The Committee will meet at 9.45am in Committee Room 1.

1. **Item in private**: The Committee will consider whether to take item 2 in private.

2. **Justice and home affairs in Europe**: The Committee will discuss lines of questioning for witnesses.

3. **Subordinate legislation**: Hugh Henry MSP (Deputy Minister for Justice) to move the following motions—

   S2M-260 Cathy Jamieson: The Draft Advice and Assistance (Assistance By Way of Representation) (Scotland) Amendment Regulations 2003—That the Justice 1 Committee, in consideration of the draft Advice and Assistance (Assistance by Way of Representation) (Scotland) Amendment Regulations 2003, recommends that the regulations be approved.

   S2M-261 Cathy Jamieson: The Draft Scotland Act 1998 (Transfer of Functions to Scottish Ministers etc.) (No.2) Order 2003—That the Justice 1 Committee, in consideration of the draft Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) (No.2) Order 2003, recommends that the order be approved.

4. **Justice and home affairs in Europe**: The Committee will take evidence from—

   Mr Colin Imrie, Head of the Access to Justice Division, and Ms Louise Miller, Head of Branch 2, Civil Justice International Division, Scottish Executive.

5. **Work programme**: The Committee will consider its forward work programme.

Alison Taylor  
Clerk to the Committee  
Tel: 0131 348 5195
The following papers are attached for this meeting—

**Agenda item 2**

Note by SPICe (private paper) (to follow) J1/S2/03/5/1

**Agenda item 3**

Note by the Clerk (SSI attached) J1/S2/03/5/2
Note by the Clerk (SSI attached) J1/S2/03/5/3

**Agenda item 5**

Note by the Clerk (to follow) J1/S2/03/5/4

**Paper for information circulated for the 5th meeting, 2003 (session 2)—**

*Act of Sederunt (fees of Shorthand Writers in the Sheriff Court) (Amendment) 2003 (SSI 2003/246)*
Correspondence between the Convener and the Lord President in respect of SSI 2003/246

**Document not circulated**

A copy of the following has been provided to the Clerk:

A copy of this document is available for consultation in room 3.11 CC. It may also be obtainable on request from the Document Supply Centre. Scottish Executive documents are available on the Executive’s website (www.scotland.gov.uk).

**Forthcoming meetings—**

Wednesday 1 October – morning (joint meeting with the Justice 2 Committee)
Monday 6 October – Glasgow Sheriff Court (joint visit with the Justice 2 Committee)
Tuesday 7 October – afternoon (joint meeting with the Justice 2 Committee)
Justice 1 COMMITTEE

5th Meeting 2003 (Session 2)

The draft Advice and Assistance (Assistance by Way of Representation) (Scotland) Amendment Regulations 2003

Note by the Clerk

Purpose of the draft instrument

1. This instrument provides for assistance by way of representation (ABWOR) to be available to the accused not in custody for proceedings in the youth court and for appearances in the court after he/she has been found guilty after not being granted summary legal aid. Availability will be subject only to the financial and statutory eligibility tests that apply to legal aid more generally.

Background

Youth Courts

2. In December 2002, the Scottish Executive received the report of the Youth Court Feasibility Group. The report included a number of recommendations about legal representation and identified a number of consequential changes to the legal aid regulations that might need to be introduced. On 27 January 2003, the Executive announced its acceptance of the group’s recommendations and its intention to establish a youth court as part of a two-year pilot in Hamilton Sheriff Court. The youth court is designed to tackle persistent offending by young offenders by providing a fast-track court procedure to deal with 16- to 17-year-old offenders and, in certain circumstances, 15 year olds. The pilot introduces a fast-track process to deal with young offenders, four designated sheriffs for the youth court, sitting on a rotational basis, and community disposals specifically designed for young offenders and will be evaluated by external researchers.

Legal aid: advice and assistance

3. Advice and assistance is a form of legal aid provided by the Scottish Legal Aid Board, giving publicly funded legal advice on any matter of Scots law. It is a scheme for legal advice and does not cover representation except in well defined cases and in the form of ABWOR. ABWOR may be granted in criminal proceedings where an accused person wishes to plead guilty or change a plea of not guilty to guilty. It is also available in civil matters for representation before certain proceedings, including those before the Immigration Appellate Authority and employment tribunals.

