

E-Evidence Legislation – State of Play



Thomas Wahl

News

At a [videoconference on 9 October 2020](#), the German Council Presidency informed the justice ministers of the state of play regarding the e-evidence legislative proposals, submitted by the Commission in April 2018 (→ [eucrim 1/2018, 35-36](#)). The proposals – one for a Regulation on the European Production and Preservation Order and one for a Directive on the appointment of legal representatives of the IT companies – aim to speed up access to electronic evidence regardless of the location of the data. The ministers reiterated their Council negotiating position as agreed on the Regulation in December 2018 (→ [eucrim 4/2018, 206](#)) and on the Directive in March 2019 (→ [eucrim 1/2019, 40](#)). The Presidency hopes that the European Parliament will adopt their position soon, so that trilogue negotiations can still start in 2020. However, the EP has [not shown essential moves](#) since MEPs' critical positions taken in 2019 (→ [eucrim 1/2019, 38-40](#)).

The European Commission also reported to ministers on ongoing international negotiations regarding e-evidence, which include negotiations for an EU-US agreement on cross-border access to e-evidence (→ [eucrim 3/2019, 179](#)) and negotiations in the Council of Europe on a second additional protocol to the Budapest Convention (→ [eucrim 4/2019, 248](#)).

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