EVIDENCE2 e-CODEX: Linking EVIDENCE INTO e-CODEX FOR EIO AND MLA PROCEDURES IN EUROPE

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GOALS

- Pre-piloting the EVIDENCE proposal and achievements together and with e-CODEX for the specific purposes of allowing the secure and trusted exchange of digital evidence among EU MSs in the EIO and MLA context
SYNERGIES AND COORDINATION

- e-Evidence Digital Exchange System (EC)
- EXEC (led by MoJ-AT) secure and trusted infrastructure
- e-CODEX initiatives and related projects

The whole environment will allow the **FAST, SECURE and TRUSTED** transmission of EIO and exchange of electronic evidence by means of ICTs
EXTERNAL ADVISORY BOARD

- EUROJUST
- EUROPOL (Data Protection Function)
- OLAF (DPO, Digital Forensics Team)
- Digital forensics software company (Cellebrite Ltd)
- European Cybercrime Training and Education Group - ECTEG
PILLARS OF THE ACTION

EIO Evidence Exchange

- Legal Context
- Technical Solutions
- Stakeholders Involvement

www.evidence2e-codex.eu
WORKFLOW

WP1 MANAGEMENT AND COORDINATION OF THE PROJECT

WP2 LEGAL ISSUES

WP3 STAKEHOLDER ENGAGEMENT, MUTUAL LEARNING AND CAPACITY BUILDING

DIGITAL EVIDENCE DOMAIN

WP3 MATCHING EVIDENCE INTO E-CODEX

TRUE TO LIFE EXAMPLE

A SECURE AND TRUSTED EXCHANGE OF INFORMATION AND ELECTRONIC EVIDENCE

ACTION PLAN
LEGAL CONTEXT

- Implementation and execution of the EIO
- EIO - MLA interactions
- Data protection implications
- Identify best practices

EIO and MLA

www.evidence2e-codex.eu
TECHNICAL/OPERATIONAL ISSUES

- Still manual dealing with EIO/MLA Procedures
- Human-based evidence exchange
- Exchange of large files of evidence
**TECHNICAL ACTIVITIES**

- Evidence exchange
- Standard representation Evidence metadata CASE ontology
- Exchange large file of evidence
- EESP application for EP preparation and its exchange over e-CODEX
FINDINGS AND OUTPUT
GENERAL LEGAL FINDINGS

- Still unclear interaction between EIO and MLA instruments
- Missing of a general obligation for all MSs of official reporting on EIO issued and transmitted
- Unclear competences of the administrative authorities when acting as competent authority under EIO
- Issues with the identification of the competent executing authority
- Language/translation regime issues
- Need for a complete tailored made Training
- Lack of a regular institutional relationship between MSs and ISPs
TECHNICAL RESULTS (1)

- Developing and promoting a standard language (CASE ontology) for the representation of Digital Evidence (data and meta data) to foster interoperability and strength admissibility
- Developing Use Cases for the implementation of the true to life example of Digital Exchange through the R.I. portal and over e-Codex
- Developing software utilities to convert the current forensic tools output in CASE standard
TECHNICAL RESULTS (2)

- Studying and proposing solution for dealing with Large File of Evidence exchange
- Developing the Evidence Exchange Standard Package (EESP) application that supports the standard CASE, prepare the Evidence Package and facilitates its exchange, in a secure manner to guarantee confidentiality, integrity and authenticity of the Evidence, with the R.I. portal, between Forensic Labs/LEA and National Judicial Authorities
CROSS FERTILIZATION RESULTS

- Workshop 1 Legal Community: 15 January 2019, Brussels, 61 participants including public prosecutors, judges, lawyers, LEAs, private entities, EU institutions (D4.1)
- Workshop 2 Technical Community: 26-27 March 2019, The Hague – 53 participants, including DFL, forensic solution providers, MoJs, technicians, IOs, national authorities (D4.2)
- Workshop 3 Legal & Technical Communities: 25-26 September 2019, Florence – 66 participants including MoJs, judicial and LEA authorities, forensic experts and tool developers, lawyers, academia, EU bodies (D4.3)
OVERALL FINDINGS (1)

- Exponential increase in requests for transnational cooperation in criminal matters, participants praised EVIDENCE2e-CODEX efforts and that of similar initiatives.
- Participants agreed EIO instrument still novel and time is need to handle properly.
- EIO brought significant upgrade, nevertheless MLA still important role.
- Participants unanimous about benefit of the EESP by enabling authorities to work with a standardized validation tool.
- Highlighted the importance of a user-friendly EESP to ensure its uptake as a voluntary instrument by end-users.
OVERALL FINDINGS (2)

- Strong support for the CASE standard
- Important to have future-proof solution as technology evolves constantly
- Promotion of project results international fora i.e. 2019 INTERPOL-Europol Cybercrime Conference
- Synergies with other initiatives in the area i.e. -MLA
## Investigating the Future ISP Perspective

<table>
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<tr>
<th>SECTION</th>
<th>BARRIER</th>
<th>ACTIONS</th>
<th>ACTORS</th>
<th>TIMELINE</th>
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<tr>
<td>Cooperation with Internet Service Provider and EIO</td>
<td>Lack of a regular institutional relationship between MSs and ISPs</td>
<td>Create a common and standardized framework in collaboration with ISPs in order to facilitate the flow of request and delivering of data owned by ISPs</td>
<td>EC with a new funded Project</td>
<td>Mid term measures to be started by June 2020</td>
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<td>Fragmented use of different legal tools for requesting information to ISPs also due to a lack of an EU common legal framework</td>
<td>Uniform guidelines on the legal tools to be used to request data to ISPs by EU MSs</td>
<td>EC with a new funded Project after the approval of the two pending proposal by the European Commission</td>
<td>Mid term measures to be started by June 2020</td>
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<td>Different templates and forms used when requesting data as a common form/template is not available</td>
<td>Agree on a common template to be used by MSs when requesting Information to ISPs</td>
<td>EC with a new funded Project after the approval of the two pending proposal by the European Commission</td>
<td>Mid term measures to be started by June 2020</td>
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<td>Different means of transmission of the requests and different forms of the data communicated</td>
<td>Adoption of a common formal standard to be used when packaging the data and transmitting them electronically</td>
<td>EVIDENCE2e-Codex Project EC e-EVIDENCE project</td>
<td>Mid term measures to be started by June 2020</td>
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FUTURE ACTIVITIES

- EXEC II (submitted proposal)
- CCDB (submitted proposal)
- TREIO (Training on EIO, approved)
- Eurojust (Discussion in progress, relating counter-terrorism fight and Evidence exchange)
Thanks for your attention!

Questions?
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