Third Additional Protocol to 1959 MLA Convention

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At the Minister of Justice Conference, held in Valletta, Malta, on 19 September 2025, the Council of Europe opened for signature a new additional protocol to the 1959 Convention on Mutual Assistance in Criminal Matters. The briefly dubbed "Valletta Protocol" aims to reinforce the ability of CoE member states, as well as partner states, to adequately respond to crime. This is to be achieved by modernising mutual assistance procedures, introducing new types of requests and embracing digital tools. The protocol supplements the 1959 Convention as well as two Additional Protocols thereto. Key novelties of the Valletta Protocol (the third additional protocol to the 1959 MLA Convention) include:

- Establishes that electronic communications are the preferred means in all cases of sending and receiving mutual assistance requests and other communications in the mutual assistance process;
- Extends the possibilities of direct communication and information exchange between the judicial authorities concerned in the requesting and requested state;
- Allows for greater flexibility and increased use of video conferencing where mutual assistance requests meet the conditions and requirements of the requested and requesting States: hearings of witnesses and experts should no longer be a secondary option, while the Protocol lays down the rules for these video hearings;
- Establishes the legal framework for the use of technical recording devices in the territory of another Party;
- Introduces a specific provision on the cross-border interception of telecommunications;
- Introduces a provision on time limits for the execution of requests for mutual legal assistance;
- Supplements the Convention by rules on data protection.

At the meeting on 19 September 2025, the Valletta Protocol was signed by 16 states: Belgium, Georgia, Germany, Greece, Lithuania, Luxembourg, Malta, North Macedonia, Portugal, Romania, San Marino, Sweden, Switzerland, Türkiye, Ukraine and the United Kingdom. In order to enter into force, the Protocol requires that three signatories have expressed their consent to be bound by it. At the meeting on 19 September 2025, ministers for justice of the CoE member states also adopted a declaration in which they voiced commitments to improve cooperation in the fight against transnational crime (→related link).

Eucrim will regularly update the accessions to and ratifications of the Valletta Protocol on its website documenting ratifications of CoE Conventions.

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