



Treaty Series No. 8 (2002)

Exchange of Notes

between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the United States of America amending the Treaty on Mutual Legal Assistance in Criminal Matters done at Washington on 6 January 1994

Washington, 30 April and 1 May 2001

[The Exchange of Notes entered into force on 1 May 2001]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
February 2002*

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**EXCHANGE OF NOTES BETWEEN THE GOVERNMENT OF THE UNITED
KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE
GOVERNMENT OF THE UNITED STATES OF AMERICA AMENDING THE
TREATY ON MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS DONE
AT WASHINGTON ON 6 JANUARY 1994¹**

No. 1

Her Majesty's Embassy at Washington to the Department of State of the United States of America

*British Embassy
Washington
30 April 2001*

Note No: 34/01

Her Britannic Majesty's Embassy present their compliments to the Department of State and have the honour to refer to 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 ("the Treaty") signed on January 6, 1994, and in particular to the diplomatic notes exchanged between the Parties on that same date concerning the application of the Treaty. The diplomatic notes state, in pertinent part:

- (d) The Treaty shall not apply to anti-trust or competition law investigations or proceedings at this time. The Central Authorities may at their discretion treat as proceedings for the purposes of this Treaty such anti-trust or competition law matters, or anti-trust or competition law matters generally, as may be agreed in writing between the Parties at a later date.

Her Britannic Majesty's Embassy have the honour to inform the Department of State that the Government of the United Kingdom of Great Britain and Northern Ireland no longer sees any reason for refusing to entertain requests for information in criminal anti-trust or competition law cases. Therefore, in the future, the United Kingdom of Great Britain and Northern Ireland will be prepared to offer assistance in respect of requests from the United States of America made pursuant to the Treaty for assistance in anti-trust and competition law investigations, subject to the normal scrutiny process applied to all other such requests.

Accordingly, Her Britannic Majesty's Embassy have the honour to propose that paragraph (d) of the diplomatic note of 6 January 1994 shall no longer apply.

If this is acceptable to the Government of the United States of America, Her Britannic Majesty's Embassy have the honour to propose that this Note and reply shall constitute an agreement between our two Governments, which shall enter into force on the date of the Department of State's reply.

Her Britannic Majesty's Embassy avail themselves of this opportunity to renew to the Department of State the assurance of their highest consideration.

¹ Treaty Series No. 14 (1997) Cm 3456.

No. 2

The Department of State of the United States of America to Her Majesty's Embassy at Washington

*Department of State
Washington
1 May 2001*

The Department of State acknowledges receipt of Her Britannic Majesty's Embassy's Note of April 30, 2001, which reads as follows:

[As in No. 1]

The Department of State informs Her Britannic Majesty's Embassy that the foregoing proposals are acceptable to the Government of the United States of America and that Her Britannic Majesty's Embassy's Note and this Note shall constitute an agreement between the two Governments, which shall enter into force on this date.

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