



# APPLYING THE EUROPEAN INVESTIGATION ORDER



**Júlio Barbosa e Silva**  
Prosecutor  
PORTUGAL

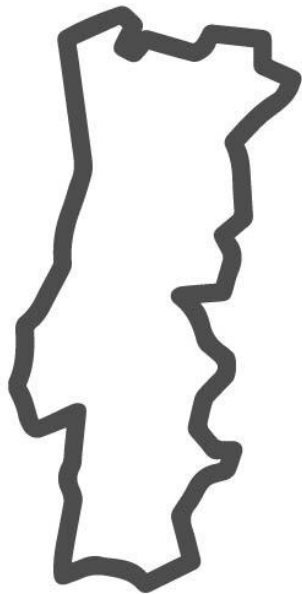


1-2 March 2018



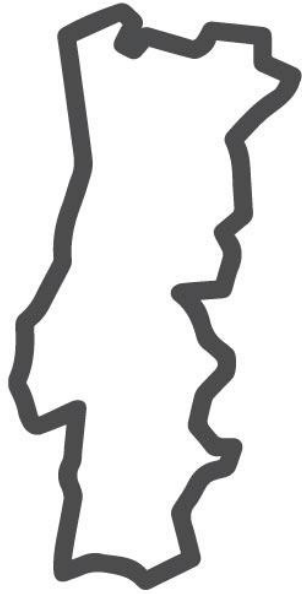
Specialties regarding the  
**issuing and executing** of **EIOs**  
in selected EU Member States

Specialties regarding the  
**issuing and executing** of EIOs  
in selected EU Member States



Portugal

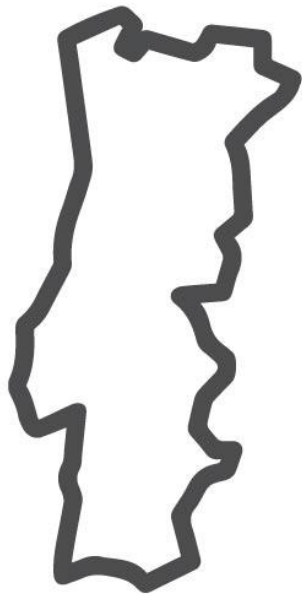
Specialties regarding the  
**issuing and executing** of EIOs  
in selected EU Member States



Portugal



Specialties regarding the  
**issuing and executing** of EIOs  
in selected EU Member States



Portugal



**August 27th**  
2018

Specialties regarding the  
**issuing and executing** of EIOs  
in selected EU Member States

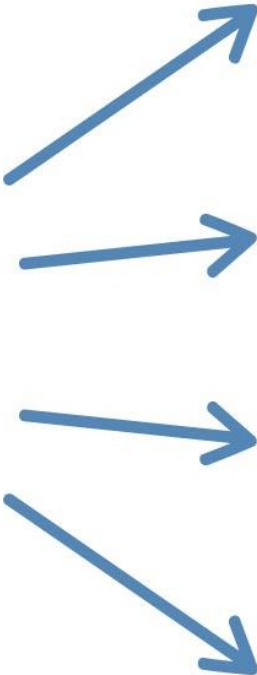


Prosecutor General's Office  
**National Central Authority**

Specialties regarding the **issuing and executing** of EIOs in selected EU Member States



Prosecutor General's Office  
**National Central Authority**

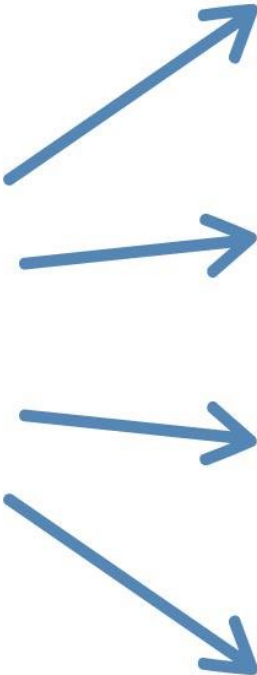


**National**  
Competent Authorities

Specialties regarding the **issuing and executing** of EIOs in selected EU Member States



Prosecutor General's Office  
**National Central Authority**



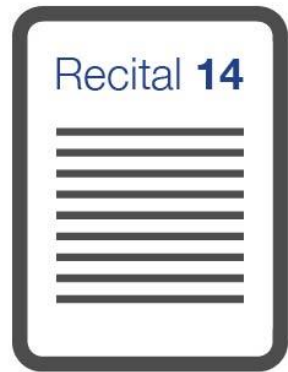
**National**  
Competent Authorities



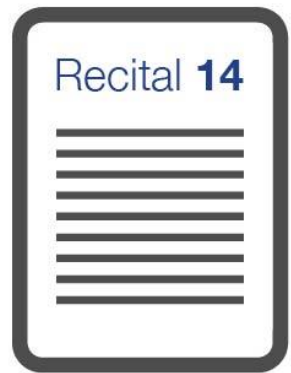
**Other**  
Member State Authorities



Specialties regarding the  
**issuing and executing** of EIOs  
in selected EU Member States



Specialties regarding the **issuing and executing** of EIOs in selected EU Member States

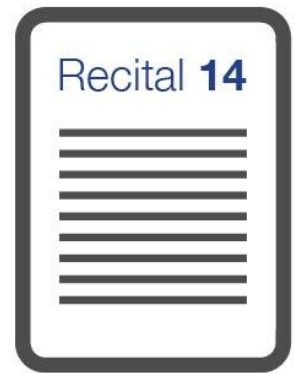


**Official**  
Language



**Other**  
UE Language

Specialties regarding the **issuing and executing** of EIOs in selected EU Member States



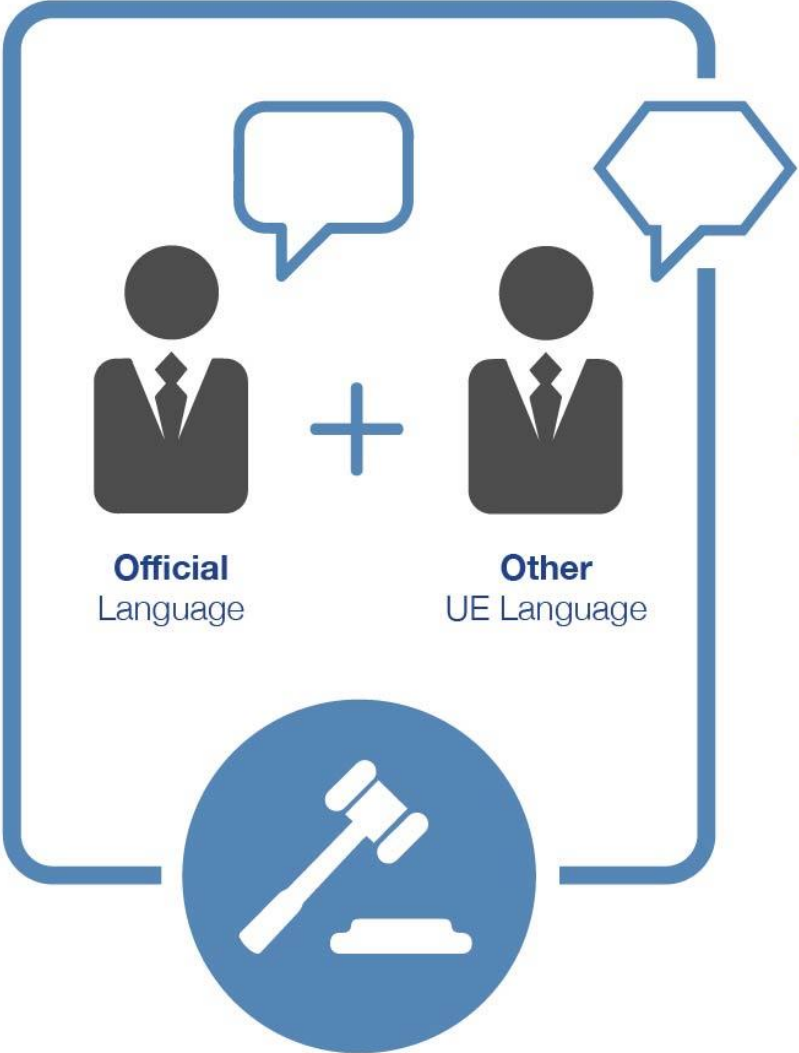
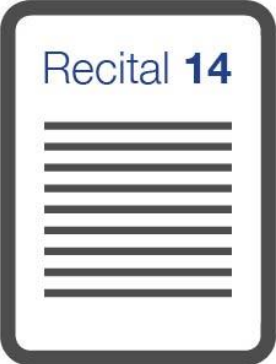
**Official**  
Language



