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EVIDENCE2E-CODEX

**Linking EVIDENCE into e-CODEX for EIO
and MLA procedures in Europe**

**Conclusion report and feedback from the Joint
WP4/EXEC Workshop on Merging Views**

Meeting technical and legal community to cross-fertilize views

Deliverable D4.3

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List of Abbreviations

Acronym	Explanation
CASE	Cyber-investigation Analysis Standard Expression
CCBE	Council of Bars and Law Societies of Europe
CNR-IGSG	National Research Council (Italy) - Institute of Legal Informatics and Judicial Systems, coordinator of the EVIDENCE2e-CODEX Project
EC	European Commission
ECTEG	European Cybercrime Training and Education Group
e-CODEX	e-Justice Communication via Online Data Exchange
EESP	Evidence Exchange Standard Package
e-Evidence	e-Evidence Digital Exchange System
EIO	European Investigation Order
e-MLA	Electronic Mutual Legal Assistance
EU	European Union
Europol	The European Union's law enforcement agency
EVIDENCE	'European Informatics Data Exchange Framework for Court and Evidence' Project, GA No 608185
EVIDENCE2e-CODEX	'EVIDENCE2e-CODEX Linking EVIDENCE into e-CODEX for EIO and MLA procedures in Europe' Project, GA No. 766468
EXEC	'Electronic Xchange of e-Evidences with e-Codex' Project, GA No. 785818
GA	Grant Agreement
INTERPOL	International Criminal Police Organization
K&I	Knowledge and Innovation Srl. (Italy), partner in the EVIDENCE2e-CODEX project
LEA	Law enforcement agency
LIBRe	LIBRe Foundation (Bulgaria), partner in the EVIDENCE2e-CODEX project



MLA	Mutual Legal Assistance
NFI	Netherlands Forensic Institute
UCO	Unified Cyber Ontology
WP	Work Package



Executive Summary

Deliverable D4.3 “Conclusion report and feedback from the joint WP4/EXEC Workshop on Merging Views - Meeting technical and legal community to cross-fertilize views” is drafted in conformity with the Grant Agreement of the ‘EVIDENCE2e-CODEX linking EVIDENCE into e-CODEX for EIO and MLA procedures in Europe’ (EVIDENCE2e-CODEX) project. The final WP4 event “Joint WP4/EXEC Workshop on Merging Views - Meeting technical and legal community to cross-fertilize views” was held on 25 and 26 September 2019 in Florence. The event was co-organized by CNR-IGSG (EVIDENCE2e-CODEX project coordinator) and LIBRe Foundation (LIBRe), partner responsible for dissemination and communication activities, and members of both the EVIDENCE2e-CODEX and EXEC projects. Also involved in the organization was the team of the e-Evidence Digital Exchange System (e-Evidence) initiative led by the European Commission. The joint WP4/EXEC workshop represents the culmination of WP4 stakeholder engagement efforts on EVIDENCE2e-CODEX project activities and results. This workshop was held in the framework of a series of three events dedicated to meeting representatives of the legal¹ then technical² communities. These were followed by a closing, merged event to cross-fertilize experts’ views on issues identified.

This deliverable details the event structure, where first day focused on presentations, use cases and demonstrations followed by a more practical and hands-on second day. The deliverable covers the identification process of attendees and their background. It continues with an outline of the workshop’s content, including the essence of discussions held following the presentations, demonstrations and practical labs. This event provided an opportunity for prospective end-users to test the latest version of the Reference Implementation Portal and to familiarize experts with the Evidence Exchange Standard Package (EESP) application, its functioning and interaction with the e-Evidence Digital Exchange System. The deliverable mentions the dissemination efforts undertaken prior to, during and following the event, such as presentation of the

¹ ‘EVIDENCE2e-CODEX: Meeting the Legal Community’, 15 January 2019, Brussels, Belgium, <https://evidence2e-codex.eu/a/wp4-workshop-1>

² ‘Meeting the Technical Community: Validation of the Evidence Exchange Standard Package Application’, 26-27 March 2019, The Hague, the Netherlands, <https://evidence2e-codex.eu/a/wp4-workshop-2>



EESP web application at the 7th Europol-INTERPOL Cybercrime Conference. This report ends with some conclusions and observations shared by the stakeholder community regarding the EESP tool and the broader EVIDENCE2e-CODEX goals of facilitating transnational judicial cooperation.

The workshop participants expressed enthusiasm and support with regards to the added-value of the EESP application in transferring digital evidence packages by enabling authorities to work with a standardised validation tool. They reiterated the importance of having a straightforward e-Evidence system architecture and an easy to use EESP application, to encourage their adoption by the end-user community. The participants acknowledged the particularities characterising the dynamic field of digital forensics and the consequences this has for the handling of electronic evidence.

The consortium collected the expert feedback for analysis in order to fine-tune the project and its results before its official completion. The input and recommendations contribute to shaping the EESP tool in a way that best meets stakeholder needs and responds to their requirements by providing them with a feasible solution. The final EVIDENCE2e-CODEX conference will be held in Brussels on 21 and 22 January 2020 jointly with the official release of the e-Evidence Digital Exchange System.



1 Introduction

This document represents deliverable D4.3 of the 'EVIDENCE2e-CODEX linking EVIDENCE into e-CODEX for EIO and MLA procedures in Europe' (EVIDENCE2e-CODEX) project. EVIDENCE2e-CODEX is a European Union funded project under the Justice Programme (2014-2020) that seeks to create a legally valid instrument for the exchange of digital evidence over the e-Justice Communication via Online Data Exchange (e-CODEX) platform in the framework of Mutual Legal Assistance (MLA) and European Investigative Order (EIO) procedures.

Deliverable D4.3 is prepared within the scope of WP4 "Stakeholder engagement, Mutual learning and Capacity Building for Professionals, Policy makers and Technicians" efforts. The below extract serves as a reminder of the WP4 objectives and activities as listed in the Grant Agreement (GA):

Work package number ⁹	WP4	Lead beneficiary ¹⁰	1 - CNR
Work package title	Stakeholder engagement, Mutual learning and Capacity Building for professionals, Policy makers and technicians		
Start month	1	End month	21

Objectives
Providing stakeholders with 'ready for use' information on EIO, electronic evidence and e-CODEX. The European Judicial Training Network (EJTN) organizes workshops on the topic of electronic evidence and EIO, and therefore it will be a natural partner to share and distribute details about the workshops. For the future we foresee a closer working relationship with EJTN.

