

**MEMORANDUM OF UNDERSTANDING FOR MUTUAL COLLABORATION  
BETWEEN THE OFFICE OF THE ATTORNEY GENERAL OF THE REPUBLIC  
OF MALTA AND *LA DIREZIONE NAZIONALE ANTIMAFIA E ANTITERRORISMO  
DELLA REPUBBLICA ITALIANA***

The Office of the Attorney General of the Republic of Malta and *la Direzione Nazionale Antimafia e Antiterrorismo della Repubblica italiana*, hereinafter referred to as “the Parties”;

Recognising the ever increasing importance of strengthening and implementing mutual collaboration in the fight against crime, especially in its organised forms, and against terrorism;

Convinced of the necessity for such cooperation to take place in the most efficient manner, regard being had of their respective resources and within the limits of their legal competences and powers in their respective jurisdictions, have agreed as follows:

**Article 1**

**(Objectives of the Agreement)**

This Memorandum is being signed by the Parties for the purpose of improving mutual cooperation in accordance with their respective national laws and the law of the European Union, their area of competence and international obligations assumed by Italy as well as by Malta, in the framework of existing Treaties.

**Article 2**

**(Area of collaboration)**

The Parties agree to provide one another with maximum collaboration in the exercise of their competences and with consideration for their resources:

- for the protection of human rights and freedoms of the individual;
- to strengthen the fight against crime, even in its organised forms and particularly in relation to the crimes of: laundering of capital and financing of terrorism, terrorism,



corruption, illegal arms trafficking, drugs, psychotropic substances in general, trafficking in human beings, cybercrime, economic and financial crime, as well as all offences which represent a significant threat for the security of the respective Countries;

- to guarantee the widest collaboration in judicial assistance, in relation to criminal proceedings, for each phase and in relation to every specific request;
- to improve the exchange of information, including that of a technical and procedural nature within the areas and competences as specified above.

### **Article 3**

#### **(Exchange of experiences and meetings)**

The Parties will also cooperate in the organisation of meetings and fulfilment of requests, aimed at the exchange of experiences gained in the course of their activities and to resolve issues of mutual interest, including problems arising in international contexts, in the area of organised crime and terrorism.

### **Article 4**

#### **(Exchange of information on the legal systems)**

The Parties, on spontaneous initiative or upon request, may exchange information regarding their respective national legal systems and the legislation of the respective Countries, the activities for the implementation and improvement of the law in criminal matters on the part of the respective Countries and the mode of application of the laws in the areas attributed to their competence; they may also exchange legal experiences in the area of international cooperation, regarding also forms of infiltration of organised crime, both in their respective Countries and internationally.



**Article 5**

**(The realisation of joint studies)**

The Parties will, by common accord, deepen scientific knowhow through conferences, seminars and “round tables”.

**Article 6**

**(Support in relation to professional training)**

The Parties will cooperate in the respective areas for the professional and continuous training of officials and members of the Office of the Attorney General of the Republic of Malta and of the Prosecutors of *la Direzione Nazionale Antimafia e Antiterrorismo della Repubblica italiana*.

**Article 7**

**(Exchange of information related to investigations and the formation of working groups)**

For the purpose of increasing the efficiency of the cooperation, the Parties may, voluntarily and in observance of national law, exchange information on investigations that are taking place in the respective Countries, which are of interest in the area of the fight against organised, mafia type crime and against terrorism.

The Parties may set up specific working groups to solve problems arising from the cooperation in the area of the fight against organised crime and terrorism.

The Parties undertake to ensure that the information relating to the investigation is treated in a strictly confidential manner. The aforementioned information will not be used in judicial proceedings without the prior consent of the judicial authority providing it.

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The Parties also commit themselves to facilitating the formation and functionality of common investigative teams in relation to specific inquiries, when this is requested by the Judicial Authorities of the respective Countries.

### **Article 8**

#### **(Other forms of cooperation)**

This Memorandum of Understanding does not preclude the Parties from cooperating through other forms on a mutual basis and in accordance with the conditions set out in Article 1.

### **Article 9**

#### **(Contact points)**

For the efficient fulfilment of the intentions indicated in the present Memorandum, the Parties will be able to communicate directly.

Cooperation between the Parties in the area covered by this Memorandum of Understanding will take place through the following means:

- for the Republic of Malta: through the Office of the Attorney General of the Republic of Malta and the Section of Criminal Law and Prosecution.
- for the *Repubblica italiana*: through the *Direzione Nazionale Antimafia e Antiterrorismo – Ufficio di Cooperazione Internazionale*.

The Parties bind themselves to inform each other of any eventual changes in the competences which may take place in relation to the indicated Offices.

The Parties shall, within 30 days from signature of this Memorandum, mutually exchange indications as to the postal and electronic addresses and of the phone and fax numbers of the Offices in charge for coordinating this cooperation.



## **Article 10**

### **(Ways and forms of communication)**

The cooperation between the Parties may be activated following requests sent by mail, fax, electronic mail or by any other means which allows the correct reception in writing of the document.

## **Article 11**

### **(Working language)**

All requests and attached documents that will be sent by virtue of this Memorandum, will be in Italian or in English or accompanied by a translation in the language of the State of the Party to which the request is being addressed.

## **Article 12**

### **(Confidentiality guarantees)**

Each Party, upon request by the other, shall adopt ways of guaranteeing the confidentiality of the information and documents received.

Each Party, in accordance with the laws of its own state, shall guarantee the level of confidentiality requested by the other.

The requesting Party will not use any information or document, received by way of application of this Memorandum, for different aims other than those mentioned in the respective request, and without prior agreement with the Party providing the same, with the exception of cases where this information and relative documents are public, or are no longer covered by confidentiality requirements.



**Article 13**  
**(Expenses)**

Each Party will bear its own costs in relation to expenses concerning the correct fulfilment of this Memorandum, unless otherwise agreed on a case by case basis.

**Article 14**  
**(Lack of agreement and amendments)**

Any lack of agreement deriving from the interpretation of this Memorandum will be resolved by the preliminary and mutual consultation between the Parties.

This Memorandum may be amended by express agreement in writing between the Parties.

**Article 15**  
**(Nature of Agreement)**

This Memorandum is not an international Agreement and does not, with respect to the Parties' States of reference, create rights or obligations that may be resolved by international law.

**Article 16**  
**(Duration)**

This Memorandum shall be for an indefinite duration and shall apply from the date of signature thereof.

The application of this Memorandum shall cease upon the expiry of 60 days from the date on which one of the Parties receives notification in writing from the other, relating to its intention to bring its application to an end.



The termination of this Memorandum will not preclude the Parties from continuing to use, by mutual consent, the cooperation tools established thereby, unless otherwise agreed by the Parties.

Signed in Valletta, Malta on the 4<sup>th</sup> of July 2018 in duplicate, in the English and Italian languages

*The Attorney General for the Republic of  
Malta*

*Il Procuratore Nazionale Antimafia e  
Antiterrorismo della Repubblica Italiana*

*Peter Grech*



*Federico Cafiero de Raho*



