

# COUNCIL OF EUROPE

## COMMITTEE OF MINISTERS

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RESOLUTION (77) 36

### ON THE PRACTICAL APPLICATION OF THE EUROPEAN CONVENTION ON MUTUAL ASSISTANCE IN CRIMINAL MATTERS

*(Adopted by the Committee of Ministers on 2 December 1977,  
at the 279th meeting of the Ministers' Deputies)*

The Committee of Ministers,

Having regard to the provisions of the European Convention on Mutual Assistance in Criminal Matters, opened for signature in Strasbourg on 20 April 1959 ;

Desirous of facilitating the functioning of the system of mutual assistance provided for in this convention,

Recommends to the governments of member states Contracting Parties to the convention :

1. that, when applying Articles 3 and 6 of the convention, the requested party waive the return by the requesting party of property handed over whenever this would facilitate the rapid restitution of the property to its presumed owner and that, in such a case, the requested party shall not enforce any demand for customs duty or any other claim under its customs or fiscal legislation unless the presumed owner of the property is himself liable for the payment ;
2. that the extracts from and information relating to judicial records communicated pursuant to Article 13 of the convention shall correspond as widely as possible to those which would be communicated to the judicial authorities of the requested party in like cases and in particular contain data required for an exact identification of the person concerned.