



MINISTÈRE DE LA JUSTICE

*Liberté
Égalité
Fraternité*

GUIDE FOR THE RECOVERY OF CRIMINAL ASSETS IN FRANCE

Introduction :

The development of seizures and confiscations of the proceeds of crime has been clearly a major focus of the Ministry of Justice's criminal policy for many years, as part of a global reflection on the meaning and effectiveness of the sentence. The legal tools available to the courts have thus been continuously strengthened to offer the widest range of possibilities to investigators and magistrates, whose effectiveness is supported at operational level by the action of specialised investigation services and the French Agency for the Recovery and Management of Seized and Confiscated Assets (AGRASC).

The adoption of [Law No 2010-768 of 9 July 2010 aimed at facilitating seizure and confiscation of the proceeds of crime](#) (known as the "Warsmann law") had two major objectives. Firstly, the integration of a property dimension to the criminal sanction in order to make it more dissuasive and to ensure that "*crime no longer pays*". Secondly, the improvement of the management of confiscated assets, through the creation of the Agency for the Recovery and Management of Seized and Confiscated Assets.

Since then, the effectiveness of the system established in 2010 has been the subject of constant attention on the part of the authorities, which has led to numerous legislative amendments:

- [Programming Law No 2012-409 of 27 March 2012 on the execution of sentences](#), which extended the possibilities of seizures and confiscations;
- [Law No 2013-1117 of 6 December 2013 on combating tax fraud and serious economic and financial crime](#), which extended the possibilities of value-based seizure and confiscation to assets freely available to the defendant;
- [Law No 2016-731 of 3 June 2016 reinforcing the fight against organised crime, terrorism and the financing of these crimes and improving the efficiency and the guarantees of criminal procedure](#), which supplemented the system for the restitution of seized property;
- [Law No 2019-222 of 23 March 2019 on the 2018-2022 Programming and Reform of the Justice System](#), which harmonises and simplifies the seizure procedure in flagrante delicto and pre-trial investigations, exempts compulsory confiscations or confiscations of the proceeds or object of the crime from the obligation to provide reasons, and introduces a new obligation in the context of sentences with probation of justifying the restitution of property under order of confiscation;
- [Law No 2020-1721 of 29 December 2020 on Finance for 2021](#) introduced the possibility of assigning assets to judicial services, before or after judgement;

- [Law No 2021-401 of 8 April 2021 improving the effectiveness of local justice and the criminal response](#) amended Article 706-160 of the Criminal Procedure Code by introducing a system for the assignment of confiscated real estate assets to non-profit organizations;
- [Programming Law No 2021-1031 of 4 August 2021 on inclusive development and combating global inequalities](#) created a mechanism for the restitution of "il-gotten" assets to dispossessed populations, which provides for the assignment of revenue from the sale of assets confiscated in the context of "ill-gotten gains" by foreign leaders to finance cooperation and development actions for the benefit of the people in the countries concerned;
- [Law No 2021-1729 of 22 December 2021 on confidence in the judiciary](#) and [Law No 2022-299 of 2 March 2022 aimed at combating school bullying](#) amended Article 131-21 of the Criminal Code to strengthen the rights of third parties acting in good faith in the event of the envisaged confiscation of property.

In addition, [Regulation 2018/1805 of 14 November 2018 on the mutual recognition of freezing orders and confiscation orders](#) entered into force on 19 December 2020. This regulation allows a freezing order to be requested in another Member State for the full confiscation of property and sets the deadlines for the execution of the freezing order. It also allows, in the course of an investigation and/or judicial inquiry, for the restitution of property to the victims¹.

These successive reforms have thus:

- **facilitated and improved the regulation of criminal seizures to ensure the effectiveness of confiscations;**
- **promoted a property-based approach to cases** (broadening the scope of seizures and confiscations beyond just property related to the crime committed, and beyond property owned by the person prosecuted or convicted, reversal of the burden of proof for certain crimes, when the lawful origin of property cannot be demonstrated...);
- **optimised the management of seized or confiscated property** through the creation of an Agency for the Recovery and Management of Seized and Confiscated. Assets, AGRASC.

At the same time, France is involved in international efforts to promote best practices and facilitate international cooperation, such as the Stolen Asset Recovery Initiative (StAR), the Camdem Asset Recovery Interagency Network (CARIN), of which the PIAC and AGRASC are members, and the INTERPOL/StAR Global Focal Point Network on Asset Recovery.

