

Eurojust Meeting Report on European Investigation Order



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European Law Forum: Prevention • Investigation • Prosecution

Cornelia Riehle

News

Eurojust published a [report](#) about a two-day meeting on the European Investigation Order (EIO) attended by prosecutors from the EU Member States as well as representatives from EU institutions and academia at Eurojust's premises in the Hague from 19-20 September 2018. The meeting provided a platform for debate in order to discuss potential problems and challenges.

The report gives an overview of the scope, content, form and language, issuing and transmission, recognition and execution, and specific investigation measures of an EIO. Furthermore, it outlines the specific support of EIO actors.

Overall, participants at the meeting concurred that, with the EIO, a stand-alone legal instrument covering all types of investigative measures (with the exception of JITs) in the field of evidence-gathering within the EU has been established.

The majority of participants also agreed that the Annex A form was a step forward in terms of simplifying formalities, improving quality, and reducing translation costs.

In relation to the issuing of an EIO, the possibility of a proportionality check by the issuing authority was positively assessed, as was the consultation mechanism that can be triggered by the executing authority when it has reasons to believe that the proportionality requirement has not been met. The need for a secure communication network allowing EIOs to be safely transmitted was emphasized. Eurojust, the EJC, and the European Commission offered support, including work on the e-evidence platform to allow secure transmission of the EIOs and MLA requests.

At the time the meeting took place, no experience had yet been gathered regarding the application of grounds for non-recognition.

The time limits offered under the EIO regime were seen as an improvement compared to traditional MLA. However, regret was expressed that the Annex B form to acknowledge receipt is not often used in practice.

With regard to the application of the speciality rule, it remains unclear whether the EIO has changed anything in this regard or not.

AUTHOR

Cornelia Riehle

Deputy Head of Section
Academy of European Law

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