behalf.

4. Without prejudice to the exercise of its rights vis-à-vis third parties and with the exception of paragraph 3, the United Kingdom and the Member States shall refrain in the case provided for in paragraph 1 from requesting reimbursement of damages they have sustained from a relevant State.

CHAPTER 3

ARTICLE MLA 20

Personal data protection

1. Personal data communicated under this Part may be used by the State to which they have been transferred:
 - (a) for the purpose of proceedings to which this Part applies;
 - (b) for other judicial and administrative proceedings directly related to proceedings referred to under point (a);
 - (c) for preventing an immediate and serious threat to public security;
 - (d) for any other purpose, only with the prior consent of the communicating State, unless the State concerned has obtained the consent of the data subject.
2. This Article shall also apply to personal data not communicated but obtained otherwise under this Part.
3. In the circumstances of the particular case, the communicating State may require the State to which the personal data have been transferred to give information on the use made of the data.
4. Where conditions on the use of personal data have been imposed pursuant to Articles MLA 10 these conditions shall prevail. Where no such conditions have been imposed, this Article shall apply.
5. This Article does not apply to personal data obtained by the United Kingdom or a Member State under this Part and originating from that State.

ARTICLE MLA 20

Confidentiality

1. The United Kingdom and the Member States shall take the necessary measures to ensure that in the execution of a MLA Request the issuing State and the executing State take due account of the confidentiality of the investigation.

2. The executing State shall, in accordance with its national law, guarantee the confidentiality of the facts and the substance of the MLA Request, except to the extent necessary to execute the investigative measure. If the executing State cannot comply with the requirement of confidentiality, it shall notify the issuing State without delay.
3. The issuing State shall, in accordance with its national law and unless otherwise indicated by the executing State, not disclose any evidence or information provided by the executing State, except to the extent that its disclosure is necessary for the investigations or proceedings described in the MLA Request.

PART 10

REAL TIME DATA EXCHANGE

[Additional legal provisions on SIS II capability to be inserted following further discussions.]

[The United Kingdom’s publication “*The Future Relationship with the EU: the UK’s approach to negotiations*” sets out that the agreement should provide a mechanism for the UK and EU Member States to share and act on real-time data on persons and objects of interest including wanted and missing persons, and that the agreement should provide capabilities similar to the Second Generation Schengen Information System.

The draft EU legal text does not provide for the real-time exchange of alerts on persons or objects. The European Commission has set out its view that it is not legally possible for a non-Schengen third country to cooperate with the EU through the SIS II database, and that the agreement need not provide similar capabilities.

The UK remains of the view that there is a mutual interest in providing capabilities similar to SIS II and that this is legally possible. The UK maintains its offer to the EU in this regard, as set out in the UK’s *Approach* document.]

PART 11

FINGERPRINT, DNA AND VEHICLE REGISTRATION DATA

CHAPTER 1

GENERAL ASPECTS

ARTICLE PRUM 1

Objective of Part 11

1. This Part applies to cross-border cooperation and exchange of information between relevant authorities in the United Kingdom and relevant authorities in each Member State.

2. For the purposes of this Part, “relevant authorities” means the authorities responsible for the prevention and investigation of criminal offences under the national law of the United Kingdom and the Member States.

CHAPTER 2

ONLINE ACCESS AND FOLLOW-UP REQUESTS

SECTION 1

DNA profiles

ARTICLE PRUM 2

National DNA analysis files

1. Processing of data kept by the United Kingdom and the Member States in national DNA analysis files, under this Part, shall be carried out in accordance with this Part, in compliance with the national law applicable to the processing.
2. For the purposes of this Part, “national DNA analysis files” means DNA analysis files to be opened and kept under national law for the purposes of this Part.
3. For the purpose of implementing this Part, the United Kingdom and the Member States shall ensure the availability of reference data from their national DNA analysis files as referred to in paragraph 1. Reference data shall only include DNA profiles established from the non-coding part of DNA and a reference number. Reference data shall not contain any data from which the data subject can be directly identified. Reference data which is not attributed to any individual (unidentified DNA profiles) shall be recognisable as such.
4. The United Kingdom and the Union (in respect of each Member State) shall notify the Joint Committee of the national DNA analysis files to which Articles PRUM 2 to 6 apply and the conditions for automated searching as referred to in Article PRUM 3.1.

ARTICLE PRUM 3

Automated searching of DNA profiles

1. For the investigation of criminal offences, the United Kingdom and the Member States shall allow the national contact points as referred to in Article PRUM 6 of the relevant State, access to the reference data in their DNA analysis files, with the power to conduct automated searches by comparing DNA profiles. Searches may be conducted only in individual cases and in compliance with the requesting State's national law.

2. Should an automated search show that a DNA profile supplied matches DNA profiles entered in the receiving State's searched file, the national contact point of the searching State shall receive in an automated way the reference data with which a match has been found. If no match can be found, automated notification of this shall be given.

ARTICLE PRUM 4

Automated comparison of DNA profiles

1. For the investigation of criminal offences, the United Kingdom and the Member States shall, by mutual consent, via their national contact points, compare the DNA profiles of their unidentified DNA profiles with all DNA profiles from other national DNA analysis files' reference data. Profiles shall be supplied and compared in automated form. Unidentified DNA profiles shall be supplied for comparison only where provided for under the requesting State's national law.
2. Should the United Kingdom or a Member State, as a result of the comparison referred to in paragraph 1, find that any DNA profiles supplied match any of those in its DNA analysis files, it shall, without delay, supply the relevant State's national contact point with the reference data with which a match has been found.

ARTICLE PRUM 5

Supply of further personal data and other information

Should the procedures referred to in Articles PRUM 3 and 4 show a match between DNA profiles, the supply of further available personal data and other information relating to the reference data shall be governed by the national law, including the legal assistance rules, of the requested State.

ARTICLE PRUM 6

National contact point and implementing measures

1. For the purposes of the supply of data as referred to in Articles PRUM 3 and 4, the United Kingdom and each Member State shall designate a national contact point. The powers of the national contact points shall be governed by the applicable national law.
2. The United Kingdom and each Member State may modify their designations referred to in paragraph 1 at any time.
3. The United Kingdom and the Union (in respect of each Member State) shall notify the Joint Committee of the national contact point designated in accordance with paragraph 1 and of any subsequent modifications in accordance with paragraph 2.
4. Details of technical arrangements for the procedures set out in Articles PRUM 3 and 4 shall be determined by decision of the Joint Committee.

ARTICLE PRUM 7

Collection of cellular material and supply of DNA profiles

Where, in ongoing investigations or criminal proceedings, there is no DNA profile available for a particular individual present within a requested State's territory, the requested State shall provide legal assistance by collecting and examining cellular material from that individual and by supplying the DNA profile obtained, if:

- (a) the requesting State specifies the purpose for which this is required;
- (b) the requesting State produces an investigation warrant or statement issued by the competent authority, as required under that State's law, showing that the requirements for collecting and examining cellular material would be fulfilled if the individual concerned were present within the requesting State's territory; and
- (c) under the requested State's law, the requirements for collecting and examining cellular material and for supplying the DNA profile obtained are fulfilled.

CHAPTER 3

Dactyloscopic data

ARTICLE PRUM 8

Reference data

1. For the purposes of this Part, the United Kingdom and the Member States shall ensure the availability of reference data from their national automated fingerprint identification systems.
2. "National automated fingerprint identification systems" means, in relation to the United Kingdom and the Member States, the systems maintained under national law for the purposes of this Part which enable automated fingerprint identification for the prevention and investigation of criminal offences.
3. Reference data shall only include dactyloscopic data and a reference number. Reference data shall not contain any data from which the data subject can be directly identified. Reference data which is not attributed to any individual (unidentified dactyloscopic data) must be recognisable as such.

ARTICLE PRUM 9

Automated searching of dactyloscopic data

1. For the prevention and investigation of criminal offences, the United Kingdom and the Member States shall allow relevant States' national contact points, as referred to in Article PRUM 11, access to the reference data in the automated fingerprint identification systems which they have established for that purpose, with the power to conduct automated searches by comparing dactyloscopic data. Searches may be conducted only in individual cases and in compliance with the requesting State's national law.
2. The confirmation of a match of dactyloscopic data with reference data held by the State administering the file shall be carried out by the national contact point of the requesting State by means of the automated supply of the reference data required for a clear match.

ARTICLE PRUM 10

Supply of further personal data and other information

Should the procedure referred to in Article PRUM 9 show a match between dactyloscopic data, the supply of further available personal data and other information relating to the reference data shall be governed by the national law, including the legal assistance rules, of the requested State.

ARTICLE PRUM 11

National contact point and implementing measures

1. For the purposes of the supply of data as referred to in Article PRUM 9, the United Kingdom and each Member State shall designate a national contact point. The powers of the national contact points shall be governed by the applicable national law.
2. The United Kingdom and each Member State may modify their designation referred to in paragraph 1 at any time.
3. The United Kingdom and the Union (in respect of each Member State) shall notify the Joint Committee of the national contact point designated in accordance with paragraph 1 and of any subsequent modifications in accordance with paragraph 2.
4. Details of technical arrangements for the procedure set out in Article PRUM 9 shall be determined by decision of the Joint Committee.