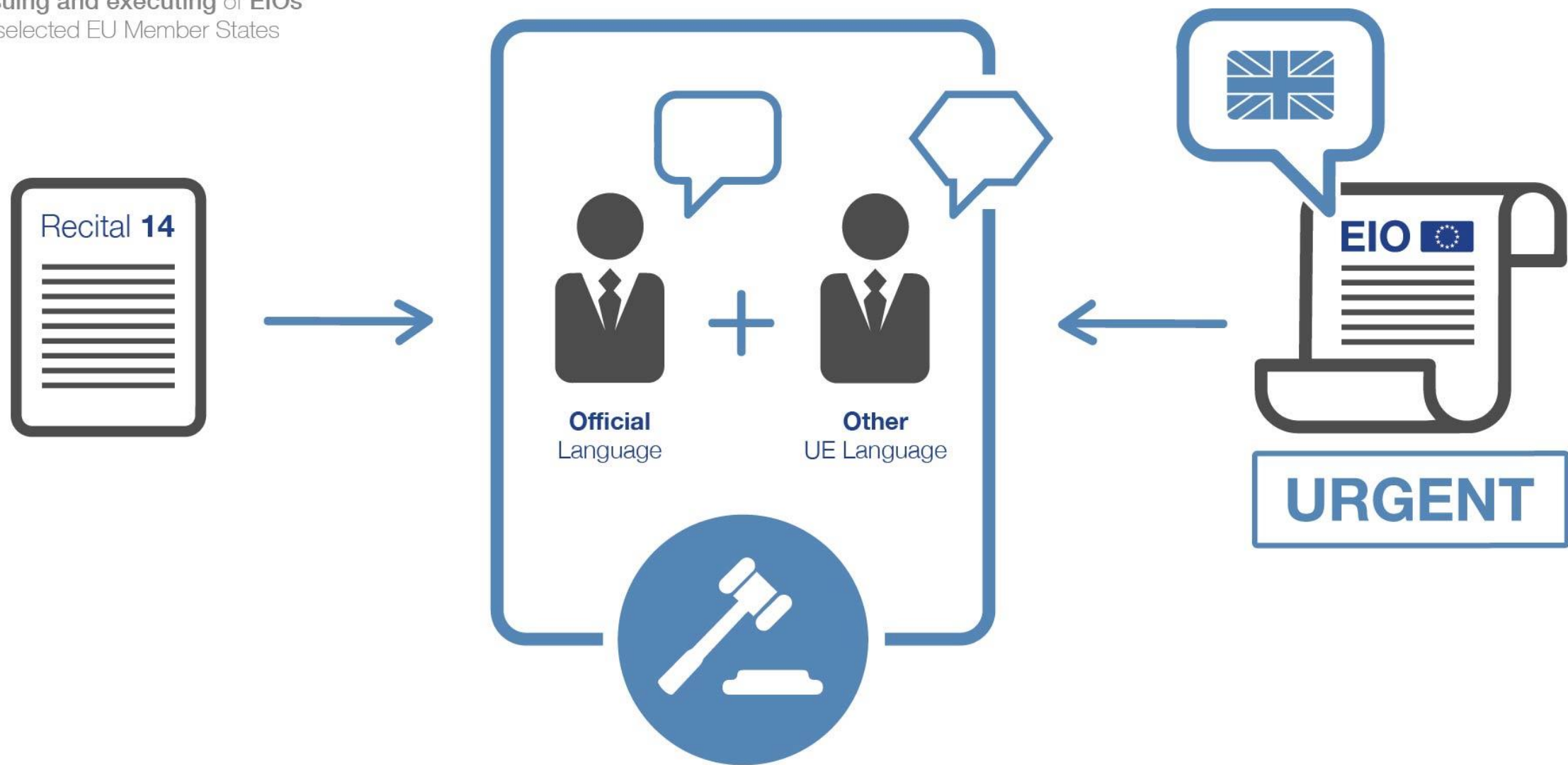
**Other**  
UE Language



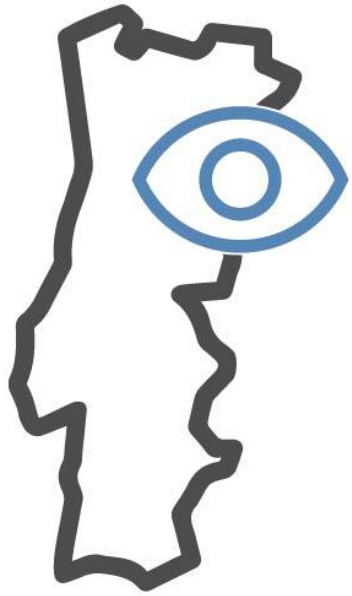
Specialties regarding the **issuing and executing** of EIOs in selected EU Member States



Specialties regarding the **issuing and executing** of EIOs in selected EU Member States

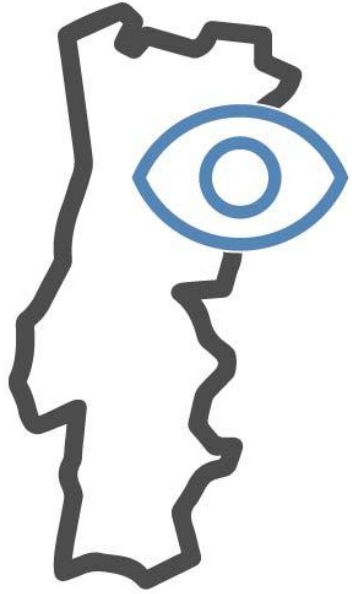


Specialties regarding the  
**issuing and executing** of EIOs  
in selected EU Member States



Portugal

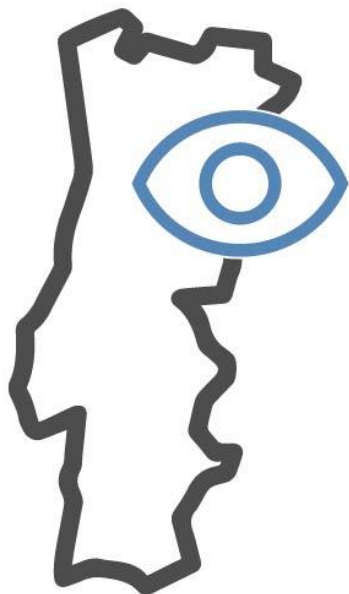
Specialties regarding the  
**issuing and executing** of EIOs  
in selected EU Member States



Portugal



Specialties regarding the  
**issuing and executing** of EIOs  
in selected EU Member States

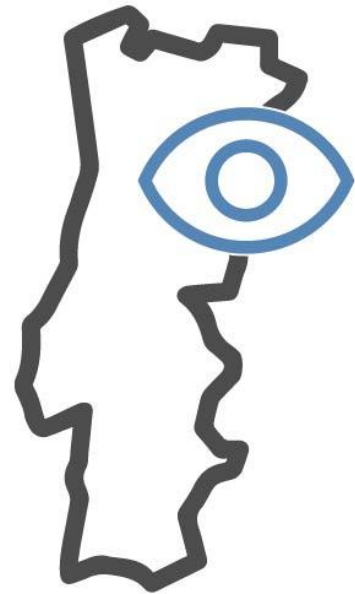


Portugal





Specialties regarding the **issuing and executing** of EIOs in selected EU Member States



Portugal



1.

**Judicial and administrative  
authorities** under national law  
and validation

Specialties regarding the  
**issuing and executing** of EIOs  
in selected EU Member States

a)



The **Public Prosecutor**  
during investigation

1. **Judicial and administrative authorities** under national law and validation

Specialties regarding the  
**issuing and executing** of EIOs  
in selected EU Member States

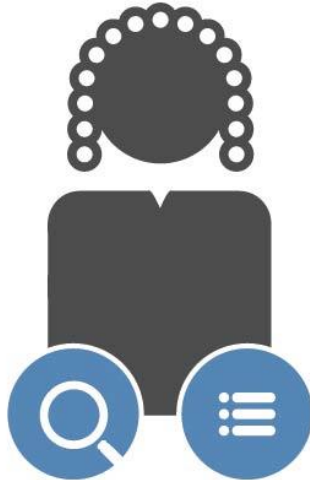
1. **Judicial and administrative authorities** under national law and validation

a)



The **Public Prosecutor**  
during investigation

b)



The **examining/investigating  
Judge** during investigation or  
instruction phase

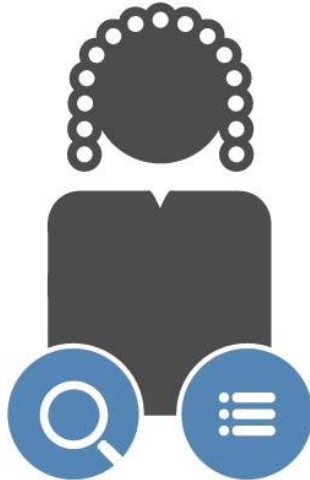
Specialties regarding the  
**issuing and executing** of EIOs  
in selected EU Member States

a)



The **Public Prosecutor**  
during investigation

b)



The **examining/investigating Judge**  
during investigation or  
instruction phase

c)



The **(trial) Judge**

1. **Judicial and administrative authorities** under national law and validation

Specialties regarding the  
**issuing and executing** of EIOs  
in selected EU Member States

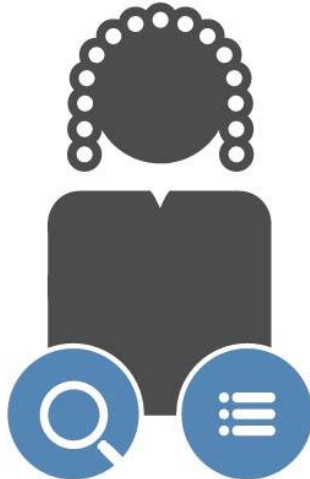
1. **Judicial and administrative authorities** under national law and validation

a)



The **Public Prosecutor**  
during investigation

b)



The **examining/investigating Judge**  
during investigation or  
instruction phase

c)



The **(trial) Judge**

d)



In special cases,  
the **EUROJUST**  
national member

Specialties regarding the  
**issuing and executing** of EIOs  
in selected EU Member States

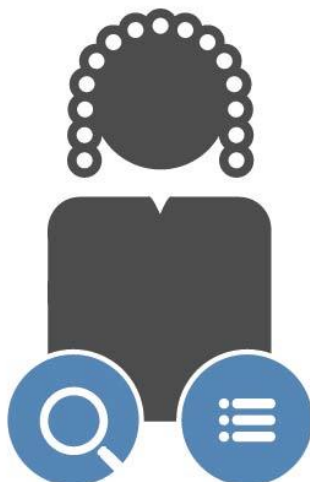
1. **Judicial and administrative authorities** under national law and validation

a)



The **Public Prosecutor**  
during investigation

b)



The **examining/investigating Judge**  
during investigation or  
instruction phase

c)



The **(trial) Judge**

d)



In special cases,  
the **EUROJUST**  
**national member**

e)



**Administrative Authorities**  
with regard to an  
administrative offence  
proceeding

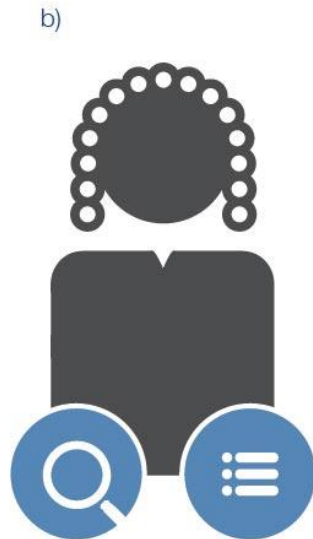


Specialties regarding the **issuing and executing** of EIOs in selected EU Member States

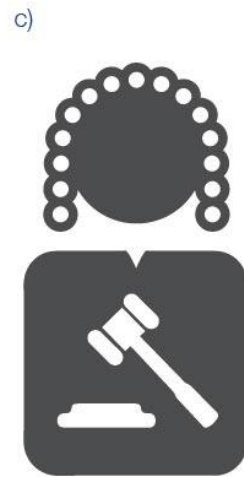
1. **Judicial and administrative authorities** under national law and validation



The **Public Prosecutor** during investigation



The **examining/investigating Judge** during investigation or instruction phase



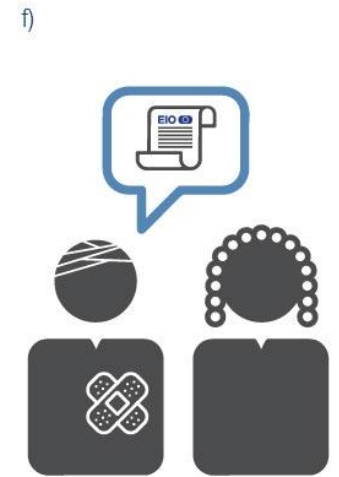
The **(trial) Judge**



In special cases, the **EUROJUST national member**



**Administrative Authorities** with regard to an administrative offence proceeding

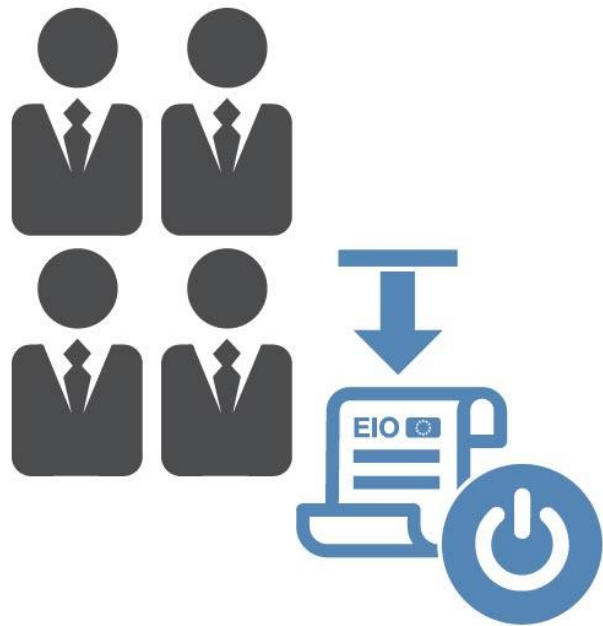


**Defendants or victims** can ask the Judge or public prosecutor to issue an EIO





Specialties regarding the  
**issuing and executing** of EIOs  
in selected EU Member States

