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NOTE

From: General Secretariat of the Council
To: Delegations

Subject: Information by the Commission on the editable pdf version of the forms annexed to the EIO Directive and on the draft practical guidance for practitioners
= Paper by the Commission

Delegations will find a revised version of the practical guidance for practitioners on how to fill in the EIO form, as drafted by the Commission services.

The changes compared to the previous version are indicated by **bold and underline** (for new additions) and by ~~strikethrough~~ (for deleted text).

Member States that have comments / suggestions regarding the revised guidelines are invited to present these at the COPEN meeting on 19 June 2019.

EXPLANATORY MEMORANDUM

TO THE

ELECTRONIC VERSION OF THE FORMS ANNEXED TO THE

DIRECTIVE 2014/41/EU REGARDING THE EUROPEAN INVESTIGATION

ORDER IN CRIMINAL MATTERS AND THE GUIDELINES ON HOW TO

FILL IN THE EUROPEAN INVESTIGATION ORDER FORM

I. The Directive and the forms

The Directive 2014/41/EU regarding the European Investigation Order in criminal matters¹ (the Directive) deals with the gathering and transfer of evidence, including electronic evidence, within the Union.

The Directive is based on the principle of mutual recognition of judgements and judicial decisions and allows a judicial authority in one Member State (the "issuing authority") to request that specific investigative measures are carried out by an authority in another Member State (the "executing authority") to obtain evidence.

The Directive became applicable on 22 May 2017 and all participating Member States have communicated transposition measures. It updated the legal framework for the gathering and transfer of evidence between Member States. In particular, it replaced the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union², which sets out the conditions for mutual legal assistance.

¹ [Directive 2014/41/EU](#) of the European Parliament and of the Council of 3 April 2014 regarding the European Investigation Order in criminal matters, OJ L 130, p.1.

² [Council Act of 29 May 2000](#) establishing in accordance with Article 34 of the Treaty on European Union the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union.

It provides the following three standardised forms to facilitate the execution (set out in the annexes to the Directive):

- European Investigation Order (EIO), in Annex A;
- Confirmation of the Receipt of an EIO, in Annex B; and
- Notification of the interception of telecommunications without technical assistance, in Annex C.

When seeking to have investigative measures carried out in another Member State, the issuing authority must *transmit the EIO in the form set out in Annex A* to the Directive. The EIO should contain all relevant information enabling the executing State to recognise and execute it. The Directive requires the EIO to be translated into the official language of the executing State or into any other language, indicated by the executing State **(Art. 5(3) of the Directive)**.

The executing authority, which receives the EIO must, within a week of the reception of an EIO, complete and *send the confirmation of the receipt of an EIO, set out in Annex B* **(Art. 16(1) of the Directive)**.

Where the interception of telecommunications is authorised by the competent authority of one Member State (the ‘intercepting Member State’) and the subject of the interception is located in another Member State (the ‘notified Member State’) from which no technical assistance is needed to carry out the interception, the intercepting Member State must *notify the competent authority of the notified Member State of the interception by using the form set out in Annex C* **(Art. 31(2) of the Directive)**.

II. Context

The Council in its June 2016 Conclusions on improving criminal justice in cyberspace³ called on the European Commission to consider and make recommendations on how to adapt, where appropriate, existing standardised forms and procedures to request the securing and obtaining of electronic evidence.

Following the Council's request, the European Commission has set up an ad hoc expert group of representatives of Eurojust, the European Judicial Network and the European Judicial Cybercrime Network, whose objective was to work on the:

- i) electronic user-friendly version of the forms annexed to the Directive; and
- ii) practical guidance for the practitioners on how to fill in the EIO form.

Three meetings of the experts took place - on 1 March 2017, 21 March 2017 and 20 April 2017 - at DG JUST premises. The experts involved drafted the predefined sentences/paragraphs to be included in the electronic version of the forms, where possible and necessary, as well as the practical guidance for filling in the EIO form. On this basis, electronic versions of the forms were developed, which provide additional pre-defined scroll-down menus which can be seen and selected on the computer screen, but are not shown after printing on the paper version, unless marked and completed. These pre-defined scroll-down menus include, for example, a list of investigative measures to collect electronic evidence. This version also includes a functionality of completing one form for all the persons concerned by the investigative measure (Section E of the EIO form). Finally, the electronic version provides an indication of the fields that must be completed (highlighted in red) and reminders to fill-in all the required fields and to sign the form, which appear before printing.