CHAPTER 4

Vehicle registration data

ARTICLE PRUM 12

Automated searching of vehicle registration data

1. For the prevention and investigation of criminal offences and in dealing with other offences coming within the jurisdiction of the courts or the public prosecutor in the searching State, as well as in maintaining public security, the United Kingdom and the Member States shall allow the national contact points of a relevant State, as referred to in paragraph 2, access to the following national vehicle registration data, with the power to conduct automated searches in individual cases:
 - (a) data relating to owners or operators; and
 - (b) data relating to vehicles.
2. Searches may be conducted only with a full chassis number or a full registration number. Searches may be conducted only in compliance with the searching State's national law.
3. For the purposes of the supply of data as referred to in paragraph 1, the United Kingdom and each Member State shall designate a national contact point for incoming requests. The powers of the national contact points shall be governed by the applicable national law.
4. The United Kingdom and each Member State may modify their designation referred to in paragraph 3 at any time.
5. The United Kingdom and the Union (in respect of each Member State) shall notify the Joint Committee of the national contact point designated in accordance with paragraph 3 and of any subsequent modifications in accordance with paragraph 4.
6. Details of technical arrangements for the procedure in this Article shall be determined by decision of the Joint Committee.

CHAPTER 5

MAJOR EVENTS

ARTICLE PRUM 13

Supply of non-personal data

For the prevention of criminal offences and in maintaining public order and security for major events with a cross-border dimension, in particular for sporting events, the United Kingdom and the Member States shall, both upon request and of their own accord, in compliance with the supplying State's national law, supply one another with any non-personal data required for those purposes.

ARTICLE PRUM 14

Supply of personal data

1. For the prevention of criminal offences and in maintaining public order and security for major events with a cross-border dimension, in particular for sporting events, the United Kingdom and the Member States shall, both upon request and of their own accord, supply one another with personal data if any final convictions or other circumstances give reason to believe that the data subjects will commit criminal offences at the events or pose a threat to public order and security, in so far as the supply of such data is permitted under the supplying State's national law.
2. Personal data may be processed only for the purposes laid down in paragraph 1 and for the specified events for which they were supplied. The data supplied must be deleted without delay once the purposes referred to in paragraph 1 have been achieved or can no longer be achieved. The data supplied must in any event be deleted after not more than a year.

ARTICLE PRUM 15

National contact point

For the purposes of the supply of data as referred to in Articles PRUM 13 and 14, the United Kingdom and the Member State shall designate a national contact point. The powers of the national contact points shall be governed by the applicable national law.

CHAPTER 6

MEASURES TO PREVENT TERRORIST OFFENCES

ARTICLE PRUM 16

Terrorist offences

1. For the purposes of this Chapter, “terrorist offences” means the intentional acts referred to below in sub-paragraphs (a) to (i), as defined as offences under the national law of the United Kingdom or a Member State, which, given their nature or context, may seriously damage a country or an international organisation where committed with a relevant aim:
 - (a) attacks upon a person's life which may cause death;
 - (b) attacks upon the physical integrity of a person;
 - (c) kidnapping or hostage taking;
 - (d) causing extensive destruction to a Government or public facility, a transport system, an infrastructure facility, including an information system, a fixed platform located on the continental shelf, a public place or private property likely to endanger human life or result in major economic loss;

- (e) seizure of aircraft, ships or other means of public or goods transport;
 - (f) manufacture, possession, acquisition, transport, supply or use of weapons, explosives or of nuclear, biological or chemical weapons, as well as research into, and development of, biological and chemical weapons;
 - (g) release of dangerous substances, or causing fires, floods or explosions the effect of which is to endanger human life;
 - (h) interfering with or disrupting the supply of water, power or any other fundamental natural resource the effect of which is to endanger human life;
 - (i) threatening to commit any of the acts listed in sub-paragraphs (a) to (h).
2. In paragraph 1, “relevant aim” means the aim of:
- (a) seriously intimidating a population;
 - (b) unduly compelling a Government or international organisation to perform or abstain from performing any act; or
 - (c) seriously destabilising or destroying the fundamental political, constitutional, economic or social structures of a country or an international organisation.

ARTICLE PRUM 17

Terrorist group offences

In this Chapter:

"structured group" means a group that is not randomly formed for the immediate commission of an offence and that does not need to have formally defined roles for its members, continuity of its membership or a developed structure;

"terrorist group" means a structured group of more than two persons, established over a period of time and acting in concert to commit terrorist offences;

“terrorist group offences” means the following offences as defined in the national law of the United Kingdom or a Member State:

- (a) directing a terrorist group;
- (b) participating in the activities of a terrorist group, including by supplying information or material resources, or by funding its activities in any way, with knowledge of the fact that such participation will contribute to the criminal activities of the terrorist group.

ARTICLE PRUM 18

Offences linked to terrorist activities

For the purposes of this Chapter, the following offences as defined in the national law of the United Kingdom or a Member State are “offences linked to terrorist activities”:

- (a) aggravated theft with a view to committing one of the acts listed in Article PRUM 16.1;
- (b) extortion with a view to the perpetration of one of the acts listed in Article PRUM 16.1;
- (c) drawing up false administrative documents with a view to committing one of the acts listed in Article PRUM 16.1(a) to (h) or paragraph (b) of the definition of “terrorist group offences” in Article PRUM 17.

ARTICLE PRUM 19

Supply of information in order to prevent terrorist offences, terrorist group offences and offences linked to terrorist activities

1. For the prevention of terrorist offences, terrorist group offences and offences linked to terrorist activities, the United Kingdom and the Member States may, in compliance with national law, in individual cases, even without being requested to do so, supply the national contact point of a relevant State, as referred to in paragraph 3, with the personal data and information specified in paragraph 2, in so far as is necessary because particular circumstances give reason to believe that the data subjects will commit terrorist offences, terrorist group offences or offences linked to terrorist activities.
2. The data to be supplied shall comprise surname, first names, date and place of birth and a description of the circumstances giving rise to the belief referred to in paragraph 1.
3. The United Kingdom and each Member State shall designate a national contact point for exchange of information with the national contact point of a relevant State. The powers of the national contact points shall be governed by the applicable national law.
4. The supplying State may, in compliance with national law, impose conditions on the use made of such data and information by the receiving State. The receiving State shall be bound by any such conditions.

CHAPTER 7

OTHER FORMS OF COOPERATION

ARTICLE PRUM 20

Joint operations

1. The competent authorities of the United Kingdom and the Member States may, in maintaining public order and security and preventing criminal offences, introduce joint patrols and other joint operations in which designated officers or other officials (“officers”) from the United Kingdom and the Member States participate in operations within the relevant State’s territory.
2. The United Kingdom and the Member States may, as a host State, in compliance with its own national law, and with the seconding State’s consent, confer executive powers on the seconding State’s officers involved in joint operations or, in so far as the host State’s law permits, allow the seconding State’s officers to exercise their executive powers in accordance with the seconding State’s law. Such executive powers may be exercised only under the guidance and, as a rule, in the presence of officers from the host State. The seconding State’s officers shall be subject to the host State’s national law. The host State shall assume responsibility for their actions.
3. Seconding States’ officers involved in joint operations shall be subject to the instructions given by the host State’s competent authority.
4. The United Kingdom and the Union (in respect of each Member State) shall submit declarations to the Joint Committee in which they lay down the practical aspects of cooperation.

ARTICLE PRUM 21

Assistance in connection with mass gatherings, disasters and serious accidents

The competent authorities of the United Kingdom and the Member States may provide a relevant State with mutual assistance, in compliance with national law, in connection with mass gatherings and similar major events, disasters and serious accidents, by seeking to prevent criminal offences and maintain public order and security by:

- (a) notifying the relevant State as promptly as possible of such situations with a cross-border impact and exchanging any relevant information;
- (b) taking and coordinating the necessary policing measures within their territory in situations with a cross-border impact;
- (c) as far as possible, dispatching officers, specialists and advisers and supplying equipment, at the request of the relevant State within whose territory the situation has arisen.

ARTICLE PRUM 22

Use of arms, ammunition and equipment

1. Officers from a seconding State who are involved in a joint operation within the relevant State’s territory pursuant to Article PRUM 20 or 21 may wear their own national uniforms

there. They may carry such arms, ammunition and equipment as they are allowed to under the seconding State's national law. The host State may prohibit the carrying of particular arms, ammunition or equipment by a seconding State's officers.

2. The United Kingdom and the Union (in respect of any Member State) shall submit declarations to the Joint Committee in which they list the arms, ammunition and equipment that may be used only in legitimate self-defence or in the defence of others. The host State's officer in actual charge of the operation may in individual cases, in compliance with national law, give permission for arms, ammunition and equipment to be used for purposes going beyond those specified in the first sentence. The use of arms, ammunition and equipment shall be governed by the host State's law. The competent authorities shall inform one another of the arms, ammunition and equipment permitted and of the conditions for their use.
3. If officers from the United Kingdom or a Member States make use of vehicles in action under this Part within the territory of a relevant State, they shall be subject to the same road traffic regulations as the host State's officers, including as regards right of way and any special privileges.
4. The United Kingdom and the Union (in respect of each of the Member States) shall submit declarations to the Joint Committee in which they lay down the practical aspects of the use of arms, ammunition and equipment.

ARTICLE PRUM 23

Protection and assistance

The United Kingdom and the Member States shall provide officers of a relevant State crossing borders with the same protection and assistance in the course of those officers' duties as for their own officers.

ARTICLE PRUM 24

General rules on civil liability

1. Where officials of the United Kingdom and the Member States are operating in a relevant State pursuant to Article PRUM 20, the State which they represent shall be liable for any damage caused by them during their operations, in accordance with the law of the State in whose territory they are operating.
2. The State in whose territory the damage referred to in paragraph 1 was caused shall make good such damage under the conditions applicable to damage caused by its own officials.
3. In the case provided for in paragraph 1, the State whose officials have caused damage to any person in the territory of a relevant State shall reimburse the latter in full any sums it has paid to the victims or persons entitled on their behalf.

