AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

110TH CONGRESS
2d Session

SENATE

EXEC. REPT.
110–13

MUTUAL LEGAL ASSISTANCE TREATIES WITH THE EUROPEAN UNION

SEPTEMBER 11, 2008.—Ordered to be printed

Mr. DODD, from the Committee on Foreign Relations, submitted the following

REPORT

[To accompany Treaty Docs. 107–12, 109–13, 110–11, and 110–12]

The Committee on Foreign Relations, to which was referred the Agreement on Mutual Legal Assistance between the United States of America and the European Union, signed at Washington on June 25, 2003 (Treaty Doc. 109–13), together with 27 bilateral instruments subsequently signed with the Republic of Austria on July 20, 2005 (Treaty Doc. 109–13), the Kingdom of Belgium on December 16, 2004 (Treaty Doc. 109–13), the Republic of Bulgaria on September 19, 2007 (Treaty Doc. 110–12), the Republic of Cyprus on January 20, 2006 (Treaty Doc. 109–13), the Czech Republic on May 16, 2006 (Treaty Doc. 109–13), the Kingdom of Denmark on June 23, 2005 (Treaty Doc. 109–13), the Republic of Estonia on February 8, 2006 (Treaty Doc. 109–13), the Republic of Finland on December 16, 2004 (Treaty Doc. 109–13), France on September 30, 2004 (Treaty Doc. 109–13), the Federal Republic of Germany on April 18, 2006 (Treaty Doc. 109–13), the Hellenic Republic on January 18, 2006 (Treaty Doc. 109–13), the Republic of Hungary on November 15, 2005 (Treaty Doc. 109–13), Ireland on July 14, 2005 (Treaty Doc. 109–13), the Italian Republic on May 3, 2006 (Treaty Doc. 109–13), the Republic of Latvia on December 7, 2005 (Treaty Doc. 109–13), the Republic of Lithuania on June 15, 2005 (Treaty Doc. 109–13), the Grand Duchy of Luxembourg on February 1, 2005 (Treaty Doc. 109–13), Malta on May 18, 2006 (Treaty Doc. 109–13), the Kingdom of the Netherlands on September 29, 2004, with a related exchange of notes signed the same date (Treaty Doc. 109–13), the Republic of Poland on June 9, 2006 (Treaty Doc. 109–13), the Portuguese Republic on July 14, 2005 (Treaty Doc. 109–13), Romania on September 10, 2007 (Treaty Doc. 110–11), the Slovak Republic on February 6, 2006 (Treaty Doc. 109–13), the Republic of Slovenia on October 17, 2005 (Treaty Doc. 109–13), the Kingdom of Spain on December 17, 2004 (Treaty Doc. 109–13), the Kingdom of Sweden on December 16, 2004 (Treaty Doc. 109–13), and the

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United Kingdom of Great Britain and Northern Ireland on December 16, 2004, with a related exchange of notes signed the same date (Treaty Doc. 109–13), along with the Treaty between the Government of the United States of America and the Government of Sweden on Mutual Legal Assistance in Criminal Matters, signed at Stockholm on December 17, 2001 (the "2001 Swedish MLAT") (Treaty Doc. 107–12), having considered the same, reports favorably thereon with one declaration made with respect to each treaty, as indicated in the resolutions of advice and consent and recommends that the Senate give its advice and consent to ratification thereof, as set forth in this report and the accompanying resolutions of advice and consent.

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I. Purpose

The purpose of these treaties, of which there are 29, is to modernize, strengthen, and expand on the U.S. mutual legal assistance relationship with the European Union (the "EU") and its Member States.

II. Background and Summary

In order for the United States to successfully prosecute criminal activity that is transnational in scope, it is often necessary to obtain evidence or testimony from a witness in another country. While U.S. federal courts may issue subpoenas to U.S. nationals overseas, they lack the authority to subpoena foreign nationals found in other countries or the authority to subpoena evidence in a foreign country. In addition, effectuating service of a subpoena to U.S. persons abroad may prove difficult.

In the absence of an applicable international agreement, the customary method for obtaining evidence or testimony in another country is via a "letter rogatory," which tends to be an unreliable and time-consuming process. A "letter rogatory" is generally used to refer to a formal communication in writing that is sent by a court in which an action is pending to a court in a foreign country, requesting that certain evidence or the testimony of a person within the latter's jurisdiction be formally obtained for use in the requesting court's pending action. The State Department advises that the letter-rogatory process can often take a year or more and, unless undertaken pursuant to an international agreement, compliance is a matter of judicial discretion. Furthermore, the scope of foreign judicial assistance might also be limited by domestic information-sharing laws, such as bank and business secrecy laws, or be confined to evidence relating to pending cases rather than pre-

liminary, administrative, or grand jury investigations conducted prior to the filing of formal charges. Mutual Legal Assistance Treaties ("MLATs") are generally designed to overcome these problems.

MLATs are international agreements that establish a formal, streamlined process by which States may gather information and evidence in other countries for use in criminal investigations and prosecutions. While the specific provisions of MLATs vary, they generally obligate treaty partners to take steps on behalf of a requesting treaty partner when certain conditions are met. MLATs typically contain provisions concerning the sharing of collected information between parties, locating and identifying persons and potential witnesses within the parties' territories, the taking of depositions and witness testimony, and the serving of subpoenas *duces tecum* on behalf of a requesting treaty party.[1] Such provisions provide for the easier acquisition of evidence and testimony than via letters rogatory and do so in a manner designed to be compatible with the admissibility requirements of the requesting State's courts. MLATs also typically contain provisions concerning the allocation of costs between parties, the form and content of requests for legal assistance, the designation of national law enforcement agencies or officials responsible for treaty administration, and the grounds for which a treaty party may refuse to provide legal assistance. Increasingly, MLATs have been used as a tool to combat terrorism.