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3 Defined in section 6 of the Legal Aid (Scotland) Act 1986
Consultation

4. Although the Scottish Executive does not normally conduct public consultation on detailed subordinate legislation in respect of legal aid, the draft regulations outlined in this instrument have been the subject of discussions with the Law Society of Scotland and the Scottish Legal Aid Board.

Subordinate Legislation Committee

5. The Subordinate Legislation Committee considered this instrument at its meeting on 24 June 2003 and determined that the special attention of the Parliament need not be drawn to it (Subordinate Legislation Committee, 2nd Report, 2003 (Session 2)).

Procedure

6. The Justice Committee has been designated lead committee and is required to report to the Parliament by 22 September 2003.

7. The instrument was laid on 18 June 2003. Under Rule 10.6, the draft order being subject to affirmative resolution, it is for the Justice Committee to recommend to the Parliament whether the instrument should come into force. The Minister for Justice has, by motion S2M-260 (set out in the agenda), proposed that the Committee recommends the approval of the order. The Deputy Minister for Justice will attend in order to speak to and move the motion. The debate may last for up to 90 minutes.

8. At the end of the debate, the Committee must decide whether or not to agree to the motion, and then report to the Parliament accordingly. Such a report need only be a short statement of the Committee’s recommendation.
Background

Purpose
1. The purpose of The Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) (No. 2) Order 2003 (‘the 2003 Order’) attached, is to transfer to Scottish Ministers certain functions which are exercisable by UK Ministers in relation to international mutual assistance under section 5(1)(b) and (c) of the Regulation of Investigatory Powers Act 2000 (‘the 2000 Act’). This will enable Scottish Ministers to authorise requests from, for example, the Scottish police service, HM Customs and Excise or European law enforcement agencies for mutual legal assistance in interception matters where such requests relate to the prevention or detection of serious crime in, or as regards, Scotland.

European dimension
2. The concept of international mutual legal assistance is set down in the Convention on Mutual Assistance in Criminal Matters (‘the Convention’). International mutual legal assistance relates to the law and procedure which governs how the UK may assist foreign states in the investigation and prosecution of criminal offences committed in their territory. It also governs the circumstances in which the UK can seek assistance from foreign states in the investigation and prosecution of domestic offences.

3. Chapter 1 of the Regulation of Investigatory Powers Act 2000 gives effect in the UK to the mutual assistance provisions for interception of telecommunications under the Convention. Other aspects of the Convention which have not been translated into UK legislation are being dealt with by the Crime (International Co-Operation) Bill which is currently being considered by the UK Parliament. Once this legislation is in place, the UK will be in a position to ratify the Convention.

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1 The text of the Convention and its two additional protocols can be found at the following web address — http://conventions.coe.int/Treaty/EN/CadreListeTraites.htm
2 The text of the 2000 Act is available at the following web address – http://www.hmso.gov.uk/acts/acts2000/20000023.htm
3 Based on the new Article 34 of the EU Treaty, a convention is adopted by unanimous decision of the Council after consulting the European Parliament and then ratified by the Member States in accordance with their respective constitutional procedures. After being ratified by at least half the Member States, a convention enters into force in those States. More information on European terms is available at http://europa.eu.int/scadplus/leg/en/cig/g4000c.htm#c27
4 Executive note (attached), paragraph 10

4. The functions that this Order is seeking to transfer relate to interception with a warrant under section 5 (1)(b) and (c) of the Regulation of Investigatory Powers Act 2000. Section 5 (1)(b) provides for the making of a request for assistance with the interception of communications outside the UK in accordance with an international mutual assistance agreement. Section 5 (1)(c) provides for assistance to foreign authorities with interception of communications in accordance with international mutual assistance agreement.

Consideration by other committees

5. Other functions under section 5 of the 2000 Act, namely section 5(1)(a) and (d) have already been transferred to Scottish Ministers by the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) (No.2) Order 2000 (‘the 2000 Order’). The former Justice and Affairs Committee considered the 2000 Order on 28 November 2000 and recommended that the draft Order be approved by the Parliament. The 2003 Order completes Executive devolution of section 5 of the 2000 Act to Scottish Ministers.