This Memorandum together with the attached guidelines aims at explaining the reasoning behind the creation of the electronic version of the forms and at describing in detail how to fill in the EIO form. It should assist practitioners in applying the forms correctly in their day-to-day work.

³ [Conclusions of the Council of the European Union on improving criminal justice in cyberspace, ST9579/16](#)

The starting point for drafting was that the forms themselves would not be modified, as they are part of the legislative act. The approach chosen by the expert group is based on the inner logic of these forms, which allows the inclusion of a set of predefined options where a free text entry is possible. As explained above, the added options would not appear after printing, if not chosen, thus they do not amend the forms, but only facilitate the process of its completion and translation. The work has been done giving particular attention to the information needed for a successful execution, including by building on the experience gained in many years of practical work on mutual legal assistance.

Completion of these standardised forms, which were adopted on 3 April 2014 (in Annexes to the Directive), and with which practitioners have not been familiar before, can be complicated and time consuming. In addition, their translation with a number of free-form text fields can make it a costly procedure. The electronic format is expected to facilitate completion of these forms and to reduce the text for translation, while the guidelines would ensure consistent completion of the EIO form.

As requested by the Council in its June 2016 Conclusions, the European Commission, together with the Member States, is currently working on the development of a secure online portal for electronic requests and responses concerning evidence and the corresponding procedures, to increase the efficient use of standardised forms and facilitate cross-border judicial cooperation in relation to proceedings in criminal matters. The portal would incorporate the new elements introduced by the electronic version of the forms, as well as the guidelines. The electronic version of the forms is in particular expected to serve the needs of practitioners during the transitional period until the portal is ready to be used.

In order to further facilitate the daily work of practitioners, it is intended to have the electronic version of the forms and the guidelines available in 23 EU languages.

They will be made available on the European Judicial Network website for the national authorities to be used on a voluntary basis.

The electronic version of the forms and the guidelines do not have any impact on the substantive content of the Directive, and they have no legislative effect. The use of the electronic version of the forms by the respective national authorities is on a strict voluntary basis. Nevertheless, Member States are encouraged to promote their use as they would facilitate the mechanism for the execution of cross-border investigative measures as laid down by the Directive and would lead to reduce the financial and administrative burden linked to the procedure.

[draft] GUIDELINES ON HOW TO FILL IN THE EUROPEAN INVESTIGATION ORDER (EIO) FORM

This EIO has been issued by a competent authority. The issuing authority certifies that the issuing of this EIO is necessary and proportionate for the purpose of the proceedings specified within it taking into account the rights of the suspected or accused person and that the investigative measures requested could have been ordered under the same conditions in a similar domestic case. I request that the investigative measure or measures specified below be carried out taking due account of the confidentiality of the investigation and that the evidence obtained as a result of the execution of the EIO be transferred.

