

The European Investigation Order

Brussels, 29-30 June 2021

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Judicial Cooperation in Criminal Matters in the European Union’s Area of Freedom, Security
and Justice: Recent Developments and Topical Issues’ 2020-2021

Seminar Venue

IGO/IFJ - *Institut de Formation Judiciaire*, Avenue Louise 54, 1050 Brussels

Programme

Collecting evidence in cross-border cases can be a difficult task for competent authorities in the different Member States of the European Union. Composed of different legal and judicial systems, the European Union until now did not have a unique set of rules enabling Member States to deal efficiently and uniformly with collection, and recognition of evidence.

The objective of seminar will be firstly, to help practitioners to understand the variety and be able to choose from the existing European level instruments to collect evidence, and secondly to identify good practices. The seminar thus will present the different common investigation tools recognized at the EU level (Joint Investigation Teams, Mutual legal assistance requests, freezing orders etc.) as well as the recently adopted new legislative instrument the European Investigation Order (EIO). The analysis of those instruments and practical case studies will generate exchanges amongst participants and experts and sharing of best practices.

TUESDAY 29 JUNE 2021

- 09.00 **Welcome and mutual introduction**
- 09.15 **Main features of the European Investigation Order**
Presentation on scope, application and use of the EIO, identifying national experiences and practices
- 10.15 Discussion
- 10.30 Coffee break
- 11.00 **Practical questions regarding the issuing of an European Investigation Order**
Introduction to drafting an EIO (Annex A of the EIO Directive) – Availability of direct transmission, Situations where the EIO may inhibit cooperation, EIOs for multiple individuals and measures, Entitlement to a lawyer, Role of the actors in judicial cooperation in criminal matters: EJN/ EUROJUST -EJN website: a tool for practitioners
- 12.00 Discussion
- 12.15 Lunch



- 13.15 **Practical questions regarding the execution of an European Investigation Order**
Conditions for recognition and execution, Assistance by the issuing authority, Conditions for recourse to an investigative measure other than that provided for in the EIO and its applicability, Grounds for non-recognition or non-execution, especially regarding temporary transfer of persons held in custody, hearing by video and telephone conference, Grounds for postponement of recognition or execution, Time limits for recognition or execution
- 14.15 Discussion
- 14.30 Coffee break
- 15.00 **Debriefing on Workshop/Case Study 1**
- 16.15 **Exercising the rights of the defence in the issuing State**
Requesting the issuing of an EIO, challenges against issuing, Exercising the rights of the defence in hearing by video and telephone conference, Involving the EJN, Proportionality
- 17.15 Discussion
- 17.30 **End of Day 1**

WEDNESDAY 30 JUNE 2021

- 09.00 **Exercising the rights of the defence in the executing State**
Legal remedies, Exercising the rights of the defence in hearing by video conference, The right to interpretation and translation under Directive 2010/64/EU, Admissibility of evidence
- 10.00 Discussion
- 10.15 Coffee break
- 10.45 **Debriefing on Workshop/Case study 2**
Challenges to the admissibility of evidence obtained in another country OR the interplay between EIO and EAW in investigations – when authorities should issue EAW instead of EIO
- 12.00 **Prospects to the future: New EU rules for gathering electronic evidence?**
The proposals on European Production and Preservation Orders
- 13.00 Discussion
- 13.15 **Evaluation**
- 13.30 **END OF SEMINAR**