The framework agreement on mutual legal assistance with the EU (the "EU Framework Agreement") requires EU Member States to amend and supplement their existing MLATs with the United States to include certain modern provisions on mutual legal assistance, if they have not already done so. If the United States has no existing MLAT with an EU Member State, that Member State is obligated to apply the provisions of the EU Framework Agreement through a new instrument, which would constitute a partial MLAT, in the sense that the instrument would include some, but not all, of the provisions generally found in a standard MLAT. The EU Framework Agreement additionally provides for enhanced cooperation on law enforcement matters between the United States and the European Union itself.

In addition to an MLAT with Sweden, which was concluded prior to the EU Framework Agreement, there are 27 bilateral instruments covered by this report—one with every country in the EU, including Sweden. These 27 bilateral instruments effectively implement the EU Framework Agreement. Consistent with the EU Framework Agreement these instruments, if ratified, would create a new, albeit partial, treaty-based mutual legal assistance relationship with seven EU countries (Bulgaria, Denmark, Finland, Malta, Portugal, Slovakia, and Slovenia) with which we currently have no bilateral treaty-based mutual legal assistance relationship and would modernize the MLATs that the United States has already concluded with the remaining 20 EU countries (Austria, Belgium,

[1] A subpoena *duces tecum* is a specific form of subpoena, also called a "subpoena for the production of evidence." It is a subpoena issued by a court ordering the parties named to appear and to produce tangible evidence for use at a hearing or trial.

Cyprus, Czech Republic, Estonia, France, Germany,[2] Greece, Hungary, Ireland,[3] Italy, Latvia, Lithuania, Luxembourg, Poland, Romania, Spain, Sweden,[4] the Netherlands, and the United Kingdom).

III. Major Provisions

A detailed paragraph-by-paragraph analysis of these treaties may be found in the Letters of Submittal from the Secretary of State to the President on these instruments, which are reprinted in full in Treaty Documents 107–12, 109–13, 110–11, and 110–12. What follows is a brief summary of some of the key provisions that would be incorporated into our bilateral treaty relationships with every EU Member State if not already incorporated through existing treaties, pursuant to the EU Framework Agreement.

Financial Information

Bilateral MLATs between the United States and EU Member States do not currently contain provisions that provide for the identification of bank accounts and financial transactions of a person suspected of criminal activity. Law enforcement authorities in the United States and EU Member States have been hesitant to share such information during the course of a criminal investigation in the absence of an express obligation. That obligation would now be provided through the EU Framework Agreement consistent with recent changes in the law of the EU and the United States, and subject to certain limitations and guidelines designed to ensure that such information is requested and shared in a responsible way.

Article 4 of the EU Framework Agreement requires the requested State to ascertain if any banks in its territory possess information on whether a person suspected or charged with a criminal offense is the holder of a bank account. States may, however, limit their obligation to provide such assistance to: 1) offenses punishable under the laws of both the requested and requesting States; 2) offenses punishable by a penalty involving deprivation of liberty or a detention order of a maximum period of at least four years in the requesting State and at least two years in the requested State; or 3) designated serious offenses punishable under the laws of both the requested and requesting States.[5] In every bilateral instrument

[2] On October 14, 2003, the United States signed the Treaty between the United States of America and the Federal Republic of Germany on Mutual Legal Assistance in Criminal Matters. *See* Treaty Doc. 108–27. This treaty was approved by the Senate on July 27, 2006, Exec. Rept. 109–14, but the executive branch has not yet exchanged with Germany the instruments of ratification. The committee has been informed that the executive branch intends to exchange the instruments and bring the treaty into force if and when these treaties are approved by the Senate.

[3] On January 18, 2001, the United States signed the Agreement between the Government of the United States of America and the Government of Ireland on Mutual Legal Assistance in Criminal Matters. *See* Treaty Doc. 107–9. This treaty was approved by the Senate on November 14, 2002, Exec. Rept. 107–15, but the executive branch has not yet exchanged with Ireland the instruments of ratification. The committee has been informed that the executive branch intends to exchange the instruments and bring the treaty into force if and when the treaties discussed in this report are approved by the Senate.

[4] On December 17, 2001, the United States signed the Treaty between Government of the United States of America and the Kingdom of Sweden on Mutual Legal Assistance in Criminal Matters (Treaty Doc. 107–12) (the "2001 Swedish MLAT"). Along with the other instruments covered by this report, the 2001 Swedish MLAT was ordered favorably reported by the committee on July 29, 2008. If ratified along with the 2004 bilateral instrument with Sweden contained in Treaty Document 109–13, the 2001 Swedish MLAT will be amended by the 2004 instrument and thereby brought into conformance with the EU Framework Agreement.

[5] *See* Article 4(4) of the EU Framework Agreement.

with an EU Member State, the assistance to be provided by the United States pursuant to Article 4 is consistently limited to requests that relate to terrorist and money laundering activity punishable in both the requesting State and the United States and to such criminal activity as may subsequently be agreed upon between the parties. Many, but not all, EU Member States have similarly limited the provision of their assistance to match the U.S. limitation.[6]

Article 4 does not obligate parties to share, for example, the contents of a suspected account or the details of a relevant financial transaction. The procurement of such information would generally be controlled by an applicable bilateral MLAT between the requesting and requested State or, in the absence thereof, the requested State's domestic law. Moreover, all requests for information concerning accounts or transactions under Article 4(1) must include: 1) the identity of the person about which the request is being made; 2) sufficient information to enable the competent authority of the requested State to: a) reasonably suspect that the person concerned has engaged in a criminal offense and that banks or non-bank financial institutions in the territory of the requested State may have the information requested; and b) conclude that the information sought relates to the criminal investigation or proceeding; and 3) to the extent possible, information concerning which bank or non-bank financial institution may be involved, and other information the availability of which may aid in reducing the breadth of the inquiry.