- *The EIO should be chosen where the execution of an investigative measure seems proportionate, adequate and applicable to the case in hand. The issuing authority should therefore ascertain whether the investigative measure chosen is necessary and proportionate for the gathering of the evidence concerned.*
- *Sometimes it may be more effective to go through police to police cooperation before the EIO is issued, for example, creating an alert in SIS to find or locate the objects sought as evidence in criminal proceedings (such as vehicles, identity papers, credit cards, or number plates, etc.) or to find out the place of residence or domicile of persons sought to assist with criminal judicial procedures (such as witnesses).*
- *Note that Denmark and Ireland do not participate in EIO.*
- *Consult the EJN website to find notifications made by Member States (in the Judicial Library), as well as the competent executing authority for your EIO (in the Judicial Atlas).*
- *For further information, it might be useful to contact your national EJN Contact Point(s) or to contact EJN contact point directly in the executing state, such as for identifying and establishing direct contacts with the executing authority, or for obtaining legal and practical information concerning execution of different investigative measures. For advice on gathering electronic evidence, you may contact your member of the European Judicial Cybercrime Network (EJCN).*
- *When drafting an EIO, it is recommended to use the editable PDF version of the EIO form available on the European Judicial Network (EJN) website⁴ or the Compendium tool of the EJN. Using these e-tools presents the advantage of filling in the form as easy as filling in a word format, but with several modern and user-friendly features, such as obtaining immediately the static text of the form in the language(s) accepted by the executing State, or choosing from a predefined list of investigative measures for access to electronic evidence.*
- *It is advisable to download the editable PDF version of the EIO form in the issuing authority's (your own) language, as well as in other languages, and keep it on your own computer, in case there is no access to the EJN website when needed in urgent cases.*
- *Also the forms set out in Annexes B and C to the EIO Directive are available on the EJN website in editable PDF versions.*
- *~~If you use the word format, available on the EJN website, fill Fill in that the form in your own language using a computer (not in handwriting). ~~When the editable PDF version of the EIO form or the EJN Compendium tool is used, the form is always filled in on the computer.~~~~*
- *~~Also the forms set out in Annexes B and C to the EIO Directive are available on the EJN website in editable PDF versions.~~*
- *Use short and simple sentences, which are easy to translate.*
- *To enhance the readability of the form, make the filled in text and ticked boxes 'bold'.*
- *If a box is not relevant, leave it empty or write 'not applicable' ('N/A') or indicate clearly, for instance by a specific mark (e. g.: —) that it is not applicable. You may never delete a box, add a box or somehow change the EIO form.*

⁴ <https://www.ejn-crimjust.europa.eu/>

SECTION A

➤ *Always obligatory to fill in.*

Issuing State:

Executing State:

SECTION B: Urgency

- *Fill in only, if a shorter deadline than indicated below or if a specific time limit is necessary.*
- *The EIO Directive sets the following time limits:*
 - *30 days for deciding on recognition or execution of an EIO (Art. 12(3));*
 - *90 days for carrying out investigative measures following the taking of the aforementioned decision (Art. 12(4));*
 - *24 hours, where practicable, for decision on provisional measure following the receipt of an EIO (Art. 32(2)).*
- *Indicate reasons for this. Such reasons could, for example, include: suspect/accused being detained in custody; upcoming hearing dates; immediate risk to life/health; expiring term for preliminary measures; preservation of electronic evidence due to expire; need for coordination with other requests and/or other national measures; statute of limitations (prescription); etc.*
- *In the editable pdf version, use the free-form text field or additional functionality with predefined text fields for urgency.*
- *If a provisional measure is requested, it is not sufficient to mark ‘evidence being concealed or destroyed’ but also the box ‘Provisional measure(s) to prevent the destruction, transformation, moving, transfer or disposal of an item that may be used as evidence’ at the end of section C should be ticked.*
- *Whenever possible, provide the date of the deadline, which needs to be met, including indication of time, if needed. Where such a deadline cannot be indicated, provide sufficient information to explain the urgency.*
- *For transmission of an urgent EIO, assistance of Eurojust National Member or a EJM Contact Point may be desirable.*
- *Urgent EIO may also be transmitted via a police channel (e.g. Europol Liaison Bureaux, Interpol NCB, bilateral Liaison Officers). A parallel transmission through different (police) channels should be avoided. If a parallel transmission is absolutely inevitable, this fact should be indicated as well as the different authorities the EIO is being sent to).*

Please indicate if there is any urgency due to

- Evidence being concealed or destroyed
- Imminent trial date
- Any other reason

Please specify below:

Time limits for execution of the EIO are laid down in Directive 2014/41/EU. However, if a shorter or specific time limit is necessary, please provide the date and explain the reason for this:

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SECTION C: Investigative measure(s) to be carried out

