

## **EVIDENCE2e-CODEX**

### **WP4 'Stakeholder Engagement, Mutual Learning and Capacity Building for Professionals, Policy Makers and Technicians'**

### **Meeting the Legal Community**

**15 January 2019**



*One-day workshop engaging the **legal community** (prosecutors, law enforcement, judiciary, lawyers, policy advisors, etc.) involved in the electronic evidence handling with project **achievements** and goals.*

*The event took place in Brussels, Belgium.*

## Background

The effectiveness of **European Investigation Order (EIO)** and **Mutual Legal Assistance (MLA)** procedures greatly rely on the implementation of a secure and trusted way of exchanging electronic evidences among the authorities involved. EVIDENCE2e-CODEX project seeks to increase, facilitate and support the cooperation in criminal matters in the EU context by fostering the exchange of information and electronic evidence in the specific contexts of EIO and MLA.

The key element for fostering both cooperation in criminal matters and exchange of electronic evidence is trust which strongly depends upon awareness. It is to be considered that there is a general need to harmonize and strengthen a common effort in preventing and combatting crimes, by creating a common framework to foster and improve cooperation in exchanging electronic evidence between Member States, including in relation to EIO and MLA procedures. In this context, the EVIDENCE2e-CODEX project aims at facilitating the exchanging of electronic evidence in the EU framework, making possible a better international cooperation in the criminal sector and taking actions in the specific context of EIO and MLA procedures that will allow a strong uniformity and harmonization of investigations' procedures.

With respect to the above, there is a strong need to **'prepare the floor'** and to **generate the context** for the future development of secure and trusted exchange of electronic evidence in EU Member States in the specific scenario of EIO and MLA procedures.

In response to the outlined needs the EVIDENCE2e-CODEX Project aims at initiating the implementation of a **common European framework** for the correct and harmonized **handling of electronic evidence** during its entire lifecycle: collection, preservation, use and – in particular – exchange of electronic evidence. Therefore, the EVIDENCE2e-CODEX team will pilot the achievements of the EVIDENCE Project in a real life criminal justice use case to verify the developed exchange scenario and pave the way for the electronic evidence exchange in EU Member States.

A **'true to life' example** of successful linking EVIDENCE to e-CODEX results in support of an EIO case is considered a substantial step in the modernization of **cross border cooperation** in criminal law. It will allow the EVIDENCE2e-CODEX team to assess which are the **conditions, criteria** and **necessary impact measures** to be implemented from **legal, technological and sociological perspectives** towards connecting judges, prosecutors, LEA officers and other



stakeholders to the e-CODEX infrastructure in a **user-friendly manner**. The actions foreseen by the EVIDENCE2e-CODEX project will foster the way to the harmonization of the framework and the stakeholder awareness on the treatment and the exchange of electronic evidence in EIO and MLA procedures. Emphasis will be put on the relationship and approach to be adopted when dealing with Internet services providers.

Furthermore, the EVIDENCE2-eCODEX is to generate that necessary awareness towards rendering concrete and effective **merging** of the EVIDENCE project results with e-CODEX infrastructure and solutions for the specific purposes of allowing the exchange of electronic evidence in EIO and MLA context and extending this implementation to a Member State level. All stakeholders involved are to be properly informed and trained to **understand, accept and further promote** the electronic evidence exchange. To achieve that, project activities also cover **legal, political, technical, ethical and social aspects, LEA-related actions and professionalization** in the field of digital forensic.

With respect to the above, EVIDENCE2e-CODEX WP4 'Stakeholder Engagement, Mutual Learning and Capacity Building for Professionals, Policy makers and Technicians' organizes a series of events that seeks to provide stakeholders with 'ready for use' information on EIO, electronic evidence, e-CODEX and other project-specific topics.

## **EVIDENCE2e-CODEX: Meeting the Legal Community**

The first meeting under WP4 'Stakeholder Engagement, Mutual Learning and Capacity Building for Professionals, Policy Makers and Technicians' is a one-day workshop engaging the **legal community** (prosecutors, law enforcement, judiciary, lawyers, policy advisors, etc.) with the EVIDENCE2e-CODEX achievements and goals. The event took place on 15 January in Brussels, Belgium.

The participation of the major stakeholders in the EU arena helps EVIDENCE2e-CODEX to develop a 'true to life' example for a fast, secure and reliable exchange of electronic evidence between legal authorities and to promote an action plan for its EU-wide implementation. The event welcomed officials from the European Parliament, the Council of Europe, EC DG Justice and Consumers, EC DG Migration and Home Affairs, INTERPOL, EUROJUST, EUROPOL, OLAF, EDPS, EDPB, European Judicial Network, representatives of the ministries of justice of Italy, Austria,



Spain, and the Netherlands, the prosecuting authorities of the Netherlands, Belgium, Spain, Latvia, Germany, Norway, and Portugal, the Council of Bars and Law Societies of Europe (CCBE) and bar associations of Germany, Austria, Spain, the Czech Republic and Belgium, as well as experts from ISPs, academia and NGOs working in the fields of e-justice and judicial cooperation.



**More than 60 experts** gathered to discuss and network over presentations from project partners and stakeholders. The event opened with the project findings on the implementation of European Investigation Order, presented by Prof. Dr. Jeanne Mifsud Bonnici (University of Groningen). The presentation covered the most teething problems identified with respect to the EIO process, the way respondents perceived operational, technical and administrative realities and their initial experience on the implementation of Art. 1 (3).

Further on, Charlotte Anne (INTERPOL) initiated a smooth transition towards the technical part of the morning with a presentation on e-MLA project and its findings, which raised a lot of questions and discussions from the audience. The session ended with a presentation from DG Justice and Consumers' representatives Cristian Nikolau and Djamila Ben-Miloud currently working on the development of the EC-funded e-Evidence Digital Exchange System. Due to the lengthy discussions and the interest of the participants the EVIDENCE2e-CODEX's presentation on the Electronic Evidence Exchange Technical Tools developed under the project was left for the end of the day.

The afternoon brought us extremely interesting discussions presented the views of the three main stakeholders' branches – magistrates, lawyers, and private entities e.g. ISPs, on the EIO & MLA implementation.



The panel discussion on the EIO & MLA co-existence from the perspective of **judges** and **prosecutors** was chaired by Dr. Maria Angela Biasiotti (CNR-ITTIG) and included interventions from panelists: Fabrizia Bemer (Ministry of Justice, Italy), Jorge Espina and Teresa Magno (EUROJUST), Ianina Lipara (European Judicial Network), Eirik Tronnes Hansen (Prosecution, Norway), and Pedro Verdelho (General Prosecution Office, Portugal).

The second discussion introduced the perspective of the **defense lawyers** and was chaired by Simone Cuomo (CCBE). Their opinions on the current level of implementation and the respective prospects of further developing EIO and MLA gave James Macguill, Iain Mitchell, and Jiri Novak, representing the vision of both the Criminal Law and IT Law Committees of CCBE.

The final session discussed the EIO and MLA **investigatory access** to data held by **private entities** (e.g. ISPs) with important contributions by Lani Cossette (Microsoft), Mārcis Laiviņš (State Police, Latvia) and Laure Wagener (Vodafone).

The event was jointly organized by INTERPOL, CCBE and LIBRe Foundation with contributions of other project partners.

CCBE kindly hosted the event in the premises of the Press Club Brussels Europe at 95 Rue Froissart, 1040 Brussels, Belgium.



**For more information write to**

[office@evidence2e-codex.eu](mailto:office@evidence2e-codex.eu)

