

Commission Wants Mandate to Negotiate International Rules on E-Evidence



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News

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On 5 February 2019, the [Commission presented two recommendations](#) to the Council that would allow the Commission to negotiate international rules for obtaining electronic evidence. The first recommendation relates to a possible “executive agreement” with the U.S. within the framework of the U.S. CLOUD Act (see [euclid 4/2018, p. 207](#)).

The second recommendation aims at enabling the Commission to participate in negotiations on a second additional protocol to the Budapest Cybercrime Convention of the Council of Europe. The second additional protocol is currently under discussion in the Council of Europe; it intends to further strengthen this international cooperation, including obtaining access to electronic evidence, enhancing mutual legal assistance, and setting up joint investigations.

It is now up to the Council to adopt the negotiating mandates. An initial consideration at the ministerial level [took place at the JHA Council meeting on 7-8 March 2019](#). The Romanian Council Presidency intends to accomplish the adoption of the mandates by the end of June 2019 at the latest.

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