- *Always obligatory to fill in.*
- *Always describe the assistance/investigative measure required in the free text field and, if applicable, tick the relevant box/boxes from the list of investigative measures.*
- *A(n) (single) EIO may be issued for carrying out several investigative measures. Number separate measures in all relevant sections of the form. If execution of more than one investigative measure is sought and more than one executing authority is responsible for the execution thereof, issue either separate EIOs for each executing authority or a single EIO. If a single EIO is issued, differentiate the competences in the EIO and send a copy of the EIO to each executing authority concerned.*
- *An EIO should cover any investigative measure to obtain evidence that could have been ordered under the same conditions in a similar domestic case.*
- *However, an EIO does not apply to:*
 - ~~*However, the setting*~~ *Setting up of a joint investigation team and the gathering of evidence within such a team cannot be covered by the EIO (Art. 3, recital 8);*
 - ~~*EIO should not apply also to e*~~ *Cross-border surveillance as referred to in the Convention implementing the Schengen Agreement (recital 9);*
 - ~~*p*~~ *Provisional measures with a view to confiscation (Art. 32, recital 34);*
 - *Transfer of a person to another Member State for the purposes of prosecution, including bringing that person before a court for standing trial for which a European Arrest Warrant (EAW) should be issued (recital 25).*
- *Requests for information on previous convictions should be made through ECRIS (European Criminal Record Information System).*
- *Procedural documents should be sent directly to the person by post (Article 5 of EU 2000 Convention) or may served by the competent authorities using an MLA request. When in a particular case, service of a document is part of the investigative measure requested in an EIO, for example, a hearing, using EIO for assistance with serving a document may be ~~considered~~ deemed appropriate.*
- ~~➤ *EIO may be issued for carrying out investigative measures if needed with the participation of the person concerned with a view to collecting evidence. However, where a person is to be transferred to another Member State for the purposes of prosecution, including bringing that person before a court for standing trial, a European Arrest Warrant (EAW) should be issued (recital 25).*~~
- ~~➤ *Always describe the assistance/investigative measure required in the free text field and, if applicable, tick the relevant box/boxes from the list of investigative measures.*~~
- *In the editable pdf version, two additional lists of investigative measures were added to this section: one to collect electronic evidence and the second one for most common 'traditional' investigative measures. Ticking boxes in these additional lists is not obligatory but they may allow the executing authority easier identify the assistance requested. If the measure 'identification of persons holding a subscription of a specified phone number or IP address' is requested, always tick the relevant box from the general list of investigative measures and, if relevant (for example, when you consider necessary to request also other types of electronic evidence), you may use the functionality of the additional list for electronic evidence.*
- *For certain types of investigative measures, section (H)(1-7) should also be completed*

to provide additional information required under this section.

- *As far as possible, information that will be provided under sections (E), (H) and (I) should not be included under section (C), in particular, details of any special procedure / formalities to be followed should be indicated in section (I), and full address or a precise description of any place or person to be searched should be specified under section (E).*
- *Provide sufficient information to identify the evidence sought, for instance when requesting for an identification of person holding an IP address, give details on the type of data required, indicate IP address, date and time of the use, name and address of the service provider, name of the service; or when requesting a house search or search of premises, provide a description of the premises, indicate the owner of the premises, and the resident, if different from the owner, items to be looked for.*
- ~~*An EIO may be issued for carrying out several investigative measures. Number separate measures in all relevant sections of the form.*~~
- *If necessary, supplementary to section (K) (contact details of the person(s) to make practical arrangements for the transfer of evidence), indicate preferred means or channels for sending the collected evidence or advance copies.*
- *Where a temporary transfer of a person is requested, supplementary to section (H)(1), indicate:*
 - *the purpose for the transfer (for instance, witness, confrontation);*
 - *the dates by which that person must be transferred and returned;*
 - *information on custody conditions;*
 - *under section (K): contact details of the authority responsible for making practical arrangements for the transfer.*
- *Where a hearing of a person is requested, provide:*
 - *sufficient information on the purpose of the hearing, for example by providing a list of questions to be asked in a document in attachment (in particular where the list is extensive) or under this section;*
 - *an explanation that other questions arising during the hearing should also be asked;*
 - *under section (I)(1): where applicable, details of any special procedure/formalities to be followed, for example, (1) hearing under oath; (2) participation of other concerned persons, such as a holder of parental responsibility; (3) hearing to be conducted by a particular authority of the executing State; (4) information on the rights and obligations to be notified to the person to be heard such as a right to be assisted by a lawyer/interpreter (if such information needs to be handed over to a person, such as in case when a signature of a person on the list of rights is necessary to prove in the issuing State that he or she was properly notified, it is advisable to attach it to the EIO); (5) information whether the person to be heard requires protection;*
 - *under section (I)(2): where applicable, whether the issuing authority requests for one of more officials of the issuing State to be present at the hearing.*
- *Where a hearing by video conference is requested, supplementary to this section, provide:*