Mechanism for transfer of functions

6. The Order is being made under sections 30(3) and 63 of the Scotland Act 1998 (‘1998 Act’). These sections of the Scotland Act relate to legislative competence and power to transfer functions respectively. Section 30(3) of the 1998 Act makes it possible for functions to be transferred to Scottish Ministers by setting out the extent to which functions are exercisable by them. The 1998 Act recognised that, in some cases, it would be appropriate for Scottish Ministers to be able to exercise executive powers in areas for which primary legislation continued to be reserved to Westminster. That has become known as Executive devolution. Section 63 of the Scotland Act 1998 allows functions in reserved areas to be transferred to Scottish Ministers, or for Scottish Ministers to be given a role by introducing requirements to consult them or to obtain their agreement to the exercise of functions by UK Ministers. The functions that are stipulated in the Order are being transferred to Ministers.

Subordinate Legislation Committee

7. The Subordinate Legislation Committee considered the instrument at its meeting on 24 June 2003 and determined that the attention of the Parliament need not be drawn to the instrument.

Procedure

8. The Justice 1 Committee has been designated lead Committee and is required to report to Parliament by 22 September 2003.

9. The instrument was laid on 19 June 2003. The draft Order is subject to affirmative resolution procedure. Under Rule 10.6 of the Parliament’s Standing Orders, it is for the Justice 1 Committee, as the designated lead committee, to recommend to the Parliament whether the instrument should be approved. The Minister for Justice has, by motion S2M-261 (set out in the Agenda), proposed that the Committee recommends the approval of the Order. The

5 Justice and Home Affairs Committee, 28 November 2000, OR Cols 1927 - 1931
Deputy Minister Hugh Henry MSP will attend to speak to and move the motion. The debate may last for up to 90 minutes.

10. At the end of the debate, the Committee must decide whether or not to agree to the motion, and then report to the Parliament accordingly. Such a report need only be a short statement of the Committee’s recommendation.

10 September 2003
8 July, 2003

Pauline McNeill, MSP,
Convener, Justice 1 Committee,
The Scottish Parliament,
Room 3.11,
Committee Chambers,
EDINBURGH.
EH99 1SP

Dear Ms McNeill,

ACT OF SEDERUNT (FEES OF SHORTHAND WRITERS IN THE SHERIFF COURT) (AMENDMENT) 2003 (SSI 2003/246)

Thank you for your letter of 26 June. I would like to take this opportunity, if I may, to wish you well in your rôle as Convener of the Justice 1 Committee.

I must say that your letter came as a somewhat of a surprise. I had understood from my officials that the period of dissolution of the Parliament had ended on 7 May. This was the date upon which I made the Act of Sederunt to which you refer. I understand that there was, subsequently, a day's delay in the laying of the instrument due to the closure of the Parliamentary offices on 9 May.

I should also say that I anticipated there would inevitably be a brief period before the various Committees were constituted and operational. However, my officials were not advised that, given the forty-day period for annulment of the Act of Sederunt, there would be insufficient time for its consideration by both the Subordinate Legislation Committee and the Justice 1 Committee.

As you will appreciate, I consider it important that the various procedures relating to Scottish Statutory Instruments are followed. My officials would find it helpful if your clerks could discuss with them the timings that the Committee feels should have applied to this instrument.

Yours sincerely,

Cullen of Whitekirk

Tel: 0131 240 6701   FAX: 0131 240 6704   DX 549306 EDINBURGH 36
Dear Lord President,

I am writing in regard to a negative instrument which the Justice 1 Committee considered at its last meeting on 24 June 2003. I attach the relevant section of the Official Report of the meeting for your convenience.

The Committee considered the Act of Sederunt (Fees of Shorthand Writers in the Sheriff Court) (Amendment) 2003 (SSI 2003/246). You will be aware that this particular instrument was not examined within the usual timescale by Parliament due to the dissolution period. This means that the customary scrutiny procedure of this negative instrument did not take place as the time to deal with the instrument had passed. However, I decided that I would like the Committee to consider these instrument and highlight any issues retrospectively to you.

The Committee noted that in this instance that there was no explanation of why the instrument had been laid in dissolution period bearing in mind that the timetable for this period was known in advance. The Committee does recognise that not laying the instrument in this timescale might have affected annual changes to fees payable to people who work in the court system. However, the Committee agreed to write to you to request that future instruments be laid within a timescale that allows them to be subject to Parliamentary scrutiny before coming into force.
I would be grateful if you could copy your response to the Committee Clerks at the address denoted above as this aids the efficient operation of the Committee's work.

