Proposal for Recast of European Investigation Order

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eucrim
European Law Forum: Prevention • Investigation • Prosecution

News

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Preprint eucrim 2026, Vol. 21(2)
ISSN: 1862-6947
https://eucrim.eu

On 24 June 2026, the European Commission tabled a proposal for a recast of the 2014 Directive regarding the European Investigation Order in criminal matters. The Commission proposed several changes to the current provisions as well as new features taking into account the results of the 10th round of mutual evaluations that assessed the Directive between 2023 and 2024, the conclusions from the High-Level Group on access to data for effective law enforcement, and calls for targeted legislative action brought forward by Eurojust and the EJN. It also takes up relevant case law of the CJEU that highlighted legal uncertainties in the application of the EIO Directive.

The proposal's objectives are twofold:

- Improving legal certainty and operational effectiveness in the cross-border gathering of evidence in the EU;
- Drawing up common rules for requesting assistance to make it easier for suspects or accused persons and victims to participate remotely in criminal court hearings from another EU Member State.

With regard to the first objective, the proposal includes new rules on the following issues:

- The use of evidence for other purposes and its onward transfer;
- The definition of the notion "telecommunications";
- The procedural aspects of the notification procedure for interception of telecommunications without the need for technical assistance of another Member State;
- The definition of the "issuing authority";
- The procedures to request evidentiary use of information previously exchanged between law enforcement authorities or spontaneously exchanged between judicial authorities;
- Setting out rules on the use of technical recording devices and on cross-border surveillance for the purpose of evidence gathering;
- Establishing rules on the provisional execution of investigative mesures implying a gathering of evidence in real time, such as controlled deliveries, interception of telecommunications, and cross-border surveillance.

Regarding the second objective, the proposal introduces a new "European Remote Participation Order" (ERPO). It sets out the conditions for issuing and executing an ERPO, and the related procedural safeguards and remedies. The ERPO initiative therefore pursues several aims:

- Reducing the number of cross-border trials in absentia;

- Ensuring that exercising the right to free movement within the Union does not, in practice, diminish the effective enjoyment of procedural rights in criminal proceedings;
- Reducing the risks of secondary victimisation for victims of crime by limiting, where appropriate, the need for repeated travel, unnecessary exposure to stressful environments, or direct confrontation with the suspect or accused person in cross-border situations;
- Constituting an alternative to physical surrender under the European Arrest Warrant scheme, where the coercive measures are disproportional.

Background: The proposal is part of a larger package published on 24 June 2026 to strengthen the EU's response to the evolving criminal landscape. The package includes revisions of the two regulations on Europol and Eurojust, and amendments to the Data Protection Regulation for Union institutions and bodies (→separate news items and related links).

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The project is co-financed by the Union Anti-Fraud Programme (UAFP), managed by the European Anti-Fraud Office (OLAF).

Co-funded by
the European Union