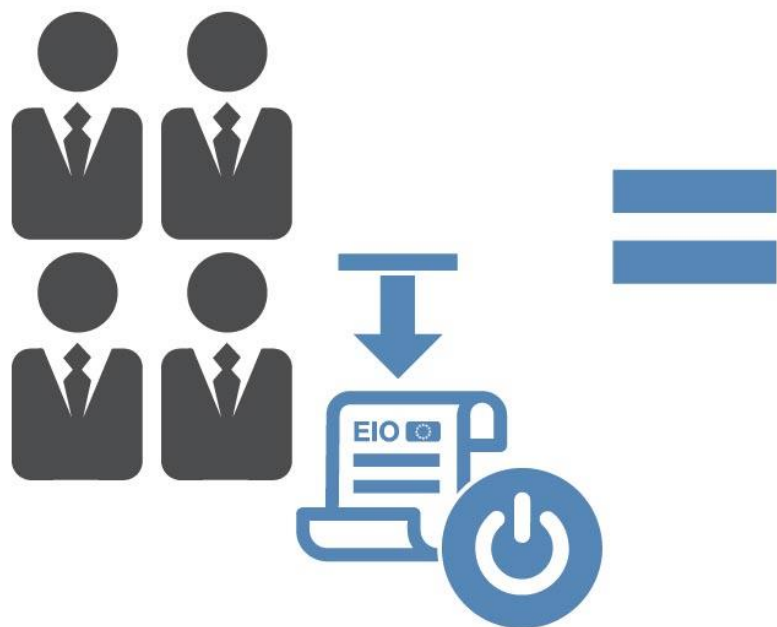


**Competent Authorities**

1. **Judicial and administrative authorities** under national law and validation

Specialties regarding the  
**issuing and executing** of EIOs  
in selected EU Member States

1. **Judicial and administrative authorities** under national law and validation



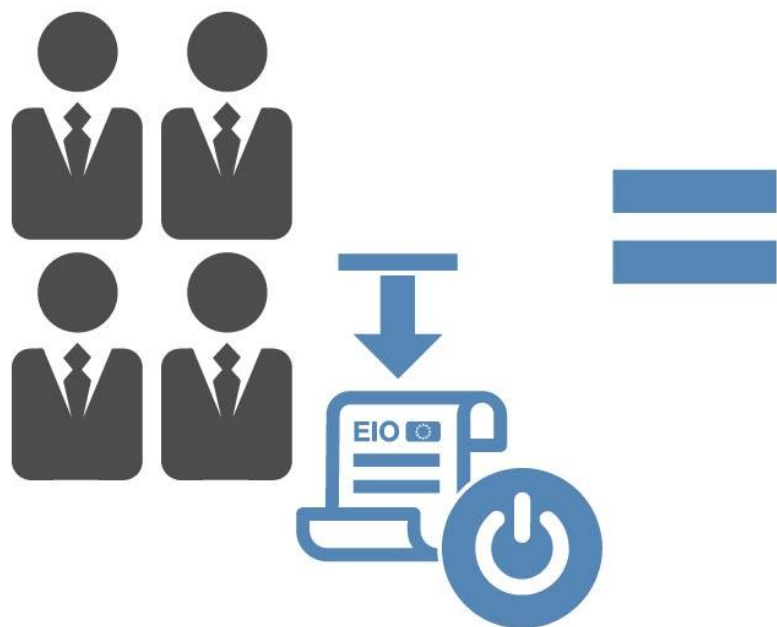
**Competent Authorities**



The same  
**Competent Authorities**

Specialties regarding the  
**issuing and executing** of EIOs  
in selected EU Member States

1. **Judicial and administrative authorities** under national law and validation



**Competent Authorities**



The same  
**Competent Authorities**



In special cases,  
the **EUROJUST** national member

2.

## **Proportionality**

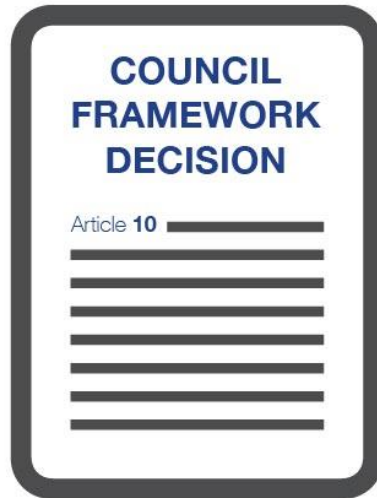
considerations when executing



**DON'T BELIEVE THE HYPE!**

Specialties regarding the  
**issuing and executing** of EIOs  
in selected EU Member States

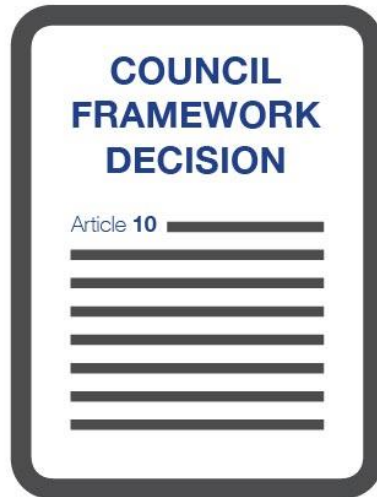
2. **Proportionality** considerations when executing



2006/960/JHA  
of 18 December 2006

Specialties regarding the  
**issuing and executing** of EIOs  
in selected EU Member States

2. **Proportionality** considerations when executing



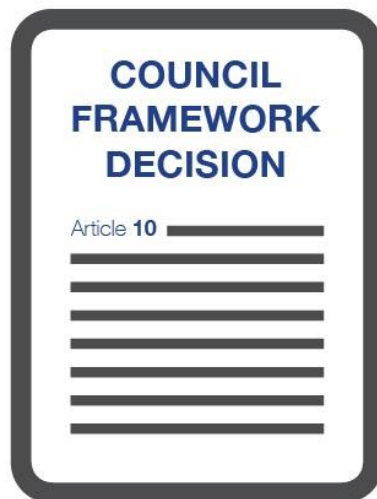
2006/960/JHA  
of 18 December 2006



HANDBOOK ON HOW TO  
ISSUE AND EXECUTE AN EUROPEAN  
ARREST WARRANT

Specialties regarding the  
**issuing and executing** of EIOs  
in selected EU Member States

2. **Proportionality** considerations when executing



2006/960/JHA  
of 18 December 2006



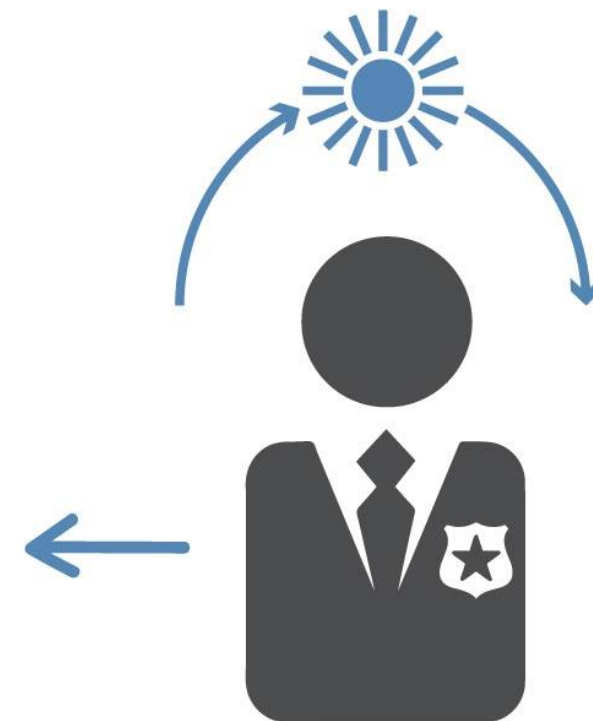
HANDBOOK ON HOW TO  
ISSUE AND EXECUTE AN EUROPEAN  
ARREST WARRANT





Specialties regarding the **issuing and executing** of EIOs in selected EU Member States

2. **Proportionality** considerations when executing



Specialties regarding the  
**issuing and executing** of EIOs  
in selected EU Member States

2. **Proportionality** considerations when executing



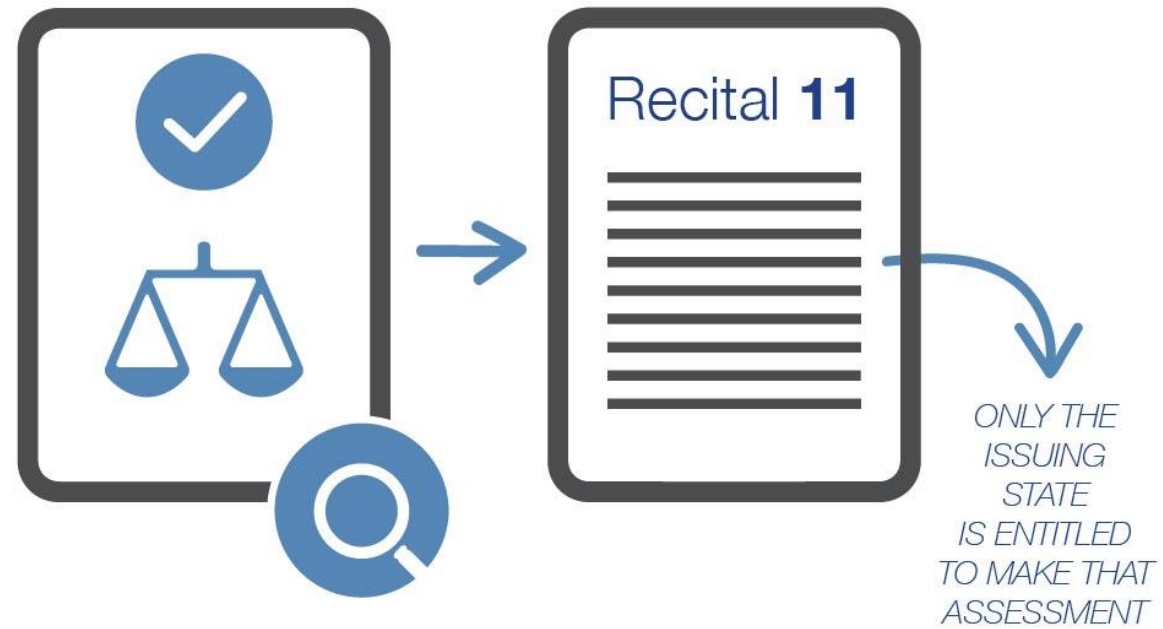
Specialties regarding the  
**issuing and executing** of EIOs  
in selected EU Member States

2. **Proportionality** considerations when executing

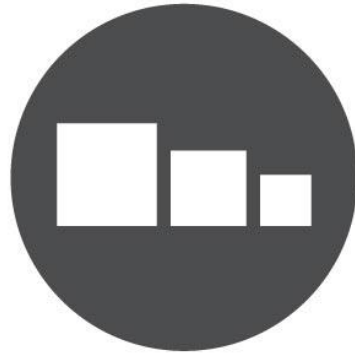


Specialties regarding the **issuing and executing** of EIOs in selected EU Member States