Description of work and role of partners
<p>WP4 - Stakeholder engagement, Mutual learning and Capacity Building for professionals, Policy makers and technicians [Months: 1-21] CNR, RUG, CETIC, ELF, LIF, INTERPOL, K&I, MoJ-NL, MoJ-DE, MoJ-IT, LIBRe, BMJ-AT, MoJ-FR, MoJ-PT, UNI-THESS, UOM, UNIL-CH, UNI-WIE</p> <p>Task 4.1 (M1-M6. Leader CNR, INTERPOL, Partners K&I). Identifying and mapping stakeholders</p> <p>Task 4.2 (M8-M11. Leader CNR, Partners ALL) – Workshop1: Meeting (duration of 1-2 days depending on the program of the meeting and on the number of stakeholders that will join) the legal community Stakeholder engagement. Inform legal community ALL (prosecutors, law enforcement, judiciary, lawyers, policy advisors) on EIO and e-Evidence, the legal issues involved and the available instruments for technical support and get feedback from them. All partners are invited to join (their travel budget is also calculated taking these costs into consideration) and EAB will be invited as well (Travel budget for them is allocated in the coordinator's travel budget). The location chosen will be the easiest to be reached by all partners and stakeholders and this may lead to a choice of not very cheap venues (i.e Brussels, Amsterdam, The Hague, Vienna).</p> <p>Task 4.3 (M12-M15, Workshop: Meeting (duration of 1-2 days depending on the program of the meeting and on the number of stakeholders that will join) the Technical community. Leader CNR, Partners ALL). Inform technicians that serve the legal ALL community on the available instruments, what the back office should bring to make use of Evidences and e-CODEX and collect issues surfacing at technical level that require policies and get feedback from them. All partners are invited to join (their travel budget is also calculated taking these costs into consideration) and EAB will be invited as well (Travel budget for them is allocated in the coordinator's travel budget). The location chosen will be the easiest to be reached by all partners and stakeholders and this may lead to a choice of not very cheap venues (i.e Brussels, Amsterdam, The Hague, Vienna).</p> <p>Task 4.4 (M18-M21, Leader CNR, Partners ALL). Workshop (duration of 2 full days) Merging views in the show-case and sharing it with the communities and fertilization of challenges and issues arose in the legal and technical contexts. All partners are requested to join (their travel budget is also calculated taking these costs into consideration) and EAB will be invited as well (Travel budget for them is allocated in the coordinator's travel budget). The location chosen will be the easiest to be reached by all partners and stakeholders and this may lead to a choice of not very cheap venues (i.e Brussels, Amsterdam, The Hague, Vienna).</p> <p>Task 4.5 (M20-M21, Leader CNR, Partners RUG, INTERPOL, e-CODEX). Action plan for EU implementation of the 'true to life' example in all MS.</p>

Figure 1: Extract from the GA on WP4 description, page 21



As the EVIDENCE2e-CODEX project advanced, it maintained the synergies established from the beginning with two related initiatives, namely Electronic Xchange of e-Evidences with e-CODEX (EXEC)³ and e-Evidence Digital Exchange System (e-Evidence)⁴, which also endeavour to enable competent authorities exchange electronic evidence under the EIO/MLA instruments. Since all these projects approach the end and given the similar level of maturity of developed tools, it was decided to organize a joint workshop on merging views and to test the interim results. Deliverable D4.3 is complementary to deliverable D2.2 “Workshop with professionals” prepared in the framework of the EXEC project covering the same event.

This report starts with a general presentation of the event objectives, structure and participants. The report continues with an outline of the event content, covering the essence of presentations made during the first day of the event, followed by an overview of the demonstrations and consequent discussions made during the more practical, second day. The deliverable mentions the dissemination efforts undertaken prior to, during and following the event. The report ends with some final thoughts shared by the stakeholder community regarding the EVIDENCE2e-CODEX project and its broader goals. For the reader’s convenience, the annexes comprise the:

- event agenda;
- list of participants;
- event supporting documentation “Evidence2e-Codex Evidence exchange in a nutshell”;
- logistical note.

The PowerPoint presentations made during the event that were authorised for sharing are available for consultation on the project website⁵.

³ Electronic Xchange of e-Evidences with e-Codex (EXEC) is an EU funded-project under the Justice Programme bringing together 21 partners including Ministries of Justice from EU member states. The project’s objectives include the setup of the e-Codex components and of the e-Evidence Reference Implementation created by the EC.

⁴ e-Evidence Digital Exchange System (e-Evidence) represents an initiative led by the European Commission to establish a secure, decentralized IT platform between competent Member State authorities, enabling them to communicate swiftly and exchange digital evidence in the context of the EIO and MLA instruments.

⁵ <https://evidence2e-codex.eu/a/merging-views-workshop>



2 Overview

The third and final WP4 event “Meeting technical and legal community to cross-fertilize views” represents the culmination of WP4 stakeholder engagement efforts on EVIDENCE2e-CODEX project activities and results. This workshop was held as part of a series of three events dedicated to meeting representatives of the technical and legal communities separately first, followed by a final, merged event to cross-fertilize experts’ views on issues identified.

Occurring later in the project’s lifecycle, the event presented the opportunity to test the project outcomes. As this was a joint EVIDENCE2e-CODEX/EXEC meeting with partaking of the e-Evidence team, the status of these three projects was presented, alongside technical overviews and demonstrations of specific tools, followed by practical sessions and discussions. Given the joint nature of the event, LIBRe and CNR-IGSG (participating in both EVIDENCE2e-CODEX and EXEC projects) and closely associated to the e-Evidence initiative, managed the organisation of this final workshop.

2.1 Objective

Based on past projects experiences, the consortium acknowledged the importance for practical and results-oriented initiatives such as EVIDENCE2e-CODEX to receive continuous feedback from end-user representatives as the project unfolds. Within the overall project structure, this is reflected in the fact that a whole work package (WP4) is dedicated to stakeholder engagement, mutual learning and capacity building for professionals, policy makers and technicians.

Given the project’s subject matter, namely, to create a legally valid instrument to exchange digital evidence over e-CODEX, two general types of stakeholders have been identified, a) technical and b) legal. The representatives of these stakeholder communities were continuously updated on the project developments and findings through the organisation of three WP4 workshops.



The first WP4 workshop dedicated to stakeholder engagement with the legal community was held on 15 January 2019 in Brussels.⁶ It enabled the consortium to:

- share with prosecutors, judiciary, law enforcement, and lawyers, the project's legal research outcomes (i.e. WP2 preliminary findings on EIO and MLA legal implications),
- collect their feedback on the practical realities surrounding EIO implementation, its co-existence with the MLA, and
- discuss other available instruments.

