



Home Office

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Date 2nd December 2009

Dear Colleagues

EU COMMISSION GREEN PAPER CONSULTATION

The purpose of this note is to ask for your contributions to the UK's response to the EU Commission's Green Paper on 'obtaining evidence in criminal matters from one Member State to another and securing its admissibility'. The Green Paper seeks the views of Member States and other stakeholders on the current Mutual Legal Assistance (MLA) system within the EU. The consultation is in two parts, with the first part relating to MLA and obtaining evidence and the second part relating to admissibility of evidence. The Green Paper gives an overview of the current MLA instruments and asks for views on replacing these with a single instrument based on the principle of mutual recognition covering all types of evidence.

The ratification of the Lisbon Treaty provides the opportunity for existing MLA instruments to be repealed and replaced with new legislative instruments, and will require a decision on the UK opt-in. If this consultation results in the Commission bringing forward legislation for a new MLA instrument, this could be one of the first instruments to be negotiated under the new procedures introduced by the Lisbon Treaty. It is important that authorities in the UK use this consultation to highlight to the Commission the type of instrument that could benefit their work.

On page six of the Green paper the Commission poses nine questions relating to obtaining evidence and admissibility of evidence. I would be grateful if your organisation could give a response to each of these questions. Please could you send responses back via email to:

sara.khan@homeoffice.gsi.gov.uk

Please could responses in Scotland be sent to: **Karen.Stewart2@scotland.gsi.gov.uk**

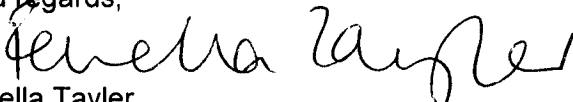
The deadline for responses is **January 8th 2010**. This is to allow time to collate the responses.

For further information please contact:

- **Sara Khan / Kenny Bowie** on **020 7035 1260 / 0388**
- **(in Scotland) Karen Stewart** on **0131 244 4091**.

My apologies for the tight turnaround and the clash with the holiday season.

Kind regards,


Fenella Tayler
Head of Judicial Cooperation Unit