In response to committee questions regarding how this provision would be relied on in practice, the Department of Justice explained as follows:

> U.S. agents conducting a criminal investigation in the United States may learn that subjects of the investigation are using banks or other financial institutions to further their illegal activities, but may not know which foreign banks or institutions and which accounts are being used. To further the investigation, the agents would prepare a request directed to an appropriate EU Member State, transmitted through one of the designated U.S. law enforcement agencies (FBI, DEA or ICE), requesting information as to whether the subject of the investigation maintains accounts at, or has conducted financial transactions unrelated to accounts through, banks or financial institutions in the EU Member State.
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> The request for information would specify the identity of the subject and the nature of the investigation. If the request is directed to an EU Member State that has limited the scope of its assistance under this provision to terrorism and money laundering offenses (to correspond with the limits of U.S. assistance in reciprocal cases) then the U.S. request must relate to an investigation into terrorism or money laundering activities. If the request is directed to an EU Member State that has defined its obligations to as-

[6] *See, e.g.,* the bilateral instrument with France, which states that "France shall not invoke Article 4, paragraph 4, of the U.S.-EU Mutual Legal Assistance Agreement to limit the extent of its obligation to provide assistance."

sist more broadly, then the U.S. investigation may be related to a broader scope of criminal conduct, as permitted by the agreement with that particular EU Member State. The request would also provide factual information concerning the investigation sufficient to lead the competent authority in the EU Member State to reasonably suspect that the subject of the investigation has engaged in the criminal activity under investigation, that the information sought relates to the matter under investigation and that the banks or financial institutions in the requested state may have the information sought. To assist the EU Member State to narrow the breadth of the inquiry, the U.S. request would provide any specific information available to investigators that identifies the relevant banks or financial institutions or the transactions at issue.

If the EU Member State concludes that it is appropriate and possible to comply with the request, it would undertake an inquiry through its financial sector to retrieve the information sought and respond to the request by either confirming that the suspected transactions took place or that the suspected accounts exist. They may also provide information identifying the specific banks where the accounts are held, the name of account holders and the corresponding account numbers. No records of accounts or transactions would be provided pursuant to this process. Because the response received would only be information concerning the existence of relevant accounts or transactions and not records themselves, if the U.S. agents and prosecutors conducting the investigation conclude that the information is relevant and probative, they would prepare a formal mutual legal assistance request seeking the production of certified copies of the relevant banking or financial records, so that the records may be used at trial. This request for record production would be submitted through the usual mutual legal assistance channels in place between the United States and the particular EU Member State (i.e., through the applicable Mutual Legal Assistance Treaty (MLAT) or by letter rogatory, if no MLAT is in force). The MLAT or letter rogatory request would be reviewed by the competent authority in the requested state to determine whether the request meets the legal standards for the production of the records sought. It is the certified copies of the records received through the MLAT process, rather than the information received through article 4 of the US/EU Mutual Legal Assistance Agreement, that will be used to prosecute a defendant.

Joint Investigative Teams

In accordance with Article 5 of the EU Framework Agreement and as incorporated into the bilateral instruments, States would be authorized to create and operate joint investigative teams, comprised of investigating authorities from treaty partner countries for the purpose of facilitating criminal investigations or prosecutions involving one or more EU Member States and the United States where deemed appropriate by the relevant parties. This mechanism

would significantly expand formal police-to-police contact between the parties and would improve a State's ability to work together directly with foreign counterparts to gather evidence and conduct investigations in another party's territory.

Facilitating Video Testimony

Article 6 of the EU Framework Agreement requires the European Union and the United States to take measures to facilitate the taking of video testimony of experts and witnesses located in a requested State in proceedings for which mutual legal assistance is available.[7] Obtaining the testimony of an individual located in another State through video conferencing may be easier and cheaper than having that person come to testify in the requesting State. Moreover, if the individual cannot appear in person in the requesting State, the only practical alternative available that would permit the testimony to be heard may be by video conferencing.

Article 6(4) of the EU Framework Agreement additionally specifies that States are obligated to impose criminal penalties for intentionally false statements made during video conference testimony in their territories in the same manner as if such statements had been made in their domestic proceedings.[8] This obligation is without prejudice to the requesting State also criminalizing such conduct.

Modern Technology

Article 7 of the EU Framework Agreement serves to expedite communications related to legal assistance. With these treaties in force, States Parties would be authorized to use modern technology (such as fax and e-mail) in making requests for legal assistance in order to expedite the transmission of requests, so long as a formal confirmation follows when required by the requested State.[9] Typically requests for mutual legal assistance must be made formally (i.e., by presentation of the signed written document), a requirement that is frequently inefficient, particularly if there is an urgent need for legal assistance.

Legal Assistance to Administrative Authorities

Most existing MLATs provide for legal cooperation between States Parties' national law enforcement authorities responsible for the investigation and prosecution of criminal activities, but do not establish a clear obligation to assist States Parties' administrative or regulatory authorities. Article 8 represents an expansion of this general practice, permitting legal assistance to be provided to a requesting State's national administrative authorities which, acting under specific administrative or regulatory authority, are investigating conduct with a view to 1) criminal prosecution or 2) referral for criminal investigation or prosecution.

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[7] Article 6 does not require States to accept video testimony in a proceeding. Article 6 simply provides that Parties "shall take such measures as may be necessary to enable the use of video transmission technology between the United States of America and each Member State for taking testimony in a proceeding for which mutual legal assistance is available."