Yours sincerely

[Signature]

Pauline McNell MSP
Convener, Justice 1 Committee
I attach the following papers:

**Agenda item 4**

Ministerial Priorities for the Italian Presidency  J1/S2/03/5/4

SPICe briefing: EU Justice and Home Affairs Policy – Update  J1/S2/03/5/5

Provisional Agenda, Justice and Home Affairs Council, Luxembourg, 2-3 October 2003 J1/S2/03/5/6

16 September 2003  

Tony Reilly
MINISTERIAL PRIORITIES FOR THE ITALIAN PRESIDENCY

Statement by the Minister for Justice

Prospects for the Italian Presidency for Justice and Home Affairs

1. Top Presidency Priorities

In December last year the Italian Presidency presented a joint programme of work with the Greek Presidency which made it clear that the top political priorities in the area of Justice and Home Affairs would be promoting the Seville agenda on asylum and immigration and the control of external borders and increasing internal security through police co-operation measures.

The Italian programme confirms that the Presidency will seek to:

- Improve security for Europe’s citizens
  - by focusing on asylum and immigration and control of external borders in the light of the Thessaloniki European Council; and
  - effective measures to combat international crime.

- Renew commitment to the fight against terrorism by promoting increased co-operation, enhancing the role of Europol and introducing measures directed at the financing of terrorism.

- Take action to combat drug trafficking by implementing the EU action plan, focusing on action to reduce supply

- In the field of judicial co-operation, focus largely on civil justice measures, particularly family law and parental responsibility.

2. Scottish Executive Interests

Civil Judicial Co-operation

The Presidency is focusing on progressing a number of measures in this field. Top priority will be to finalise the Parental Responsibility Regulation and to ratify the 1996 Hague Convention on Parental Responsibility and Child Protection. These measures relate to the enforcement of orders for access across borders and the jurisdiction, recognition and enforcement of orders relating to children and are of considerable interest to Scotland. Officials have regularly attended working groups in Brussels to ensure that the measures adopted are in line with Scots law and with UK objectives of consistency with existing international conventions. The Presidency has arranged three days of Working Group at the beginning of September with the aim of concluding detailed negotiations in order to go to the October JHA Council for final decision.

There is one major outstanding issue and that is the time for implementation. Adequate time is needed for internal law to be prepared to receive the new text – this is particularly important since the scope includes public law measures on the care, protection and supervision of children. The Justice Council in June accepted a French suggestion that implementation should be July 2004 if possible but this may not be practical.
MINISTERIAL PRIORITIES FOR THE ITALIAN PRESIDENCY

The 1996 Convention was signed by all the Member States in April this year. It is expected that the Presidency will place a draft decision before the Council in November at the latest for ratification.

The Presidency is continuing negotiation on the European Enforcement Order for Uncontested Claims. This negotiation has been underway for some time now and the Presidency has indicated that it does not intend to conclude negotiations this year. At the same time negotiations have started on a parallel proposal for a European Payment Order procedure. Each of these is focused on cross-border claims where there is, in principle, no defence. The difficulty in relation to the Enforcement Order has been establishing a minimum standard in relation to service. We have successfully resisted attempts to impose personal service in every case and will continue to do so. On small claims we have participated by submitting directly information about Scottish procedures and will take an active interest if a proposal comes forward later this year as is anticipated.

Additionally, work is going ahead on applicable law in tort and delict and in contract where an Instrument is expected. Officials are attending the Working Group.

The proposal for a Directive on Compensation for Victims of Crime has been progressed during Working Group discussions under the Greek Presidency. The proposal aims to establish a minimum standard in the EU by making it compulsory for all Member States to provide an adequate level of State compensation for victims. We aim to ensure that any proposal is compatible with our existing UK domestic arrangements. The directive is on the provisional agenda for the November Council.

Later in 2003 or early in 2004 we expect to see further proposals on the law applicable to divorce and on wills and inheritance. We will monitor these proposals for implications for Scotland. The Commission has indicated that it will be bringing forward proposals on applicable law in relation to matrimonial property and on succession. These will have major impacts on the law of Scotland and it will be essential that direct engagement is made in these negotiations both within Scotland and outside. However, the Presidency has not programmed in any action this year.

