
European Evidence Warrant - an Update
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Included in the materials are the following:

1. Current version of the European Evidence Warrant (EEW)
2. Paper drafted for a meeting with the Home Office in the UK in September 2007.

I have not included a copy of my speech, but these are the two documents I will be referring to during my short presentation.

The first is the latest version of the text available on the Council website and appears to be the formal version following linguistic checks; however there does not appear to be any substantive changes since my meeting with the Home Office in September 2007. The link to the website is register.consilium.europa.eu/pdf/en/07/st13/st13076.en07.pdf.

The second document is the paper I drafted in preparation for a meeting with the Home Office in September 2007 to discuss issues we believed should be considered by those responsible for drafting the implementing legislation in the UK. The meeting was set up by the Law Society of England and Wales and I attended with Lindsay Paterson of the Law Society and Anand Doobay who many of you will know from Peters & Peters and who is also on the Law Society Criminal Law Committee. I was in attendance both as a member of the Law Society EU Committee and the ECBA Executive Committee.

Although the majority of the detail of this document may only be relevant to the UK, I am sure that many of the issues raised will also be relevant in other jurisdictions and it illustrates that there are many unanswered questions in the Framework Decision. These issues will need to be resolved by the national legislators and there will necessarily be scope for interpretation and variation between implementing legislation. I believe it is important to highlight these issues in order to ensure that the legislators will produce a fair balance between the need for the authorities to obtain material relevant to criminal proceedings from other EU countries and the requirement to protect the fundamental rights and freedoms of the citizens of the EU.

I hope this document will assist Bar Associations in other jurisdictions when they make representations to their legislating bodies and will also help the ECBA identify common areas of concern.