This guide aims to provide a comprehensive description of the French legal system in relation to the recovery of criminal assets, in order to enable requesting countries, in the context of a request for mutual legal assistance, to understand better what is legally possible in France, what type of information is available, what type of investigation can be conducted and how to proceed to obtain the effective recovery of criminal assets through international cooperation.

The development of a better understanding of legal systems and mutual trust between the different actors involved in the recovery of criminal assets is a key factor in improving the

¹ Article 29 of the Regulation, applicable in particular to offences of fraud.

effectiveness of international judicial cooperation. To this end, the French authorities are willing to use police and administrative cooperation to facilitate the exchange of information. However, it should be recalled that police and administrative cooperation cannot legally replace a formal request for mutual legal assistance, which is the only effective way to prepare and ensure the success of such requests in relation to the freezing and confiscation of criminal assets.

I. The recovery of criminal assets under French law

1. Overall presentation of the French system of seizure and confiscation of criminal assets

A) Very wide-ranging possibilities for seizures and confiscations

According to the series of reforms initiated over the last decade, the current possibilities for seizure and confiscation are as follows:

Criminal seizure consists of making an asset legally unavailable, either **as evidence or to ensure its subsequent confiscation** by the trial court. It is **ordered either by the public prosecutor** (for movable property) **or by the liberty and custody judge** referred to by the public prosecutor (for special seizures including real estate, sums held in bank accounts and digital assets) as part of a flagrante delicto or pre-trial investigation, **or by the investigating judge** as part of a judicial investigation.

Confiscation, which is pronounced by the **trial court confirming the seizure and which entails the transfer of property to the State**, necessarily implies a conviction. It constitutes an **additional** criminal, misdemeanour or administrative **penalty** or an alternative to imprisonment, to a fine for misdemeanours or to 5th-class offences.

The legal basis for the court's ultimate decision of confiscation sets out the various criminal seizure possibilities that may be pursued at the investigation stage.

The Criminal Code provides that confiscation is incurred by both natural persons ([Article 131-10](#) and [131-16 of the Penal Code](#)) and legal persons ([Article 131-39](#), [131-16](#) and [131-43 of the Criminal Code](#)), in accordance with the procedures laid down in [Article 131-21 of the Criminal Code](#), of the thing that served to or was intended for use to commit the crime or of the proceeds of the crime.

It has a very broad scope of application since Article 131-21 of the Criminal Code provides that **the penalty of confiscation is incurred as a matter of law for all crimes and offences punished by more than one year's imprisonment**, even if is not expressly foreseen by the written indictment².

Pursuant to Article 131-21 of the Criminal Code, seizure and confiscation may be applied to:

- **The direct or indirect object or proceeds of the crime** (Article 131-21, Paragraph 3), regardless of the holder, including a third party who is not a defendant, unless they are acting in good faith and unless the property is likely to be returned to the victim;

² Except for press offences.

- **The instrumentalities used to commit the crime** or which were intended to be used to commit the crime, of which the convicted person is the owner or, subject to the rights of the owner in good faith, are at their free disposal (Article 131-21, Paragraph 2);
- **Assets of corresponding value** of which the convicted person is the owner or, subject to the rights of the owner in good faith, are at their free disposal (Article 131-21, Paragraph 9); this is a confiscation of equivalent value to the object, the proceeds of the crime or the instrumentality.

But they may also be applied to:

- **Assets held by the defendant or by third parties** when such assets are identified as being the direct or indirect proceeds of the crime. The concept of free disposal included in the legal text also allows for the confiscation of the instrumentalities or the direct or indirect proceeds **despite the intermediaries interposed by the offender - i.e., when the property is apparently owned by a third party (nominee, interposed legal person) but the offender is the actual beneficiary.**
- Confiscation of **all or part of the property** belonging to the convicted person or which is at their free disposal (Article 131-21, Paragraph 6). In such cases, it is not necessary to provide prior evidence of the link between the asset and the crime, nor to determine the precise value of the proceeds of the crime, or that the property is of illicit origin. However, the confiscation of the property must not lead to disproportionate interference with the property rights of the convicted person, taking into account the seriousness of the offence and the personality of the convicted person. This additional penalty is provided for in particular with regard to drug trafficking (Article 222-49 of the Criminal Code) and money laundering (Article 324-7 of the Criminal Code).
- **Movable or immovable property** for crimes or offences punished by at least five years' imprisonment and having provided the convicted person with a direct or indirect profit, whatever the nature of the property, whether divided or undivided, belonging to them or, subject to the rights of the owner acting in good faith, which is at their free disposal, "**when neither the convicted person nor the owner, when asked to explain the property for which confiscation is envisaged, has been able to justify its origin**" (Article 131-21, Paragraph 5).

