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Editorial

EDITORIAL

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Dear Readers,

Digitalisation is not just the future but already an undeniable reality in today's society! Our task now is to strive for its best and most efficient use. For actors involved in international cooperation, in particular, digitalisation involves a number of sweeping technical and legal changes as well as changes to our mind-set. In the words of American writer *Stewart Brand*, "Once a new technology rolls over you, if you're not part of the steamroller, you're part of the road."

Several commendable digitalisation reforms have been set in motion, including in the field of criminal law. The widely welcomed Regulation (EU) 2023/2844 on Digitalisation of Judicial Cooperation introduces the digital transformation of the justice sector. Its provisions on videoconferencing and the transmission of mutual recognition requests via a decentralised IT system are perfect examples of the open-minded response to this challenging and unstoppable trend. The impact of the Digitalisation of Judicial Cooperation Committee is visible: it brings together the relevant services and authorities from EU Members States and EU bodies/agencies to discuss the necessary introduction of changes to the various cooperation instruments.

In addition, Joint Investigation Teams (JITs) are being adapted to the digital environment. One reform that will soon take root is the new Collaboration Platform (established by Regulation (EU) 2023/969). It will allow JIT members to access a digital platform where all evidence in electronic format will be at the disposal of the national authorities involved and available for the relevant national criminal proceedings. Existing tools have been upgraded to transition to the digital age and practitioners staffed with the adequate resources.

The new EU legislation on e-evidence (Regulation (EU) 2023/1543 and Directive (EU) 2023/1544) represents perhaps the most significant and certainly challenging step forward. It marks a revolution in the mutual recognition instruments: for the first time, a cooperation instrument does not connect two competent authorities of different Member States, but now one judicial authority interacts with a representative of a private entity; depending on the circumstances, the entire process of executing a request may take place without any involvement of a public authority in the executing Member State (the enforcing authority).

The Digital Services Act (Regulation (EU) 2022/2065) has also gained relevance. It aims to protect the digital space against the spread of illegal content while at the same time ensuring the protection of fundamental rights by creating a safe and trusted online environment for users. In contrast to the initiatives mentioned above, the Act does not focus on public authorities and their ways of cooperation. It is a necessary complement that provides the private sector with a common ground from which it can work together with the public sector.

The EU is also pioneering legislation in the field of Artificial Intelligence (AI) with the recent AI Act (Regulation (EU) 2024/1689). It tackles crucial issues, e.g., the definition of prohibited or high-risk AI systems, and includes obligations for providers and deployers. The possibility to use real-time remote biometric identification systems in publicly accessible spaces for the purpose of law enforcement is a complex topic that is also under consideration by the Union legislature.

We, as practitioners, must reflect on these digital challenges and swiftly bring the new legal mechanisms into operation. The actors involved (including EU agencies such as Eurojust and Europol, networks like the European Judicial Network and the European Judicial Cybercrime Network, and private entities) are working hard towards cooperation, so that all these innovative instruments become a coherent, efficient, and synchronised machinery, able to produce the necessary results for the well-being of our society.

Let's contribute to change our mindsets towards the new digital future!

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Editorially reviewed articles published in English, French, or German, are complemented by timely news and analysis of legal and policy developments across Europe.

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