4. Where officials of the United Kingdom and the Member States are operating in a relevant State pursuant to Article PRUM 21, the latter State shall be liable in accordance with its national law for any damage caused by them during their operations.
5. Where the damage referred to in paragraph 4 results from gross negligence or wilful misconduct, the host State may approach the seconding State in order to have any sums it has paid to the victims or persons entitled on their behalf reimbursed by the latter.
6. Without prejudice to the exercise of its rights vis-à-vis third parties and with the exception of paragraph 3, the United Kingdom and the Member States shall refrain, in the case provided for in paragraph 1, from requesting reimbursement of damages it has sustained from a relevant State.

ARTICLE PRUM 25

Criminal liability

Officers operating within a relevant State's territory under this Part, shall be treated in the same way as officers of the host State with regard to any criminal offences that might be committed by, or against them, save as otherwise provided in another agreement which is binding on the United Kingdom and the Member States concerned.

ARTICLE PRUM 26

Employment relationship

Officers of the United Kingdom or a Member State operating within a relevant State's territory, under this Part, shall remain subject to the employment law provisions applicable in their own State, particularly as regards disciplinary rules.

CHAPTER 8

GENERAL PROVISIONS ON DATA PROTECTION

ARTICLE PRUM 27

Definitions and scope

1. In this Chapter:

“automated search procedure” means direct access to the automated files of another body where the response to the search procedure is fully automated;

“blocking” means the marking of stored personal data with the aim of limiting their processing in future;

“referencing” means the marking of stored personal data without the aim of limiting their processing in future.

2. The following provisions shall apply to data which are or have been supplied pursuant to this Part, save as otherwise provided in the preceding Chapters.

ARTICLE PRUM 28

Purpose

1. Processing of personal data by the receiving State shall be permitted solely for the purposes for which the data have been supplied in accordance with this Part. Processing for other purposes shall be permitted solely with the prior authorisation of the State administering the file and subject only to the national law of the receiving State. Such authorisation may be granted provided that processing for such other purposes is permitted under the national law of the State administering the file.
2. Processing of data supplied pursuant to Articles PRUM 3, 4 and 9 by the searching or comparing State shall be permitted solely in order to:
 - (a) establish whether the compared DNA profiles or dactyloscopic data match;
 - (b) prepare and submit a police or judicial request for legal assistance in compliance with national law if those data match;
 - (c) record within the meaning of Article PRUM 33.
3. The State administering the file may process the data supplied to it in accordance with Articles PRUM 3, 4 and 9 solely where this is necessary for the purposes of comparison, providing automated replies to searches or recording pursuant to Article PRUM 32. The supplied data shall be deleted immediately following data comparison or automated replies to searches unless further processing is necessary for the purposes mentioned under points (b) and (c) of paragraph 2.
4. Data supplied in accordance with Article PRUM 12 may be used by the State administering the file solely where this is necessary for the purpose of providing automated replies to search procedures or recording as specified in Article PRUM 32. The data supplied shall be deleted immediately following automated replies to searches unless further processing is necessary for recording pursuant to Article PRUM 32. The searching State may use data received in a reply solely for the procedure for which the search was made.

ARTICLE PRUM 29

Competent authorities

Personal data supplied may be processed only by the authorities, bodies and courts with responsibility for a task in furtherance of the aims mentioned in Article PRUM 28. In particular,

data may be supplied to other entities only with the prior authorisation of the supplying State and in compliance with the law of the receiving State.

ARTICLE PRUM 30

Accuracy, current relevance and storage time of data

1. The United Kingdom and the Member States shall ensure the accuracy and current relevance of personal data. Should it transpire ex officio or from a notification by the data subject, that incorrect data or data which should not have been supplied have been supplied, this shall be notified without delay to the receiving State or States. The State or States concerned shall be obliged to correct or delete the data. Moreover, personal data supplied shall be corrected if they are found to be incorrect. If the receiving body has reason to believe that the supplied data are incorrect or should be deleted the supplying body shall be informed forthwith.
2. Data, the accuracy of which the data subject contests and the accuracy or inaccuracy of which cannot be established shall, in accordance with the national law of the relevant State, be marked with a flag at the request of the data subject. If a flag exists, this may be removed subject to the national law of the relevant State and only with the permission of the data subject or based on a decision of the competent court or independent data protection authority.
3. Personal data supplied which should not have been supplied or received shall be deleted. Data which are lawfully supplied and received shall be deleted:
 - (a) if they are not or no longer necessary for the purpose for which they were supplied; if personal data have been supplied without request, the receiving body shall immediately check if they are necessary for the purposes for which they were supplied;
 - (b) following the expiry of the maximum period for keeping data laid down in the national law of the supplying State where the supplying body informed the receiving body of that maximum period at the time of supplying the data.
4. Where there is reason to believe that deletion would prejudice the interests of the data subject, the data shall be blocked instead of being deleted in compliance with national law. Blocked data may be supplied or used solely for the purpose which prevented their deletion.

ARTICLE PRUM 31

Technical and organisational measures to ensure data protection and data security

1. The supplying and receiving bodies shall take steps to ensure that personal data is effectively protected against accidental or unauthorised destruction, accidental loss, unauthorised access, unauthorised or accidental alteration and unauthorised disclosure.

2. The features of the technical specification of the automated search procedure used by the United Kingdom and the Member States shall guarantee that:
 - (a) state-of-the-art technical measures are taken to ensure data protection and data security, in particular data confidentiality and integrity;
 - (b) encryption and authorisation procedures recognised by the competent authorities are used when having recourse to generally accessible networks; and
 - (c) the admissibility of searches in accordance with Article PRUM 32.2, 32.5 and 32.6 can be checked.

ARTICLE PRUM 32

Logging and recording: special rules governing automated and non-automated supply

1. The United Kingdom and the Member States shall guarantee that every non-automated supply and every non-automated receipt of personal data by the body administering the file and by the searching body is logged in order to verify the admissibility of the supply. Logging shall contain the following information:
 - (b) the reason for the supply;
 - (c) the data supplied;
 - (d) the date of the supply; and
 - (e) the name or reference code of the searching body and of the body administering the file.
2. The following shall apply to automated searches for data based on Articles PRUM 3, 9 and 12 and to automated comparison pursuant to Article PRUM 4:
 - (a) only specially authorised officers of the national contact points may carry out automated searches or comparisons. The list of officers authorised to carry out automated searches or comparisons shall be made available upon request to the supervisory authorities referred to in paragraph 6 and to a relevant State;
 - (b) the United Kingdom and the Member States shall ensure that each supply and receipt of personal data by the body administering the file and the searching body is recorded, including notification of whether or not a hit exists. Recording shall include the following information:
 - (i) the data supplied;
 - (ii) the date and exact time of the supply; and

(iii) the name or reference code of the searching body and of the body administering the file.

3. The searching body shall also record the reason for the search or supply as well as an identifier for the official who carried out the search and the official who ordered the search or supply.
4. The recording body shall immediately communicate the recorded data upon request to the competent data protection authorities of the relevant State at the latest within four weeks following receipt of the request. Recorded data may be used solely for the following purposes:
 - (a) monitoring data protection;
 - (b) ensuring data security.
5. The recorded data shall be protected with suitable measures against inappropriate use and other forms of improper use and shall be kept for two years. After the conservation period the recorded data shall be deleted immediately.
6. Responsibility for legal checks on the supply or receipt of personal data lies with the independent data protection authorities or, as appropriate, the judicial authorities of the United Kingdom and the Member States respectively. Anyone can request these authorities to check the lawfulness of the processing of data in respect of their person in compliance with national law. Independently of such requests, these authorities and the bodies responsible for recording shall carry out random checks on the lawfulness of supply, based on the files involved.
7. The results of such checks shall be kept for inspection for 18 months by the independent data protection authorities. After this period, they shall be immediately deleted. Each data protection authority may be requested by the independent data protection authority of a relevant State to exercise its powers in accordance with national law. The independent data protection authorities of the United Kingdom and the Member States shall perform the inspection tasks necessary for mutual cooperation, in particular by exchanging relevant information.

ARTICLE PRUM 33

Data subjects' rights to information and damages

1. At the request of the data subject under national law, information shall be supplied in compliance with national law to the data subject upon production of proof of his or her identity, without unreasonable expense, in general comprehensible terms and without unacceptable delays, on the data processed in respect of his or her person, the origin of the data, the recipient or groups of recipients, the intended purpose of the processing and, where required by national law, the legal basis for the processing. Moreover, the data subject shall be entitled to have inaccurate data corrected and unlawfully processed data deleted. The United Kingdom and the Member States shall also ensure that, in the event

of violation of his or her rights in relation to data protection, the data subject shall be able to lodge an effective complaint to an independent court or a tribunal or an independent supervisory authority and that he is given the possibility to claim for damages or to seek another form of legal compensation. The detailed rules for the procedure to assert these rights and the reasons for limiting the right of access shall be governed by the relevant national legal provisions of the State where the data subject asserts his rights.

2. Where a body of the United Kingdom or a Member State has supplied personal data under this Part, the receiving body of the relevant State cannot use the inaccuracy of the data supplied as grounds to evade its liability vis-à-vis the injured party under national law. If damages are awarded against the receiving body because of its use of inaccurate transfer data, the body which supplied the data shall refund the amount paid in damages to the receiving body in full.

ARTICLE PRUM 34

Information requested by the United Kingdom and the Member States

The receiving State shall inform the supplying State on request of the processing of supplied data and the result obtained.

PART 12

FREEZING AND CONFISCATION

ARTICLE F&C 1

Objective of Part 12

1. The United Kingdom and the Member States shall mutually cooperate with each other to the widest extent possible for the purposes of investigations and proceedings aiming at the confiscation of instrumentalities and proceeds.
2. The United Kingdom and the Member States shall comply, under the conditions provided for in this Part, with requests from a relevant State:
 - (a) for confiscation of specific items of property representing proceeds or instrumentalities, as well as for confiscation of proceeds consisting in a requirement to pay a sum of money corresponding to the value of proceeds;
 - (b) for investigative assistance and provisional measures with a view to either form of confiscation referred to under sub-paragraph (a).
3. Investigative assistance and provisional measures sought in paragraph 2(b) shall be carried out as permitted by and in accordance with the national law of the requested State.