2. **Proportionality** considerations when executing



Specialties regarding the  
**issuing and executing** of EIOs  
in selected EU Member States

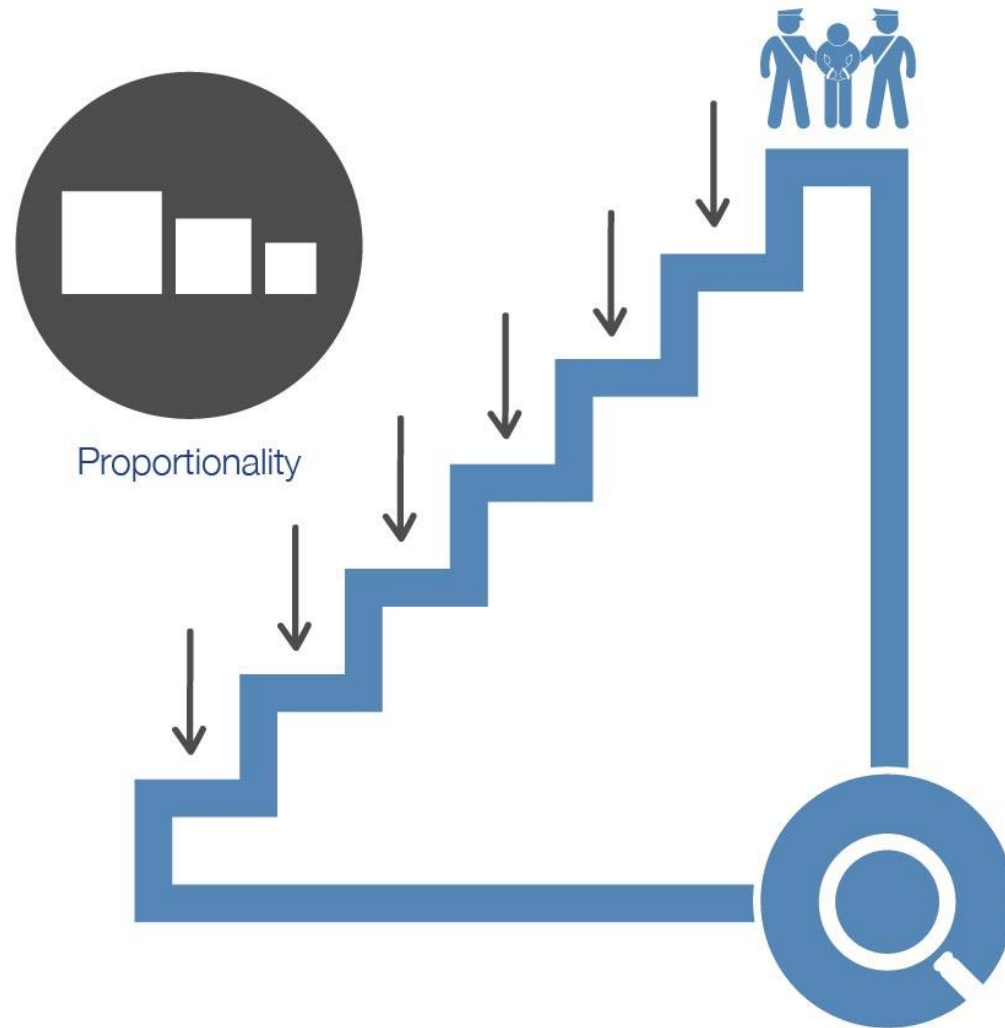


Proportionality

2. **Proportionality** considerations when executing

Specialties regarding the **issuing and executing** of EIOs in selected EU Member States

2. **Proportionality** considerations when executing

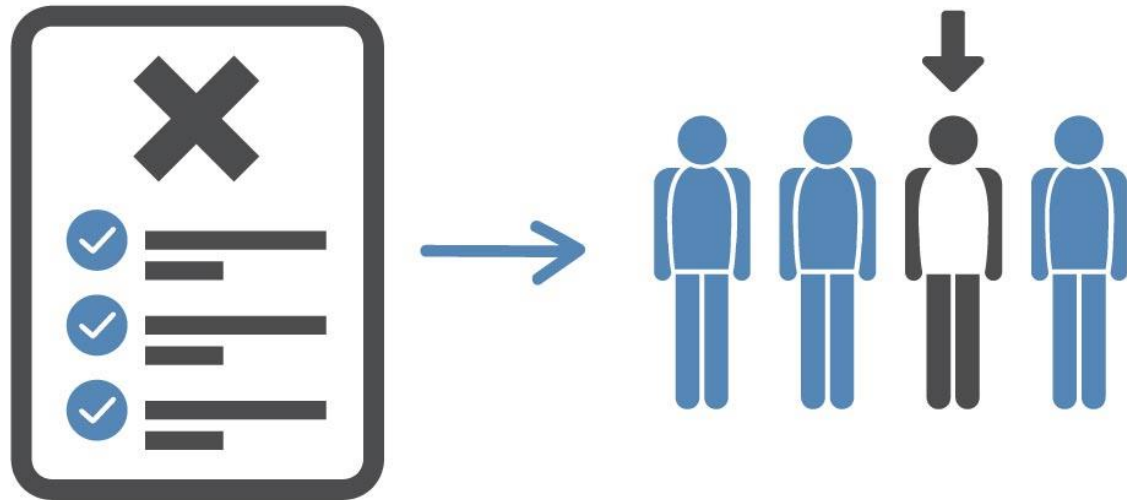


Specialties regarding the **issuing and executing** of EIOs in selected EU Member States



2. **Proportionality** considerations when executing

Specialties regarding the **issuing and executing** of EIOs in selected EU Member States

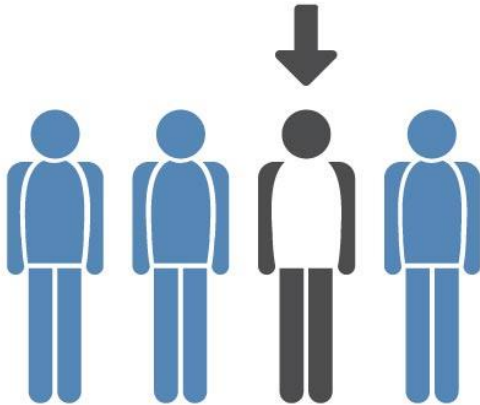


2. **Proportionality** considerations when executing



Specialties regarding the **issuing and executing** of EIOs in selected EU Member States

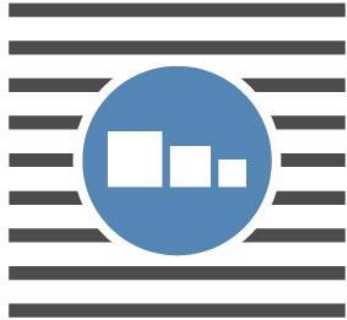
2. **Proportionality** considerations when executing



Specialties regarding the  
**issuing and executing** of EIOs  
in selected EU Member States

## Article 11

ON THE GROUNDS  
FOR REFUSAL

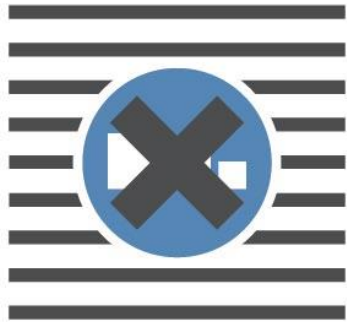


2. **Proportionality** considerations when executing

Specialties regarding the  
**issuing and executing** of EIOs  
in selected EU Member States

## Article 11

ON THE GROUNDS  
FOR REFUSAL

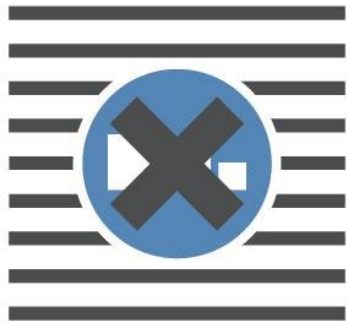


2. **Proportionality** considerations when executing

Specialties regarding the **issuing and executing** of EIOs in selected EU Member States

## Article 11

ON THE GROUNDS FOR REFUSAL

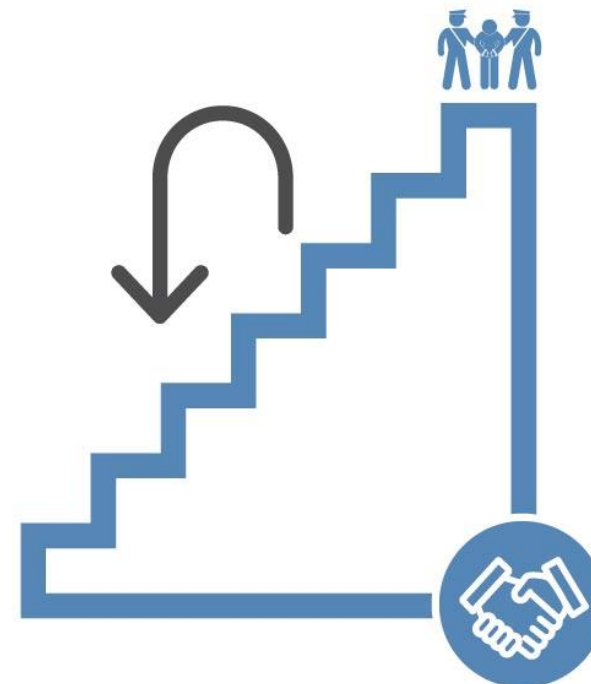


2. **Proportionality** considerations when executing

Specialties regarding the **issuing and executing** of EIOs in selected EU Member States

## Article 11

ON THE GROUNDS FOR REFUSAL



2. **Proportionality** considerations when executing

Specialties regarding the  
**issuing and executing** of EIOs  
in selected EU Member States

### Opportunity Principle



2. **Proportionality** considerations when executing

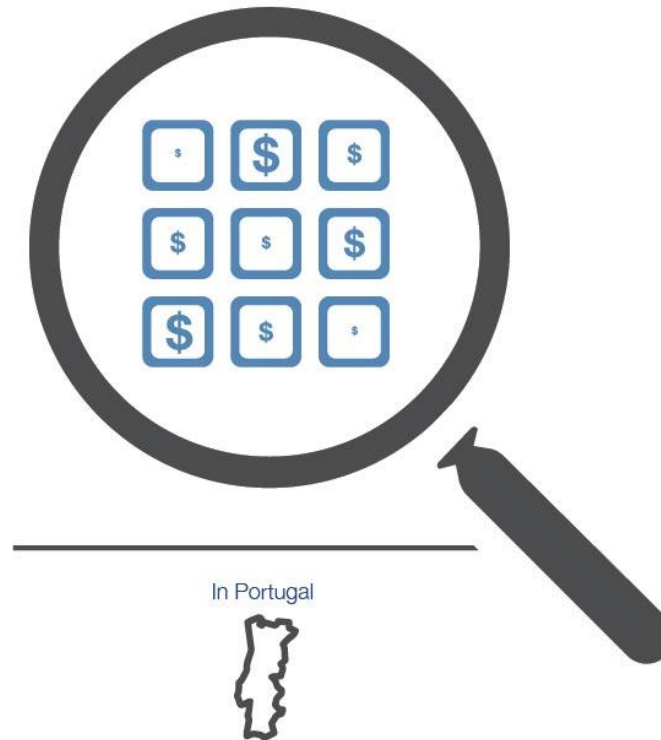
Specialties regarding the **issuing and executing** of EIOs in selected EU Member States