Finally, it should be noted that the French system provides for the **protection of the third-party owner in good faith**, with the confiscation of assets freely at the disposal of the convicted person only possible subject to the rights of the owner acting in good faith: the latter may present their observations and assert their rights at the hearing on the confiscation order envisaged by the court (Article 131-21, Paragraph 12).

B) The principle of non-restitution of the proceeds or instrumentalities of the crime

Although no mechanism for non-conviction confiscation has been introduced under French law, **the mechanism for non-restitution of the proceeds or instrumentalities of the crime** provided for in Article 41-4 of the Code of Criminal Procedure actually produces almost the

same effects, in the situations it covers, as a non-conviction confiscation – and this according to Law No 2016-731 of 3 June 2016 transposing Directive 2014/42/EU of 3 April 2014 on the freezing and confiscation of instrumentalities and proceeds of crime in the European Union.

Paragraph 2 of Article 41-4 of the Code of Criminal Procedure provides that *"There is no need for restitution when restitution may endanger persons or property, when the property seized is the instrumentality or direct or indirect proceeds of the crime or when a specific provision provides for the destruction of objects placed under judicial supervision; the decision of non-restitution taken on one of these grounds or on any other ground, even ex officio, by the public prosecutor or the Prosecutor General may be referred by the interested party to the President of the investigating chamber or to the investigating chamber, within one month of its notification, by declaration at the registry of the tribunal or court or by registered post with signed-for delivery; this appeal has suspensory effect."*

This non-restitution measure, provided for in the above-mentioned cases, has the material and legal effects of confiscation pursuant to the Palermo Convention (*"permanent deprivation of property"*): the owner of the property is deprived of it and the property is acquired by the State. Non-restitution may be ordered by the public prosecutor, the investigating judge, the highest Criminal Court and the Correctional Court, the Court of Appeal (Articles [41-4](#), [99](#), [373](#), [481](#) and [512](#) of the Code of Criminal Procedure).

This non-conviction decision may be taken **when a criminal investigation or prosecution is ongoing**.

In particular, it allows the instrumentalities or proceeds of crimes committed to be retained in cases where criminal proceedings have been initiated but have been unable to reach a conviction with a confiscation order, for example due to the absence or death of the accused.

Furthermore, where the defendant cannot be investigated or prosecuted, a broader mechanism of non-restitution is provided for in cases where **the objects seized are qualified as dangerous or harmful** under the law or regulations or the possession of which is unlawful – whether or not they are the property of the convicted person (Article 41-5, Paragraph 4 of the Code of Criminal Procedure and Article 131-21, Paragraph 7 of the Criminal Code).

2. The network of magistrates and investigators dedicated to the effective implementation of seizures and confiscations

A) The role of the Criminal Assets Identification Platform (PIAC) in the identification of assets

The Ministry of the Interior's Criminal Assets Identification Platform (PIAC), created in September 2005 within the Central Office to Combat Serious Financial Crime (OCRGDF), is responsible for identifying the financial assets and property of defendants. Its objective is to improve the identification of offenders' assets, both in France and abroad, with a view to increasing seizures and confiscations and to systematise the financial approach to investigations against criminal organisations and offenders. Together with AGRASC, it forms the bureau of asset recovery³.

³ In this sense, see point II D on the management of seized assets and their sharing by the AGRASC

Its main objective is to:

- centralize, cross-check and restore information on assets, property or financial flows of illegal origin;
- supplement the traditional investigations consisting of identifying the financial assets and property of offenders with a view to their seizure or confiscation;
- provide national investigative services with support in their investigations relating to the tracing or seizure of assets abroad and foreign investigative services with an entry point for their enquiries relating to assets likely to be found in France.