A follow-up technical workshop "Meeting the technical community to validate the Evidence Exchange Standard Package Application" took place on 26-27 March 2019 in The Hague⁷. The meeting engaged the technical community with the EVIDENCE2e-CODEX achievements and goals by:

- providing a demonstration of the Evidence Exchange Standard Package Application (EESP), and
- informing technicians that serve the legal community about available instruments and back-office needs for enabling evidence transfer via e-CODEX.

The event also enabled the consortium to collect issues surfacing at the technical level that require policies and to get feedback from participants on possible solutions.

2.2 Structure

This "Meeting technical and legal community to cross-fertilize views" started with overview presentations of each of the three projects:

⁶ Detailed information about this event and its outcomes is presented in deliverable D4.1 "Conclusion report and feedback from the first WP4 Workshop dedicated to Stakeholder Engagement with the Legal Community".

⁷ Detailed information about this event and its outcomes is presented in deliverable D4.2 "Conclusion report and feedback from the Joint WP3/WP4 Technical Workshop validating the Evidence Exchange Standard Package Application".

- CNR-IGSG, coordinator of the EVIDENCE2e-CODEX project, welcomed the participants and presented the EVIDENCE2e-CODEX project, its objectives as well as the aim of the event;
- The Austrian Federal Ministry of Constitutional Affairs, Reforms, Deregulation and Justice presented the EXEC (Electronic Xchange of e-Evidences with e-CODEX) initiative and its state of play;
- The European Commission, Director General for Justice and Consumers (DG JUST) provided an update on the status of the e-Evidence Digital Exchange System (e-Evidence) and the progress with the development of the Reference Implementation Portal⁸ as well as pending future actions.

Through presentations, focused discussions and practical sessions, the two-day workshop addressed the following questions:

- Actions and progress on legal issues for EIO and MLA in EU member states – in this regard, the University of Groningen, WP leader dealing with legal issues in both EVIDENCE2e-CODEX and EXEC projects, presented the latest findings and analysis regarding the co-existence of the two instruments;
- Interactions between the Evidence Exchange Standard Package (EESP) application and the Reference Implementation Portal;
- Practical labs for the use of the Reference Implementation Portal.

2.3 Stakeholders

A key element in the attainment of the WP4 objectives and for the successful organisation of WP4 workshops is the identification of the most relevant stakeholders. Therefore, the first task in WP4, Task 4.1 led by Knowledge & Innovation Srls

(K&I), concentrated on identifying the different types of stakeholders (i.e. with direct interest, or indirect role in the exchange, handling of electronic evidence) that should be involved in the different project activities. As previously reported,

⁸ The Reference Implementation is the front-end portal of the e-Evidence Digital Exchange System.



a questionnaire validated by the WP4 partners was circulated among the project consortium to capitalise on the interdisciplinary and international background of partners. The aggregated results were communicated to the consortium. Following additional input beyond the initial reporting period, K&I shared an updated version of the map in March 2019 comprising of a total of 181 potential stakeholders for project involvement. For detailed information on Task 4.1 activities, methodology and results (i.e. typological categories covered, geographical reach) please consult the Task 4.1 report prepared by K&I as well as the updated map.

In addition to the findings of Task 4.1, and since this was the third WP4 event, many stakeholders have been identified for participation in past EVIDENCE2e-CODEX events, such as the two former legal and technical workshops. Furthermore, with the involvement of the e-Evidence project, invitations have been extended to national experts participating in the e-Evidence working groups.

The workshop attendees included representatives from the following categories:

- Ministries of Justice;
- Judicial and law enforcement authorities;
- Forensic experts and tool developers
- Lawyers;
- EU institutions and bodies;
- Academia.

LIBRe handled the invitation process, reaching out to judicial authorities for nomination of up to three experts (legal, technical and handling EIO requests) to attend the "Meeting technical and legal community to cross-fertilize views". The invitations were officially sent between 10 July and 8 August to a selected list of legal and technical experts dealing with electronic evidence and engaged in past EVIDENCE2e-CODEX and EXEC events. Judicial authorities from the member states participating in both projects were invited alongside the list of experts and organizations shared by the e-Evidence project. The invitations targeted representatives of member states that use the e-CODEX infrastructure or are in



the process of installing it, while also welcoming participation from member states who are considering using the e-Codex infrastructure. As can be seen from the list of participants⁹, a total of 66 experts from 19 countries attended the workshop, including Austria, Belgium, Bulgaria, Italy, France, Latvia, Luxembourg, Denmark, United Kingdom, Portugal, Czech Republic, Germany, Spain, Croatia, Greece, Estonia, Malta, the Netherlands and Romania and representatives of EJM, EUROJUST, EUROPOL, ECTEG, NFI, CCBE. To facilitate stakeholders' attendance at the event, including travel and accommodation arrangements, LIBRe circulated a logistical note¹⁰ and a background note¹¹ to all the invites.

⁹ List available in Annex 1

¹⁰ Logistical note available in Annex 2

¹¹ Background note "EVIDENCE2e-Codex: Evidence exchange in a nutshell" available in Annex 3



3 Discussions

3.1 Welcome & EVIDENCE2e-CODEX Overview

CNR-IGSG, coordinator of the EVIDENCE2e-CODEX project, presented the project, its structure and origins, building on the findings of the EVIDENCE project, with the aim to pre-pilot the research outcomes on the exchange of digital exchange through the secure infrastructure provided by e-CODEX. The coordinator reminded participants of the overall goal to foster judicial cooperation in criminal matters, highlighting synergies with other projects in the area, such as e-Evidence, e-MLA, e-CODEX, INSPECTr. Participants were encouraged to provide their feedback and comments on the tools tested throughout the two-day event.

3.2 EXEC Overview

The Austrian Federal Ministry of Constitutional Affairs, Reforms, Deregulation and Justice in charge of coordinating EXEC, updated the audience on the status of the project's goal to set-up the e-CODEX components (connector & gateway) and e-Evidence Reference Implementation Portal in partner countries. This enables countries to use their national solutions or the Reference Implementation Portal provided by the EC. The EXEC consortium is made of 21 partners (17 full and 4 associated) from 15 EU member states. All the countries, except one, plan to use the Reference Implementation, whilst three countries are set to deploy both solutions. The project structure is similar to that of EVIDENCE2e-CODEX. Both projects rely on a WP dedicated to legal issues, which identifies amongst other the legal barriers which may hinder the successful implementation of the EIO instrument and recommends actions to overcome them. Highlighting the paramount role of user feedback for the implementation of a new system, EXEC deliverable D2.2 "Workshop with professionals" will report on collected feedback and the meeting's outcomes.



