



## Seminar 4: Collecting Evidence throughout the European Union II: The European Evidence Warrant and New Instruments in this Field

**Amsterdam (NL), 13-14 June 2012**

Specific Grant Agreement JUST/2010/JPEN/AG/FPA/001  
Framework Partnership Agreement JLS/2007/JPEN-FPA/017

Improving Judicial Cooperation in Criminal Matters in the area of Freedom, Security and Justice, Institutional Processes and Topical Areas

**Seminar Venue:** Rechtbank Amsterdam, Parnassusweg 220, 1076 AV Amsterdam

---

### Trainers' Note

---

**Objectives:** The purpose of the seminar is two-fold: firstly, to provide participants with information and critical assessment on the current legal framework under the auspices of which evidence can be obtained in cross border criminal cases. Secondly to draw a picture as to how the current system will change in the near future.

To have a general landscape on evidence gathering in cross border criminal cases, participants are directed to consult

- Overview of the EU Criminal Justice area, pre-trial measures and collecting evidence (slides).

For the most widely used mutual assistance instrument in the field of obtaining evidence in cross border criminal cases see

- Practical application of the EU convention 2000/C-197/01 on mutual assistance in criminal matters between the EU Member States (slides)
- Council Act of 29 May 2000 establishing in accordance with Article 34 of the Treaty on European Union, the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union;

For the first, although less used EU mutual recognition instrument related to evidence gathering see participants are referred to consult the following materials:

- Mutual recognition instruments in the field of collecting evidence I: Council Framework Decision 2003/577/JHA on the execution in the European Union of orders freezing property or evidence (slides)
- COUNCIL FRAMEWORK DECISION 2003/577/JHA of 22 July 2003 on the execution in the European Union of orders freezing property or evidence (consolidated version),
- Council doc 16921/10 Implementation of the Framework Decision of the Council of the European Union of 22 July 2003 (2003/577/JHA) on the execution in the European Union of orders freezing property or evidence - Information provided to the General Secretariat.

For a better understanding of the practical issues and difficulties of collecting evidence in cross border criminal cases, participants may want to have recourse to the following document:

- Case study on the practical application of the EU convention 2000/C-197/01.

For an in-depth understanding of the issues related to the introduction of the mutual recognition principle to the evidence gathering participants may wish to familiarize with the following documents:

- Mutual recognition instruments in the field of collecting evidence II: Assessment of the European Evidence Warrant (slides);
- COUNCIL FRAMEWORK DECISION 2008/978/JHA of 18 December 2008 on the European evidence warrant for the purpose of obtaining objects, documents and data for use in proceedings in criminal matters.

For an overview and a discussion on the new proposal on the European Investigation Order and its practical implications participants are directed to read the following documents:

- The European Investigation Order: Main ideas of the proposal and legislative process (slides);
- Council doc. 9288/10 Initiative of the Kingdom of Belgium, the Republic of Bulgaria, the Republic of Estonia, the Kingdom of Spain, the Republic of Austria, the Republic of Slovenia and the Kingdom of Sweden for a Directive of the European Parliament and of the Council regarding the European Investigation Order in criminal matters;
- Council doc. 9288/10 Initiative of the Kingdom of Belgium, the Republic of Bulgaria, the Republic of Estonia, the Kingdom of Spain, the Republic of Austria, the Republic of Slovenia and the Kingdom of Sweden for a Directive of the European Parliament and of the Council regarding the European Investigation Order in criminal matters - Explanatory Memorandum;
- Council doc. 14591/1/10 Initiative for a Directive of the European Parliament and of the Council regarding the European Investigation Order in criminal matters: Answers to the questionnaire on interception of telecommunications;
- Council doc. 18225/1/11 Initiative of the Kingdom of Belgium, the Republic of Bulgaria, the Republic of Estonia, the Kingdom of Spain, the Republic of Austria, the Republic of Slovenia and the Kingdom of Sweden for a Directive of the European Parliament and of the Council regarding the European Investigation Order in criminal matters- Text submitted for general approach;
- Practical implications of the European Investigation Order (slides).