The PIAC has local relays within the territorial judicial police services (D[*I*]RPJ): criminal asset identification units. It forms a network of approximately 250 agents located throughout the country within the police services.

The PIAC, which is the contact point for international networks for asset identification and as such a major player in the identification of assets abroad, can be mobilised by any investigation service.

It has instituted dynamic action of international cooperation regarding the international identification and seizure of assets and has actively contributed to the development of the Camden Asset Recovery Interagency (CARIN) and Asset Recovery Office (ARO) networks. Under the EMPACT project, the OCRGDF thus promotes the accession of partner countries to these networks.

In terms of international cooperation, the PIAC uses the various police cooperation networks that can be mobilised (internal security attachés, police and customs cooperation centres, Europol, Interpol, Schengen, etc.) with the aim of obtaining operational, technical or legal information in order to prepare, or even effectively support, international letters rogatory or asset freezing certificates issued by the magistrates. In addition, the PIAC is the French representative of the international criminal asset recovery network known as 'CARIN' (Camden Assets Recovery Interagency Network).

B) The AGRASC, a major asset of the seizure and confiscation system in France and abroad

The Agency for the Management and Recovery of Seized and Confiscated Assets is a public institution whose main mission (Articles 706-159 to 706-165 of the Code of Criminal Procedure), in addition to its general role of assisting, advising and guiding magistrates and investigators in matters of seizure and confiscation, is to:

- ensure the centralised management of all sums seized as part of criminal proceedings in France;
- carry out all pre-trial sales of seized movable property, decided by magistrates when this movable property is no longer useful to establish the truth and is likely to depreciate;

- instruct the allocation of property to investigative services and courts;
- manage all complex assets entrusted to it - i.e., *all assets which require, for their preservation or valorisation, administrative operations (business capital, boats, real estate, digital assets, etc.)* – before proceeding with their sale and the distribution of their proceeds, including pursuant to any request for international mutual assistance or cooperation made by a foreign judicial authority;
- ensure, where appropriate, that public creditors are informed in advance of the execution of any judicial restitution order (in order to ensure payment of their claims) and that civil parties receive priority compensation for property confiscated from the convicted person;
- in general, execute, on the basis of a court order, all confiscations of property for which it has a monopoly of management (sale of real estate, assets, payment of funds to the State budget or to various support funds, to combat drugs or prostitution).

The AGRASC is a structure that responds to the real operational needs of the courts and provides our country with an effective system for seizing and confiscating criminal assets.

In addition, four **regional branches of the AGRASC** have been established in Lyon, Marseille, Lille and Rennes on 1 March 2021 and 4 April 2022. They offer the possibility:

- **to delegate certain functions of local support** and operational support to magistrates, specialised assistants and investigators;
- **to better identify and trace** seized and confiscated assets (cash, bank accounts, movable and immovable property, international seizures, etc.);
- **to facilitate the management of certain seized and confiscated movable property** through the pre-trial sale and the reallocation of seized and confiscated movable property to the investigating and judicial services.

C) The network of reference prosecutors and assistants specialised in seizure and confiscation within the courts

Dispatch No 2018/F/0022/FB3 of 11 April 2018 on improving the system of seizure and confiscation introduced the principle of designating a **reference prosecutor in matters of seizure and confiscation** in each of the courts of first instance and appeal in order to disseminate knowledge and good practice. Some courts, in particular the Specialised Interregional Courts (JIRS), also benefit from the presence of **assistants specialised** in seizure and confiscation: these specialised assistants, most of whom come from other State administrations, provide particularly valuable, operational and technical support to the magistrates in charge of the proceedings, to facilitate the seizure of criminal assets from the investigation stage.

At the same time, after having identified the good practices, the dispatch of 11 April 2018 suggested their systemisation in the courts, by means of the dissemination of templates of criminal seizure, recommendation of the **establishment of a property index in proceedings** and encouraging the production of written summonses by the Public Prosecutor's Office stating the reasons for the requested penalty of confiscation. It is also requested that confiscation orders or extracts be transmitted without delay to the French or foreign entities in charge of

their execution (public accountant, AGRASC, Administration des Domaines, Caisse des Dépôts et Consignations (CDC), foreign courts).