[8] The United States already does this. *See* the State Department's Letter of Submittal in Treaty Doc. 109–13 at XIII. In brief, any case in which the United States has been requested to facilitate the taking of video testimony from a witness or expert located in the United States on behalf of a foreign country is a U.S. proceeding and under U.S. law, penalties for perjury, obstruction of justice or contempt of court are applicable.

[9] *See* Article 7 of the EU Framework Agreement.

By providing for mutual legal assistance to administrative agencies that are investigating conduct with a view towards referring it to the appropriate law enforcement authorities, the EU Framework Agreement enables mutual legal assistance to be given at an earlier stage in a criminal investigation than would otherwise be possible under many bilateral MLATs. The United States and the EU are, however, required to take measures to avoid the imposition of "extraordinary burdens" upon requested States through the application of Article 8.

This development would provide significant advantages to U.S. regulatory authorities, including the Securities and Exchange Commission, the Commodities Futures Trading Commission, and the Federal Trade Commission, which have statutory authority to conduct investigations with a view to subsequent referral to the Department of Justice for criminal prosecution.

Subsequent Use of Information

Legal assistance acquired through MLATs typically is used for the purpose of ongoing criminal investigations and prosecutions. On occasion, a State may make its assistance contingent upon any evidence obtained by a requesting State being used only for particular purposes, such as a specific criminal investigation. There have also been concerns that data privacy regimes might inappropriately create impediments to legal assistance.

Article 9(1) of the EU Framework Agreement permits the requesting State to use evidence or information it has obtained from the requested State for a fairly broad list of purposes: 1) its criminal investigations and proceedings; 2) for preventing an immediate and serious threat to its public security; 3) for non-criminal judicial or administrative proceedings directly related to its criminal investigations; 4) for non-criminal judicial or administrative proceedings for which assistance was provided under Article 8; and 5) for any other purpose if the information or evidence was made public within the framework of the proceedings for which it was transmitted or pursuant to the above permissible uses. Other uses of the evidence or information require the prior consent of the requested State. Article 9 does not, however, preclude the requested State from imposing additional conditions where the particular request for assistance could not be granted in the absence of such conditions. Article 9 further provides that generic restrictions with respect to the legal standards in the requesting State for processing personal data may not be imposed by the requested State as a condition. Refusal of assistance on data protection grounds would only be permissible in exceptional cases when "upon balancing the important interests involved in the particular case . . . furnishing the specific data sought by the requesting State would raise difficulties so fundamental as to be considered by the requested State to fall within the essential interests grounds for refusal." [10]

IV. Bilateral Instruments With 27 EU Member States

In the same submittal as the EU Framework Agreement, there are 25 bilateral instruments with EU Member States that amend existing, or provide new, bilateral MLATs. These include modern

[10] EU Framework Agreement, Explanatory Note, Treaty Doc. 109–13 at p. 27.

provisions on mutual legal assistance contained in the EU Framework Agreement described above. The countries covered in this submittal are as follows: Austria (amending the 1995 MLAT with Austria);[11] Belgium (amending the 1988 MLAT with Belgium);[12] Cyprus (amending the 1999 MLAT with Cyprus);[13] Czech Republic (amending the 1998 MLAT with the Czech Republic);[14] Denmark; Estonia (amending the 1998 MLAT with Estonia);[15] Finland; France (amending the 1998 MLAT with France);[16] Germany (amending the 2003 MLAT with Germany, which the Senate has approved but the executive branch has not yet brought into force);[17] Greece (amending the 1999 MLAT with Greece);[18] Hungary (amending the 1994 MLAT with Hungary);[19] Ireland (amending the 2001 MLAT with Ireland, which the Senate has approved but the executive branch has not brought into force);[20] Italy (amending the 1982 MLAT with Italy);[21] Latvia (amending the 1997 MLAT with Latvia);[22] Lithuania (amending the 1998 MLAT with Lithuania);[23] Luxembourg (amending the 1997 MLAT with Luxembourg);[24] Malta; The Netherlands (amending the 1981 MLAT with the Netherlands);[25] Poland (amending the 1996 MLAT with Poland);[26] Portugal; Slovak Republic; Slovenia; Spain (amending the 1990 MLAT with Spain);[27] Sweden (amending the 2001 MLAT with Sweden, which is also the subject of this report);[28] and the United Kingdom (amending the 1994 U.S.-U.K. MLAT).[29]

The three remaining bilateral EU Member State treaties covered by this report were submitted to the Senate in separate treaty documents as follows: 1) The 2001 Swedish MLAT,[30] which is a fairly comprehensive MLAT with Sweden that will be amended by the bilateral instrument included in the EU transmittal as described above; 2) The Protocol to the MLAT with Romania,[31] which would amend the 1999 U.S.-Romania MLAT currently in force;[32] and 3) The Agreement on Certain Aspects of Mutual Assistance with Bulgaria.[33]

V. Entry Into Force

In accordance with Article 18, the EU Framework Agreement shall enter into force on the first day following the third month after the date on which the United States and the EU have ex-

[11] Treaty Doc. 104–21.
[12] Treaty Doc. 100–16.
[13] Treaty Doc. 106–35.
[14] Treaty Doc. 105–47.
[15] Treaty Doc. 105–52.
[16] Treaty Doc. 106–17.
[17] Treaty Doc. 108–27.
[18] Treaty Doc. 106–18.
[19] Treaty Doc. 104–20.
[20] Treaty Doc. 107–9.
[21] Treaty Doc. 98–25.
[22] Treaty Doc. 105–34.
[23] Treaty Doc. 105–41.
[24] Treaty Doc. 105–11.
[25] Treaty Doc. 97–16.
[26] Treaty Doc. 105–12.
[27] Treaty Doc. 102–21.
[28] Treaty Doc. 107–12.
[29] Treaty Doc. 104–2.
[30] Treaty Doc. 107–12.
[31] Treaty Doc. 110–11.
[32] Treaty Doc. 106–20.
[33] Treaty Doc. 110–12.

changed instruments indicating that they have completed their internal procedures for this purpose. With the exception of the 2001 Swedish MLAT and the supplementary treaty with Germany, the remaining bilateral instruments with EU Member States shall enter into force on the date of entry into force of the EU Framework Agreement. The 2001 Swedish MLAT shall enter into force on the first day of the second month after the United States and Sweden exchange the instruments of ratification. The supplementary treaty with Germany shall enter into force on the date of entry into force of the 2003 MLAT with Germany.