- *under section (H)(2): name of the authority that will conduct the hearing, including contact details and language, reasons for requesting this measure, and information whether consent of the suspected or accused person was obtained for carrying out this measure;*
 - *under section (I)(1): where applicable, details of any special procedure/formalities to be followed, for example, (1) information on the rights and obligations to be notified to the person to be heard, such as a right to be assisted by a lawyer/interpreter; (2) information whether the person to be heard requires protection; (3) hearing under oath; (4) participation of other concerned parties, such as a holder of parental responsibility; (4) hearing to be conducted by a particular authority of the executing State.*
- *Where the interception of telecommunications is requested:*
- *indicate the status of the person whose communications should be intercepted, for example a suspect, witness, victim or a person likely in contact with the suspect, in case such information is not included under section (E). This information might be essential to determine, if the investigative measure could be authorised in a similar domestic case;*
 - *under section (H)(7): provide reasons, why the measure is relevant for the criminal proceedings; information for the purpose of identifying the subject of interception; the desired duration; technical data and preference regarding the method of execution.*

Describe the assistance/investigative measure(s) required AND indicate, if applicable, if it is one of the following investigative measures:

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- Obtaining information or evidence which is already in the possession of the executing authority
- Obtaining information contained in databases held by police or judicial authorities
- Hearing
 - witness
 - expert
 - suspected or accused person
 - victim
 - third party
- Identification of persons holding a subscription of a specified phone number or IP address
- Temporary transfer of a person held in custody to the issuing State

- Temporary transfer of a person held in custody to the executing State
- Hearing by videoconference or other audiovisual transmission
 - witness
 - expert
 - suspected or accused person
- Hearing by telephone conference
 - witness
 - expert
- Information on bank and other financial accounts
- Information on banking and other financial operations
- Investigative measure implying the gathering of evidence in real time, continuously and over a certain period of time
 - monitoring of banking or other financial operations
 - controlled deliveries
 - other
- Covert investigation
- Interception of telecommunications
- Provisional measure(s) to prevent the destruction, transformation, moving, transfer or disposal of an item that may be used as evidence

SECTION D: Relation to an earlier EIO

- *Only fill in if applicable.*
- *Use this section to indicate relation to an earlier EIO, addressed either to the executing State, which the current EIO supplements, or to another Member State in the same case.*
- *If relevant, this section can also be used to indicate if, in the same case, parallel EIOs were sent to several executing authorities in the same Member State or to different Member States. For this purpose, it is advisable to indicate the date of issue of EIO, authority to which it was transmitted, type of investigative measure requested and whether Eurojust National Member or EJM Contact Point was contacted.*
- *When it could facilitate the action of the executing authority, it is advisable to indicate in this section a relation to a EAW, a freezing/confiscation order, a MLA or other request sent in the same case.*
- *In the editable PDF version, this section can be completed either by using the free-form text fields or the additional functionality with predefined fields.*

Indicate whether this EIO supplements an earlier EIO. If applicable, provide information relevant to identify the previous EIO (the date of issue of the EIO, the authority to which it was transmitted and, if available, the date of transmission of the EIO, and reference numbers given by the issuing and executing authorities):

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If relevant please indicate if an EIO has already been addressed to another Member State in the same case:

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.....

SECTION E: Identity of the person concerned

- *Always obligatory to fill in, except where the identity of the person is unknown or if the measure does not concern a person. In the latter case, however, indicate the suspect/person accused under section G. Fill in all fields, if information is available.*
- *Provide details of the natural or legal person concerned by the investigative measure, including their position held in proceedings. In addition, use section (€G) to provide information about other persons, if needed, for example, when requesting hearing of a witness, information about the witness should be given under section (E) while details about a suspect – under section (G€).*
- *Where there is more than one person concerned, provide details for all of them, including their position in the proceedings. There is a functionality in the editable pdf version which allows adding (and removing) multiple persons concerned, including the possibility to indicate the position in the proceedings for each of them.*
- *When giving details on the natural person:*
 - *‘Name’: write the name as it is in national language, name should not be translated, include previous official name, if known, make sure the order is correct, that you are not stating as name what a forename is and double-check in case there are two or more persons with similar names within the same file;*
 - *‘Aliases, if applicable’: include false names, indicate nicknames in brackets. If person uses false identity, this false identity should be inserted in all fields, e.g. false date of birth and false address;*
 - *‘Nationality’: in case of multiple nationalities, indicate all of them.*
- *Give exact address and other relevant information on the location where the investigative measure is to be carried out.*
- *Where appropriate, include additional information which may assist the executing authority, such as, for example, contact details of the person concerned.*

