



**COUNCIL OF
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"I/A" ITEM NOTE

From: General Secretariat of the Council

To: Permanent Representatives Committee/Council

Subject: 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 **(first reading)**

- Adoption of the legislative act **(LA + S)**
= Statement

**Statement by Austria, Belgium, Bulgaria, Estonia, France,
Germany, Italy, Luxembourg, the Netherlands, Spain, Sweden and Slovenia**

The Austrian, Belgian, Bulgarian, Dutch, Estonian, French, German, Italian, Luxemburg, Spanish, Swedish and Slovenian delegations welcome the adoption of the Directive on the European Investigation Order. This directive provides a response to the call of the European Council within the Stockholm Programme to set up a comprehensive system for obtaining evidence within the EU, based on the principle of mutual recognition, and to replace all the existing legal instruments in this area, including Framework Decision 2008/978/JHA of 18 December 2008 on the European evidence warrant. However, due to various interpretations of the legal basis of the Directive, Article 34(2) only provides that this Framework Decision is replaced for the Member States bound by the Directive. The Austrian, Belgian, Bulgarian, Dutch, Estonian, French, German, Italian, Luxemburg, Spanish, Swedish and Slovenian delegations urge the Commission and the Presidency to consider possibilities to ensure legal clarity on the repealing of the Framework Decision 2008/978/JHA for all Member States.
