

Vervaele

## European Evidence Warrant

Transnational Judicial Inquiries in the EU

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The transnational gathering and use of criminal evidence is a complex and sensitive matter that affects basic principles inherent in national criminal justice systems. Replacing the mutual assistance regime (letters rogatory) by a mutual recognition regime intends to facilitate the admissibility of evidence obtained from the territory of another Member State. How much harmonization of criminal procedure is needed to guarantee the free movement of criminal evidence in the EU? Do we have to develop common procedural safeguards in the EU, or can we build in human rights clauses or procedural public order clauses by which respect for fundamental rights can be a ground for the non-recognition, non-execution or postponement of the order from the issuing state?

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