



**COUNCIL OF
THE EUROPEAN UNION**

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REV 1**

COPEN 109

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: Declaration of the Federal Republic of Germany on the COUNCIL
FRAMEWORK DECISION on the European Evidence warrant for the
purpose of obtaining objects, evidence and data for use in proceedings in
criminal matters

Declaration of the Federal Republic of Germany

Where the execution of a European Evidence Warrant under Council Framework Decision ... of ...* on the European Evidence Warrant for the purpose of obtaining objects, documents and data for use in proceedings in criminal matters¹ requires search or seizure, the Federal Republic of Germany reserves the right under Article 23(4) of that Framework Decision to make execution subject to verification of double criminality in the case of the offences relating to terrorism, computer-related crime, racism and xenophobia, sabotage, racketeering and extortion and swindling listed in Article 14(2) of that Framework Decision, unless the issuing authority has stated that the offence in question meets the following criteria under the law of the issuing State:

Terrorism:

- An act which constitutes an offence within the meaning of and as defined in the International Convention for the Suppression of Acts of Nuclear Terrorism of 13 April 2005, the International Convention for the Suppression of the Financing of Terrorism of 9 December 1999 or within the meaning of one of the treaties listed in the annex thereto, or
- an act to be criminalised under the Council Framework Decision 2002/475/JHA of 13 June 2002 on combating terrorism², or
- an act to be prohibited under United Nations Security Council Resolution 1624 (2005) of 14 September 2005.

* OJ: please insert date and number of that Framework Decision.

¹ OJ L ...

² OJ L 164, 22.6.2002, p. 3.

Computer-related crime:

Offences as defined in the Council Framework Decision 2005/222/JHA of 24 February 2005 on attacks against information systems¹, or in Title 1 of Section I of the European Convention on Cybercrime of 23 November 2001.

Racism and xenophobia:

Offences as defined in the Council Joint Action 96/443/JHA of 15 July 1996 concerning action to combat racism and xenophobia².

Sabotage:

Acts unlawfully and intentionally causing large-scale damage to a government facility, another public facility, a public transport system or other infrastructure which entails or is likely to entail considerable economic loss.

¹ OJ L 69, 16.3.2005, p. 67.

² OJ L 185, 24.7.1996, p. 5.

Racketeering and extortion:

Demanding by threats, use of force or by any other form of intimidation goods, promises, revenues or the signing of any document containing or resulting in an obligation, alienation or discharge.

Swindling:

Using false names or claiming a false position or using fraudulent means to abuse people's trust or good faith with the aim of appropriating something belonging to another person.
