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

2003/0270(CNS) - 27/04/2006

The Council examined two important outstanding issues in this proposal:

1) **definition of offences** : the proposal provides that, for 32 categories of offence, double criminality may not be invoked by the executing State as a ground for refusing an EEW if the offence concerned is punishable in the issuing State with a maximum of at least 3 years of imprisonment. This approach is in line with earlier instruments such as the European arrest warrant, freezing orders, financial penalties or the draft text on confiscation orders. However, one delegation called for the introduction of legally binding criteria defining 6 of these 32 offences. The other delegations and the Commission could not agree to that, but could only accept the inclusion of criteria of an advisory nature. The matter was sent back to the relevant Council working parties with a view to exploring different possibilities for finding a compromise;

2) **telecommunication and electronic data** : the competent bodies of the Council should examine if it could be included in the scope of the Framework Decision.