Procedural Safeguards in the Field of Criminal Law

A proposal from the Commission on procedural safeguards in the field of criminal law will be taken forward under the Italian Presidency. The proposal is to provide for minimum standards of protection for those suspected or accused of a crime. This includes issues such as access to legal representation, access to interpretation and translation facilities and protecting vulnerable defendants. Since there could be implications for Scots Law arising from these proposals we will be following progress closely and, in line with the UK approach to mutual recognition, seeking to avoid any wholesale approximation of laws. An official attended the public hearing held in June and a draft framework decision is expected in the autumn.

Action on Drugs

Largely a continuation of existing measures and proposals with some new initiatives. There will be support for the delivery of the EU Action Plan on Drugs (2000–04). In addition the
MINISTERIAL PRIORITIES FOR THE ITALIAN PRESIDENCY

Presidency is seeking to introduce new initiatives including action to combat the impact of drug use on road accidents, training for drug law enforcement officers and adolescent drug abuse. These are expected to be non-binding but may be of some interest.

The Action Plan reinforces much of the work already being undertaken in Scotland, particularly on enforcement. The Executive core funds the Scottish Drug Enforcement Agency (SDEA), which works in partnership with Scottish and UK Police Forces, the National Crime Squad, the National Criminal Intelligence Service, Her Majesty's Customs & Excise and other law enforcement agencies to stem the flow of drug trafficking and organised crime in Scotland. We will continue to monitor enforcement activity against published targets, with the focus remaining on Class A drugs (during 2002-03, the SDEA reported a 366% increase in the weight of Class A drug seizures compared to the previous year).

Asylum and Immigration

The top Presidency priority in the JHA field. This is reflected in the draft agenda for the first JHA Council in October which looks set to be dominated by these issues. Although asylum and immigration are reserved issues there may be implications for Scotland from some of the proposals. In particular, the proposed Directive on Minimum Standards on Procedures in Member States for Granting and Withdrawing Refugee Status may impact on who may provide legal aid as well as eligibility for legal aid in Scotland.

3. Implementation

Recent measures which have been agreed and are being implemented in Scotland include the EU Framework Decision on the European Arrest Warrant (which is being implemented by means of the Extradition Bill) and various EU framework and other international agreements on mutual legal assistance in criminal matters (which are being implemented by means of the Crime (International Co-operation) Bill). Both Bills are Westminster legislation.

Although extradition is reserved, casework relating to fugitives in Scotland was executed devolved to the Scottish Ministers. The Extradition Bill, which introduces new streamlined arrangements for the surrender of fugitives from justice, seeks to confer on the Scottish courts and Scottish Ministers the necessary powers to enable them to continue to take decisions concerning the extradition of such persons in Scotland. The Bill applies UK wide further to a Sewel motion in the Scottish Parliament. The Scottish Executive drew up the necessary Scottish provisions in the Bill. The Bill is currently being considered by the House of Lords, after which it will return to the House of Commons with a view to completing its Parliamentary scrutiny and receiving Royal Assent towards the end of 2003.

The Crime (International Co-operation) Bill implements the mutual legal assistance provisions of the Schengen Convention, the Mutual Legal Assistance Convention of 2000 and its associated Protocol and the FDs on orders freezing assets and evidence, terrorism and non-cash means of payment. The Bill applies UK wide further to a Sewel motion in the Scottish Parliament. The Scottish Executive has subsequently been fully involved in drawing up the provisions required to reflect Scottish procedure. The Bill is currently in the Commons and, as with the Extradition Bill, it is thought that it will have completed its Parliamentary passage by the end of 2003.
Follow up to Thessaloniki:
- On the development of a common policy on legal and illegal immigration, smuggling and trafficking of human beings, external border and the return of illegal residents

Reserved to UK Government.


Reserved to UK Government. Only direct SE interest in this directive is in the provision of legal aid to asylum seekers.

Proposal for a Council Directive on the short-term residence permit issued to victims of action to facilitate illegal immigration or trafficking in human beings who cooperate with the competent authorities

Proposal for a Council Directive on assistance in cases of transit for the purposes of removal by land


Proposal for a Council Directive on the qualification and status of third-country nationals and stateless persons as refugees or as a person who otherwise need international protection

Proposal for a Council Regulation on the creation of an Immigration Liaison Officers (ILO) network

Draft Council Decision setting out the criteria and practical arrangements for the compensation of the financial imbalances resulting from the application of Council Direction 2001/40/EC on the mutual recognition of decisions on the expulsion of third country nationals.