1. State all information, as far as known, regarding the identity of the (i) natural or (ii) legal person(s) concerned by the investigative measure (if more than one person is concerned, please provide the information for each person):

(i) In the case of natural person(s)

Name:

First name(s):

Other relevant name(s), if applicable:

Aliases, if applicable:

Sex:

Nationality:

Identity number or social security number:

Type and number of the identity document(s) (ID card, passport), if available:

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Date of birth:

Place of birth:

Residence and/or known address; if address not known, state the last known address:

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Language(s) which the person understands:

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(ii) In the case of legal person(s)

Name:

Form of legal person:

Shortened name, commonly used name or trading name, if applicable:
.....

Registered seat:

Registration number:

Address of the legal person:

Name of the legal person's representative:

Please describe the position the concerned person currently holds in the proceedings:

- suspected or accused person
- victim
- witness
- expert
- third party
- other (please specify).....

2. If different from the address above, please give the location where investigative measure is to be carried out:

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3. Provide any other information that will assist with the execution of the EIO:

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SECTION F: Type of proceedings for which the EIO is issued:

- *Always obligatory to fill in.*
- *Tick the relevant box from the list.*
- *Where necessary, provide further details under section (G).*

- (a) with respect to criminal proceedings brought by, or that may be brought before, a judicial authority in respect of a criminal offence under the national law of the issuing State; or
- (b) proceedings brought by administrative authorities in respect of acts which are punishable under the national law of the issuing State by virtue of being infringements of the rules of law, and where the decision may give rise to proceedings before a court having jurisdiction in particular in criminal matters; or
- (c) proceedings brought by judicial authorities in respect of acts which are punishable under the national law of the issuing State by virtue of being infringements of the rules of law, and where the decision may give rise to proceedings before a court having jurisdiction in particular in criminal matters;
- (d) in connection with proceedings referred to in points (a), (b), and (c) which relate to offences or infringements for which a legal person may be held liable or punished in the issuing State.

SECTION G: Grounds for issuing the EIO

- *Always obligatory to fill in.*
- *Provide a summary of relevant facts indicating suspected or accused person (if any), time, place and manner of commission of the offence, a clear description of the links between the offence and the person and between the offence and the investigative measures requested, indicate the stage of the proceedings, the legal classification of the offence and the applicable statutory provision. Some jurisdictions do request copies of the legal text to be included. Where relevant, include information on the applicable provisions on lapse of time or any dates to be taken into account.*
- *For the summary of the facts in the editable pdf version, you can make use of the free-form text field together with the additional functionality with predefined fields ('Date, time (period of time) of offence'; 'Place of offence'; 'Name and nationality of the suspect/accused, if known').*
- *When describing the suspect(s)/accused person(s), indicate their nationality where this information is not covered under section (E). Where relevant, provide information on the victims and damage caused by the offence.*
- *Where there are several offences covered by the EIO, number the offences in G(1) and keep the same numbering when indicating their legal classification in G(2).*
- *If the issuing authority recognises the offence as an offence on the list of 32 offences below, and the offence is punishable by a custodial sentence or a detention order of a maximum of at least 3 years it should tick the relevant box from the list.*

1. Summary of the facts

Set out the reasons why the EIO is issued, including a summary of the underlying facts, a description of offences charged or under investigation, the stage the investigation has reached, the reasons for any risk factors and any other relevant information.