2. **Proportionality** considerations when executing

### Opportunity Principle

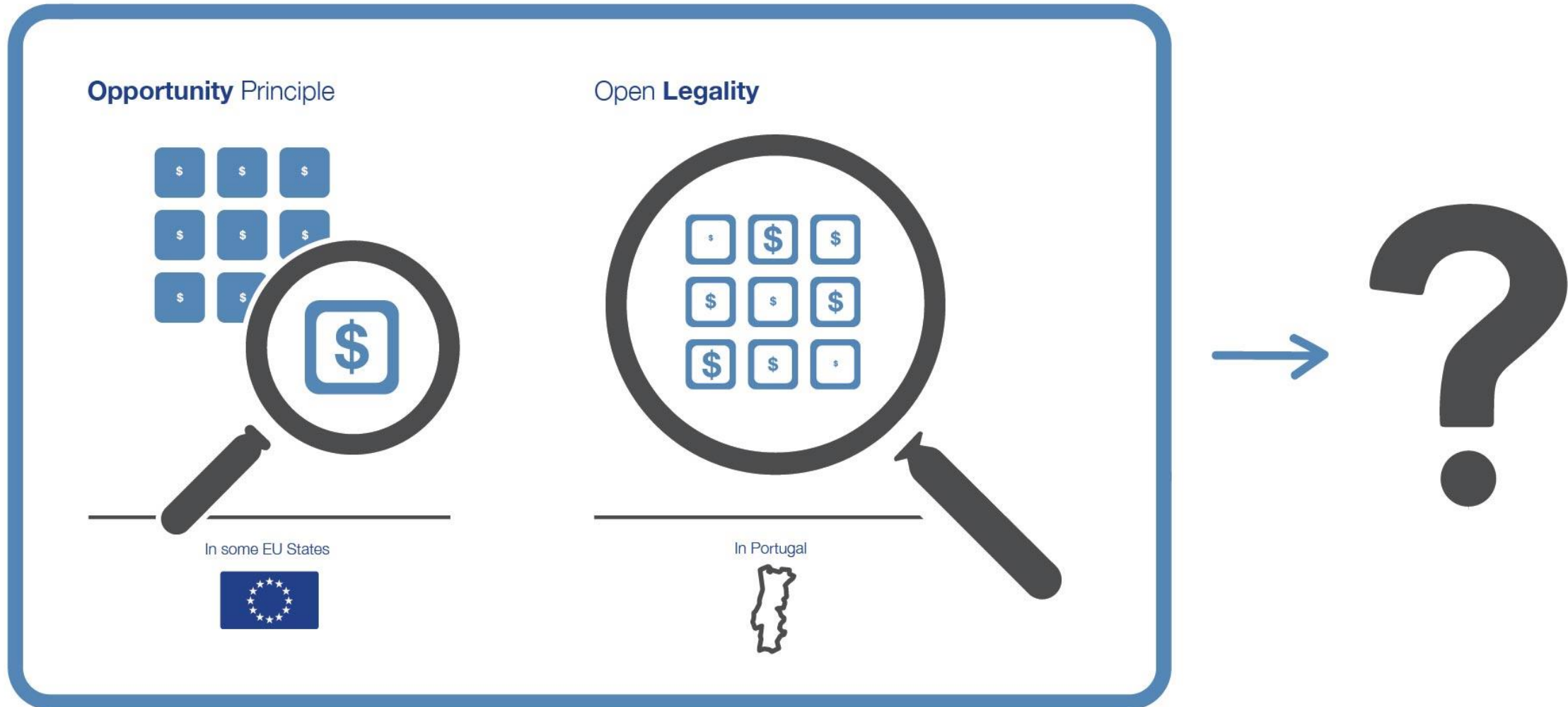


### Open **Legality**



Specialties regarding the **issuing and executing** of EIOs in selected EU Member States

2. **Proportionality** considerations when executing





Specialties regarding the  
**issuing and executing** of EIOs  
in selected EU Member States

2. **Proportionality** considerations when executing



Specialties regarding the **issuing and executing** of EIOs in selected EU Member States

2. **Proportionality** considerations when executing



3.

Availability of

**direct transmission**

Specialties regarding the  
**issuing and executing** of EIOs  
in selected EU Member States

3. Availability of **direct transmission**

## Article **13 (1)**

LAW 88/2017

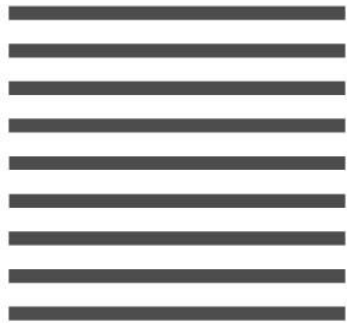


Specialties regarding the **issuing and executing** of EIOs in selected EU Member States

3. Availability of **direct transmission**

## Article 13 (1)

LAW 88/2017



Specialties regarding the **issuing and executing** of EIOs in selected EU Member States

3. Availability of **direct transmission**

## Article 13 (1)

LAW 88/2017

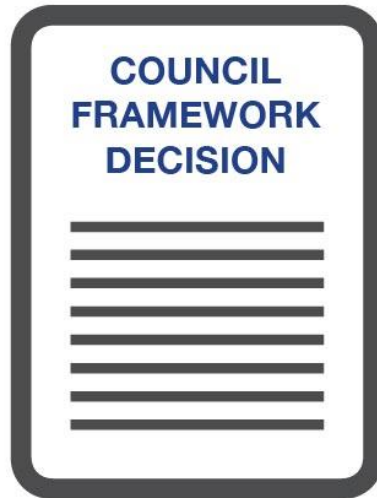


4.

Situations where the **EIO**  
may **inhibit cooperation**

Specialties regarding the  
**issuing and executing** of EIOs  
in selected EU Member States