3.3 e-Evidence Digital Exchange System

The European Commission, DG JUST presented the progress in the development of the e-Evidence Digital Exchange System following the latest testing and release of the platform, including of the Reference Implementation Portal enabling the submission of a fully-fledged EIO request. To facilitate the hands-on exercise, the participants were provided with a demonstration of the platform’s workflow, system functionalities and extra features implemented. This demonstration included guidance through the process of issuing an EIO request, its processing, and identification of competent authorities through the court database. The evidence package is encrypted before its transmission via the e-Codex infrastructure and decrypted upon arrival enabling the content to be read. The platform is available in all EU official languages. The workflow allows the competent authority to have visibility over all assigned cases and to link cases.

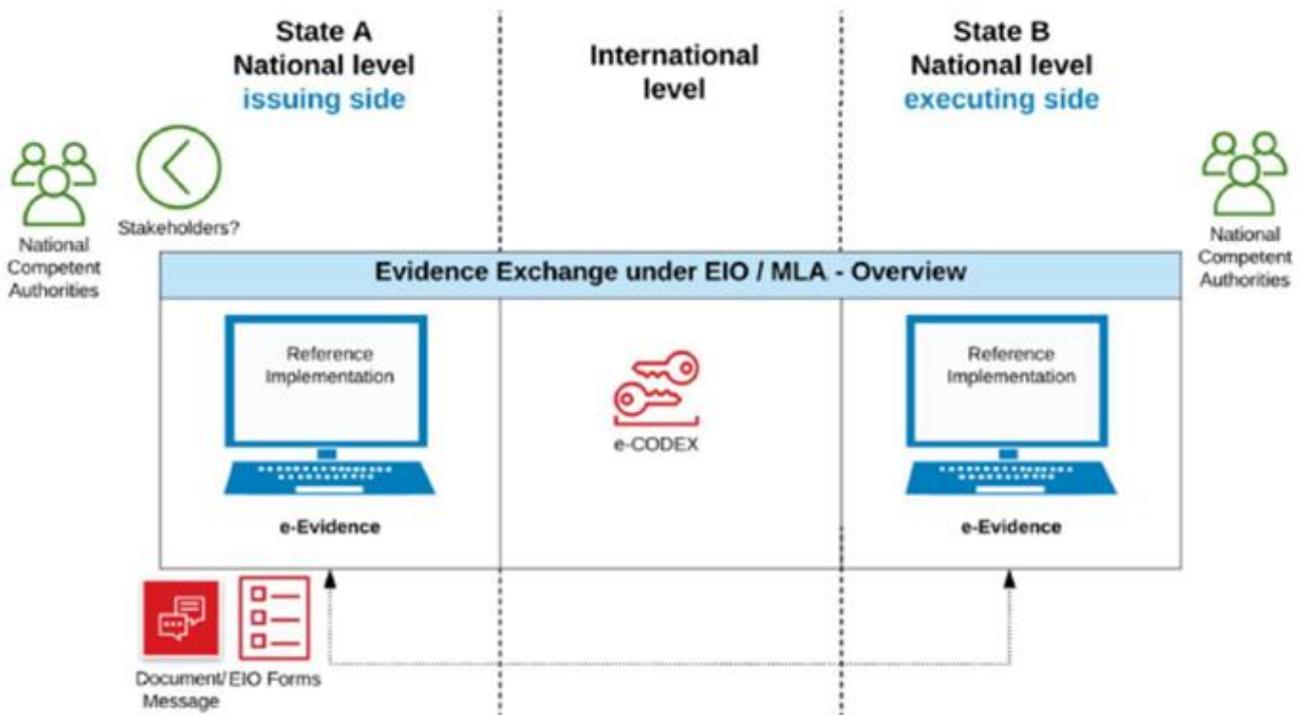


Figure 2: EIO/MLA management using the Reference Implementation

The member states are being distributed access to test the system. Throughout the national set-up of access points and the subsequent roll-out of the production ready Reference Implementation software, the EC will be providing its support services both remotely and on-site. The EC reiterated the importance of expert feedback on the platform’s functioning to ensure it responds to member states’

needs and expectations. The decentralised architecture of the system allows for information to be exchanged on a need to know basis. Hence, the EC will have no role in the actual exchange once the system goes live. This streamlines the underlying data protection considerations as each country focuses on complying and satisfying its own national data protection requirements. The audience referred to the issue of a secure legal basis for the use of the e-Evidence solution, which although operating on a voluntary basis would still be concerned with the adherence to minimum standards, legal and technical, acceptable to all the users. Being a decentralised solution, there are boundaries as to the support the EC can provide. Therefore, countries are encouraged to perform the minimum activities necessary for the system to function. In this context, the EC urged countries to take the opportunity offered by the ongoing [Connecting Europe Facility call](#) and join the proposal for an EXEC2 project in order to extend the e-CODEX technical infrastructure to member states lacking it.

The official release of the e-Evidence Digital Exchange System is scheduled for January 2020 together with the final joint EVIDENCE2e-CODEX/EXEC event.

3.4 Legal issues

The University of Groningen presented the latest results of the work undertaken within WP2. This legal work package has been guiding the project's technical efforts. The presentation focused on the findings and obstacles related to the EIO and MLA implementation in member states. Both systems seem to function more or less seamlessly together, with countries holding different preferences and views. Some of the critical reflections on the co-existence of the two tools include:

- persisting uncertainties as to their scope (when one instrument is to be used and not the other);
- difficulties in identifying the competent executing authority;
- dissatisfaction with the EIO time-limits and perceived rigidity of forms;
- recurring language issues, including quality and accuracy of translation, language regime, etc.

These examples reflect some of the answers received to the questionnaire prepared within the EVIDENCE2e-CODEX and EXEC projects, which may prove outdated in some instances as circulated over a year ago. The questionnaire



targeted legal and technical stakeholders. The team processed a total of 31 replies from 17 countries, of varying level of detail and precision. For a detailed review of these questionnaire replies, please refer to EVIDENCE2e-CODEX deliverable D2.2 “Report on EIO and MLA”. The workshop participants backed some of the findings and reported that some of the initial difficulties encountered at the introduction of the EIO instrument started to lessen as procedures settle down and the Ministries are given clearer guidelines.

The participants also discussed the issues reported in the CCBE survey¹² with regards to Article 1(3) provision of the EIO Directive, which states that an EIO can be issued by a suspect, and accused person and by a lawyer on his/her behalf. Thus far there is still limited experience with the application of this provision, which is not an absolute right but dependent upon a review process. In this regard, lawyers would welcome the provision of guidance, including through national or European templates. The participants did not express a preference for the pre-EIO period or the use of the MLA instrument as an ‘easier option’. However, some reported a sense of confusion with the multitude of instruments and channels available (i.e. Freezing orders, Europol, Schengen and INTERPOL), demanding clarification on what information can be obtained through which means. In this context, the INTERPOL representative reminded that the I-24/7 global police communications system enables authorized users to share sensitive and urgent police information with their counterparts around the globe in 194 countries, in addition to providing direct access to the many police databases managed by INTERPOL.