VI. Implementing Legislation

These treaties, which are self-executing, will be implemented by the United States in conjunction with applicable federal statutes, including 18 U.S.C. § 1782. No additional legislation is needed for the United States to fulfill its obligations under these treaties.

VII. Committee Action

The committee held a public hearing on these treaties on May 20, 2008. Testimony was received from Susan Biniaz, Deputy Legal Adviser at the Department of State and Bruce Swartz, Deputy Assistant Attorney General for the Criminal Division at the Department of Justice. A transcript of this hearing is annexed to Executive Report 110-12.

On July 29, 2008, the committee considered these treaties and ordered them favorably reported by voice vote, with a quorum present and without objection.

VIII. Committee Recommendation and Comments

Countries in the European Union are among the United States' closest law enforcement partners in efforts to combat terrorism and transnational crime. MLATs facilitate these efforts at a time when such cooperation is increasingly important to the successful prosecution of crimes that threaten the safety and security of Americans and Europeans. The Department of Justice has testified to the increasing number and complexity of mutual legal assistance requests flowing between the United States and the European Union. These treaties will enable U.S. cooperation with the EU and its Member States to be more efficient and effective, as well as broader in scope. These treaties would also establish a new, albeit partial, treaty-based mutual legal assistance relationship with several EU countries with which we currently have no such relationship. The Committee on Foreign Relations believes that these treaties, if ratified, would thus facilitate U.S. efforts in fighting terrorism and transnational crime. Accordingly, the committee urges the Senate to act promptly to give advice and consent to ratification of these treaties, as set forth in this report and the accompanying resolution of advice and consent.

RESOLUTIONS

The committee has included in each resolution of advice and consent one declaration, which is the same for each treaty and is discussed below.

Declaration

In every resolution of advice and consent, the committee has included a proposed declaration, which states that each treaty is self-executing. This declaration is consistent with statements made in the Letters of Submittal from the Secretary of State to the President on each of these instruments[34] and with the historical practice of the committee in approving mutual legal assistance treaties.[35] Such a statement, while usually included in the documents associated with treaties submitted to the Senate by the executive branch and committee reports, is not generally included in resolutions of advice and consent. The committee, however, has determined that a clear statement in the Resolution is warranted in light of the recent Supreme Court decision, *Medellín* v. *Texas,* 128 S.Ct. 1346 (2008). A further discussion of the committee's views on this matter can be found in Section VIII of Exec. Rept. 110–12.

XI. Resolutions of Advice and Consent to Ratification

AGREEMENT ON MUTUAL LEGAL ASSISTANCE BETWEEN THE UNITED STATES OF AMERICA AND THE EUROPEAN UNION

Resolved (two-thirds of the Senators present concurring therein),

SECTION 1. SENATE ADVICE AND CONSENT SUBJECT TO A DECLARATION

The Senate advises and consents to the ratification of the Agreement on Mutual Legal Assistance between the United States of America and the European Union, signed at Washington on June 25, 2003, with a related Explanatory Note (Treaty Doc. 109–13), subject to the declaration of section 2.

SECTION 2. DECLARATION

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE PROTOCOL BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF AUSTRIA

Resolved (two-thirds of the Senators present concurring therein),

SECTION 1. SENATE ADVICE AND CONSENT SUBJECT TO A DECLARATION

The Senate advises and consents to the ratification of the Protocol to the Treaty between the Government of the United States

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[34] Treaty Doc. 107–12 at p. V (stating that "[t]he Treaty is designed to be self-executing and will not require implementing legislation."); Treaty Doc. 109–13 at p. VII (stating that "[t]he U.S.-E.U. Mutual Legal Assistance Agreement and bilateral instruments are regarded as self-executing treaties under U.S. law . . . ."); Treaty Doc. 110–11 at p. V. (stating that the instrument "[i]s self-executing and will not require implementing legislation."); Treaty Doc. 110–12 at p. V (stating that the instrument "[i]s self-executing and will not require implementing legislation.").

[35] The committee has consistently expressed the view that mutual legal assistance treaties are self-executing. *See, e.g.,* Exec. Rept. 107–15 at p. 6 (stating that "[i]it is anticipated that, for the United States, the [Mutual Legal Assistance Treaty with Belize] will be self-executing."); and Exec. Rept. 109–14 at p. 6 (stating that "[t]he committee notes that the provisions of the [Mutual Legal Assistance Treaties with Germany and Japan] are self-executing."). Consistent with existing U.S. MLATs, neither the EU Framework Agreement nor any of the bilateral instruments between the United States and EU Member States gives rise to a right on the part of any private person to obtain, suppress, or exclude any evidence, or to impede the execution of a request, nor expand or limit rights otherwise available under domestic law.

of America and the Government of the Republic of Austria on Mutual Legal Assistance Matters signed February 23, 1995, as contemplated by Article 3(2) of the Agreement on Mutual Legal Assistance between the United States of America and the European Union signed June 25, 2003, signed at Vienna on July 20, 2005 (Treaty Doc. 109–13), subject to the declaration of section 2.