4. Situations where the **EIO**  
may **inhibit cooperation**

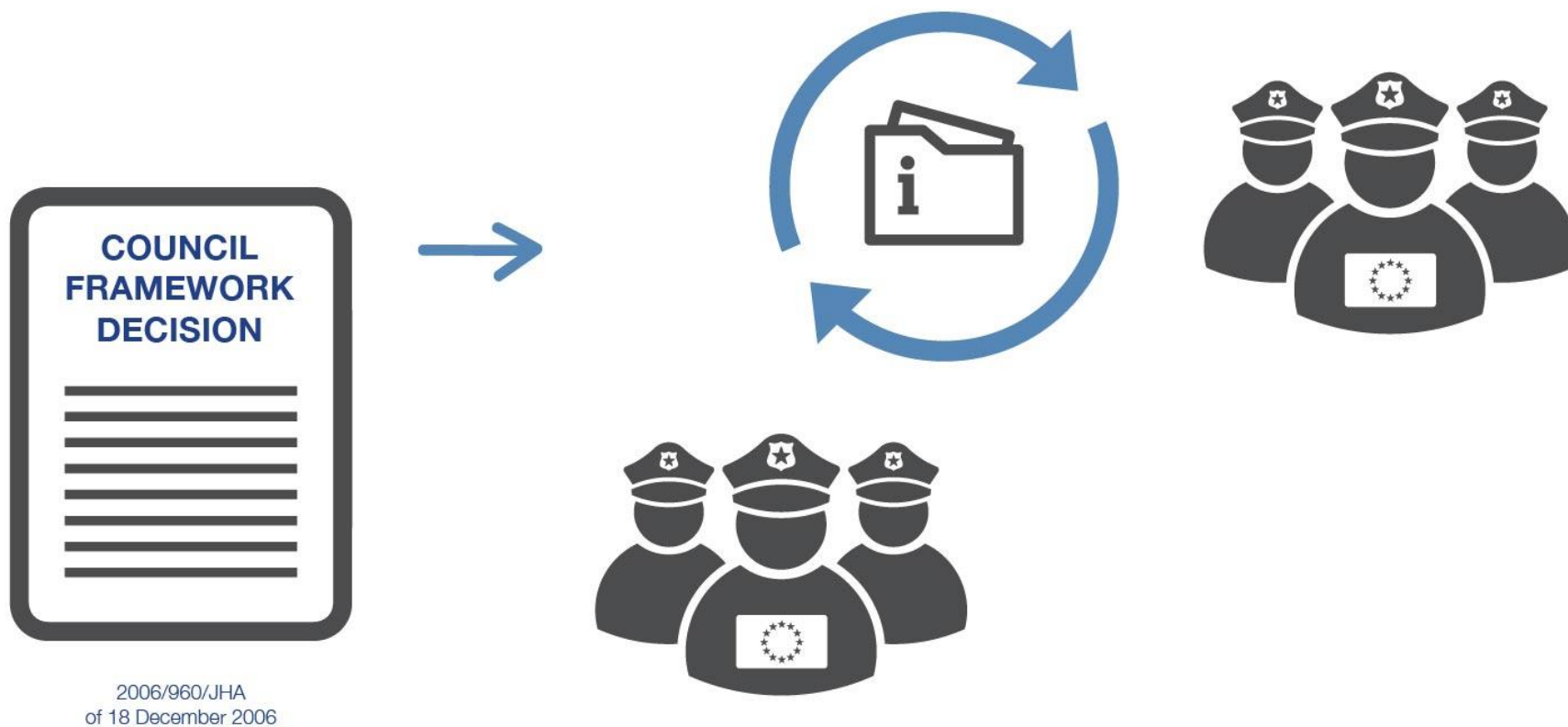


2006/960/JHA  
of 18 December 2006



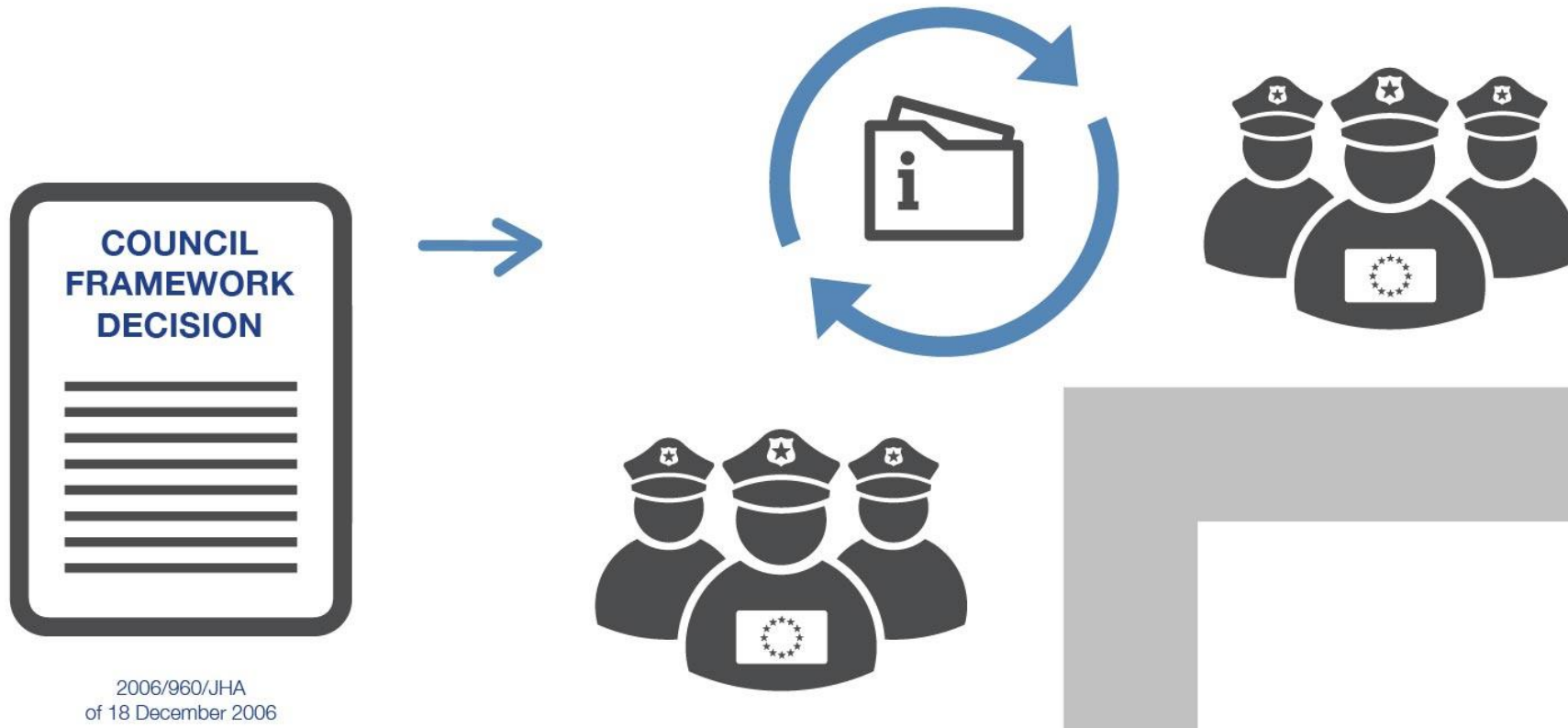
Specialties regarding the **issuing and executing** of EIOs in selected EU Member States

4. Situations where the **EIO** may **inhibit cooperation**



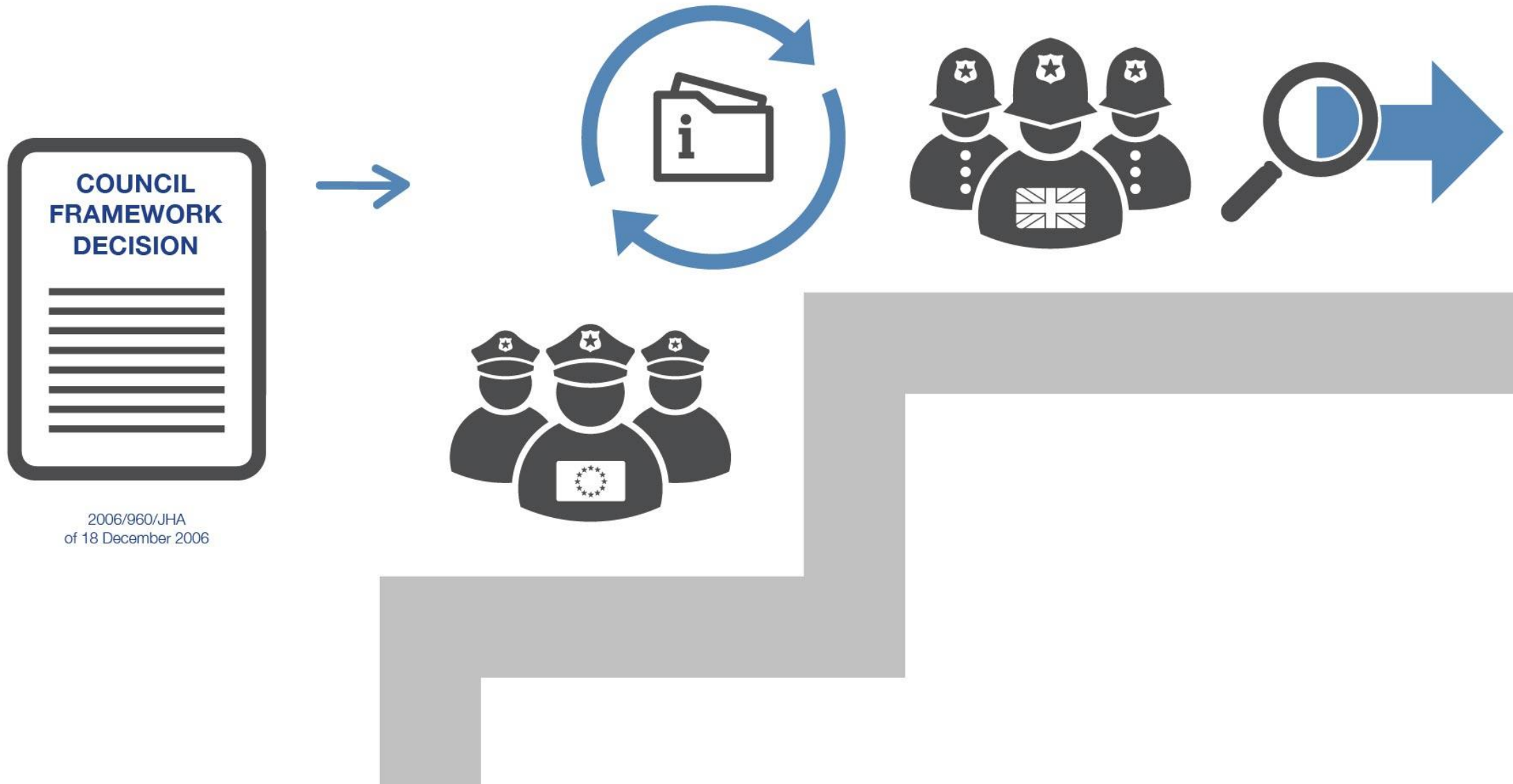
Specialties regarding the **issuing and executing** of EIOs in selected EU Member States

4. Situations where the **EIO** may **inhibit cooperation**



Specialties regarding the **issuing and executing** of EIOs in selected EU Member States

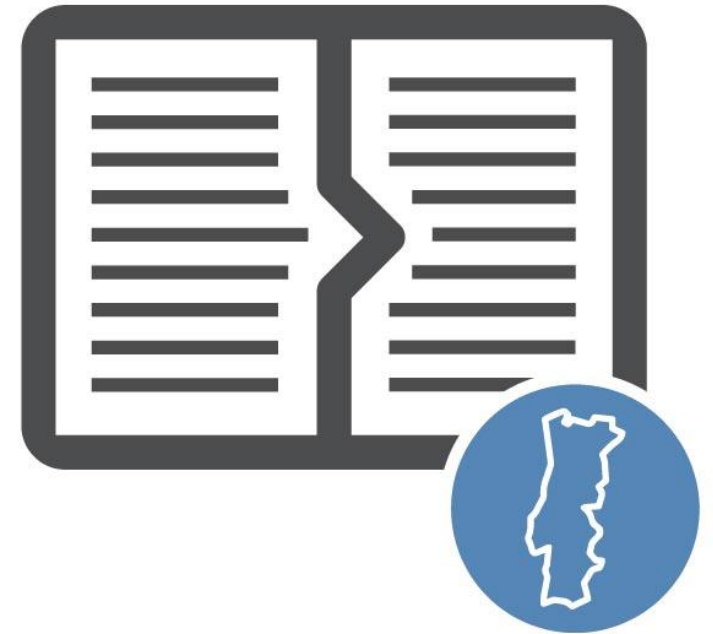
4. Situations where the **EIO** may **inhibit cooperation**



2006/960/JHA  
of 18 December 2006

Specialties regarding the  
**issuing and executing** of EIOs  
in selected EU Member States

4. Situations where the **EIO**  
may **inhibit cooperation**



Specialties regarding the **issuing and executing** of EIOs in selected EU Member States



4. Situations where the **EIO** may **inhibit cooperation**

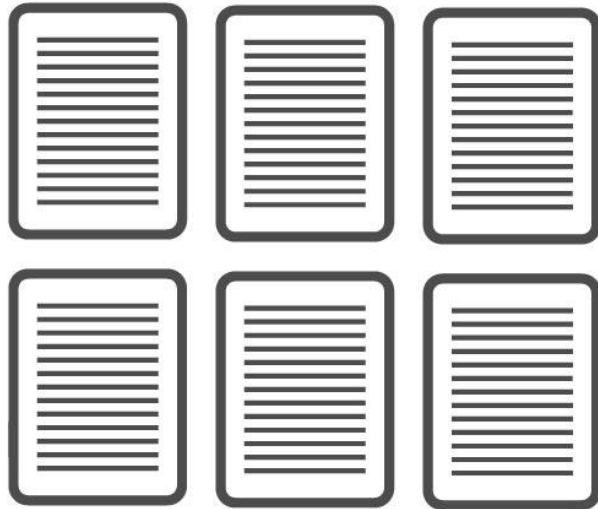


5.

**EIOs** for **multiple individuals**  
**and measures**

Specialties regarding the  
**issuing and executing** of EIOs  
in selected EU Member States

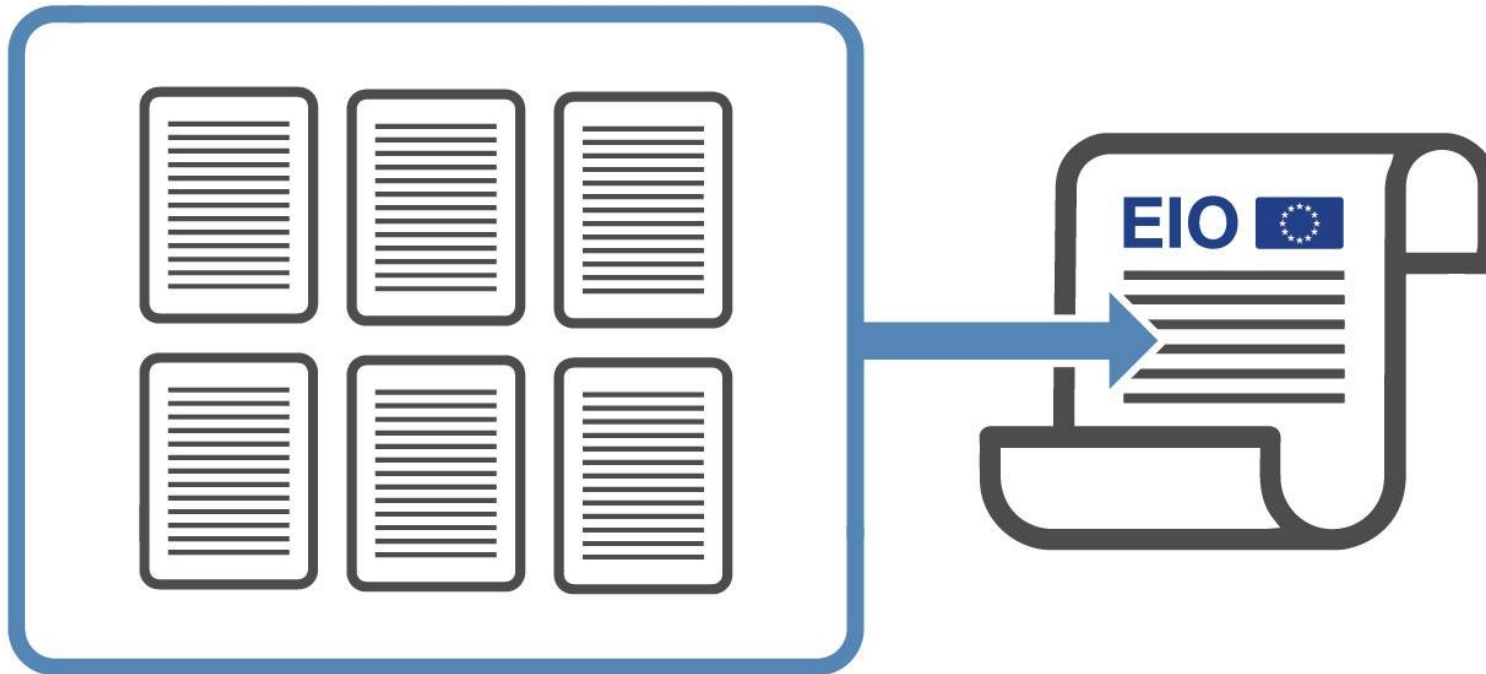
5. **EIOs for multiple individuals  
and measures**