3.5 Evidence Exchange Standard Package (EESP)

CNR-IGSG provided an overview of the technical activities undertaken within the EVIDENCE2e-CODEX project to facilitate the understanding of the follow-up demonstration. Previous discussions focused on enabling the digital exchange of EIO and MLA legal instruments which would be a significant advance in the field of judicial cooperation. However, another essential element represents the evidence package itself, containing all the data and metadata. Returning to the

¹² CCBE circulated a survey on exchange of data with lawyers in the context of the EIO in November-December 2018. The replies were integrated into EVIDENCE2e-CODEX Deliverable D2.1.

transfer of an EIO request through the Reference Implementation portal over e-CODEX, the evidence package could be exchanged as a simple attachment without any specific representation. Nevertheless, the use of a standard, in this case the USO/CASE language¹³, offers numerous benefits:

- fostering interoperability,
- strengthening admissibility and trustworthiness, and
- enabling more advanced correlation and analysis, etc.

This is the role and advantage offered by the Evidence Exchange Standard Package (EESP) application developed within the EVIDENCE2e-CODEX project. The EESP relies on a web application that supports UCO/CASE language, the standard chosen for the representation of evidence package metadata. The EESP web application is used for the management and packaging of cyber-investigation information. It facilitates the transfer of the evidence package over the e-Evidence Digital Exchange System to the requesting competent authority. This is performed in accordance with the chain of custody and chain of evidence requirements while guaranteeing the confidentiality, authenticity, and integrity of data.

The potential uses of the EESP application include:

- creation of an evidence package following search and seizure;
- importing a report from a forensic tool into an evidence package, following forensic acquisition;
- reading the content of an evidence package;
- importing an evidence package from the competent authority of an executing state into the evidence package already in the hands of the competent authority of an issuing state;
- preparing an evidence package, including final report, for the competent authority of an issuing state.

¹³ The EESP application supports the Unified Cyber Ontology (UCO)/Cyber-investigation Analysis Standard Expression (CASE) language.

3.6 EESP Application Interaction with the e-Evidence Digital Exchange System

The e-Evidence Digital Exchange System provides the secure platform required to execute an exchange over e-CODEX to the competent authority of another country. At national level it operates the Reference Implementation Portal which ensures interoperability with existing national systems, as member states are free to adopt their own national solution provided it fulfils the common requirements. The evidence package produced by the EESP application contains the secure data and metadata as collected. An important player in this process are the forensic laboratories and/or law enforcement experts that have the required competencies to deal with the varieties of evidence encountered as part of an investigation. In the context of this infrastructure’s interaction with the EESP application, as can be seen from the figure below, an important aspect is ensuring that this multi-layered system remains user-friendly to encourage its voluntary endorsement by end-users.

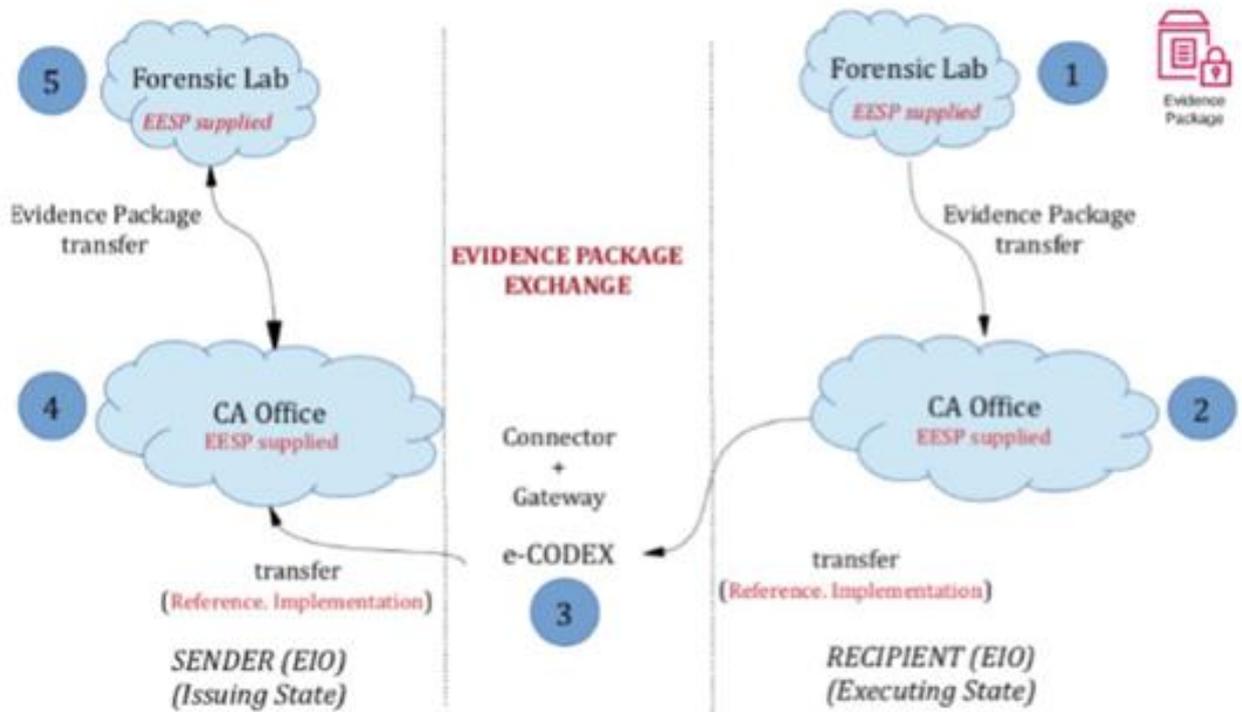


Figure 3: Evidence Exchange Scenario – Overview

3.7 EESP Application Use Case

In order to illustrate the EESP application's potential role in a real investigative case, the audience was presented with the investigation of a child grooming case via social media of a teenage girl living in Berlin:

The German competent authority authorized the acquisition of the girl's phone once the parents voluntarily handed it over to the LEA. The forensic acquisition was assigned to a German forensic laboratory, which used a specific forensic tool to perform the acquisition. An evidence package was created using the EESP application and was transferred to the German competent authority. The German competent authority received the evidence package and read its content. The extracted data revealed the involvement of an Italian man. As a result, the German competent authority issued an EIO through the Reference Implementation, to the Italian competent authority, requesting a search and seizure of the devices of the suspect and extraction of evidence from the seized items.

