

German Bar Association Highly Critical of EU's e-evidence Initiative



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European Law Forum: Prevention • Investigation • Prosecution

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News

On 4 September 2018, the German Bar Association (Deutscher Anwaltverein – DAV) published a statement on the two legislative proposals of the Commission on e-evidence (see [euclid 1/2018, pp. 35-36](#)). The statement ([SN 42/18](#)) criticises the initiative.

Regarding the proposed EU Regulation on a European Production and Preservation Orders for electronic evidence in criminal matters, the DAV lists a number of deficiencies. It objects to the “privatisation” trend in mutual legal assistance and calls upon the legislative institutions to improve the text, particularly in view of obligations of notification, legal remedies, and the use of unlawfully collected evidence.

Regarding the proposed Directive laying down harmonised rules on the appointment of legal representatives for the purpose of gathering evidence in criminal proceedings, the DAV has no fundamental objections, in principal, but sees need to establish rules on the competences of supervisory bodies in the respective Member States. It calls for detailed criteria on the location of the representative of the service provider.

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