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**Canada
and
Norway**

**Treaty between the Government of Canada and the Government of the Kingdom of Norway
on mutual legal assistance in criminal matters (with corrections). Ottawa, 16 September
1998**

Entry into force: *14 January 1999 by notification*

Authentic texts: *English, French and Norwegian*

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**Canada
et
Norvège**

**Traité d'entraide judiciaire en matière pénale entre le Gouvernement du Canada et le
Gouvernement du Royaume de Norvège (avec corrections). Ottawa, 16 septembre 1998**

Entrée en vigueur : *14 janvier 1999 par notification*

Textes authentiques : *anglais, français et norvégien*

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[ENGLISH TEXT – TEXTE ANGLAIS]

**TREATY BETWEEN
THE GOVERNMENT OF CANADA
AND
THE GOVERNMENT OF THE KINGDOM OF NORWAY
ON MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS**

**THE GOVERNMENT OF CANADA AND THE GOVERNMENT
OF THE KINGDOM OF NORWAY**, hereby referred to as the "Contracting
Parties";

DESIRING to improve the effectiveness of both countries in the investigation,
prosecution and suppression of crime through cooperation and mutual legal assistance
in criminal matters;

HAVE AGREED as follows:

PART I - GENERAL PROVISIONS

ARTICLE 1

Obligation to Provide Mutual Legal Assistance

1. The Contracting Parties shall, in accordance with this Treaty, provide each other with the widest measure of mutual legal assistance in criminal matters.
2. Mutual legal assistance is any assistance given by the Requested State in respect of investigations or proceedings in the Requesting State in a criminal matter, irrespective of whether the assistance is sought or to be provided by a court or some other authority.
3. Criminal matters means, for Norway, investigations or proceedings relating to any offence created by the Penal Code or any offence subject to the jurisdiction of a court, and, for Canada, investigations or proceedings relating to any offence created by a law of Parliament or by the legislature of a province.
4. Criminal matters includes investigations or proceedings relating to offences concerning taxation, duties and customs.
5. Assistance includes:
 - (a) locating and identifying persons and objects;
 - (b) serving documents, including documents seeking the attendance of persons;
 - (c) providing information, documents and records;
 - (d) providing objects, including lending exhibits;

- (e) search and seizure;
- (f) taking evidence and obtaining statements;
- (g) permitting the presence of persons from the Requesting State at the execution of requests;
- (h) making detained persons available to give evidence or assist investigations;
- (i) facilitating the appearance of witnesses or the assistance of persons in investigations;
- (j) taking measures to locate, restrain and secure the confiscation of the proceeds of crime; and
- (k) providing other assistance consistent with the objects of this Treaty.

ARTICLE 2

Execution of Requests

1. Requests for assistance shall be executed promptly in accordance with the law of the Requested State and, insofar as not prohibited by that law, in the manner specified by the Requesting State.
2. The Requested State shall, upon request, inform the Requesting State of the date and place of execution of the request for assistance.
3. The Requested State shall not refuse to execute a request on the ground of bank secrecy.

ARTICLE 3

Refusal or Postponement of Assistance

1. Assistance may be refused if the request does not meet the legal requirements for execution in the Requested State or, in the opinion of the Requested State, the execution of the request would impair its sovereignty, security, order public, essential public interest, prejudice the safety of any person, or be unreasonable on other grounds.
2. Assistance may be postponed by the Requested State if execution of the request would interfere with an ongoing investigation or prosecution in the Requested State.
3. The Requested State shall promptly inform the Requesting State of a decision of the Requested State not to comply in whole or in part with a request for assistance, or to postpone execution, and shall give reasons for that decision.
4. Before refusing a request for assistance or before postponing the execution of a request, the Requested State shall consider whether assistance may be provided subject to such conditions as it deems necessary. If the Requesting State accepts assistance subject to these conditions, it shall comply with them.

PART II - SPECIFIC PROVISIONS

ARTICLE 4

**Locating and Identifying
Persons and Objects**

The competent authorities of the Requested State shall make best efforts to ascertain the location and identity of persons and objects specified in the request.

ARTICLE 5

Service of Documents

1. The Requested State shall serve any document transmitted to it for the purpose of service.
2. Service may be effected by simple transmission of the document to the person to be served. If the Requesting State expressly so requests, service shall be effected by the Requested State in the manner provided for the service of analogous documents under its own law, or in a special manner consistent with such law.
3. Proof of service shall be given by means of a receipt dated and signed by the person served or by means of a declaration made by the Requested State that service has been effected and stating the form and date of such service. If service cannot be effected, the reasons shall be communicated immediately by the Requested State to the Requesting State.
4. Requests for service of a summons on an accused person who is in the territory of the Requested State shall be transmitted to the Central Authority at least thirty (30) days before the date set for appearance.

ARTICLE 6

**Provision of Information,
Documents, Records and Objects**

1. The Requested State shall provide copies of publicly available information, documents and records of government departments and agencies.
2. The Requested State may provide any information, documents, records and objects in the possession of a government department or agency, but not publicly available, to the same extent and under the same conditions as would be available to its own law enforcement and judicial authorities.
3. The Requested State may provide certified true copies of documents or records, unless the Requesting State expressly requests originals.
4. Original documents, records or objects provided to the Requesting State shall be returned to the Requested State as soon as possible, upon request.

5. Insofar as not prohibited by the law of the Requested State, documents, records or objects shall be provided in a form or accompanied by such certification as may be specified by the Requesting State in order to make them admissible according to the law of the Requesting State.

ARTICLE 7

Search and Seizure

1. The Requested State shall execute a request for a search and seizure.
2. The competent authority that has executed a request for a search and seizure shall provide such information as may be required by the Requesting State concerning, but not limited to, the identity, condition, integrity and continuity of possession of the documents, records or objects seized and the circumstances of the seizure.
3. If the Requesting State is advised that a person present in the Requested State, who is not accused in the course of the proceedings, is entitled to the seized object, any surrender of such object to the authorities of the Requesting State shall be made subject to the condition that the object shall be returned, at the expense of the Requesting State, at the conclusion of the proceedings.

ARTICLE 8

Taking Evidence in the Requested State

1. A person requested to testify and produce documents, records or objects in the Requested State shall be compelled, if necessary, to appear and testify and produce such documents, records or objects, in accordance with the law of the Requested State.
2. To the extent not prohibited by the law of the Requested State, officials of the Requesting State and other persons specified in the request shall be permitted to be present at the execution of the request and to participate in the proceedings in the Requested State.
3. The right to participate in the proceedings shall include the right of judges and officials of the Requesting State to propose questions and the right of counsel for the accused to pose questions directly. The persons present at the execution of a request shall be permitted to make a verbatim record of the proceedings. The use of technical means to make such a verbatim record shall be permitted.

ARTICLE 9

Presence of Persons at the Execution of Requests

To the extent not prohibited by the law of the Requested State, persons specified in the request shall be permitted to be present at the execution of the request.