Report of the High-Level Forum on the Future of EU Criminal Justice

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News

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On 1 December 2025, the High-Level Forum on the Future of EU Criminal Justice (HLF) published a final report summarising the discussions and key insights from participants at the forum's plenary meetings.

Launched in February 2025, the HLF reviewed the progress made in the criminal limb of the Area of Freedom, Security and Justice and provided input for a new vision for the future of EU criminal justice. Organised by the European Commission and the Council Presidency, the Forum gathered more than 100 participants, including high-level representatives from the Member States, the European Parliament, relevant EU JHA bodies and agencies (OLAF, the EPPO, Europol, Eurojust, EJN, etc.). External stakeholders were also present, including representatives from academia, legal practitioners, defence lawyers' associations (ECBA, CCBE), civil society, and other organisations/networks. Throughout 2025, participants met in four plenary meetings to share their views on specific thematic issues involving the five main pillars of EU criminal justice:

- **Substantive criminal law**, focusing on the possible need to update the existing EU acquis;
- **Judicial cooperation** and mutual recognition in criminal matters, assessing the need to amend and clarify relevant EU instruments;
- **Procedural safeguards** in criminal proceedings, discussing how to strengthen procedural safeguards for suspects and accused persons, and address gaps in legislation;
- **Digitalisation** in criminal justice, reflecting on possible new non-legislative and legislative instruments, as well as the use and challenges of artificial intelligence (AI);
- **EU JHA agencies and bodies**, considering the future of Eurojust, Europol, the EPPO and OLAF in light of the envisaged review of their founding regulations.

The final report synthesises the key insights, priorities, and policy directions raised by participants during the meetings. As the views were sometimes contradictory, the report rather provides food for thought rather than clear recommendations. The report summarises the reflections made for each of the above-mentioned pillars in grey boxes. The main aspects for future direction can be outlined as follows:

Substantive criminal law

- Focusing on the correct implementation of the existing EU acquis, and ensuring consistency and coherence among future criminal law legislative initiatives;
- Exploring possible adaptations to the existing EU substantive criminal law *acquis* in view of AI developments, including possible new EU legislation to tackle AI-enabled crime;

- Considering the need for, and adequacy of, legal bases for adopting new EU criminal law initiatives for maintaining respect for EU values, notably in the area of hate offences;
- Exploring the need to criminalise the violations of intellectual property rights, particularly the counterfeiting of medical products;
- Exploring the possible adoption of non-legislative measures to promote and support the Member States' action in crime prevention, including on the basis of Art. 84 TFEU.

Judicial cooperation and mutual recognition in criminal matters

- Examining targeted amendments to the EIO Directive;
- Exploring rules on remote participation via videoconference in cross-border court hearings for suspects and accused persons;
- Considering ways to further strengthening the effectiveness of the functioning of the EAW, while focusing on non-legislative measures;
- Improving the coherence of the pre-Lisbon Framework Decisions via targeted amendments or non-legislative measures;
- Examining the opportunity to develop rules for cross-border investigations for the purpose of asset recovery in the execution phase;
- Pursuing the preparation of an Impact Assessment on the need for EU rules on data retention as a matter of legislative priority.

Procedural safeguards in criminal proceedings

- Following-up on the measures taken by Member States in relation to the 2013 Recommendation on procedural safeguards for vulnerable persons (→eucrim 4/2013, 120-121);
- Effectively following-up on the 2022 Commission Recommendation on detention (→eucrim 4/2022, 250) and exploring further soft law measures on matters related to detention, or cross-border cooperation instruments on alternatives to detention, such as electronic monitoring;
- Exploring measures on the protection of legal professional privilege;
- Exploring non-binding actions on evidence gathering and admissibility of evidence in cross-border cases;
- Continuing to examine the need for further updates to the procedural rights *acquis* in light of new technological developments, including with respect to the recourse to AI-generated/produced evidence.

Digitalisation of criminal justice

- Continuing to develop the general mapping exercise of the digitalisation of national justice systems and furthering EU funding for support with the digitalisation of justice through, *inter alia*, multi-country projects;
- Creating an IT toolbox (including AI tools) to help Member States accelerate their level of digitalisation and generate cost savings;
- Promoting the coordination of and the accessibility to national legislation and case-law online;
- Supporting the adoption of voluntary, non-binding common technical standards for videoconferencing and creating a videoconferencing hub to help overcome interoperability issues in cross-border videoconferencing;
- Examining the need for a legislative initiative to establish a criminal justice cross-check mechanism to prevent *ne bis in idem* violations;

- Providing guidance on the use of high-risk AI systems in justice, emphasising that AI tools must remain strictly advisory and have robust human oversight:

EU JHA agencies and bodies

- Reducing duplication of efforts and overlaps between JHA agencies and bodies.
- Considering the setting up of a modernised criminal justice cross-check mechanism involving JHA agencies and bodies, which would allow for multilateral (semi-)automated searches in each other's case management systems;
- Assessing the views expressed during the HLF in the context of the revisions to the Eurojust, Europol and EPPO Regulations;
- Further exploring the relevance and feasibility of extending the EPPO's competence to violations of Union restrictive measures.

Follow-up

As an early step to put the discussions from the High-Level Forum into action, the European Commission published a consultation on the European Investigation Order (EIO) Directive 2014/41/EU on 6 January 2026. As discussed, the Directive is set to be ready for targeted amendments. Firstly, substantive and procedural additions to the EIO are to be examined. Secondly, the inconsistent legal situation in the Member States regarding the remote participation of suspects, accused persons and victims in court proceedings by video conference is to be addressed. By 3 February 2026, the Commission had received a total of 15 responses to the consultation.

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