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

2003/0270(CNS) - 21/02/2006

The Council discussed the following questions concerning this draft Framework Decision:

1) definition of offences, and

2) measures available for execution.

Regarding definition of offences, a large majority of delegations supported the approach suggested by the Presidency, which consisted in:

• keeping the draft Framework Decision unchanged regarding a list of 32 offences for which double criminality may not be invoked as a ground for refusal;

• drafting a Council Statement defining certain of the offences listed in the text, i.e. racism and xenophobia and sabotage;

• introducing a recital regarding peer evaluation on the application of the European Evidence Warrant (EEW).

The Council confirmed agreement on a provision regarding certain measures that Member States must have available for the purpose of executing EEWs. These measures include those which would be available in a similar domestic case. The measures available must include search and seizure in respect of a list of 32 offences. It was also accepted that it should be possible to refuse to execute the EEW where the measures which must be available do not allow for execution in a specific case.