**Multiple** measures

Specialties regarding the **issuing and executing** of EIOs in selected EU Member States

5. **EIOs for multiple individuals and measures**

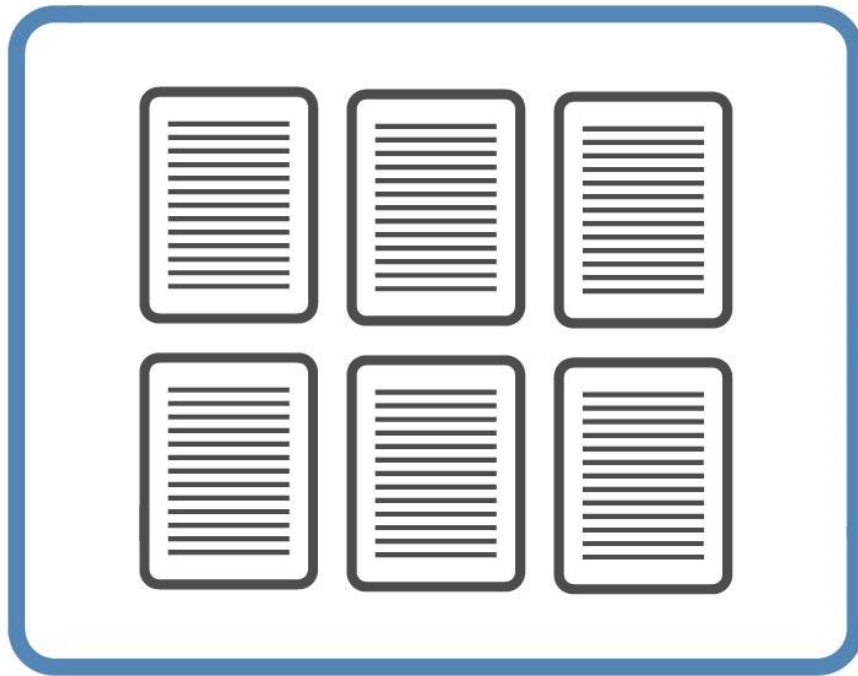


**Multiple** measures

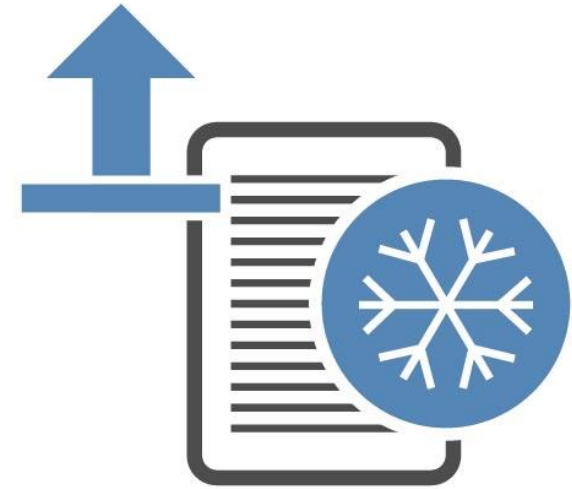


Specialties regarding the **issuing and executing** of EIOs in selected EU Member States

5. **EIOs for multiple individuals and measures**



**Multiple** measures



Specialties regarding the **issuing and executing** of EIOs in selected EU Member States

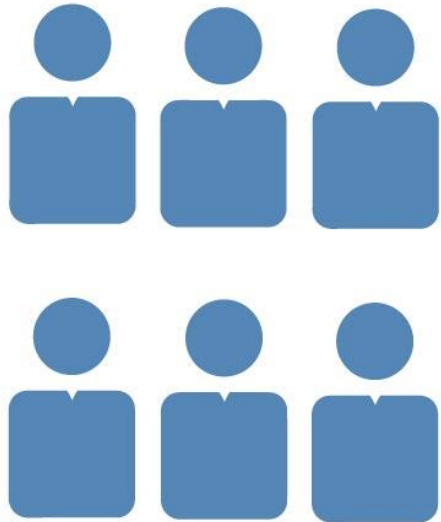
5. **EIOs for multiple individuals and measures**



**Multiple** measures

Specialties regarding the  
**issuing and executing** of EIOs  
in selected EU Member States

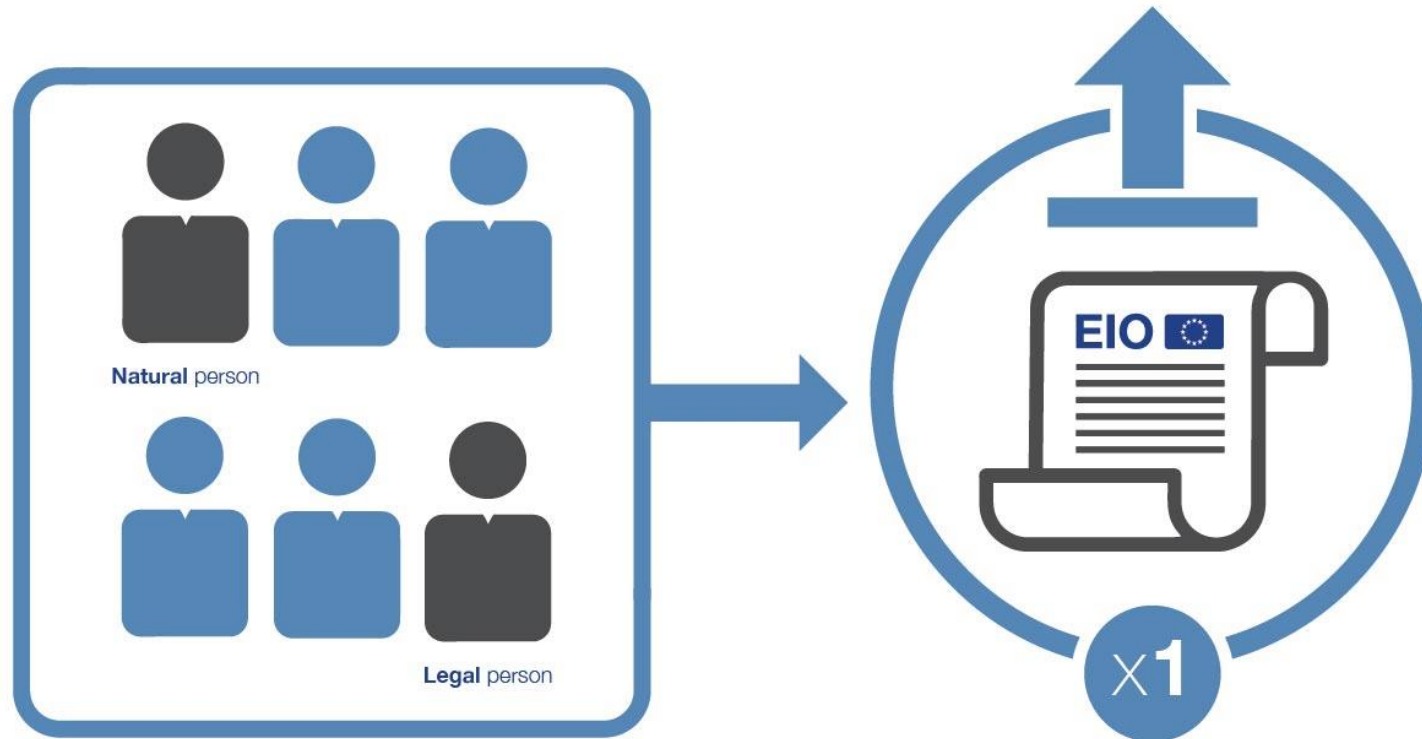
5. **EIOs for multiple individuals  
and measures**



**Multiple** individuals

Specialties regarding the **issuing and executing** of EIOs in selected EU Member States

5. **EIOs for multiple individuals and measures**



**Multiple** individuals

Specialties regarding the **issuing and executing** of EIOs in selected EU Member States

5. **EIOs for multiple individuals and measures**

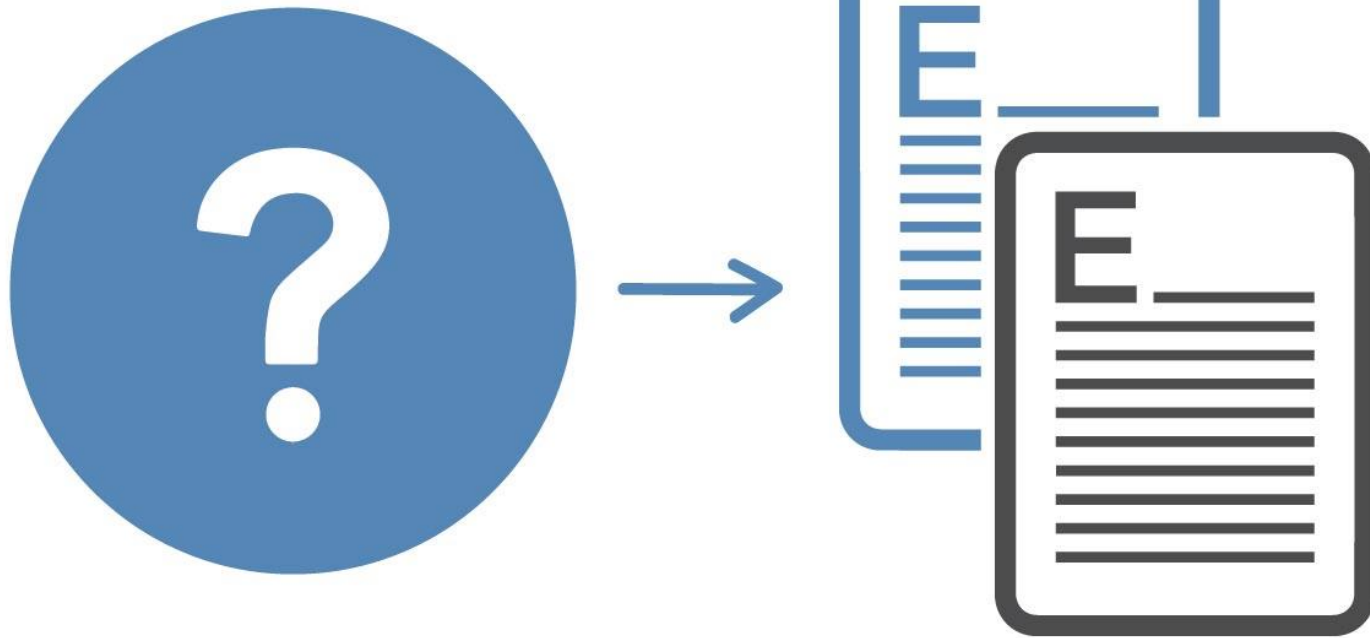


Specialties regarding the  
**issuing and executing** of EIOs  
in selected EU Member States