SECTION 2. DECLARATION

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND THE KINGDOM OF BELGIUM

Resolved (two-thirds of the Senators present concurring therein),

SECTION 1. SENATE ADVICE AND CONSENT SUBJECT TO A DECLARATION

The Senate advises and consents to the ratification of the Instrument as contemplated by Article 3(2) of the Agreement on Mutual Legal Assistance between the United States of America and the European Union signed June 25, 2003, as to the application of the Treaty between the United States of America and the Kingdom of Belgium on Mutual Legal Assistance in Criminal Matters signed January 28, 1988, signed at Brussels on December 16, 2004 (Treaty Doc. 109–13), subject to the declaration of section 2.

SECTION 2. DECLARATION

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

AGREEMENT ON CERTAIN ASPECTS OF MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF BULGARIA

Resolved (two-thirds of the Senators present concurring therein),

SECTION 1. SENATE ADVICE AND CONSENT SUBJECT TO A DECLARATION

The Senate advises and consents to the ratification of the Agreement on Certain Aspects of Mutual Legal Assistance in Criminal Matters between the Government of the United States of America and the Government of the Republic of Bulgaria, signed at Sofia on September 19, 2007 (Treaty Doc. 110–12), subject to the declaration of section 2.

SECTION 2. DECLARATION

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF CYPRUS

Resolved (two-thirds of the Senators present concurring therein),

SECTION 1. SENATE ADVICE AND CONSENT SUBJECT TO A DECLARATION

The Senate advises and consents to the ratification of the Instrument as contemplated by Article 3(2) of the Agreement on Mutual Legal Assistance between the United States of America and the European Union signed June 25, 2003, as to the application of the Treaty between the Government of the United States of America and the Government of the Republic of Cyprus on Mutual Legal Assistance in Criminal Matters signed December 20, 1999, signed at Nicosia on January 20, 2006 (Treaty Doc. 109–13), subject to the declaration of section 2.

SECTION 2. DECLARATION

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

SUPPLEMENTARY TREATY ON MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS BETWEEN THE UNITED STATES OF AMERICA AND THE CZECH REPUBLIC

Resolved (two-thirds of the Senators present concurring therein),

SECTION 1. SENATE ADVICE AND CONSENT SUBJECT TO A DECLARATION

The Senate advises and consents to the ratification of the Supplementary Treaty on Mutual Legal Assistance in Criminal Matters between the United States of America and the Czech Republic, signed at Prague on May 16, 2006 (Treaty Doc. 109–13), subject to the declaration of section 2.

SECTION 2. DECLARATION

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND THE KINGDOM OF DENMARK

Resolved (two-thirds of the Senators present concurring therein),

SECTION 1. SENATE ADVICE AND CONSENT SUBJECT TO A DECLARATION

The Senate advises and consents to the ratification of the Instrument between the Kingdom of Denmark and the United States of America as contemplated by Article 3(3) of the Agreement on Mutual Legal Assistance between the United States of America and the European Union signed June 25, 2003, signed at Copenhagen on June 23, 2005 (Treaty Doc. 109–13), subject to the declaration of section 2.

SECTION 2. DECLARATION

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF ESTONIA

Resolved (two-thirds of the Senators present concurring therein),

SECTION 1. SENATE ADVICE AND CONSENT SUBJECT TO A DECLARATION

The Senate advises and consents to the ratification of the Instrument as contemplated by Article 3(2) of the Agreement on Mutual Legal Assistance between the United States of America and the European Union signed June 25, 2003, as to the application of the Treaty between the Government of the United States of America and the Government of the Republic of Estonia on Mutual Legal Assistance in Criminal Matters signed April 2, 1998, signed at Tallinn on February 8, 2006 (Treaty Doc. 109–13), subject to the declaration of section 2.

SECTION 2. DECLARATION

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF FINLAND

Resolved (two-thirds of the Senators present concurring therein),

SECTION 1. SENATE ADVICE AND CONSENT SUBJECT TO A DECLARATION

The Senate advises and consents to the ratification of the Treaty on Certain Aspects of Mutual Legal Assistance in Criminal Matters between the United States of America and the Republic of Finland, signed at Brussels on December 16, 2004 (Treaty Doc. 109–13), subject to the declaration of section 2.

SECTION 2. DECLARATION

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND FRANCE

Resolved (two-thirds of the Senators present concurring therein),

SECTION 1. SENATE ADVICE AND CONSENT SUBJECT TO A DECLARATION

The Senate advises and consents to the ratification of the Instrument as contemplated by Article 3, paragraph 2, of the Agreement on Mutual Legal Assistance between the United States of America and the European Union signed June 25, 2003, as to the application of the Treaty on Mutual Legal Assistance in Criminal Matters between the United States of America and France signed December 10, 1998, signed at The Hague on September 30, 2004 (Treaty Doc. 109–13), subject to the declaration of section 2.

SECTION 2. DECLARATION

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

SUPPLEMENTARY TREATY ON MUTUAL LEGAL ASSISTANCE BETWEEN THE UNITED STATES OF AMERICA AND THE FEDERAL REPUBLIC OF GERMANY

Resolved (two-thirds of the Senators present concurring therein),

SECTION 1. SENATE ADVICE AND CONSENT SUBJECT TO A DECLARATION

The Senate advises and consents to the ratification of the Supplementary Treaty to the Treaty between the United States of America and the Federal Republic of Germany on Mutual Legal Assistance in Criminal Matters, signed at Washington on April 18, 2006 (Treaty Doc. 109–13), subject to the declaration of section 2.

