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Vice-President Mario Šefčovič  
European Commission  
B-1049, Brussels

3 December 2012

*Dear Vice-President,*

Thank you for your letter of 19 October containing the Commission's response to the Report of the EU Select Committee on "the European Union's Policy on Criminal Procedure". I am glad that the Commission find this a useful contribution to the ongoing debate on criminal procedural law at EU level.

Whilst it is clear that the Commission is able to agree with many of the conclusions in the Report, my Committee would be most interested to know the views of the Commission on some matters not addressed in your letter with which the Commission may disagree, namely:

- Some of the criticism of EU mutual recognition legislation is justified. In this context the criticisms of the European Arrest Warrant have been widely aired. Our Report also provided another specific example relating to the legislation on mutual recognition of financial penalties, at paragraph 66 of our Report. For ease of reference, the Report is accessible at: <http://www.publications.parliament.uk/pa/ld201012/ldselect/ldcom/288/28802.htm>
- The Commission's proposal for access to a lawyer was too disruptive of the UK's criminal justice system. This matter is dealt with at paragraphs 92–99 of our Report.
- There should be a pause in new mutual recognition legislation until the criminal procedure legislation for defendants' and victims' rights has had a chance to make an impact; and in particular very good justification would be needed to support any proposal for EU legislation on the admissibility of evidence. This conclusion is found at paragraph 107 of our Report.

I am copying this letter to Mr William Cash MP, Chair of the Commons European Scrutiny Committee; and to Sarah Davies, Clerk to the Commons Committee; Paul Hardy, Legal Adviser to the Commons Committee; and to Les Saunders, Cabinet Office.

*With warm best wishes,*  
*Laurel*  
*The Lord Boswell*

The Lord Boswell  
Chairman of the European Union Committee