The Italian competent authority authorized the search and seizure and assigned an Italian forensics laboratory to carry out the action, including the extraction of data from the seized devices. The Italian forensic laboratory carried out the search and seizure, created a forensic image of the hard disk of the seized computer and carried out a forensic extraction of the data, revealing images of the victim.

An evidence package was created with the EESP application and was transferred to the Italian competent authority. The Italian competent authority received the evidence package, read its content and sent back the evidence package including the images found on the hard disk to the German competent authority.



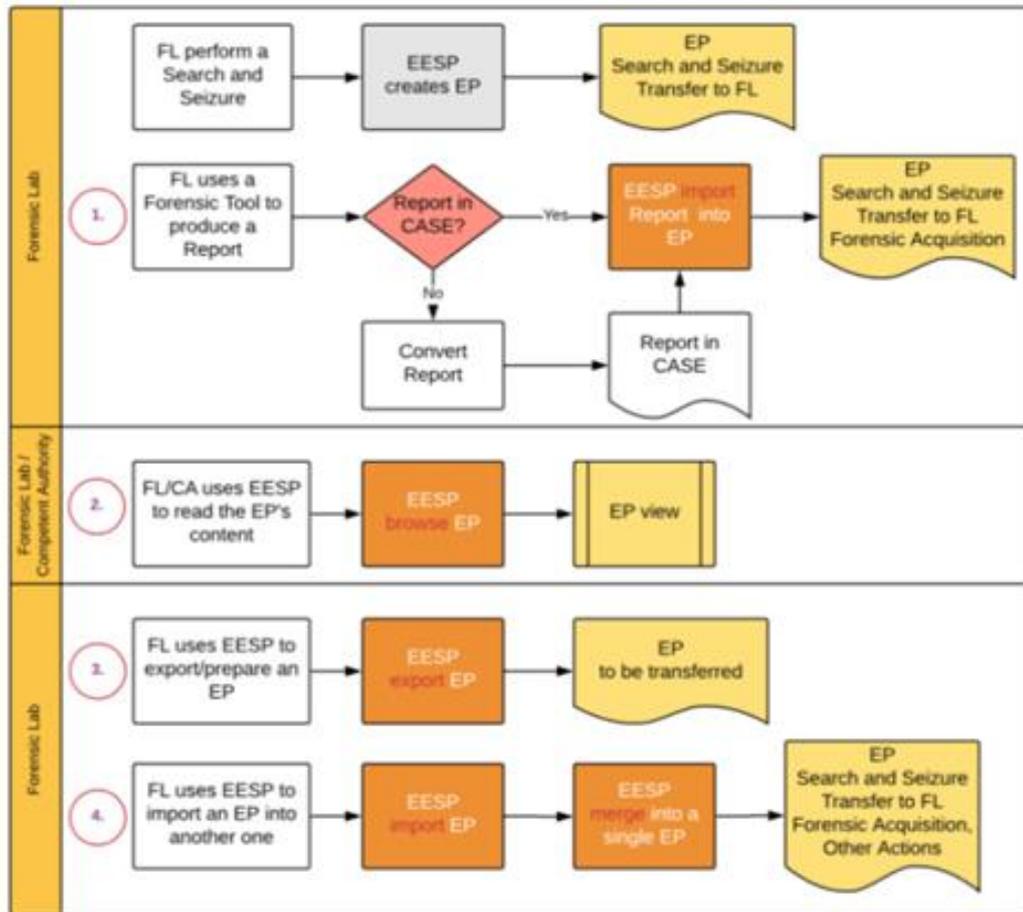


Figure 4: EESP uses in the communication between forensic labs/law enforcement and competent authority

3.8 Demonstration & Practical Sessions

The audience was presented with an overview of supporting tools developed for forensic laboratories and reminded about the existence of the [Digital Forensics Tools Catalogue](#), an output of the EVIDENCE project mapping over 1500 acquisition and analysis tools. Support was expressed for a general adherence to the CASE language in the development of future forensics tools, which would lessen the need to rely on UCO/CASE Convertor tool. Given the rapid pace of digitalization, the technical aspects under discussion represent issues of increasing concern and relevance for practitioners. A range of matters were raised for consideration. The participants were unanimous about the need for competent authorities from the executing state to be able to verify the content of an evidence package upon receipt from the forensics laboratory before sending it onwards to the competent authorities of the requesting state.

Numerous reasons were cited to this end, such as ensuring compliance with fundamental rights, verifying that the content does not affect national interests or checking that the request is fulfilled. This may be problematic as an oversight role requiring technical competences given the complexity of the forensic analysis process. In order to provide a comprehensive reply, the judicial authorities from cooperating states should communicate effectively and clearly define what is requested in order to avoid collecting and sharing disproportionate amounts of data which may be stored on a given device. Another issue touched upon concerns the relevance of the best evidence rule in the context of digital evidence, different to physical evidence from many perspectives and facing specific issues. Performing data extraction according to the best method available may amount to evidence tampering as the modifications may result in data loss otherwise accessible with a more recent tool or technical process. Given the constant progress in the field of forensics, it would be more appropriate to qualify electronic evidence as best available at a given point in time. Furthermore, the use of standards for evidence management purposes reinforces its validation in terms of comparison. The participants confirmed that so far, the exchange of digital evidence is mostly human based. However, the technical aspect of electronic transfer is increasingly gaining prominence, not only transnationally but also domestically when a forensic image needs to be transferred from one city to another. The acceptable security level for the transfer is a key matter and it is crucial to agree upon an acceptable minimum level between the Ministries of Justice involved in the implementation of digital transfer. This entails a trade-off between the level of security sought and the setup of cumbersome procedures to ensure it. Finally, the competent authorities are ultimately responsible for assessing the sensitivity of exchanged data in order to determine the appropriateness of relying on a particular means of transmission, including digital.

The rest of the meeting was dedicated to practical laboratories. The first practical exercise was on the use of the e-Evidence Reference Implementation Portal. To this end the participants were divided by country into groups of three and provided with a computer station. They could connect as the competent authority of the attributed country in order to prepare an EIO request (i.e. fill in the required fields, experiment with the proposed functionalities by selecting specific boxes and filters) and connect afterwards as the competent authority of the executing state to review and reply to the EIO request. During the try-out sessions, the practitioners shared many comments and suggestions concerning



different aspects of the Reference Implementation Portal (i.e. workflow structure, user interface, order of countries listed in the court database, date format, language acceptability) and made recommendations for improving the tool's functioning. The European Commission has been collecting feedback on requirements, changes and improvements through the regular expert group meetings it has been organizing with legal and technical representatives from the EU member states. This workshop provided an additional opportunity for gathering structured feedback by presenting practitioners with a preliminary version prior to the official launch. Interaction with the audience was also enabled via the Slido online platform where participants could share directly their input and thoughts of the tool.

