

Applying the European Investigative Order

**The implementation of the EIO
in the Czech Republic**

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EIO

- The goal of the IEO is to unify the fragmented and complicated framework for the gathering of evidence
- What is the reality?
- When requesting an act of international judicial cooperation we have to ask:
 - where to send it?
 - what do we want?

Implementation in the Czech Republic

- EIO implemented on 16 August 2018
- It is included into the Law on International judicial cooperation in criminal matters

Judicial authorities under national law and validation

- EIO issued by judicial authorities – prosecutors or judges
- We accept an EIO issued by other than judicial authorities but validated by judicial authorities

Proportionality considerations when executing

- Limited experience with this issue
- If possible, all requests are executed regardless of its seriousness

Availability of direct transmission

- Preparation of e-platform/e-portal
- Is it safe to send it via e-mail?

Situations where the EIO may inhibit cooperation

- Limited experience
- Postponement of the execution if possible

EIOs for multiple individuals and measures

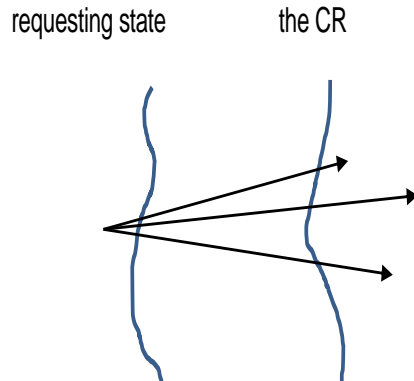
- Different approach in various countries
- Countries usually require multiple EIOs for acts which should be executed in different regions
- In the Czech Republic – one EIO/MLA for all acts which should be executed in various regions - one judicial authority responsible for all of them

EIOs for multiple individuals and measures

the previous system

The old system of execution of MLA requests (before 1.1.2014)

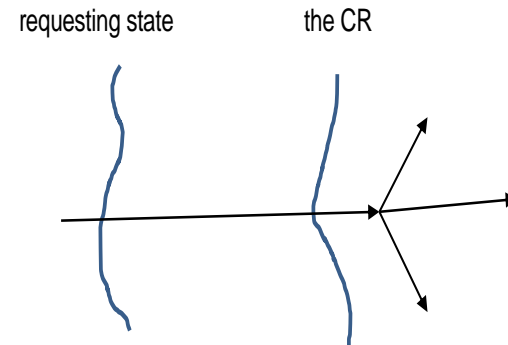
- one requesting foreign authority in one criminal case – several Czech prosecutors (or courts) as the requested authority



the new system

The new system of execution of MLA requests in the CR (after 1.1.2014)

- one requesting foreign authority in one criminal case – one Czech prosecutor (or court) at regional level as the requested authority that is responsible for decision making and coordinating of all requested assistance on the whole territory of the CR.



Entitlement to a lawyer

- The accused has a right to the presence of a defence counsel during gathering evidence

Contact

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