



**COUNCIL OF
THE EUROPEAN UNION**

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NOTE

from:	Jeppe Tranholm-Mikkelsen, Ambassador, Permanent Representation of Denmark to the European Union
dated:	2 February 2011
to:	Mr Ivan BIZJAK, Director-General, Directorate General H, General Secretariat of the Council of the European Union

Subject:	Notification of Denmark's implementation of the Council Framework Decision of 18 December 2008 on the European evidence warrant for the purpose of obtaining objects, documents and data for use in proceedings in criminal matters
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Pursuant to Articles 3(1), 6 and 23 of the Council Framework Decision of 18 December 2008 on the European evidence warrant for the purpose of obtaining objects, documents and data for use in proceedings in criminal matters, the Danish Government hereby informs the General Secretariat of the Council of the following:

1. Transposition into Danish law (Article 23)

Pursuant to Article 23(1) of the Council Framework Decision of 18 December 2008 on the European evidence warrant for the purpose of obtaining objects, documents and data for use in proceedings in criminal matters, Member States are to take the necessary steps to comply with the provisions in the Framework Decision by 19 January 2011.

Pursuant to Article 23(2) of the Framework Decision, Member States are to transmit to the General Secretariat of the Council and to the Commission the text of the provisions transposing into national law the obligations imposed on them under the Framework Decision.

In this connection, the Danish Government can state that the Council Framework Decision of 18 December 2008 on the European evidence warrant for the purpose of obtaining objects, documents and data for use in proceedings in criminal matters is transposed into Danish law by Law No 347 of 14 May 2008 amending the law on the execution of certain decisions in criminal matters in the European Union, the law on the extradition of offenders and the law on the central DNA profile register, which also implements the Framework Decision of 27 November 2008 on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union (2008/909/JHA).

A copy of the law is enclosed (*Annex 1 - here excluded*).

Article 4 of the law states that the date of entry into force will be determined by the Minister for Justice. At the time the law was being drawn up, it was envisaged that it would enter into force within the period allowed for transposing the Framework Decision into national law, i.e. before 19 January 2011.

Also enclosed are proposals for laws amending the law on the execution of certain decisions in criminal matters in the European Union, the law on the extradition of offenders and the law on the central DNA profile register (L 79), put forward on 27 February 2008 (*Annex 2 - here excluded*). The comments on the relevant proposals contain more detailed information on how the individual articles of the Framework Decision are to be implemented.

2. Designation of competent authorities (Article 3(1))

With regard to the designation of the competent authorities (Article 3(1)), for Denmark, decisions on execution will generally be taken by the courts at the request of the public prosecutor's office. However, the latter can take decisions on execution in cases concerning evidence which is already in its possession or which can be obtained out of court in a corresponding Danish case. Refusals of decisions on execution are issued by the Minister for Justice or by a person authorised by him for that purpose. Reference is also made to Article 1, point 15 of the law amending the law on the execution of certain decisions in criminal matters in the European Union, the law on the extradition of offenders and the law on the central DNA profile register.

Further to that letter, the Danish Government can inform you that that law entered into force on 19 January 2011.

3. Rules governing languages (Article 6(2))

With regard to the rules governing languages (Article 6(2) of the Framework Decision), the European evidence warrant must be completed in Danish (see Article 1, point 13 of Law No 347 of 14 May 2008 amending the law on the execution of certain decisions in criminal matters in the European Union, the law on the extradition of offenders and the law on the central DNA profile register).

Any questions concerning Denmark's implementation of the Framework Decision may be submitted to:

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It can also be confirmed that the Commission has today received an identical notification.

(Complimentary close)

(s.) Jeppe Tranholm-Mikkelsen