The second practical laboratory was on the preparation and management of the Evidence Package using the EESP application. In this laboratory the users had the chance to execute the use case scenario explained in paragraph 3.8 by using the EESP application. The practitioners were divided into two groups, one that was representing the issuing authorities and the other the executing ones. The hosts of the laboratory, CETIC and CNR-IGSG were representing the issuing and executing forensic labs respectively. The executing authority group had the chance to use the EESP Application in order to open and inspect an Evidence package received from the forensic lab and then re-package it and submit it to the issuing authority. The issuing authority group then imported the package from the executing authority into their EESP Application and merged it with the current investigation data.

Following the demonstrations and testing exercise, the audience engaged in an active discussion, widening the debate to other topics for consideration, including the platform's capacity, interoperability issues and its eventual accessibility for lawyers. Countries hold different approaches with regards to digital forensics examinations. Some only trust their public administration services, others which struggle with accumulated backlogs and delays authorize the hiring of external consultants to perform the forensic acquisition and examination. Hence some countries need to ensure their law enforcement authorities maintain up-to-date competencies and tools in the highly specialized area of digital forensics. Ultimately it is up to national authorities to decide whether they subcontract these services, or they commit to investing into expensive commercial tools and resources such as staff training.



4 Dissemination

The workshop was widely covered online. Before the event, the workshop was listed among the upcoming events on the project’s [official website event page](#) and it was announced in the [news section](#). The statement included, the time and place of the event, the purpose of the workshop and the proposed agenda.

The project dissemination team (via the official EVIDENCE2e-CODEX accounts) and the project partners shared updates about the event on different social media platforms during the workshop.

INTERPOL employed to this end its LinkedIn and Twitter accounts¹⁴. The meeting was also covered on the project’s official Twitter page and LinkedIn group.

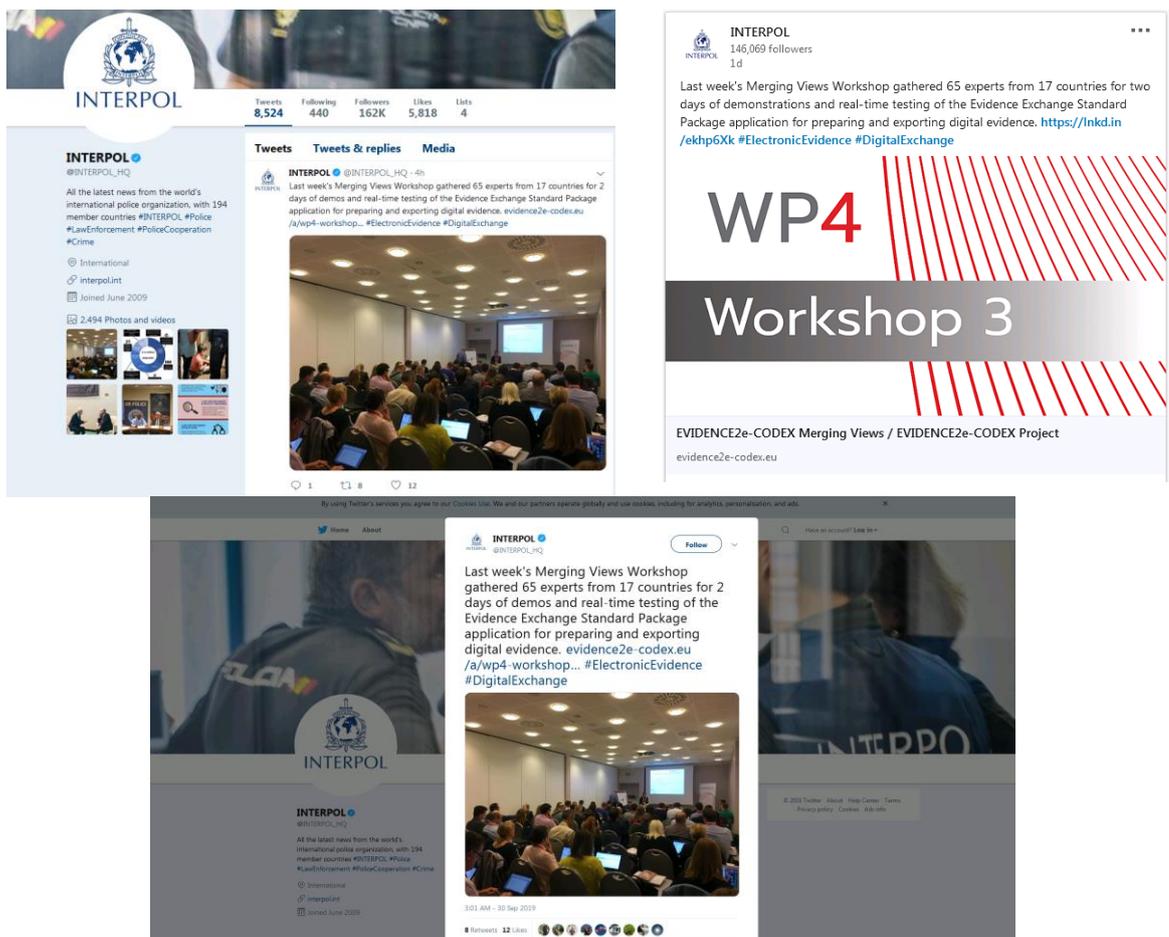


Figure 4-6: INTERPOL sharing news of the event on Twitter and LinkedIn

¹⁴ INTERPOL’s LinkedIn account has more than 110 000 followers, INTERPOL’s Twitter – more than 150 000 followers.



Following the workshop, the [page of the event](#) was updated with pictures and presentations made during the meeting.

Finally, it should be noted that INTERPOL secured a presentation slot for the EVIDENCE2e-CODEX project and its achievements as part of the invitation-only [7th Europol-INTERPOL Cybercrime Conference](#) held in The Hague on 09-11 October 2019.



5 Conclusion

The joint WP4/EXEC workshop represents the culmination of WP4 efforts on stakeholder engagement with EVIDENCE2e-CODEX project activities and results. It provided the opportunity to update representatives of the technical and legal communities on the status of the EVIDENCE2e-CODEX project alongside that of the EXEC and e-Evidence. Furthermore, it allowed for a detailed demonstration of the EESP application and actual testing of the e-Evidence Reference Implementation. The meeting enabled the project team to gather valuable feedback from technical experts and prospective end-users on the tools' functioning following their cross-fertilization within the context of practical sessions. It also benefitted from the expertise of national experts involved in the e-Evidence working groups. This enabled a comprehensive and multidisciplinary appraisal of the EESP application by combining complementary perspectives and debating diverging positions. This will contribute to the tools' fine-tuning as the project approaches its completion and in preparation of the final conference that will be jointly held on 21-22 January 2020.

