

SCHEDULES

SCHEDULE 4

Regulation 28

General grounds for refusal

1. The execution of the European investigation order would be impossible as a consequence of—
 - (a) an immunity or privilege under the law of the part of the United Kingdom in which the evidence to which the order relates is situated, or
 - (b) any rule of law of that part of the United Kingdom on the determination and limitation of criminal liability relating to freedom of the press and freedom of expression in other media.
2. The execution of the European investigation order would harm essential national security interests, jeopardise a source of information or involve the use of classified information relating to specific intelligence activities.
3. An investigative measure specified in the European investigation order would not be authorised in a similar domestic case under the law of the part of the United Kingdom in which the evidence to which the order relates is situated, where—
 - (a) the European investigation order has been issued in relation to proceedings brought by administrative or judicial authorities in respect of acts which are punishable under the national law of the issuing State by virtue of being infringements of the rules of law, and
 - (b) the decision may give rise to proceedings before a court having jurisdiction, in particular, in criminal matters.
4. The execution of the European investigation order would be contrary to the principle of *ne bis in idem*.
5. The European investigation order relates to conduct which is alleged to have occurred outside the territory of the issuing State and wholly or partially in the United Kingdom, and the conduct does not constitute an offence under the general criminal law of the part of the United Kingdom in which it occurred.
6. There are substantial grounds for believing that executing the European investigation order would be incompatible with any of the Convention rights (within the meaning of the Human Rights Act 1998).
7. There are substantial grounds for believing that—
 - (a) the European investigation order has been issued for the purpose of investigating or prosecuting a person on account of that person's sex, racial or ethnic origin, religion, sexual orientation, nationality, language or political opinions;
 - (b) a person's position in relation to the investigation or proceedings to which the European investigation order relates might be prejudiced by reason of that person's sex, racial or ethnic origin, religion, sexual orientation, nationality, language or political opinions.