

# As of today the “European Investigation Order” will help authorities to fight crime and terrorism

For instance, if French judicial authorities are tracking terrorists hidden in Belgium, they can ask their Belgian counterparts to interrogate witnesses or conduct house searches on their behalf. This new tool will simplify and speed up cross-border criminal investigations.

Věra Jourová, Commissioner for Justice, Consumers and Gender Equality said: *“Criminals and terrorists know no borders. Equipping judicial authorities with the European Investigation Order will help them cooperate effectively to fight organised crime, terrorism, drug trafficking and corruption. It will give judicial authorities access to evidence quickly wherever it is in the EU. I call on all Member States to implement it as quickly as possible to improve our common fight against crime and terrorism. In June we will also discuss with Member States solutions to facilitate the collection and exchange of e-evidence. It is time to fully modernise the tools available to judicial authorities to conduct investigations. “*

The [European Investigation Order](#) is based on mutual recognition, which means that each EU country is obliged to recognise and carry out the request of the other country, as it would do with a decision coming from its own authorities.

## **The European Investigation Order will bring the following advantages:**

- **It creates a single comprehensive instrument with a large scope** – It will replace the existing fragmented legal framework for obtaining evidence. It will cover the whole process of collecting evidence, from the freezing of evidence to the transfer of existing evidence, for Member States participating.
- **It sets strict deadlines for gathering the evidence requested** – Member States have up to 30 days to decide if they accept a request. If accepted, there is a 90-day deadline to conduct the requested investigative measure. Any delay will be reported to the EU country issuing the investigation order.
- **It limits the reasons for refusing such requests** – The receiving authority can only refuse to execute the order under certain circumstances, e.g. if the request is against the country’s fundamental principles of law or harms national security interests.
- **It reduces paperwork by introducing a single standard form** translated into the official language of the executing State for authorities to request help when seeking evidence.
- **It protects the fundamental rights of the defence** – The issuing authorities must assess the necessity and proportionality of the

investigative measure requested. A European Investigation Order has to be issued or validated by a judicial authority, and the issuing of an order may be requested by a suspected or accused person, or by a lawyer on his/her behalf in line with the defence rights and with national criminal procedures. Member States must ensure legal remedies equivalent to those available in a similar domestic case and ensure that persons concerned are properly informed of these possibilities.

In particular, the European Investigation Order allows for:

- temporary transfer of persons in custody in order to gather evidence;
- checks on the bank accounts and financial operations of suspected or accused persons;
- covert investigations and intercepting telecommunications;
- measures to preserve evidence.

Traditional investigation tools are not always adapted to the digital world we live in. Judicial authorities need ways to access evidence in the cloud and located in another or somewhere else in the world. The Commission is currently working on solutions to equip judicial authorities with modern investigation tools to simplify their access to e-evidence.

### **Next steps**

Member States had time to implement the European Investigation Order in national legislation by today, 22 May 2017. The European Commission will now analyse the state of the implementation and follow up with Member States in case they have not taken the necessary measures yet.

At the Justice Council on 8 June, the Commission will present solutions to improve cross-border access to e-evidence.

### **Background**

The Directive is based on the **principle of mutual recognition for judicial decisions** when it comes to obtaining evidence for use in criminal proceedings.

This directive applies to all EU countries except Denmark and Ireland, which are not taking part. The United Kingdom decided to participate in the proposed Directive. It replaces existing EU mutual legal assistance schemes for gathering evidence, notably the [2000 EU Mutual Legal Assistance Convention](#) and [Framework Decision 2003/577/JHA](#) on the freezing of evidence.

On 21 May 2010, seven EU Member States (Austria, Belgium, Bulgaria, Estonia, Slovenia, Spain and Sweden) put forward an initiative for a European Investigation Order. The Directive was adopted in 2014 jointly by the Council and the European Parliament.

### **For more information**

[Directive 2014/41/EU regarding the European Investigation Order in criminal matters](#)

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