In general, the effective development of seizures and confiscations and the full implementation of the tools available for this purpose remain a high-level policy objective. In this respect, the Ministry of Justice regularly reiterates the priority that must be given to the identification, seizure and confiscation of criminal assets and the objective of valuing such assets through the distribution of **thematic circulars on criminal policy**.

The Ministry of Justice has also drawn up and published with the AGRASC a **comprehensive guide to seizure and confiscation** in 2015, completely revised in 2021. This guide, organised into thematic sheets, is intended to be regularly updated in line with developments in legislation and case law.

II. The recovery of criminal assets in France upon request for international mutual assistance in criminal matters

International mutual legal assistance in seizure and confiscation is a central issue in the fight against transnational crime.

1. The basis and channels of transmission of the request for mutual legal assistance for the purpose of seizure and confiscation of criminal assets

Mutual legal assistance may be granted by France, or requested from another State, on the **grounds** of bilateral or multilateral conventions, or on the basis of Regulation 2018/1805 of the European Parliament and of the Council of 14 November 2018 between the EU Member States (except Ireland and Denmark⁴). In the absence of an applicable convention, a request for mutual legal assistance may be based on the principle of reciprocity.

Outside the European Union, the identification and freezing of assets may be requested in the same request for international mutual legal assistance.

Within the European Union, the European Investigation Order should first be used for the purpose of identifying the assets. The European Investigation Order may also be used to request a seizure for evidence purposes. However, in order to request a seizure with a view to confiscation, a freezing certificate should then be used.

Regarding seizure and confiscation of criminal assets, the multilateral conventions on which requests for mutual legal assistance may be based include in particular:

- the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community and the United Kingdom of Great Britain and Northern Ireland of 30 April 2021 ;

⁴ Ireland and Denmark do not apply Regulation (EU) 2018/1805 but continue to apply Framework Decision 2003/577/JHA of 22 July 2003 and Framework Decision 2006/783/JHA of 6 October 2006: http://intranet.justice.gouv.fr/site/dacg/art_pix/DC%202003%20french-1.pdf; Council Framework Decision 2006/783/JHA of 6 October on the application of the principle of mutual recognition to confiscation orders;

- the United Nations Conventions, in particular the 1988 Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, the 2000 Convention against Transnational Organized Crime and the 2003 Convention against Corruption;
- the 1997 OECD Convention on Combating Bribery of Foreign Public Officials in International Business;
- the 1990 Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime;
- the European Convention on Mutual Assistance of 1959.

Optional or mandatory grounds for refusing to execute the request may be expressly referred to in the convention applicable to the request for mutual legal assistance. These grounds may derive from:

- the criterion of double criminality in that the charges brought must constitute an offence under French law, even if the terminology or classification of the offence is different from that of the requesting State;
- the criterion of the quality of the seized property: the property whose seizure is requested must be able to be seized under French law; it is possible to seize movable and immovable property whatever their nature;
- the link between the offence and the property;
- the enforcement of the rights of defence and the absence of interference with the rights of third parties acting in good faith;
- compliance with the *ne bis in idem* principle;
- the fact that the request does not interfere with French public order or the essential interests of France.

The **channel of transmission** of requests for mutual legal assistance for the purpose of seizure and confiscation shall be that mentioned in the convention on which the request is based or a transmission from judicial authority to judicial authority under Regulation 2018/1805. In the absence of a convention, transmission must be carried out through diplomatic channels. **In urgent cases, an advanced copy may be sent electronically** to the central authority or directly to the judicial authority copying in the central authority.

2. The specific characteristics of the request for mutual legal assistance for the purpose of seizure and confiscation of criminal assets

In the absence of a convention obligation, in order to allow for speedy execution, the request for mutual legal assistance for the purpose of seizure and confiscation of criminal assets should be accompanied by a **translation** into French.

