FACTSHEET ON THE STATUS OF ELECTRONIC EVIDENCE - 2024

READ THE FULL REPORT:
https://www.eurojust.europa.eu/

SIRIUS

SIRIUS EU ELECTRONIC EVIDENCE SITUATION REPORT 2024
PERSPECTIVE OF JUDICIAL AUTHORITIES

Key findings

Judicial assistance (MLA/EIO) is the primary and most reliable method for EU judicial authorities to legally obtain electronic evidence across borders.

Lengthy judicial assistance procedures and the absence of an EU-wide data retention framework continue to be the primary challenges.

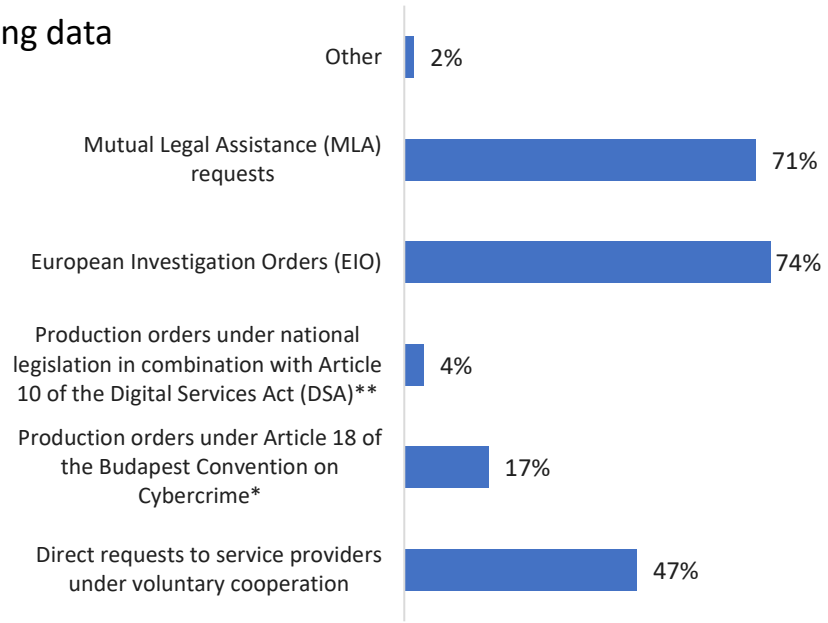
37% of EU judiciary are unfamiliar with existing cross-border data acquisition methods, and 46% lack familiarity with the EU Electronic Evidence legislative package and the Second Additional Protocol.

Capacity building is crucial for the EU judiciary to enhance awareness, knowledge and skills.

Modalities for acquiring data

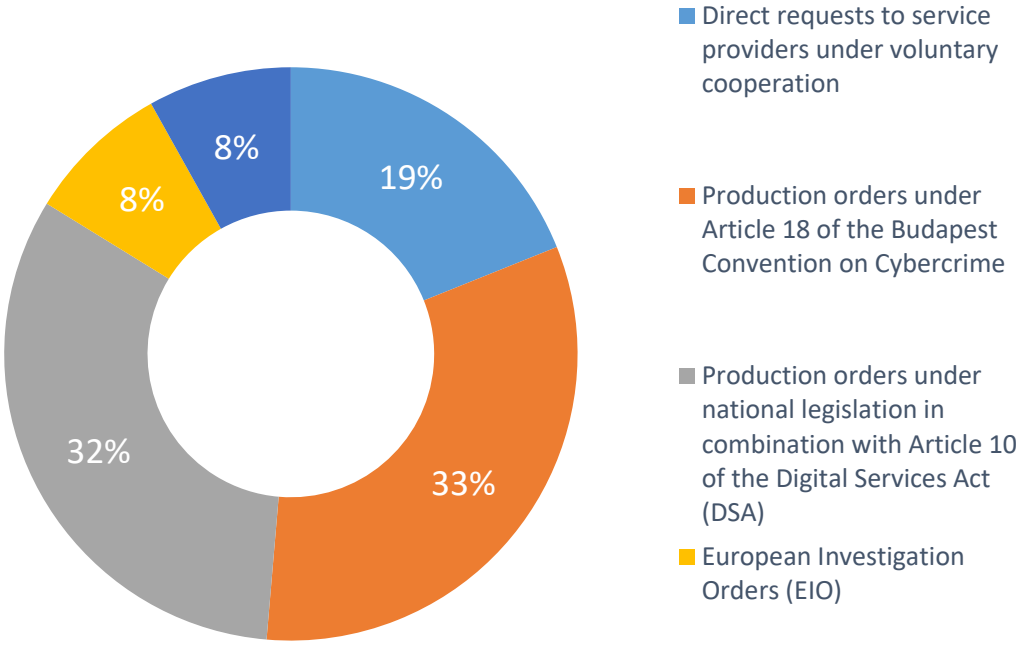
Which modality have you primarily used for acquiring data from service providers located abroad in 2023?

74% of the surveyed EU judicial authorities primarily used the EIO for acquiring data from service providers located abroad, followed closely by MLA requests, which were primarily used by 71% of the respondents.



EUROPOL EUROJUST EUROPEAN JUDICIAL NETWORK

Need for expanding knowledge and capacity



Lack of familiarity with the available modalities for cross-border data acquisition from service providers

A significant portion of EU judicial authorities may not be well-versed in the specific provisions of the current legal instruments, potentially hindering their effective application. Specifically, 37% of the respondents reported that they are either not familiar or not sufficiently familiar with the existing cross-border data acquisition modalities.

Recommendations for EU judicial authorities

- Enhance knowledge and capacity on available legal instruments for cross-border access to electronic evidence;
- Prepare judicial authorities to effectively use new instruments under the forthcoming EU Electronic Evidence legislative package, as well as other legislative changes concerning the cross-border acquisition of electronic evidence;
- Strengthen mutual trust and knowledge sharing among EU judicial practitioners on cross-border gathering of electronic evidence.