

**Beiträge zum Internationalen und
Europäischen Strafrecht**

**Studies in International and
European Criminal Law and Procedure**

Band / Volume 56

The European Investigation Order

**Legal Analysis and Practical Dilemmas
of International Cooperation**

Edited by

**Kai Ambos, Alexander Heinze, Peter Rackow
and Miha Šepec**



Duncker & Humblot · Berlin

KAI AMBOS, ALEXANDER HEINZE, PETER RACKOW
and MIHA ŠEPEC (Eds.)

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Studies in International and
European Criminal Law and Procedure

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With Assistance of
Luca Petersen



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In cooperation with the Göttingen Association for Criminal Law, Criminal Justice
and Criminology and their Application



The EIO-LAPD Project was implemented in the period 01/05/2019 – 31/01/2022.
It was funded by the European Union's Justice Programme (2014 – 2020).

Bibliographic information of the German national library

The German national library registers this publication in
the German national bibliography; specified bibliographic data
are retrievable on the Internet about <http://dnb.d-nb.de>.

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© 2023 Duncker & Humblot GmbH, Berlin
Typesetting: 3w+p GmbH, Rimpar
Printing: CPI books GmbH, Leck
Printed in Germany

ISSN 1867-5271
ISBN 978-3-428-18708-9 (Print)
ISBN 978-3-428-58708-7 (ebook)

Printed on no aging resistant (non-acid) paper
according to ISO 9706 ☺

Internet: <http://www.duncker-humblot.de>

Preface

This monograph is the last and final part of the project ‘European Investigation Order – legal analysis and practical dilemmas of international cooperation – EIO-LAPD’ within the framework of the EU Justice Programme. It presents a contribution to the Europe-wide discourse on how to enhance the effectiveness and the practical implementation of the EIO. Its objective is to equip target groups with specialised knowledge about the cross-border evidence gathering procedure described in the Directive 2014/41/EU. Unlike other parts of the project, this monograph is targeted at the legal community, students of law, NGOs and the interested public. Its goal is to achieve a greater inclusion of dilemmas connected with the practical application of the Directive into the legal and public discourse.

The partners of the project were chosen according to the following criteria: (a) only institutions where the members of the applicant’s department for criminal law personally know and vouch for at least one person to participate in the project were considered; (b) institutions which previously successfully cooperated with the applicant or members of its department for criminal law in EU funded projects were given priority; (c) institutions which do not have sufficiently experienced personnel or connections with the relevant State institutions to perform the project activities were not considered.

We would like to thank, first and foremost, all authors from the project partners who contributed to this monograph. Our special thanks goes to Jan Stajnko and his team for his efficient and smooth coordination of the project and the assistance in communicating with authors and project partners; to Luca Petersen for his assistance, and to Julian Vornkahl for his assistance in copy-editing the manuscript.

Göttingen and Maribor, July 2023

*Kai Ambos,
Alexander Heinze,
Peter Rackow,
Miha Šepec*

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List of Abbreviations

AICCM	Act on International Cooperation in Criminal Matters
AJCEU	Act on Judicial Cooperation in Criminal Matters with Member States of the European Union
AO	Abgabenordnung (Fiscal Code of Germany)
ARHG	Auslieferungs- und Rechtshilfegesetz
Art.	Article
Arts.	Articles
Assoc.	Associate
AVIDICUS	Assessment of Video-Mediated Interpreting in the Criminal Justice System
BGBI.	Bundesgesetzblatt
BlgNR	Beilage(-n) zu stenographischen Protokollen des Nationalrates
BT-Drs.	Bundestagsdrucksache
BVerfG	Bundesverfassungsgericht (German Federal Constitutional Court)
Cass. Pen.	Cassazione penale
CCMMSEUA	Act Amending the Cooperation in Criminal Matters with the Member States of the European Union
CFR	Charter of Fundamental Rights of the EU
CISA	Convention Implementing the Schengen Agreement
CJEU	Court of Justice of the European Union
Corte cost.	Italian Constitutional Court
CPA	Croatian Code of Criminal Procedure/Slovenian Code of Criminal Procedure
CPP	Codice di procedura penale (Italian Code of Criminal Procedure)/Código de Processo Penal (Portuguese Code of Criminal Procedure)
Dir. Pen. Cont. online	Diritto penale contemporaneo online
Dir. Pen. Proc.	Diritto penale e processo
Dir. Un. Eur.	Il diritto dell'Unione Europea
Doc.	Document
DRB	Deutscher Richterbund
EAW	European Arrest Warrant
ECHR	European Convention on Human Rights
ECJ	European Court of Justice
e-CODEX	e-Justice Communication via Online Data Exchange
ECtHR	European Court of Human Rights
EEA-VStS-G	Federal Act on the European Investigation Order in Administrative Criminal Matters (Austria)
eEDES	e-Evidence Digital Exchange System
EEW	European Evidence Warrant
EIO	European Investigation Order