Recommendation on a Code of Conduct on Joint Investigation Teams
There are no distinctly Scottish aspects to this Recommendation which is a reserved matter. The proposal was introduced by the Italian Presidency. Its main aim is to produce an operational manual for the Counter-Terrorist Joint Investigation Teams (CT JITS). The operational manual will set out legal provisions relevant to the work of CT JITS in each Member State and Accession country. The UK Government has been broadly supportive of this proposal, but has emphasised the need for any procedures governing the work of CT JITS (including and MoU) to be flexible and at the discretion of the countries participating in the Teams.

Proposal for a Council Resolution on the exchange of personal data in the framework of re-establishment of internal border control on the occasion of European Councils or similar events.

It is unclear whether this item will be on the final agenda.

Proposal for a Council Decision on the exchange of lists of hooligans and adoption of common rules to prohibit the admittance to sport installations to persons who have been responsible for violent acts

It is unlikely that this item will be on the final agenda. Co-operation on this dossier is at an advanced stage and a number of Member States already have binding instruments for identifying and dealing with violent offenders.

Proposal for a Council Resolution on drug related undercover operations and controlled deliveries

It is unlikely that this will be on the final agenda.

Proposal for a Council Decision or Conclusions on Europol participation to the start and development of national inquiries

Proposal for a Council Decision or Conclusions on the exchange of information between Europol and Member States

It is unlikely that these items will be on the final agenda. Europol is the EU’s response to the threat of organised crime, and is designed to facilitate the rapid and secure exchange of intelligence on organised crime between all Member States. Europol initiatives have been the subject of successive Presidencies. Through these initiatives, the Italian Presidency is keen to see Europol meet its full potential and take on a central driving role in EU action against organised crime. This is very much in line with the UK’s ambitions for the development of Europol. Positive impact for Scotland – and the rest of the UK- through improved law enforcement co-operation and support from Europol.

Proposal for a Council Regulation on Parental Responsibility

This item has been under discussion since July 2000. Agreement has been reached on the issue of children wrongfully removed or retained by a family member. The objectives of both Scotland and the UK have been achieved, in that the regulation will complement rather than replace the existing Hague Convention on International Parental Child Abduction. Negotiations are now proceeding on the aspects of these proposals relating to jurisdiction
and co-operation. At the time of drafting this report Working Group discussions were underway in Brussels.

**Decision authorising the European Community to sign the Protocol on civil liability and compensation for damage caused by the transboundary effects of industrial accidents in transboundary water**

It is unlikely that this will be on the final agenda. The proposal emerged from DG Environment in June 2003.

**Initiative for a Council Framework Decision on the execution of confiscation orders: political agreement**

First tabled by the Danish Presidency on 14 June 2002, and is part of the programme of measures to implement the principle of mutual recognition of decisions within the EU in Criminal matters. The central principle is to facilitate the confiscation of crime from convicted offenders. If implemented, mutual recognition of confiscation orders would be a devolved matter. The UK, including Scotland, already has well-developed procedures with regard to the confiscation of the proceeds of crime, as provided by the Proceeds of Crime Act 2002.

**Agreement between Eurojust and Europol: approval**

Unlikely to be on the final agenda.

**Millennium strategy on organised crime: periodical report**

The Millennium Strategy on Organised Crime concerns measures and steps taken with regard to the implementation of the recommendations of the European Union Strategy for the Beginning of the New Millennium on Prevention and Control of Organised Crime. The Strategy includes guidelines and detailed recommendations, each attributed as appropriate to the Member States, the Council, the Commission, Europol and the European Judicial Network. The UK attaches priority to adherence to the strategy, which has its aim to combat organised crime and uphold the provisions of the Treaty of Amsterdam on an area of freedom, security and justice in the Tampere conclusions.

**Proposal for a Common Position relating to the notification to the Council of Europe of implementation of European Arrest Warrant by Member States**

A reserved issue. The Presidency objective is to seek agreement on a Spanish proposal that by January 2004 Member States will notify the Secretary General of the fact that they will no longer be operating the European Convention on Extradition as between themselves. This will be as a consequence of implementation of the European Arrest Warrant.