Where the request concerning one of these measures specifies formalities or procedures which are necessary under the law of the requesting State, even if unfamiliar to the requested State, the latter shall comply with such requests to the extent that the action sought is not contrary to the fundamental principles of its law.

4. The United Kingdom and the Member States shall ensure that the requests coming from a relevant State in order to identify, trace, freeze or seize the proceeds and instrumentalities, receive the same priority as those made in the framework of domestic procedures.

ARTICLE F&C 2

Definitions for Part 12

In this Part:

"confiscation" means a penalty or a measure, ordered by a court following proceedings in relation to a criminal offence or criminal offences resulting in the final deprivation of property;

"freezing" or "seizure" means temporarily prohibiting the transfer, destruction, conversion, disposition or movement of property or temporarily assuming custody or control of property on the basis of an order issued by a court or other competent authority;

"instrumentalities" means any property used or intended to be used, in any manner, wholly or in part, to commit a criminal offence or criminal offences;

"proceeds" means any economic benefit, derived from or obtained, directly or indirectly, from criminal offences, or an amount of money equivalent to that economic benefit. It may consist of any property as defined in this Article;

"property" means all property wherever situated and includes:

- (a) money;
- (b) all forms of real or personal property;
- (c) things in action and other intangible or incorporeal property.

ARTICLE F&C 3

Obligation to assist

The United Kingdom and the Member States shall afford each other, upon request, the widest possible measure of assistance in the identification and tracing of instrumentalities, proceeds and other property liable to confiscation. Such assistance shall include any measure providing and securing evidence as to the existence, location or movement, nature, legal status or value of the aforementioned property.

ARTICLE F&C 4

Requests for information on bank accounts

1. The United Kingdom and the Member States shall, under the conditions set out in this Article, take the measures necessary to determine, in answer to a request sent by a relevant State, whether a natural or legal person that is the subject of a criminal investigation holds or controls one or more accounts, of whatever nature, in any bank located in its territory and, if so, provide the particulars of the identified accounts.
2. The obligation set out in this Article shall apply only to the extent that the information is in the possession of the bank keeping the account.
3. In addition to the requirements of Article F&C 24, the requesting State shall, in the request:
 - (a) state why it considers that the requested information is likely to be of substantial value for the purpose of the criminal investigation into the offence;
 - (b) state on what grounds it presumes that banks in the requested State hold the account and specify, to the widest extent possible, which banks and/or accounts may be involved; and
 - (c) include any additional information available which may facilitate the execution of the request.
4. The requested State may make the execution of such a request dependent on the same conditions as it applies in respect of requests for search and seizure.
5. The United Kingdom and Union (in respect of any of the Member States) may notify the Joint Committee that they shall extend this provision to accounts held in non-bank financial institutions. Such notifications may be made subject to the principle of reciprocity.

ARTICLE F&C 5

Requests for information on banking transactions

1. On request by a relevant State, the United Kingdom and the Member States shall provide the particulars of specified bank accounts and of banking operations which have been carried out during a specified period through one or more accounts specified in the request, including the particulars of any sending or recipient account.
2. The obligation set out in this Article shall apply only to the extent that the information is in the possession of the bank holding the account.
3. In addition to the requirements of Article F&C 24, the requesting State shall in its request indicate why it considers the requested information relevant for the purpose of the criminal investigation into the offence.

4. The requested State may make the execution of such a request dependent on the same conditions as it applies in respect of requests for search and seizure.
5. The United Kingdom and Union (in respect of any of the Member States) may notify the Joint Committee that they shall extend this provision to accounts held in non-bank financial institutions. Such notifications may be made subject to the principle of reciprocity.

ARTICLE F&C 6

Requests for the monitoring of banking transactions

1. The United Kingdom and the Member States shall ensure that, at the request of a relevant State, it is able to monitor, during a specified period, the banking operations that are being carried out through one or more accounts specified in the request and communicate the results thereof to the requesting State.
2. In addition to the requirements of Article F&C 24, the requesting State shall in its request indicate why it considers the requested information relevant for the purpose of the criminal investigation into the offence.
3. The decision to monitor shall be taken in each individual case by the competent authorities of the requested State, with due regard for the national law of that State.
4. The practical details regarding the monitoring shall be agreed between the competent authorities of the requesting and requested States.
5. The United Kingdom and Union (in respect of any of the Member States) may notify the Joint Committee that they shall extend this provision to accounts held in non-bank financial institutions. Such notifications may be made subject to the principle of reciprocity.

ARTICLE F&C 7

Spontaneous information

Without prejudice to its own investigations or proceedings, the United Kingdom and the Member States may without prior request forward to a relevant State information on instrumentalities and proceeds, when it considers that the disclosure of such information might assist the receiving State in initiating or carrying out investigations or proceedings or might lead to a request by that State under this Part.

ARTICLE F&C 8

Obligation to take provisional measures

1. At the request of a relevant State which has instituted a criminal investigation or proceedings, or an investigation or proceedings for the purpose of confiscation, the United Kingdom and the Member States shall take the necessary provisional measures, such as

freezing or seizing, to prevent any dealing in, transfer or disposal of property which, at a later stage, may be the subject of a request for confiscation or which might be such as to satisfy the request.

2. A State which has received a request for confiscation pursuant to Article F&C 10 shall, if so requested, take the measures mentioned in paragraph 1 of this Article in respect of any property which is the subject of the request or which might be such as to satisfy the request.
3. Where a valid request is received under this Article, the requested State shall confirm within 48 hours of receiving the request that action shall be undertaken to comply with the request made.
4. Where the requested State is unable to comply with the time limits under this Article the requested State shall immediately notify the requesting State, and consult with the requesting State on appropriate next steps.
5. Any expiration of the time limits under this Article shall not extinguish the requirements placed on the requested State by this Article.

ARTICLE F&C 9

Execution of provisional measures

1. After the execution of the provisional measures requested in conformity with paragraph 1 of Article F&C 8, the requesting State shall provide spontaneously and as soon as possible to the requested State all information which may question or modify the extent of those measures. The requesting State shall also provide without delays all complementary information requested by the requested State and which is necessary for the implementation of and the follow up to the provisional measures.
2. Before lifting any provisional measure taken pursuant to Article F&C 8, the requested State shall, wherever possible, give the requesting State an opportunity to present its reasons in favour of continuing the measure.

ARTICLE F&C 10

Obligation to confiscate

1. The United Kingdom and a Member State which has received a request made by a relevant State for confiscation concerning instrumentalities or proceeds, situated in its territory, shall:
 - (a) enforce a confiscation order made by a court of a requesting State in relation to such instrumentalities or proceeds; or
 - (b) submit the request to its competent authorities for the purpose of obtaining an order of confiscation and, if such order is granted, enforce it.

2. For the purposes of applying paragraph 1(b) of this Article, the United Kingdom and the Member States shall whenever necessary have competence to institute confiscation proceedings under their own law.
3. The provisions of paragraph 1 shall also apply to confiscation consisting in a requirement to pay a sum of money corresponding to the value of proceeds, if property against which the confiscation can be enforced is located in the requested State. In such cases, when enforcing confiscation pursuant to paragraph 1, the requested State shall, if payment is not obtained, realise the claim on any property available for that purpose.
4. If a request for confiscation concerns a specific item of property, the requesting State and requested State may agree that the requested State may enforce the confiscation in the form of a requirement to pay a sum of money corresponding to the value of the property.
5. The United Kingdom and the Member States shall cooperate to the widest extent possible under their national law with a relevant State which requests the execution of measures equivalent to confiscation leading to the deprivation of property, which are not criminal sanctions, in so far as such measures are ordered by a judicial authority of the requesting State in relation to criminal offending, provided that it has been established that the property constitutes proceeds or:
 - (a) other property into which the proceeds have been transformed or converted;
 - (b) property acquired from legitimate sources, if proceeds have been intermingled, in whole or in part, with such property, up to the assessed value of the intermingled proceeds;
 - (c) income or other benefit derived from the proceeds, from property into which proceeds of crime have been transformed or converted or from property with which the proceeds of crime have been intermingled, up to the assessed value of the intermingled proceeds, in the same manner and to the same extent as proceeds.
6. Where a valid request is received under this Article, the requested State shall confirm within 7 days of receiving the request that action shall be undertaken to comply with the request made.
7. Where the requested State is unable to comply with the time limit under this Article, the requested State shall immediately notify the requesting State, and consult with the requesting State on appropriate next steps.
8. Any expiration of the time limit under this Article shall not extinguish the requirements placed on the requested State by this Article.

ARTICLE F&C 11

Execution of confiscation

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1. The procedures for obtaining and enforcing the confiscation under Article F&C 10 shall be governed by the law of the requested State.
2. The requested State shall be bound by the findings as to the facts in so far as they are stated in a conviction or judicial decision of the requesting State or in so far as such conviction or judicial decision is implicitly based on them.
3. The requested State need not comply with paragraph 2 if, having considered any assurances offered by the requesting State, the requested State is of the view that compliance would be contrary to the fundamental rights of the person concerned according to the national law of the requested State.
4. If the confiscation consists in the requirement to pay a sum of money, the competent authority of the requested State shall convert the amount thereof into the currency of that State at the rate of exchange ruling at the time when the decision to enforce the confiscation is taken.
5. In the case of paragraph 1(a) of Article F&C 10:
 - (a) the requesting State alone shall have the right to decide on any application for review of the confiscation order;
 - (b) any challenge to a confiscation order made in a requesting State must be brought in the requesting State and must not be available in the requested state.