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2. Nature and legal classification of the offence(s) for which the EIO is issued and the applicable statutory provision/code:

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3. Is the offence for which the EIO is issued punishable in the issuing State by a custodial sentence or detention order of a maximum of at least three years as defined by the law of the issuing State and included in the list of offences set out below? (please tick the relevant box)

- participation in a criminal organisation
- terrorism
- trafficking in human beings
- sexual exploitation of children and child pornography
- illicit trafficking in narcotic drugs and psychotropic substances

- illicit trafficking in weapons, munitions and explosives
- corruption
- fraud, including that affecting the financial interests of the European Union within the meaning of the Convention of 26 July 1995 on the protection of the European Communities' financial interests
- laundering of the proceeds of crime
- counterfeiting currency, including of the euro
- computer-related crime
- environmental crime, including illicit trafficking in endangered animal species and in endangered plant species and varieties
- facilitation of unauthorised entry and residence
- murder, grievous bodily injury
- illicit trade in human organs and tissue
- kidnapping, illegal restraint and hostage-taking
- racism and xenophobia
- organised or armed robbery
- illicit trafficking in cultural goods, including antiques and works of art
- swindling
- racketeering and extortion
- counterfeiting and piracy of products
- forgery of administrative documents and trafficking therein
- forgery of means of payment
- illicit trafficking in hormonal substances and other growth promoters
- illicit trafficking in nuclear or radioactive materials
- trafficking in stolen vehicles
- rape
- arson
- crimes within the jurisdiction of the International Criminal Court
- unlawful seizure of aircraft/ships
- sabotage

SECTION H: Additional requirements for certain measures

- *Fill in only when one or more investigative measures indicated in sections (H)(1)-(7) are requested.*
- *As far as possible, anything already described under sections (C) and (E), or to be included under (I), should not be repeated in section (H).*

Fill out the sections relevant to the investigative measure(s) requested:

SECTION H1: Transfer of a person held in custody

- *Under sections (C) or (E): provide further details on obtaining person's consent, where necessary.*

(1) If a temporary transfer to the issuing State of a person held in custody for the purpose of the investigation is requested, please indicate whether the person consented to this measure:

- Yes No I request that the person's consent is sought

(2) If a temporary transfer to the executing State of a person held in custody for the purpose of investigation is requested, please indicate whether the person consented to this measure:

- Yes No

SECTION H2: Video or telephone conference or other audiovisual transmission

- *In addition to providing the requested information, it is suggested to include here also:*
 - *proposed dates for the hearing;*
 - *information on language and interpretation arrangements;*
 - *details concerning practical arrangements (technical information on available means, contact details for technician, pre-test date and time, etc.);*
 - *indication on the type of the hearing: within or outside trial. Note that this is different from the stage of the proceedings, which should be indicated under section (G).*
- *In the editable pdf version, provide details of the hearing (first indent) either by using the free-form text field or the predefined fields*

If hearing by videoconference or telephone conference or other audiovisual transmission is requested:

Please indicate the name of the authority that will conduct the hearing (contact details/language):

.....
.....

Please indicate reasons for requesting this measure:

.....

- (a) hearing by videoconference or other audiovisual transmission:
- the suspected or accused person has given his/her consent
- (b) hearing by telephone conference

SECTION H3: Provisional measures

- *This section applies to any item, including financial assets, which may be subject to various provisional measures, such as, freezing orders.*
- *The EIO covers provisional measures only with a view to gathering evidence and should not be used with a view to subsequent confiscation or with a view to the subsequent return of an item to its rightful owners.*
- *Under section (I)(1): where appropriate, provide further details on how the item(s) should be transferred.*
- *Under section (K): indicate the authority which needs to be contacted to make practical arrangements.*

If a provisional measure to prevent the destruction, transformation, moving, transfer or disposal of an item that may be used as evidence, is requested, please indicate whether:

- the item is to be transferred to the issuing State
- the item is to remain in the executing State; please indicate an estimated date:

for lifting of provisional measure:

for the submission of a subsequent request concerning the item:

SECTION H4: Information on bank and other financial accounts

- *This section applies to any natural or legal person holding one or more accounts in any bank or non-banking financial institution in the executing State. It covers not only suspected or accused persons but also any other person in respect of whom such information is found necessary by the competent authorities.*
- *The editable pdf version provides for a functionality to fill in details of multiple accounts.*
- *Specify reasons, why you consider that the requested information is likely to be of substantial value for the purpose of the criminal proceedings concerned and provide other information requested.*
- *In (H4)(2) provide details of the relevant institution, account number(s) and account names, and indicate the relevant period of time.*
- *Bank account number should be given as IBAN and it should contain BIC.*

(1) If information on bank accounts or other financial accounts that the person holds or controls is requested, please indicate, for each of them, the reasons why you consider the measure relevant for the purpose of the criminal proceedings and on what grounds you presume that banks in the executing State hold the account:

- information on bank accounts that the person holds or in respect of which he or she has the power of attorney
- information on other financial accounts that the person holds or in respect of which he or she has the power of attorney

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.....
.....

