

ARTICLE 8

TRANSMISSION OF DOCUMENTS AND OBJECTS

- (1) When the request for assistance concerns the transmission of records and documents, other than publicly available records and documents, the Requested Party may transmit certified true copies thereof. Originals may be transmitted at the discretion of the Requested Party.
- (2) Original records or documents or objects transmitted to the Requesting Party shall be returned to the Requested Party as soon as possible, upon the latter's request.
- (3) In the case of publicly available records and documents, the Requested Party shall only be obliged to provide copies thereof.
- (4) The Requested Party may provide copies of any document, record or information in the possession of a government department or agency, but not publicly available, to the same extent and under the same conditions as such document, record or information would be available to its own law enforcement and judicial authorities.
- (5) Insofar as not prohibited by the law of the Requested Party, all records, documents or objects shall be transmitted in a form or accompanied by such certification as may be requested by the Requesting Party in order to make them admissible according to the law of the Requesting Party.

ARTICLE 9

TAKING OF EVIDENCE

- (1) Where a request is made that evidence be taken for the purpose of an investigation, prosecution of a criminal offence or proceeding in relation to a criminal matter, the Requested Party shall, to the extent not prohibited by its laws, arrange to take such evidence.
- (2) For the purposes of this Agreement, the giving or taking of evidence shall include the production of documents, records or other material.
- (3) Where, pursuant to a request for assistance a person is to give evidence, the parties to the relevant proceedings in the Requesting Party, their legal representative or representatives of the Requesting Party may, to the extent not prohibited by the laws of the Requested Party, appear and question the person giving that evidence.
- (4) The persons present at the execution of a request shall be permitted to make a verbatim transcript of the proceedings. The use of technical means to make such a verbatim transcript may be permitted.
- (5) If permitted by their laws, the Parties may agree in specific cases that the taking of evidence of a witness in accordance with this Article may take place by means of video conference or other technological means.