ARTICLE F&C 12

Confiscated property

1. Subject to paragraphs 2 and 3, property confiscated pursuant to Articles F&C 10 and 11 shall be disposed of by the requested State in accordance with its national law and administrative procedures.
2. Where acting on the request made by a relevant State in accordance with Articles F&C 10 and 11, the requested State recovers an amount equal to or greater than £10,000, the requested State shall transfer 50% of the amount recovered to the requesting State.
3. Notwithstanding paragraph 2, the requesting State and requested State may, on a case by case basis, give special consideration to concluding other such agreements or arrangements on disposal of property as they deem appropriate.

ARTICLE F&C 13

Right of enforcement and maximum amount of confiscation

1. A request for confiscation made under Articles F&C 10 and 11 does not affect the right of the requesting State to enforce itself the confiscation order.

2. Nothing in this Part shall be so interpreted as to permit the total value of the confiscation to exceed the amount of the sum of money specified in the confiscation order. If a State finds that this might occur, the States concerned shall enter into consultations to avoid such an effect.

ARTICLE F&C 14

Imprisonment in default

The requested State shall not impose imprisonment in default or any other measure restricting the liberty of a person as a result of a request under Article F&C 10, if the requesting State has so specified in the request.

ARTICLE F&C 15

Grounds for refusal

1. Cooperation under this Part may be refused if:
 - (a) there are substantial grounds to believe it would be incompatible with the requested State's obligations in relation to fundamental rights; or
 - (b) in the opinion of the requested State, the importance of the case to which the request relates does not justify the taking of the action sought; or
 - (c) the requested State considers that compliance with the action sought would be contrary to the principle of "ne bis in idem"; or
 - (d) the offence to which the request relates does not constitute an offence under the law of the requested State, unless it concerns an offence listed within the categories of offences set out in Annex MLA 2, including inchoate offences within those categories. However, this ground for refusal applies to co-operation under Articles F&C 3 to 7 only in so far as the assistance sought involves coercive action.
2. Co-operation under Articles F&C 3 to 7, in so far as the assistance sought involves coercive action, and under Articles F&C 8 and 9 may also be refused if the measures sought could not be taken under the national law of the requested State for the purposes of investigations or proceedings, had it been a similar domestic case.
3. Where the law of the requested State so requires, co-operation under Articles F&C 3 to 7, in so far as the assistance sought involves coercive action, and under Articles F&C 8 and 9 may also be refused if the measures sought or any other measures having similar effects would not be permitted under the law of the requesting State, or, as regards the competent authorities of the requesting State, if the request is not authorised by a judicial authority or public prosecutor acting in relation to criminal offences.
4. Cooperation under Articles F&C 10 to 14 may also be refused if:

- (a) under the law of the requested State confiscation is not provided for in respect of the type of offence to which the request relates;
 - (b) without prejudice to the obligation pursuant to Article F&C 10.3, it would be contrary to the principles of the national law of the requested State concerning the limits of confiscation in respect of the relationship between an offence and:
 - (i) an economic advantage that might be qualified as its proceeds; or
 - (ii) property that might be qualified as its instrumentalities;
 - (c) under the law of the requested State confiscation may no longer be imposed or enforced because of the lapse of time;
 - (d) without prejudice to Article F&C 10.5, the request does not relate to a previous conviction, or a decision of a judicial nature or a statement in such a decision that an offence or several offences have been committed, on the basis of which the confiscation has been ordered or is sought;
 - (e) confiscation is either not enforceable in the requesting State, or it is still subject to ordinary means of appeal; or
 - (f) the request relates to a confiscation order resulting from a decision rendered in absentia of the person against whom the order was issued and, in the opinion of the requested State, the proceedings conducted by the requesting State leading to such decision did not satisfy the minimum rights of defence recognised as due to everyone against whom a criminal charge is made.
5. For the purpose of paragraph 4(f) a decision is not considered to have been rendered in absentia if:
- (a) it has been confirmed or pronounced after opposition by the person concerned;
 - or
 - (b) it has been rendered on appeal, provided that the appeal was lodged by the person concerned.
6. When considering, for the purposes of paragraph 4(f) if the minimum rights of defence have been satisfied, the requested State shall take into account the fact that the person concerned has deliberately sought to evade justice or the fact that that person, having had the possibility of lodging a legal remedy against the decision made in absentia, elected not to do so. The same will apply when the person concerned, having been duly served with the summons to appear, elected not to do so nor to ask for adjournment.
7. The United Kingdom and the Member States shall not invoke bank secrecy as a ground to refuse any co-operation under this Part. Where its national law so requires, a requested State may require that a request for cooperation which would involve the lifting of bank

secrecy be authorised by a judicial authority or public prosecutor, any of these authorities acting in relation to criminal offences.

8. Without prejudice to the ground for refusal provided for in paragraph 1(a)
 - (a) the fact that the person under investigation or subjected to a confiscation order by the authorities of the requesting State is a legal person shall not be invoked by the requested State as an obstacle to affording any co-operation under this Part;
 - (b) the fact that the natural person against whom an order of confiscation of proceeds has been issued has died or the fact that a legal person against whom an order of confiscation of proceeds has been issued has subsequently been dissolved shall not be invoked as an obstacle to render assistance in accordance with Article F&C 10.1(a);
 - (c) the fact that the person under investigation or subjected to a confiscation order by the authorities of the requesting State is mentioned in the request both as the author of the underlying criminal offence and of the offence of money laundering, shall not be invoked by the requested State as an obstacle to affording any co-operation under this Part.

ARTICLE F&C 16

Postponement

The requested State may postpone action on a request if such action would prejudice investigations or proceedings by its authorities.

ARTICLE F&C 17

Partial or conditional granting of a request

Before refusing or postponing co-operation under this Part, the requested State shall, where appropriate after having consulted the requesting State, consider whether the request may be granted partially or subject to such conditions as it deems necessary.

ARTICLE F&C 18

Notification of documents

1. The United Kingdom and the Member States shall afford each other the widest measure of mutual assistance in the serving of judicial documents to persons affected by provisional measures and confiscation.
2. Nothing in this Article is intended to interfere with:
 - (a) the possibility of sending judicial documents, by postal channels, directly to persons abroad;

- (b) the possibility for judicial officers, officials or other competent authorities of the State of origin to effect service of judicial documents directly through the consular authorities of that State or through the judicial authorities (including judicial officers and officials) or other competent authorities of the State of destination.
3. When serving judicial documents to persons abroad affected by provisional measures or confiscation orders issued in the sending State, this State shall indicate what legal remedies are available under its law to such persons.

ARTICLE F&C 19

Recognition of foreign decisions

1. When dealing with a request for co-operation under Articles F&C 8 to 14 the requested State shall recognise any judicial decision taken in the requesting State regarding rights claimed by third parties.
2. Recognition may be refused if:
 - (a) third parties did not have adequate opportunity to assert their rights; or
 - (b) the decision is incompatible with a decision already taken in the requested State on the same matter; or
 - (c) it is incompatible with the ordre public of the requested State; or
 - (d) the decision was taken contrary to provisions on exclusive jurisdiction provided for by the law of the requested State.

ARTICLE F&C 20

Central authority

The central authorities of the United Kingdom and the Member States shall be responsible for sending and answering requests made under this Part, the execution of such requests or the transmission of them to the authorities competent for their execution.

ARTICLE F&C 21

Direct communication

1. The central authorities shall communicate directly with one another.
2. In the event of urgency, requests or communications under this Part may be sent directly by the judicial authorities or public prosecutors of the requesting State to such authorities of the requested State. In such cases a copy shall be sent at the same time to the central authority of the requested State through the central authority of the requesting State.

3. Where a request is made pursuant to paragraph 2 and the authority is not competent to deal with the request, it shall refer the request to the competent national authority and inform directly the requesting State that it has done so.
4. Requests or communications under Articles F&C 3 to 7, which do not involve coercive action, may be directly transmitted by the competent authorities of the requesting State to the competent authorities of the requested State.
5. Draft requests or communications under this Part may be sent directly by the judicial authorities of the requesting State to such authorities of the requested State prior to a formal request to ensure that it can be dealt with efficiently upon receipt and contains sufficient information and supporting documentation for it to meet the requirements of the legislation of the requested State.

ARTICLE F&C 22

Form of request and languages

1. All requests under this Part shall be made in writing. They may be transmitted electronically, or by any other means of telecommunication, provided that the requesting State is prepared, upon request, to produce at any time a written record of such communication and the original.
2. Requests under paragraph 1 shall be made in one of the official languages of the requested State.
3. The United Kingdom and the Union (in respect of each of the Member States) shall notify the Joint Committee of the language(s) which, in addition to the official language(s) of that State, may be used for making requests under this Part.
4. The competent authority of the requesting State shall translate the request and any accompanying documents into an official language of the requested State, or any other language indicated by or in respect of the requested State in accordance with paragraph 2.
5. Requests under Articles F&C 8 to 9 for provisional measures shall be made using the prescribed form at Annex F&C.
6. Requests under Articles F&C 10 to 14 for confiscation shall be made using the prescribed form at Annex F&C.

ARTICLE F&C 23

Legalisation

Documents transmitted in application of this Part shall be exempt from all legalisation formalities.

