

Mutual Legal Assistance Agreement between EU and Japan to Be Revised



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News

Thomas Wahl

On 1 June 2021, the Commission submitted a [recommendation to the Council](#) in which it seeks authorisation to open negotiations with Japan in order to amend the EU-Japan Agreement on mutual legal assistance in criminal matters. The Agreement entered into force on 2 January 2011. It is the EU's first "self-standing" MLA agreement with a third country and includes modern cooperation tools, e.g. videoconferencing and the exchange of bank information.

The aim of the Commission's initiative is to align the MLA Agreement with the data protection rules in Directive 2016/680. It follows the Commission Communication of 24 June 2020, in which ten legal acts from the former third pillar are identified that should be aligned with the EU's new legal framework on the protection of personal data with regard to the processing by law enforcement authorities (→ [euclid 2/2020, 100](#)). The Commission proposes that the following issues should be subject to negotiations with Japan:

- Provisions on data quality and security;
- Rules on data retention and record keeping;
- Safeguards applicable to the processing of special categories of personal data;
- Restrictions on onward transfers;
- Rules on oversight and legal remedies available to individuals.

The revision of the MLA Agreement with Japan will follow the procedure of Art. 218(3) and (4) TFEU.

AUTHOR

Thomas Wahl

Senior Researcher
Max Planck Institute for the
Study of Crime, Security and
Law

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