5. **EIOs for multiple individuals  
and measures**

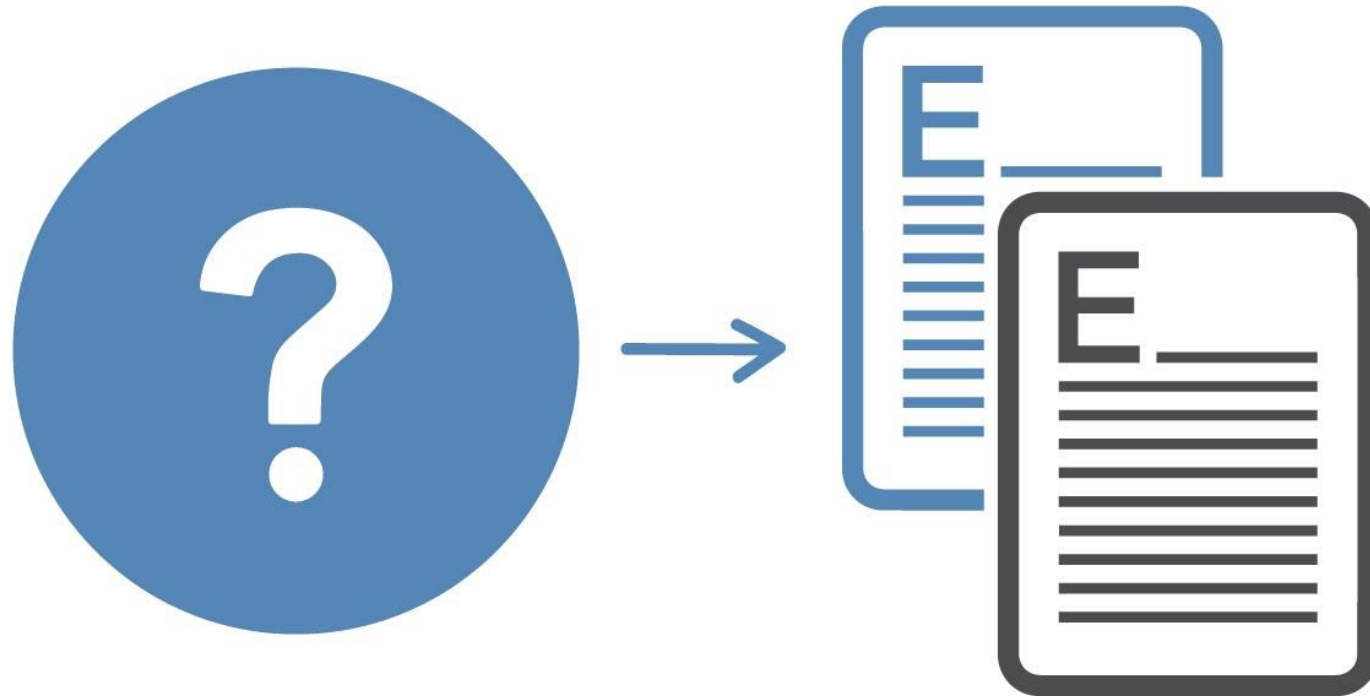


Specialties regarding the **issuing and executing** of EIOs in selected EU Member States



5. **EIOs** for **multiple individuals** and **measures**

Specialties regarding the **issuing and executing** of EIOs in selected EU Member States



5. **EIOs for multiple individuals and measures**



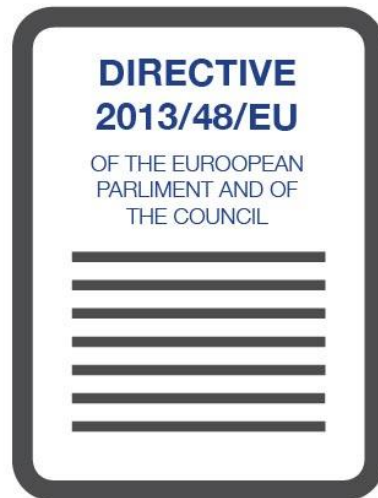


6.

## **Entitlement to a lawyer**

Specialties regarding the  
**issuing and executing** of EIOs  
in selected EU Member States

## 6. Entitlement to a lawyer

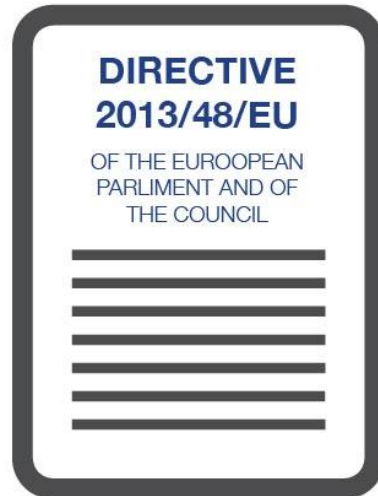


22 October 2013

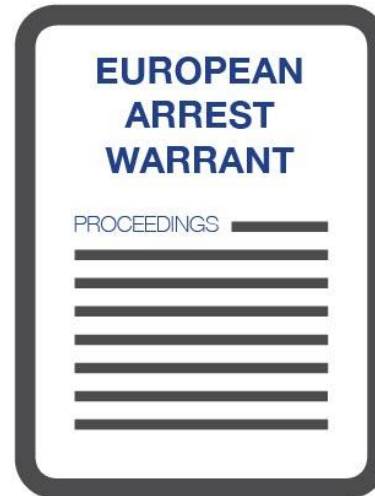


Specialties regarding the  
**issuing and executing** of EIOs  
in selected EU Member States

## 6. Entitlement to a lawyer



22 October 2013

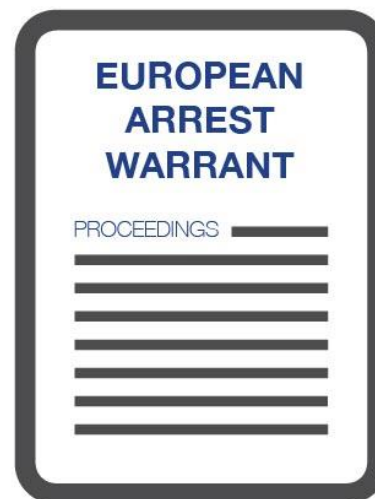


Specialties regarding the  
**issuing and executing** of EIOs  
in selected EU Member States

## 6. Entitlement to a lawyer



22 October 2013

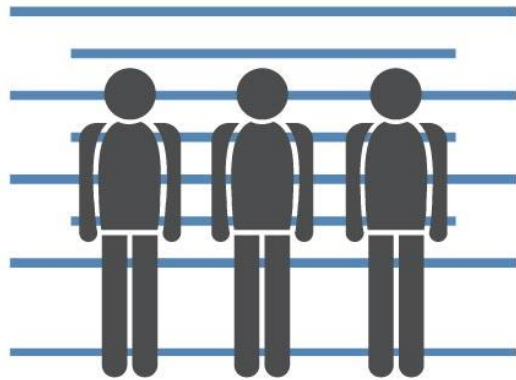


The right to have a  
**third party informed**



Specialties regarding the  
**issuing and executing** of EIOs  
in selected EU Member States

## 6. Entitlement to a lawyer

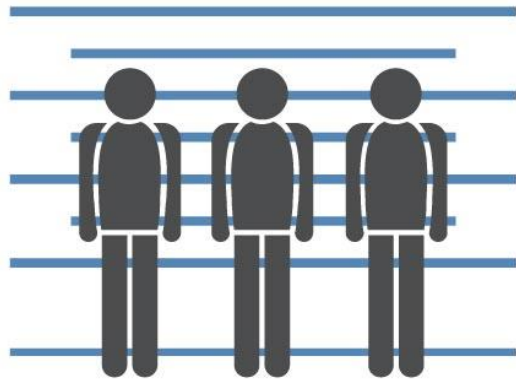


Identity parades

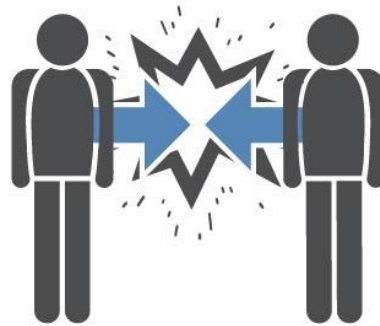


Specialties regarding the  
**issuing and executing** of EIOs  
in selected EU Member States

## 6. Entitlement to a lawyer

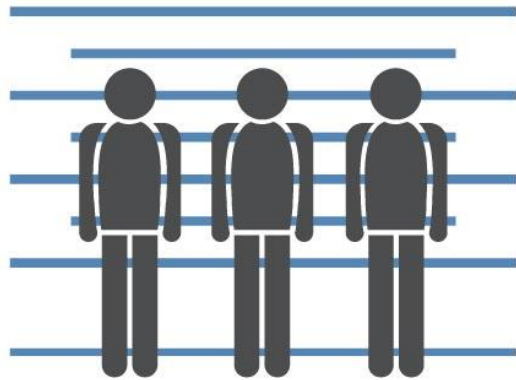


Identity parades

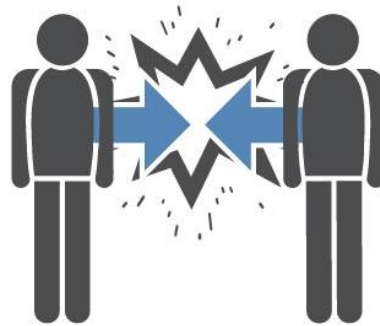


Confrontations





Identity parades



Confrontations



Reconstructions of the  
scene of a crime



Specialties regarding the  
**issuing and executing** of EIOs  
in selected EU Member States

## 6. Entitlement to a lawyer



In every investigative  
measure or act





Specialties regarding the  
**issuing and executing** of EIOs  
in selected EU Member States

## 6. Entitlement to a lawyer



In every investigative  
measure or act



In a search and seizure  
to a lawyer's office



Specialties regarding the  
**issuing and executing** of EIOs  
in selected EU Member States

## 6. Entitlement to a lawyer



In every investigative  
measure or act



In a search and seizure  
to a lawyer's office



Victims and witnesses  
also have the right to a lawyer



Specialties regarding the  
**issuing and executing** of EIOs  
in selected EU Member States



Specialties regarding the  
**issuing and executing** of EIOs  
in selected EU Member States



THANK YOU.



Júlio Barbosa e Silva  
Prosecutor  
PORTUGAL