ARTICLE F&C 24

Content of request

1. Any request for co-operation under this Part shall specify:
 - (a) the authority making the request and the authority carrying out the investigations or proceedings;
 - (b) the object of and the reason for the request;
 - (c) the matters, including the relevant facts (such as date, place and circumstances of the offence) to which the investigations or proceedings relate, except in the case of a request for notification;
 - (d) insofar as the cooperation involves coercive action:
 - (i) the text of the statutory provisions or, where this is not possible, a statement of the relevant law applicable; and
 - (ii) an indication that the measure sought or any other measures having similar effects could be taken in the territory of the requesting State under its own law;
 - (e) where necessary and in so far as possible:
 - (i) details of the person or persons concerned, including name, date and place of birth, nationality and location, and, in the case of a legal person, its seat; and
 - (ii) the property in relation to which cooperation is sought, its location, its connection with the person or persons concerned, any connection with the offence, as well as any available information about other persons, interests in the property; and
 - (f) any particular procedure the requesting State wishes to be followed.
2. A request for provisional measures under Article F&C 8 to 9 in relation to seizure of property on which a confiscation order consisting in the requirement to pay a sum of money may be realised shall also indicate a maximum amount for which recovery is sought in that property.
3. In addition to the indications mentioned in paragraph 1, any request under Articles F&C 10 to 14 shall contain:
 - (a) in the case of Article F&C 10.1(a):
 - (i) a certified true copy of the confiscation order made by the court in the requesting State and a statement of the grounds on the basis of which the order was made, if they are not indicated in the order itself;

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- (ii) an attestation by the competent authority of the requesting State that the confiscation order is enforceable and not subject to ordinary means of appeal;
 - (iii) information as to the extent to which the enforcement of the order is requested;
and
 - (iv) information as to the necessity of taking any provisional measures;
- (b) in the case of Article F&C 10.1(b), a statement of the facts relied upon by the requesting State sufficient to enable the requested State to seek the order under its national law;
- (c) when third parties have had the opportunity to claim rights, documents demonstrating that this has been the case.

ARTICLE F&C 25

Defective requests

1. If a request does not comply with the provisions of this Part or the information supplied is not sufficient to enable the requested State to deal with the request, that State may ask the requesting State to amend the request or to complete it with additional information.
2. The requested State may set a time-limit for the receipt of such amendments or information.
3. Pending receipt of the requested amendments or information in relation to a request under Article F&C 10 to 14, the requested State may take any of the measures referred to in Articles F&C 3 to 7 or Articles F&C 8 to 9.

ARTICLE F&C 26

Plurality of requests

1. Where the requested State receives more than one request under Articles F&C 8 to 9 or 10 to 14 in respect of the same person or property, the plurality of requests shall not prevent that State from dealing with the requests involving the taking of provisional measures.
2. In the case of plurality of requests under Articles F&C 10 to 14, the requested State shall consider consulting the requesting States.

ARTICLE F&C 27

Obligation to give reasons

The requested State shall give reasons for any decision to refuse, postpone or make conditional any cooperation under this Part.

ARTICLE F&C 28

Information

1. The requested State shall promptly inform the requesting State of:
 - (a) the action initiated on a request under this Part;
 - (b) the final result of the action carried out on the basis of the request;
 - (c) a decision to refuse, postpone or make conditional, in whole or in part, any co-operation under this Part;
 - (d) any circumstances which render impossible the carrying out of the action sought or are likely to delay it significantly; and
 - (e) in the event of provisional measures taken pursuant to a request under Articles F&C 3 to 7 or Articles F&C 8 to 9, such provisions of its national law as would automatically lead to the lifting of the provisional measure.
2. The requesting State shall promptly inform the requested State of:
 - (a) any review, decision or any other fact by reason of which the confiscation order ceases to be wholly or partially enforceable; and
 - (b) any development, factual or legal, by reason of which any action under this Part is no longer justified.
3. Where the United Kingdom or a Member State, on the basis of the same confiscation order, requests confiscation in more than one State, it shall inform all States which are affected by an enforcement of the order about the request.

ARTICLE F&C 29

Restriction of use

1. The requested State may make the execution of a request dependent on the condition that the information or evidence obtained will not, without its prior consent, be used or transmitted by the authorities of the requesting State for investigations or proceedings other than those specified in the request.
2. Without the prior consent of the requested State, information or evidence provided by it under this Part may not be used or transmitted by the authorities of the requesting State in investigations or proceedings other than those specified in the request.

ARTICLE F&C 30

Confidentiality

1. The requesting State may require that the requested State keep confidential the facts and substance of the request, except to the extent necessary to execute the request. If the requested State cannot comply with the requirement of confidentiality, it shall promptly inform the requesting State.
2. The requesting State shall, if not contrary to basic principles of its national law and if so requested, keep confidential any evidence and information provided by the requested State, except to the extent that its disclosure is necessary for the investigations or proceedings described in the request.
3. Subject to the provisions of its national law, a State which has received spontaneous information under Article F&C 7 shall comply with any requirement of confidentiality as required by the State which supplies the information. If the other State cannot comply with such a requirement, it shall promptly inform the transmitting State.

ARTICLE F&C 31

Costs

The ordinary costs of complying with a request shall be borne by the requested State. Where costs of a substantial or extraordinary nature are necessary to comply with a request, the requesting State and requested State shall consult in order to agree the conditions on which the request is to be executed and how the costs shall be borne.

ARTICLE F&C 32

Damages

1. When legal action on liability for damages resulting from an act or omission in relation to cooperation under this Part has been initiated by a person, the States concerned shall consider consulting each other, where appropriate, to determine how to apportion any sum of damages due.
2. A State which has become subject of a litigation for damages shall endeavour to inform the other State of such litigation if that State might have an interest in the case.

PART 13

INSTITUTIONAL PROVISIONS

ARTICLE INSTITUTIONAL 1

Establishment of the Joint Committee

1. A Joint Committee is hereby established, consisting of representatives of the United Kingdom and the Union. The Joint Committee shall be co-chaired by the United Kingdom and the Union.
2. The Joint Committee shall meet at the request of the United Kingdom or the Union, and in any event shall meet at least once a year. The Joint Committee shall set its meeting schedule and its agenda by mutual consent. The work of the Joint Committee shall be governed by the rules of procedure set out in Annex INSTITUTIONAL.
3. The Joint Committee shall adopt its decisions and make its recommendations by mutual consent.
4. The decisions adopted by the Joint Committee shall be binding on the United Kingdom and the Union and the United Kingdom and the Union shall implement those decisions. The Joint Committee shall meet within 3 months of the day on which this Agreement enters into force.

ARTICLE INSTITUTIONAL 2

Remit of the Joint Committee

1. The Joint Committee shall be responsible for the implementation and application of this Agreement. The United Kingdom and the Union may refer to the Joint Committee any issue relating to the implementation, application and interpretation of this Agreement.
2. The Joint Committee shall:
 - (a) supervise and facilitate the implementation and application of this Agreement;
 - (b) seek appropriate ways and methods of preventing problems that might arise in areas covered by this Agreement or of resolving disputes that may arise regarding the interpretation and application of this Agreement;
 - (c) consider any matters of interest relating to an area covered by this Agreement;
 - (d) by decision amend the Agreement in light of changes to the legislation of the United Kingdom, the Union or the Member States.
3. The Joint Committee may by decision:
 - (a) set up any working party or group of experts to assist it in the performance of its duties;
 - (b) adopt amendments to the rules of procedure set out in Annex INSTITUTIONAL;
 - (c) make other amendments to the Agreement in the cases provided for in this Agreement;
 - (d) take such other actions in the exercise of its functions as decided by the United Kingdom and the Union.

ARTICLE INSTITUTIONAL 3

Dispute settlement

1. The United Kingdom and the Union shall at all times endeavour to agree on the interpretation and application of this Agreement, and shall make every attempt, through cooperation and consultations, to arrive at a mutually satisfactory resolution of any matter that might affect its operation.
2. For any dispute between the United Kingdom and the Union arising under this Agreement, the United Kingdom and the Union shall only have recourse to the procedures provided for in this Agreement.
3. The United Kingdom and the Union shall endeavour to resolve any dispute regarding the interpretation and application of the provisions of this Agreement by entering into consultations in the Joint Committee in good faith, with the aim of reaching a mutually agreed solution. A Party wishing to commence consultations shall provide written notice to the Joint Committee.
4. Any communication or notification between the United Kingdom and the Union provided for in this Article shall be made within the Joint Committee.

PART 14

GENERAL AND FINAL PROVISIONS

ARTICLE FINAL 1

Review

This Agreement shall be reviewed at the request of either Party and in any event five years after its entry into force.

ARTICLE FINAL 2

Relationship with other agreements

The United Kingdom and the Member States may continue to apply or enter into bilateral or multilateral agreements or arrangements in so far as such agreements or arrangements allow the objectives of this Agreement to be extended or enlarged and help to simplify or facilitate further the procedures for co-operation within the scope of this Agreement.

ARTICLE FINAL 3

Amendments

1. This Agreement may be amended by agreement between the United Kingdom and the Union.
2. Such amendments shall enter into force on the first day of the second month, or on such later date as may be agreed by the United Kingdom and the Union, following the date on which the United Kingdom and the Union notify each other that their respective applicable legal requirements and procedures for entry into force of such amendments have been completed. The United Kingdom and the Union shall make such notification through an exchange of diplomatic notes.
3. The Joint Committee may adopt decisions to amend this Agreement in the instances referred to in this Agreement. Such amendments shall be confirmed by and enter into force upon the exchange of diplomatic notes between the United Kingdom and the Union, unless otherwise agreed.

ARTICLE FINAL 4

National security

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ARTICLE FINAL 5

Entry into force

1. The United Kingdom and the Union shall approve this Agreement in accordance with their respective internal requirements and procedures.
2. This Agreement shall enter into force on one of the following dates, whichever is the latest:
 - (a) 1 January 2021 in the event that the United Kingdom and the Union have, prior to that date, exchanged written notifications certifying that they have completed their respective internal requirements and procedures;
 - (b) the first day of the month following the date the United Kingdom and the Union exchange the written notifications referred to in sub-paragraph (a).