EIO Directive	Directive 2014/41/EU regarding the European Investigation Order in Criminal Matters
EIO-LAPD	European Investigation Order – Legal Analysis and Practical Dilemmas of International Cooperation
EJN	European Judicial Network
EU	European Union
eucrim	European Criminal Law Associations' Forum (Journal)
EU-FinStrZG	Federal Law on Cooperation in Financial Criminal Matters with the Member States of the European Union (Austria)
EU-JZG	Federal Act on Judicial Cooperation in Criminal Matters with the Member States of the European Union (Austria)
Eurojust	European Union Agency for Criminal Justice Cooperation
EVIDENCE2e-CODEX	Linking EVIDENCE into e-CODEX for EIO and MLA procedures in Europe
EXEC	Electronic Xchange of e-Evidences
FD	Framework Decision
FinStrZG	Federal Act on Financial Criminal Cooperation with the Member States of the European Union
GIP	Giudice per le Indagini Preliminari (Italian Judge for preliminary investigations)
GP	Gesetzgebungsperiode (Austria)
GSC	General Secretariat of the Council
IP	Internet Protocol
IRG	Gesetz über die international Rechtshilfe in Strafsachen (German Act on International Cooperation in Criminal Matters)
IT	Information Technology
Italian Decree	Italian Legislative Decree no. 108 of 21 June 2017
JHA	Justice and Home Affairs
JJ	Justiz und Inneres (Justice and Home Affairs)
MLA	Mutual Legal Assistance
mn.	marginal number(s)
MS	Member State
n.	footnote
Nice Charter	Charter of Fundamental Rights of the European Union (7 Dec. 2000)
OJ	Official Journal of the European Union
OJ C	C-Series of Official Journal of the European Union
OJ L	L-Series of Official Journal of the European Union
OWiG	Ordnungswidrigkeitengesetz (German Administrative Offences Act)
PGR	Procuradoria-Geral de República (Portugal)
RB	Rahmenbeschluss (Framework Decision)
Report on legal implementation	Slovenian Report on legal implementation and practical application of the EIO
RiVAST	Richtlinien für den Verkehr mit dem Ausland in strafrechtlichen Angelegenheiten (Germany)
RL EEA	Richtlinie Europäische Ermittlungsanordnung
RV	Regierungsvorlage
Sec.	Section
SMMP	Sindicato dos Magistrados do Ministério Público (Portugal)

SPSA	State Prosecution Service Act
StAG	Staatsanwaltschaftsgesetz
StPO	Strafprozessordnung (Code of Criminal Procedure)
TEU	Treaty on the European Union
TFEU	Treaty on the Functioning of the European Union
TREIO	TRaining on European Investigation Order
WKStA	Wirtschafts- und Korruptionsstaatsanwaltschaft (Public Prosecutor's Office for Combatting Economic Crime and Corruption) (Austria)
ZfiStW	Zeitschrift für Internationale Strafrechtswissenschaft (Journal)
ZIS	Zeitschrift für Internationale Strafrechtsdogmatik (Journal; since 2022 ZfiStW)

