European evidence warrant for the purpose of obtaining objects, documents and data for use in proceedings in criminal matters. Framework Decision

2003/0270(CNS) - 24/02/2005

The Council agreed on a general approach to certain aspects of the proposal for a Framework Decision on the European Evidence Warrant (EEW) for obtaining objects, documents and data for use in proceedings in criminal matters.

The Council agreed to a list of 32 offences with regard to which it will not be possible to invoke double criminality (the list is the same as that in the Framework Decision on the European arrest warrant). Other offences may be added later by unanimous agreement. The offences concerned must be punishable in the State of issue of the warrant by a term of imprisonment of more than three years.

It was also decided that the Framework Decision should include the principle of a "territoriality clause" enabling a Member State to refuse a European evidence warrant where the offences were committed wholly or partly on its territory. The scope of the clause will be reviewed at technical level.

The Council will review the Framework Decision five years after its adoption, in the light of practical experience.