ARTICLE FINAL 6

Interpretation

This Agreement shall be interpreted in accordance with the customary rules of public international law, including those in the Vienna Convention on the Law of Treaties.

ARTICLE FINAL 7

Suspension or termination

1. This Agreement shall remain in force unless terminated or suspended pursuant to paragraph 2.
2. Either the United Kingdom or the Union may notify in writing the other Party of its intention to suspend or terminate this Agreement. The notice may relate only to a specific Part of this Agreement or to specific forms of cooperation provided for under this Agreement. In the case of a notice given by the United Kingdom, the notice may relate only to a specific Member State.
3. The suspension or termination (or partial suspension or termination) shall take effect three months after the date of receipt by the other Party of the notification, unless the United Kingdom and the Union otherwise agree.
4. If either party gives notice of termination or suspension or partial termination or suspension under this Article, the Joint Committee shall meet to decide what steps are needed to ensure that any co-operation initiated under this Agreement and affected by the notice is concluded in an appropriate manner.

ARTICLE FINAL 8

No direct effect on persons

1. Nothing in this Agreement shall be construed as conferring rights or imposing obligations on persons nor as permitting this Agreement to be directly invoked in the domestic or internal legal systems of the United Kingdom or the Union.
2. A Party shall not provide for a right of action under its national or internal law against the other Party on the ground that a measure of the other Party is inconsistent with this Agreement.

ARTICLE FINAL 9

Territorial application

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ARTICLE FINAL 10

Annexes

The Annexes to this Agreement shall form an integral part of this Agreement.

ARTICLE FINAL 11

Future accessions to the Union

DRAFT UK NEGOTIATING DOCUMENT – NOT FOR TRANSMISSION OUTSIDE OF
NEGOTIATING TEAMS

1. The Union shall notify the United Kingdom of any request for accession of a third state to the Union.
2. During the negotiations between the Union and a third state referred to in paragraph 1, the Union shall:
 - (a) on request of the United Kingdom and, to the extent possible, provide any information regarding any matter covered by this Agreement; and
 - (b) take into account any concerns expressed by the United Kingdom.
3. The Joint Committee shall examine any effects of accession of a third state to the Union on this Agreement sufficiently in advance of the date of such accession.
4. To the extent necessary, the Union and the United Kingdom shall, before the entry into force of the agreement on the accession of a third state to the Union:
 - (a) amend this Agreement in accordance with Article FINAL 3; or
 - (b) put in place by decision of the Joint Committee any other necessary adjustments or transitional arrangements regarding this Agreement.

ARTICLE FINAL 12

Authentic texts

1. This Agreement is drawn up in duplicate in the Bulgarian, Croatian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Irish, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish, and Swedish languages, all texts being equally authentic.
2. In case of any divergence of interpretation, the English language shall prevail.

Annex CRIMINAL RECORDS 1

[codes]

Annex CRIMINAL RECORDS 2

[Form]

Annex PNR

Passenger name record data as far as collected by carriers

- (a) PNR record locator
- (b) Date of reservation/issue of ticket
- (c) Date(s) of intended travel
- (d) Name(s)
- (e) Address, telephone number and electronic contact information of the passenger, the persons who made the reservation for the passenger, persons through whom a passenger may be contacted and persons who are to be informed in the event of an emergency
- (f) All available payment / billing information (not including other transaction details linked to a credit card or account and not connected to the travel transaction)
- (g) Travel itinerary for specific PNR
- (h) Frequent flyer information (the designator of the airline or vendor that administers the program, frequent flyer traveller number, membership level, tier description and alliance code)
- (i) Travel agency/travel agent
- (j) Travel status of passenger (including confirmations and check-in status), no-show or go-show information
- (k) Split/divided information
- (l) General remarks, including Other Supplementary Information (OSI), Special Service Information (SSI) and Special Service Request (SSR) information (including all information on unaccompanied minors under 18 years, such as name and gender of the minor, age, language(s) spoken, name and contact details of guardian on departure and relationship to the minor, name and contact details of guardian on arrival and relationship to the minor, departure and arrival agent)
- (m) Ticketing information, including ticket number, one-way tickets and automated ticket fare quote
- (n) Seat information, including seat number
- (o) Code share information
- (p) All baggage information

(q) Number and other names of travellers on the PNR

(r) Any advance passenger information (API) data collected

All historical changes to the PNR data listed in paragraphs (a) to (r)

Annex SURR

[Form]

Annex Europol 1

Forms of crime

- (a) terrorism;
- (b) organised crime;
- (c) drug trafficking;
- (d) money-laundering activities;
- (e) crime connected with nuclear and radioactive substances;
- (f) immigrant smuggling;
- (g) trafficking in human beings;
- (h) motor vehicle crime;
- (i) murder and grievous bodily injury;
- (j) illicit trade in human organs and tissue;
- (k) kidnapping, illegal restraint and hostage taking;
- (l) racism and xenophobia;
- (m) robbery and aggravated theft;
- (n) illicit trafficking in cultural goods, including antiquities and works of art;
- (o) swindling and fraud;
- (p) insider dealing and financial market manipulation;
- (q) racketeering and extortion;
- (r) counterfeiting and product piracy;
- (s) forgery of administrative documents and trafficking therein;
- (t) forgery of money and means of payment;
- (u) computer crime;

- (v) corruption;
- (w) illicit trafficking in arms, ammunition and explosives;
- (x) illicit trafficking in endangered animal species;
- (y) illicit trafficking in endangered plant species and varieties;
- (z) environmental crime, including ship source pollution;
- (aa) illicit trafficking in hormonal substances and other growth promoters;
- (bb) sexual abuse and sexual exploitation, including child abuse material and solicitation of children for sexual purposes;
- (cc) genocide, crimes against humanity and war crimes.

The forms of crime referred to in Article EUROPOL 3 and in this Annex will be assessed by the National Crime Agency in accordance with the law of the United Kingdom.

Annex Europol 2

National contact point

The United Kingdom designates the National Crime Agency to act as the central point of contact.

Annex EUROJUST

Forms of serious crime

- (a) terrorism;
- (b) organised crime;
- (c) drug trafficking;
- (d) money-laundering activities;
- (e) crime connected with nuclear and radioactive substances;
- (f) immigrant smuggling;
- (g) trafficking in human beings;
- (h) motor vehicle crime;
- (i) murder;
- (j) grievous bodily injury;
- (k) illicit trade in human organs and tissue;
- (l) kidnapping, illegal restraint and hostage taking;
- (m) racism and xenophobia;
- (n) robbery and aggravated theft;
- (o) illicit trafficking in cultural goods, including antiquities and works of art;
- (p) swindling and fraud;
- (q) insider dealing and financial market manipulation;
- (r) racketeering and extortion;
- (s) counterfeiting and product piracy;
- (t) forgery of administrative documents and trafficking therein;
- (u) forgery of money and means of payment;

- (v) computer crime;
- (w) corruption;
- (x) illicit trafficking in arms, ammunition and explosives;
- (y) illicit trafficking in endangered animal species;
- (z) illicit trafficking in endangered plant species and varieties;
- (aa) environmental crime, including ship source pollution;
- (bb) illicit trafficking in hormonal substances and other growth promoters;
- (cc) sexual abuse and sexual exploitation, including child abuse material and solicitation of children for sexual purposes;
- (dd) genocide, crimes against humanity and war crimes.

The forms of serious crime referred to this Annex will be assessed by the United Kingdom in accordance with the law of the United Kingdom.

Annex MLA 1

Mutual Legal Assistance (MLA) Form

This MLA Request has been issued by a competent authority. The issuing authority certifies that the issuing of this MLA Form is necessary and proportionate for the purpose of the proceedings specified within it taking into account the rights of the suspected or accused person and that the investigative measures requested could have been ordered under the same conditions in a similar domestic case. I request that the investigative measure or measures specified below be carried out taking due account of the confidentiality of the investigation and that the evidence obtained as a result of the execution of the MLA Request be transferred.

<p>SECTION A</p> <p>Issuing State:.....</p> <p>....</p> <p>Executing State:</p>
<p>SECTION B: Urgency</p> <p>Please indicate if there is any urgency due to</p> <ul style="list-style-type: none"><input type="checkbox"/> Evidence being concealed or destroyed<input type="checkbox"/> Imminent trial date<input type="checkbox"/> Any other reason <p>Please specify below:</p> <p>Time limits for execution of the MLA Form are laid down in Article MLA 8. However, if a shorter or specific time limit is necessary, please provide the date and explain the reason for this:</p>

SECTION C: Investigative measure(s) to be carried out

1. Describe the assistance/investigative measure(s) required AND indicate, if applicable, if it is one of the following investigative measures:

- Obtaining information or evidence which is already in the possession of the executing authority
- Obtaining information contained in databases held by police or judicial authorities
- Hearing
witness
expert
suspected or accused person
victim
third party
- Identification of persons holding a subscription of a specified phone number or IP address
- Temporary transfer of a person held in custody to the issuing State
- Temporary transfer of a person held in custody to the executing State
- Hearing by videoconference or other audiovisual transmission
witness
expert
suspected or accused person

Hearing by telephone conference

witness

expert

Information on bank and other financial accounts

Information on banking and other financial operations

Investigative measure implying the gathering of evidence in real time, continuously and over a certain period of time

monitoring of banking or other financial operations

controlled deliveries

other

Covert investigation

Provisional measure(s) to prevent the destruction, transformation, moving, transfer or disposal of an item that may be used as evidence

SECTION D: Relation to an earlier MLA Form

Indicate whether this MLA Form supplements an earlier MLA Form. If applicable, provide information relevant to identify the previous MLA Form (the date of issue of the MLA Form, the authority to which it was transmitted and, if available, the date of transmission of the MLA Form, and reference numbers given by the issuing and executing authorities):