SECTION 2. DECLARATION

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

PROTOCOL ON MUTUAL LEGAL ASSISTANCE BETWEEN THE UNITED STATES OF AMERICA AND THE HELLENIC REPUBLIC

Resolved (two-thirds of the Senators present concurring therein),

SECTION 1. SENATE ADVICE AND CONSENT SUBJECT TO A DECLARATION

The Senate advises and consents to the ratification of the Protocol to the Treaty between the Government of the United States of America and the Government of the Hellenic Republic on Mutual Legal Assistance in Criminal Matters, signed May 26, 1999, as contemplated by Article 3(2) of the Agreement on Mutual Legal Assistance between the United States of America and the European Union, signed June 25, 2003, signed at Washington on January 18, 2006 (Treaty Doc. 109–13), subject to the declaration of section 2.

SECTION 2. DECLARATION

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

PROTOCOL ON MUTUAL LEGAL ASSISTANCE BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF HUNGARY

Resolved (two-thirds of the Senators present concurring therein),

SECTION 1. SENATE ADVICE AND CONSENT SUBJECT TO A DECLARATION

The Senate advises and consents to the ratification of the Protocol to the Treaty between the Government of the United States of America and the Government of the Republic of Hungary on Mutual Legal Assistance in Criminal Matters signed December 1, 1994, as contemplated by Article 3(2) of the Agreement on Mutual Legal Assistance between the United States of America and the European Union signed June 25, 2003, signed at Budapest on No-

vember 15, 2005 (Treaty Doc. 109–13), subject to the declaration of section 2.

SECTION 2. DECLARATION

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND IRELAND

Resolved (two-thirds of the Senators present concurring therein),

SECTION 1. SENATE ADVICE AND CONSENT SUBJECT TO A DECLARATION

The Senate advises and consents to the ratification of the Instrument as contemplated by Article 3(2) of the Agreement on Mutual Legal Assistance between the United States of America and the European Union signed June 25, 2003, as to the application of the Treaty between the Government of the United States of America and the Government of Ireland on Mutual Legal Assistance in Criminal Matters signed January 18, 2001, signed at Dublin on July 14, 2005 (Treaty Doc. 109–13), subject to the declaration of section 2.

SECTION 2. DECLARATION

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND THE ITALIAN REPUBLIC

Resolved (two-thirds of the Senators present concurring therein),

SECTION 1. SENATE ADVICE AND CONSENT SUBJECT TO A DECLARATION

The Senate advises and consents to the ratification of the Instrument as contemplated by Article 3(2) of the Agreement on Mutual Legal Assistance between the United States of America and the European Union signed June 25, 2003, as to the application of the Treaty between the United States of America and the Italian Republic on Mutual Assistance in Criminal Matters signed November 9, 1982, signed at Rome on May 3, 2006 (Treaty Doc. 109–13), subject to the declaration of section 2.

SECTION 2. DECLARATION

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE PROTOCOL BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF LATVIA

Resolved (two-thirds of the Senators present concurring therein),

SECTION 1. SENATE ADVICE AND CONSENT SUBJECT TO A DECLARATION

The Senate advises and consents to the ratification of the Protocol to the Treaty between the Government of the United States of America and the Government of the Republic of Latvia on Mutual Legal Assistance in Criminal Matters, signed at Riga on December 7, 2005 (Treaty Doc. 109–13), subject to the declaration of section 2.

SECTION 2. DECLARATION

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE PROTOCOL BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF LITHUANIA

Resolved (two-thirds of the Senators present concurring therein),

SECTION 1. SENATE ADVICE AND CONSENT SUBJECT TO A DECLARATION

The Senate advises and consents to the ratification of the Protocol on the application of the Agreement on Mutual Legal Assistance between the United States of America and the European Union to the Treaty between the Government of the United States of America and the Government of the Republic of Lithuania on Mutual Legal Assistance in Criminal Matters, signed at Brussels on June 15, 2005 (Treaty Doc. 109–13), subject to the declaration of section 2.

SECTION 2. DECLARATION

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND THE GRAND DUCHY OF LUXEMBOURG

Resolved (two-thirds of the Senators present concurring therein),

SECTION 1. SENATE ADVICE AND CONSENT SUBJECT TO A DECLARATION

The Senate advises and consents to the ratification of the Instrument as contemplated by Article 3, paragraph 2(a) of the Agreement on Mutual Legal Assistance between the United States of America and the European Union signed June 25, 2003, as to the application of the Treaty between the Government of the United States of America and the Government of the Grand Duchy of Luxembourg on Mutual Legal Assistance in Criminal Matters signed March 13, 1997, signed at Washington on February 1, 2005 (Treaty Doc. 109–13), subject to the declaration of section 2.

SECTION 2. DECLARATION

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE TREATY BETWEEN THE UNITED STATES OF AMERICA AND MALTA

Resolved (two-thirds of the Senators present concurring therein),

SECTION 1. SENATE ADVICE AND CONSENT SUBJECT TO A DECLARATION

The Senate advises and consents to the ratification of the Treaty on Certain Aspects of Mutual Legal Assistance in Criminal Matters between the Government of the United States of America and the Government of Malta, signed at Valletta on May 18, 2006 (Treaty Doc. 109–13), subject to the declaration of section 2.

SECTION 2. DECLARATION

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE KINGDOM OF THE NETHERLANDS

Resolved (two-thirds of the Senators present concurring therein),

SECTION 1. SENATE ADVICE AND CONSENT SUBJECT TO A DECLARATION

The Senate advises and consents to the ratification of the Agreement comprising the Instrument as contemplated by Article 3(2) of the Agreement on Mutual Legal Assistance between the United States of America and the European Union signed at Washington on June 25, 2003, as to the application of the Treaty between the United States of America and the Kingdom of the Netherlands on Mutual Assistance in Criminal Matters signed at The Hague on June 12, 1981, signed at The Hague on September 29, 2004, with a related exchange of notes signed the same date (Treaty Doc. 109–13), subject to the declaration of section 2.

