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(Acts adopted before 1 December 2009 under the EC Treaty, the EU Treaty and the Euratom Treaty)

COUNCIL DECISION 2010/88/CFSP/JHA**of 30 November 2009****on the signing, on behalf of the European Union, of the Agreement between the European Union and Japan on mutual legal assistance in criminal matters**

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty on European Union, and in particular Articles 24 and 38 thereof,

Article 1

The signing of the Agreement between the European Union and Japan on mutual legal assistance in criminal matters is hereby approved on behalf of the European Union, subject to the conclusion of the said Agreement.

Whereas:

The text of the Agreement is attached to this Decision.

(1) On 26-27 February 2009 the Council decided to authorise the Presidency, assisted by the Commission, to open negotiations for an Agreement between the European Union and Japan on mutual legal assistance in criminal matters. Those negotiations have been successful and an Agreement has been drawn up.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement on behalf of the European Union, subject to its conclusion.

(2) In the absence of bilateral mutual legal assistance treaties between the Member States and Japan, the European Union seeks to establish more effective cooperation between its Member States and Japan in the area of mutual legal assistance in criminal matters.

Done at Brussels, 30 November 2009.

(3) The Agreement should be signed, subject to its conclusion at a later date,

For the Council

The President

B. ASK