If relevant please indicate if an MLA Form has already been addressed to another Member State in the same case:

SECTION E: Identity of the person concerned

1. State all information, as far as known, regarding the identity of the (i) natural or (ii) legal person(s) concerned by the investigative measure (if more than one person is concerned, please provide the information for each person):

(i) In the case of natural person(s)

Name:

First name(s):

Other relevant name(s), if applicable:

Aliases, if applicable:

Sex:

Nationality:

Identity number or social security number:

Type and number of the identity document(s) (ID card, passport), if available:

Date of birth:

Place of birth:

Residence and/or known address; if address not known, state the last known address:

Language(s) which the person understands:

(ii) In the case of legal person(s)

Name:

Form of legal person:

Shortened name, commonly used name or trading name, if applicable:

Registered seat:

Registration number:

Address of the legal person:

Name of the legal person's representative:

Please describe the position the concerned person currently holds in the proceedings:

- suspected or accused person
- victim
- witness
- expert
- third party
- other (please specify)

2. If different from the address above, please give the location where investigative measure is to be carried out:

3. Provide any other information that will assist with the execution of the MLA Form:

SECTION F: Type of proceedings for which the MLA Form is issued:

(a) with respect to criminal proceedings brought by, or that may be brought before, a judicial authority in respect of a criminal offence under the national law of the issuing State; or

(b) proceedings brought by administrative authorities in respect of acts which are punishable under the national law of the issuing State by virtue of being infringements of the rules of law, and where the decision may give rise to proceedings before a court having jurisdiction in particular in criminal matters; or

(c) proceedings brought by judicial authorities in respect of acts which are punishable under the national law of the issuing State by virtue of being infringements of the rules of law, and where the decision may give rise to proceedings before a court having jurisdiction in particular in criminal matters;

(d) in connection with proceedings referred to in points (a), (b), and (c) which relate to offences or infringements for which a legal person may be held liable or punished in the issuing State.

SECTION G: Grounds for issuing the MLA Form

1. Summary of the facts

Set out the reasons why the MLA Form is issued, including a summary of the underlying facts, a description of offences charged or under investigation, the stage the investigation has reached, the reasons for any risk factors and any other relevant information.

2. Nature and legal classification of the offence(s) for which the MLA Form is issued and the applicable statutory provision/code:

3. Is the offence for which the MLA Form is issued punishable in the issuing State by a custodial sentence or detention order of a maximum of at least three years as defined by the law of the issuing State and included in the list of offences set out below? (please tick the relevant box)

- participation in a criminal organisation
- terrorism
- trafficking in human beings
- sexual exploitation of children and child pornography
- illicit trafficking in narcotic drugs and psychotropic substances
- illicit trafficking in weapons, munitions and explosives
- corruption
- fraud, including that affecting the financial interests of the European Union within the meaning of the Convention of 26 July 1995 on the protection of the European Communities' financial interests
- laundering of the proceeds of crime
- counterfeiting currency, including of the euro
- computer-related crime

- environmental crime, including illicit trafficking in endangered animal species and in endangered plant species and varieties
- facilitation of unauthorised entry and residence
- murder, grievous bodily injury
- illicit trade in human organs and tissue
- kidnapping, illegal restraint and hostage-taking
- racism and xenophobia
- organised or armed robbery
- illicit trafficking in cultural goods, including antiques and works of art
- swindling
- racketeering and extortion
- counterfeiting and piracy of products
- forgery of administrative documents and trafficking therein
- forgery of means of payment
- illicit trafficking in hormonal substances and other growth promoters
- illicit trafficking in nuclear or radioactive materials
- trafficking in stolen vehicles
- rape
- arson
- crimes within the jurisdiction of the International Criminal Court
- unlawful seizure of aircraft/ships
- sabotage

SECTION H: Additional requirements for certain measures

Fill out the sections relevant to the investigative measure(s) requested:

SECTION H1: Transfer of a person held in custody

(1) If a temporary transfer to the issuing State of a person held in custody for the purpose of the investigation is requested, please indicate whether the person consented to this measure:

- Yes No I request that the person's consent is sought

(2) If a temporary transfer to the executing State of a person held in custody for the purpose of investigation is requested, please indicate whether the person consented to this measure:

- Yes No

SECTION H2: Video or telephone conference or other audiovisual transmission

If hearing by videoconference or telephone conference or other audiovisual transmission is requested:

Please indicate the name of the authority that will conduct the hearing (contact details/language):

Please indicate reasons for requesting this measure:

- (a) hearing by videoconference or other audiovisual transmission:
 - the suspected or accused person has given his/her consent
- (b) hearing by telephone conference

SECTION H3: Provisional measures

If a provisional measure to prevent the destruction, transformation, moving, transfer or disposal of an item that may be used as evidence, is requested, please indicate whether:
the item is to be transferred to the issuing State
the item is to remain in the executing State; please indicate an estimated date:
for lifting of provisional measure:
for the submission of a subsequent request concerning the item:

SECTION H4: Information on bank and other financial accounts

(1) If information on bank accounts or other financial accounts that the person holds or controls is requested, please indicate, for each of them, the reasons why you consider the measure relevant for the purpose of the criminal proceedings and on what grounds you presume that banks in the executing State hold the account:

information on bank accounts that the person holds or in respect of which he or she has the power of attorney

information on other financial accounts that the person holds or in respect of which he or she has the power of attorney

(2) If information on banking operations or other financial operations is requested, please indicate, for each of them, the reasons why you consider the measure relevant for the purpose of the criminal proceedings:

- information on banking operations
- information on other financial operations

Indicate the relevant period of time and the related accounts:

SECTION H5: Investigative measures implying the gathering of evidence in real time, continuously and over a certain period of time

If such investigative measure is requested please indicate the reasons why you consider the requested information relevant for the purpose of the criminal proceedings:

SECTION H6: Covert investigations

If covert investigation is requested please indicate the reasons why you consider the investigative measure likely to be relevant for the purpose of the criminal proceedings:

SECTION I: Formalities and procedures requested for the execution

1. Tick and complete, if applicable

- It is requested that the executing authority comply with the following formalities and procedures (...):

2. Tick and complete, if applicable

It is requested that one or several officials of the issuing State assist in the execution of the MLA Form in support of the competent authorities of the executing State.

Contact details of the officials:

Languages that may be used for communication:

SECTION J: Legal remedies

1. Please indicate if a legal remedy has already been sought against the issuing of an MLA Form, and if so please provide further details (description of the legal remedy, including necessary steps to take and deadlines):

2. Authority in the issuing State which can supply further information on procedures for seeking legal remedies in the issuing State and on whether legal assistance and interpretation and translation is available:

Name:

Contact person (if applicable):

Address:

Tel. No: (country code) (area/city code)

Fax No: (country code) (area/city code)

E-mail:

SECTION K: Details of the authority which issued the MLA Form

Tick the type of authority which issued the MLA Form:

judicial authority

*any other competent authority as defined by the law of the issuing State

Please also complete section (L)

Name of authority:

Name of representative/contact point:

File No:

Address:

Tel. No: (country code) (area/city code)

Fax No: (country code) (area/city code)

E-mail:

Languages in which it is possible to communicate with the issuing authority:

If different from above, the contact details of the person(s) to contact for additional information or to make practical arrangements for the transfer of evidence:

Name/Title/Organisation:

Address:

E-mail/Contact Phone No:

Signature of the issuing authority and/or its representative certifying the content of the
MLA Form as accurate and correct:

Name:

Post held (title/grade):

Date:

Official stamp (if available):

SECTION L Details of the judicial authority which validated the MLA Form

Please indicate the type of judicial authority which has validated this MLA Form:

(a) judge or court

(b) investigating judge

(c) public prosecutor

Official name of the validating authority:

Name of its representative:

Post held (title/grade):

File no:

Address:

Tel. No: (country code) (area/city code)

Fax No: (country code) (area/city code)

E-mail:

Languages in which it is possible to communicate with the validating authority:

Please indicate if the main contact point for the executing authority should be the:
issuing authority

validating authority

Signature and details of the validating authority

Name:

Post held (title/grade):

Date:

Official stamp (if available):

Annex MLA 2

The categories of offences referred to in Article MLA 6

- (a) participation in a criminal organisation;
- (b) terrorism;
- (c) trafficking in human beings;
- (d) sexual exploitation of children and child pornography;
- (e) illicit trafficking in narcotic drugs and psychotropic substances;
- (f) illicit trafficking in weapons, munitions and explosives;
- (g) corruption;
- (h) fraud;
- (i) laundering of the proceeds of crime;
- (j) counterfeiting currency;
- (k) computer-related crime;
- (l) environmental crime, including illicit trafficking in endangered animal species and in endangered plant species and varieties;
- (m) facilitation of unauthorised entry and residence;
- (n) murder;
- (o) grievous bodily injury;
- (p) illicit trade in human organs and tissue;
- (q) kidnapping, illegal restraint and hostage-taking;
- (r) racism and xenophobia;
- (s) organised or armed robbery;

- (t) illicit trafficking in cultural goods, including antiques and works of art;
- (u) swindling;
- (v) racketeering and extortion;
- (w) counterfeiting and piracy of products;
- (x) forgery of administrative documents and trafficking therein;
- (y) forgery of means of payment;
- (z) illicit trafficking in hormonal substances and other growth promoters;
- (aa) illicit trafficking in nuclear or radioactive materials;
- (bb) trafficking in stolen vehicles;
- (cc) rape;
- (dd) arson;
- (ee) crimes within the jurisdiction of the International Criminal Court;
- (ff) unlawful seizure of aircraft/ships;
- (gg) sabotage.

Annex F&C

[Form]

Annex INSTITUTIONAL

[Rules of Procedure of the Joint Committee]