SECTION 2. DECLARATION

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF POLAND

Resolved (two-thirds of the Senators present concurring therein),

SECTION 1. SENATE ADVICE AND CONSENT SUBJECT TO A DECLARATION

The Senate advises and consents to the ratification of the Agreement between the United States of America and the Republic of Poland on the Application of the Treaty between the United States of America and the Republic of Poland on Mutual Legal Assistance in Criminal Matters signed July 10, 1996, pursuant to Article 3(2) of the Agreement on Mutual Legal Assistance between the United States of America and the European Union signed at Washington June 25, 2003, signed at Warsaw on June 9, 2006 (Treaty Doc. 109–13), subject to the declaration of section 2.

SECTION 2. DECLARATION

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND THE PORTUGUESE REPUBLIC

Resolved (two-thirds of the Senators present concurring therein),

SECTION 1. SENATE ADVICE AND CONSENT SUBJECT TO A DECLARATION

The Senate advises and consents to the ratification of the Instrument between the United States of America and the Portuguese Republic as contemplated by Article 3(3) of the Agreement on Mutual Legal Assistance between the United States of America and the European Union signed June 25, 2003, signed at Washington on July 14, 2005 (Treaty Doc. 109–13), subject to the declaration of section 2.

SECTION 2. DECLARATION

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

PROTOCOL TO THE TREATY ON MUTUAL LEGAL ASSISTANCE BETWEEN THE UNITED STATES OF AMERICA AND ROMANIA

Resolved (two-thirds of the Senators present concurring therein),

SECTION 1. SENATE ADVICE AND CONSENT SUBJECT TO A DECLARATION

The Senate advises and consents to the ratification of the Protocol to the Treaty between the United States of America and Romania on Mutual Legal Assistance in Criminal Matters signed in Washington on May 26, 1999, signed at Bucharest on September 10, 2007 (Treaty Doc. 110–11), subject to the declaration of section 2.

SECTION 2. DECLARATION

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND THE SLOVAK REPUBLIC

Resolved (two-thirds of the Senators present concurring therein),

SECTION 1. SENATE ADVICE AND CONSENT SUBJECT TO A DECLARATION

The Senate advises and consents to the ratification of the Instrument between the United States of America and the Slovak Republic, as contemplated by Article 3(3) of the Agreement on Mutual Legal Assistance between the United States of America and the European Union signed June 25, 2003, signed at Bratislava on February 6, 2006 (Treaty Doc. 109–13), subject to the declaration of section 2.

SECTION 2. DECLARATION

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF SLOVENIA

Resolved (two-thirds of the Senators present concurring therein),

SECTION 1. SENATE ADVICE AND CONSENT SUBJECT TO A DECLARATION

The Senate advises and consents to the ratification of the Agreement between the Government of the United States of America and the Government of the Republic of Slovenia comprising the Instrument as contemplated by Article 3(3) of the Agreement on Mutual Legal Assistance between the United States of America and the European Union signed at Washington on June 25, 2003, signed at Ljubljana on October 17, 2005 (Treaty Doc. 109–13), subject to the declaration of section 2.

SECTION 2. DECLARATION

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND THE KINGDOM OF SPAIN

Resolved (two-thirds of the Senators present concurring therein),

SECTION 1. SENATE ADVICE AND CONSENT SUBJECT TO A DECLARATION

The Senate advises and consents to the ratification of the Instrument as contemplated by Article 3(2) of the Agreement on Mutual Legal Assistance between the United States of America and the European Union signed June 25, 2003, as to the application of the Treaty on Mutual Legal Assistance in Criminal Matters between the United States of America and the Kingdom of Spain signed November 20, 1990, signed at Madrid on December 17, 2004 (Treaty Doc. 109–13), subject to the declaration of section 2.

SECTION 2. DECLARATION

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE KINGDOM OF SWEDEN ON MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS

Resolved (two-thirds of the Senators present concurring therein),

SECTION 1. SENATE ADVICE AND CONSENT SUBJECT TO A DECLARATION

The Senate advises and consents to the ratification of the Treaty between the Government of the United States of America and the Government of the Kingdom of Sweden on Mutual Legal Assistance

in Criminal Matters, signed at Stockholm on December 17, 2001 (Treaty Doc. 107–12), subject to the declaration of section 2.

SECTION 2. DECLARATION

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND THE KINGDOM OF SWEDEN

Resolved (two-thirds of the Senators present concurring therein),

SECTION 1. SENATE ADVICE AND CONSENT SUBJECT TO A DECLARATION

The Senate advises and consents to the ratification of the Instrument as contemplated by Article 3(2) of the Agreement on Mutual Legal Assistance between the United States of America and the European Union signed June 25, 2003, as to the application of the Treaty between the Government of the United States of America and the Government of the Kingdom of Sweden on Mutual Legal Assistance in Criminal Matters signed December 17, 2001, signed at Brussels on December 16, 2004 (Treaty Doc. 109–13), subject to the declaration of section 2.

SECTION 2. DECLARATION

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

Resolved (two-thirds of the Senators present concurring therein),

SECTION 1. SENATE ADVICE AND CONSENT SUBJECT TO A DECLARATION

The Senate advises and consents to the ratification of the Instrument as contemplated by Article 3(2) of the Agreement on Mutual Legal Assistance between the United States of America and the European Union signed June 25, 2003, as to the application of the Treaty between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland on Mutual Legal Assistance in Criminal Matters signed January 6, 1994, signed at London on December 16, 2004, with a related exchange of notes signed the same date (Treaty Doc. 109–13), subject to the declaration of section 2.

SECTION 2. DECLARATION

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

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