Overall the participants were satisfied with the event's organization and appreciative of its applied focus. They expressed their enthusiasm and support for the tools' usefulness and added value, highlighting the role of the EESP application in presenting digital evidence in a standardised manner. The EESP tool has benefitted from expert guidance throughout its development in the framework of different WP3 and WP4 events and activities. The experts remain available for further testing and input of enhanced versions. These contributions ensure that the final result offers a feasible solution responding to stakeholder needs and considering of issues raised.

In addition to the sharing of best practices and suggestions for overcoming difficulties faced by practitioners in their handling of digital evidence, the tool's technical development was accompanied by important legal consideration. The WP2 legal findings (i.e. EVIDENCE2e-CODEX D2.2 "Report on EIO and MLA" and D2.3 "Report on data protection and other fundamental rights issues") have been incorporated into the technology to contribute to a legally sound digital evidence exchange process. The workshop highlighted the importance of effective communication among the judicial authorities of cooperating states in order to



secure comprehensive replies to EIO/MLA request and avoid exchanging unnecessarily large amounts of data. Digital forensics represents a dynamic field characterized by evolutions in technical processes, resulting in digital evidence specificities that must be accounted for. There are still aspects that need to be defined such as agreeing on commonly acceptable standards. The highly specialized process of digital forensics examinations confronts national public administrations with the choice of committing to substantial and regular investment in order to develop and maintain tools and capabilities or rely upon subcontracted digital forensics services for time and efficiency considerations.

The consortium will process all the provided feedback for an improvement of the EESP application before the project's official closure and in preparation of the final event.



Annexes



Annex 1: Agenda



JUSTICE PROGRAMME (2014-2020)

JUST-JCOO-CRIM-AG-2016

Action Grants to Support Transnational Projects to Promote Judicial Cooperation in Criminal Matters

EVIDENCE2E-CODEX (GA 766468)

Linking EVIDENCE into e-CODEX for EIO and MLA procedures in Europe

&

EXEC (GA 785818)

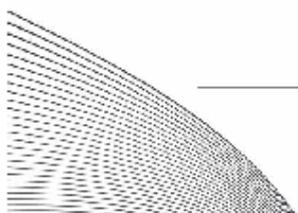
Electronic Xchange of e-Evidences with e-CODEX

JOINT EVENT - WORKSHOP ON MERGING VIEWS

Meeting Technical and Legal community to cross-fertilize views

25-26 September 2019

Hotel Londra, Via Jacopo da Diacceto, 16 Florence Churchill room



This project was funded by the European Union's Justice Programme (2014-2020) under Grant Agreement No. 766468

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Annex 2: List of Participants



JUSTICE PROGRAMME (2014-2020)

JUST-JCOO-CRIM-AG-2016

Action Grants to Support Transnational Projects to Promote Judicial Cooperation in Criminal Matters

EVIDENCE2E-CODEX (GA 766468)

Linking EVIDENCE into e-CODEX for EIO and MLA procedures in Europe

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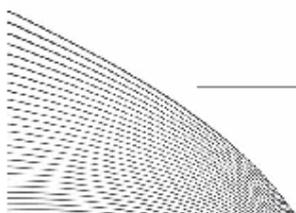
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Annex 3: EVIDENCE2e-CODEX Evidence Exchange in a Nutshell



JUSTICE PROGRAMME (2014-2020)

JUST-JCOO-CRIM-AG-2016

Action Grants to Support Transnational Projects to Promote Judicial Cooperation in Criminal Matters

EVIDENCE2E-CODEX (GA 766468)

Linking EVIDENCE into e-CODEX for EIO and MLA procedures in Europe

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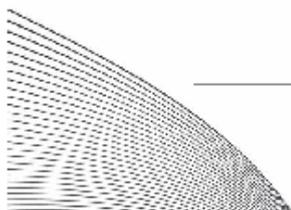
EXEC (GA 785818)

Electronic Xchange of e-Evidences with e-CODEX

JOINT EVENT - WORKSHOP ON MERGING VIEWS

Meeting Technical and Legal community to cross- fertilize views

**EVIDENCE2e-CODEX:
EVIDENCE EXCHANGE IN A NUTSHELL**



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Annex 4: Logistical Note



EVIDENCE2E-CODEX, EXEC & E-EVIDENCE JOINT EVENT - WORKSHOP ON MERGING VIEWS 25-26 SEPTEMBER 2019, FLORENCE, ITALY LOGISTICAL NOTE

Venue

The meeting will take place at the **Hotel Londra**, located at Via Jacopo da Diacceto, 16, Florence (Figure 1).

The Hotel is situated in the heart of Florence, a few steps from city's most important monuments and from exclusive shopping areas: Via della Vigna Nuova, Via Tornabuoni, Piazza della Repubblica, Via Roma and Via Calzaiuoli (all of them can be reached in just 5 minutes by foot).

The Hotel is only 300 meters away the trade centre, Fortezza da Basso meeting centre and Business centre, and only 200 meters away the railway station of Firenze Santa Maria Novella.

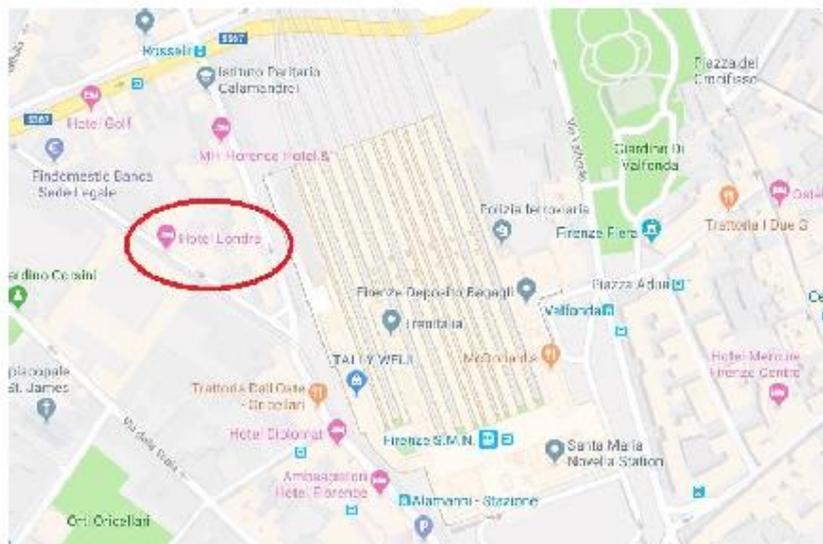


Figure 1. Hotel Londra premises



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