

**Question for written answer E-001184/2011
to the Council**
Rule 117
Axel Voss (PPE) and Ernst Strasser (PPE)

Subject: European Investigation Order and European Evidence Warrant

On 21 May 2010, at the initiative of seven Member States, the Council of the European Union published a proposal for a European Investigation Order in criminal matters. The aim of the Directive is to extend the principle of mutual recognition. It is uncontested that the mutual recognition principle is very dependent on the individual EU Member States having mutual confidence in one another's judicial systems. So long as they do not, legislatures will always seek to incorporate in legislation the maximum possible safeguards. This also applies to the European Evidence Warrant now. But the more safeguards the legislature adopts, the less credible mutual recognition becomes.

As the Commission's Roadmap for strengthening the procedural rights of suspected or accused persons in criminal proceedings (2009/C 295/01) is not yet complete, and Council Framework Decision 2208/978/JI on the European Evidence Warrant has not yet been transposed in all Member States, we would ask the Council:

1. Why does the Council not await the consultation procedure on the European Evidence Warrant initiated by the Commission's Green Paper?
2. In how many EU Member States has the transposition of the European Evidence Warrant not yet been completed?