Unless there is a pre-established form, in particular a European Union freezing or confiscation certificate, the request will be in the same form as a standard request for mutual legal assistance (presentation of the facts, qualifications, type of measures requested, etc.), but should:

- Specify the reasons for believing that assets are located on French territory and any information allowing the identification of location of the assets concerned;

- Establish a link between the property and the offence, where the property is the instrumentality or direct or indirect proceeds of the offence or the equivalent in value of the proceeds. Indeed, unless expressly provided otherwise, general or extended confiscation is not foreseen under international mutual assistance in criminal matters;
- Specify the specific characteristics of the assets for which seizure or confiscation is requested;
- Provide any available information on the rights of third parties in relation to such assets;
- Indicate the procedures that the requesting State wishes to be followed as part of the execution, e.g. placing under seal,
- Expressly mention the confidentiality requirement, where applicable;
- Indicate any deadlines for execution and the reasons for these time limits;
- Demonstrate that the confiscation order was issued in accordance with the rights of the defence;
- Attach: a certified copy of the confiscation order and confirmation that the order is final and enforceable. The transmission of the internal seizure order is not required.

3. The recovery of criminal assets in France upon request for international mutual assistance in criminal matters

Requests for mutual legal assistance for the purpose of seizure and confiscation shall, unless otherwise provided for by convention, **be executed in accordance with French law.**

A request for mutual legal assistance for the purpose of identification of property may precede or accompany a request for the seizure of evidence or a request for the seizure of property for the purpose of subsequent confiscation.

The French court is **bound by the findings of fact of the foreign order.** Thus, the execution in France of the confiscation order does not enable the French judicial authority to re-examine the evidence based on which the foreign authority ordered the confiscation of the property.

A **non-conviction based confiscation** may form the basis of a request for mutual legal assistance for the purposes of seizure or confiscation and be executed in France in accordance with established case law, only after the French judicial authority has verified that the facts underlying the request constitute an offence under French law (Cour de Cassation, Criminal Division, 13 November 2003, known as the 'Crisafulli' case).

Once the seizure is pronounced, the request for **seizure** does not have to be renewed by the requesting State until the confiscation order is made.

In the absence of convention provisions to the contrary, French law provides for the **sharing of half** to the French State and half to the requesting State when the amount confiscated exceeds EUR 10,000.

The **management, sale and sharing of seized assets** is carried out by the AGRASC.

4. The management and sharing of seized assets by the AGRASC

In terms of **international cooperation**, the AGRASC plays a particularly important role due to its status of asset recovery bureau.

Firstly, it **advises** the courts to help them draw up freezing and confiscation certificates or, outside the European Union or for European States that have not transposed the framework decisions, requests for mutual legal assistance from international letters rogatory.

It also has a **management** role with regard to incoming requests for mutual legal assistance, the sums seized in France upon request by a foreign State being centralised in the AGRASC account, and a support and execution role with regard to outgoing requests for mutual assistance, being responsible for the disposal and destruction of confiscated property and the distribution of the proceeds of sale in execution of any request for mutual assistance or cooperation from a foreign judicial authority (Article 706-160 of the Code of Criminal Procedure).

Finally, the AGRASC has a **representation** role in international cooperation and is also a member of the two international networks for the identification, seizure and confiscation of criminal assets. 2019 was marked in particular by the agency's increased contribution in the operation of the CARIN network, with the AGRASC designated as the 'contact point' for France.

III. Useful contacts

In France, the **central authority** for judicial cooperation in criminal matters is the Office for International Cooperation in Criminal Matters (BEPI) of the Directorate of Criminal Affairs and Pardons of the Ministry of Justice.

For any request for information, or even for the transmission of an advance copy of a request for seizure and confiscation, you can contact the BEPI by e-mail to the following address: entraide-bepi.dacg@justice.gouv.fr

Postal address: Ministère de la justice, Direction des affaires criminelles et des grâces, Bureau de l'entraide pénale internationale, 13 place Vendôme, 75001 Paris.

Phone: +33 1 44 77 62 60

In addition, the **AGRASC** may be contacted at the following e-mail amo@agrasc.gouv.fr.

Where contact with the **judicial authority** is justified, the geographically competent French courts can be found here:

<http://www.annuaires.justice.gouv.fr/annuaires-12162/liste-des-juridictions-competentes-pour-une-commune-22081.htm>

The network of French **liaison magistrates** (MDL) established in French embassies supports the implementation of judicial cooperation in criminal matters. Liaison magistrates can facilitate the processing of requests for mutual legal assistance between the authorities in their area of

competence and the French authorities. They provide advice and practical support in matters of cooperation. Depending on the situation, the French embassy in the country concerned or the office for international cooperation in criminal matters may be asked whether there is a competent liaison magistrate for the area.