

Precedence of Part X

(1) Unless this Part contains specific regulations the remaining provisions of the Act shall apply to other areas of legal assistance with the Member States of the European Union.

(2) This Part shall take precedence before the international agreements mentioned in s. 1(3) insofar as it contains exhaustive regulations.

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Paragraph 2. Specific Forms of Legal Assistance

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Section 92 Data Transmission Without Request

(1) To the extent that an international agreement so provides public authorities may transmit without request personal data that give rise to the suspicion that an offence has been committed, to public authorities of another Member State of the European Union as well as organs and institutions of the European Communities, if

1. a transmission without request to a German court or prosecution service were permissible and
2. the transmission is useful in
 - a) initiating criminal proceedings in another Member State or
 - b) assisting criminal proceedings already pending there and
3. the authority to whom the data are transmitted has jurisdiction for the measures under no.2 above.

(2) S. 61 a(2) to (4) shall apply mutatis mutandis.

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Section 93 Joint Investigation Teams

(1) A member of the joint investigation team seconded by a Member State of the European Union may be allowed to conduct investigations under the supervision of the relevant German team member if this has been previously approved by the sending Member State.

(2) Other persons may participate in the joint investigation team based on the law of the participating Member States or any agreement between them.

(3) The German officers participating in the joint investigation team may directly transmit information obtained in the execution of their office, including personal data, to the members sent by other Member States, insofar as this is necessary for the work of the joint investigation team.

(4) Insofar as the transmission of the information obtained under subsection (3) above requires a specific agreement amending the purpose of its use such an agreement is admissible if a request for the use of the information was admissible.

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Section 94 Requests for Freezing, Seizure and Search

(1) Ss. 58(3) and 67 shall apply to requests pursuant to Council Framework Decision 2003/577/JHA of 22 July 2003 on the execution in the European Union of orders freezing property or evidence (OJ L 196/45) with the proviso

1. that double criminality shall not need to be established if the offence on which the request is based is under the law of the requesting State punishable by a custodial sanction with a maximum term of no less than three