(2) If information on banking operations or other financial operations is requested, please indicate, for each of them, the reasons why you consider the measure relevant for the purpose of the criminal proceedings:

- information on banking operations
- information on other financial operations

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.....

Indicate the relevant period of time and the related accounts:

.....
.....

SECTION H5: Investigative measures implying the gathering of evidence in real time, continuously and over a certain period of time

- ***Indicate why you consider the information requested relevant for the purpose of the criminal proceedings concerned.***

If such investigative measure is requested please indicate the reasons why you consider the requested information relevant for the purpose of the criminal proceedings:

.....
.....

SECTION H6: Covert investigations

- ***Indicate why you consider that the covert investigation is likely to be relevant for the purpose of the criminal proceedings.***
- ***Under section (C): provide details on the duration of the covert investigation and the detailed conditions.***
- ***Under section (I): indicate the legal status of the officers concerned during covert investigation.***

If covert investigation is requested please indicate the reasons why you consider the investigative measure likely to be relevant for the purpose of the criminal proceedings:

.....
.....

SECTION H7: Interception of telecommunications

- *Specify reasons why you consider the information requested relevant for the purpose of the criminal proceedings concerned and provide other requested information.*
- *As far as possible, anything already described under sections (C) and (E) should not be repeated in section (H)(7).*
- *In the editable pdf version, provide technical data under subsection (2)(c) and the method for execution under subsection (3) by filling in either the free-form text field or the predefined fields ('Telephone number (Landline or mobile)'; 'User name/ID'; 'IP address'; 'IMEI number'; 'E-mail address'; 'MAC address'; 'Other') ('Desired format for the recording/transmission of evidence').*

(1) If interception of telecommunications is requested please indicate the reasons why you consider the investigative measure relevant for the purpose of the criminal proceedings:

.....
.....

(2) Please provide following information:

(a) information for the purpose of identifying the subject of the interception:

.....

(b) the desired duration of the interception:

.....

(c) technical data (in particular the target identifier — such as mobile telephone, landline telephone, email address, internet connection), to ensure that the EIO can be executed:

.....

(3) Please indicate your preference concerning the method of execution:

- immediate transmission
- recording and subsequent transmission

Please indicate if you also require transcription, decoding or decrypting of the intercepted material (*):

.....
.....

(*) Please be aware that the costs of any transcription, decoding or decrypting must be met by the issuing State.

SECTION I: Formalities and procedures requested for the execution

- *If applicable, tick the relevant box and provide further details.*
- *Avoid copying the national legislation, unless it is necessary, and give a clear overview of the required formalities and procedures.*
- *When information relating to rights and obligations of the person to be heard is included, it should be stated in a concise and simple form.*

1. Tick and complete, if applicable

It is requested that the executing authority comply with the following formalities and procedures (...):

.....

2. Tick and complete, if applicable

It is requested that one or several officials of the issuing State assist in the execution of the EIO in support of the competent authorities of the executing State.

Contact details of the officials:

.....

.....

Languages that may be used for communication:

.....

SECTION J: Legal remedies

- *Always indicate the authority, which can supply information on the procedures for seeking legal remedies.*
- *Where applicable, provide details on the legal remedy sought against the issuing of an EIO, including any relevant dates.*

1. Please indicate if a legal remedy has already been sought against the issuing of an EIO, and if so please provide further details (description of the legal remedy, including necessary steps to take and deadlines):

.....
.....

2. Authority in the issuing State which can supply further information on procedures for seeking legal remedies in the issuing State and on whether legal assistance and interpretation and translation is available:

Name:

Contact person (if applicable):

Address:

Tel. No: (country code) (area/city code)

Fax No: (country code) (area/city code)

E-mail:

SECTION K: Details of the authority which issued the EIO

- *Always obligatory to fill in.*
- *Insert official contact details.*
- *If possible, indicate contact details of a representative who has knowledge of a relevant foreign language and is familiar with the investigation, especially in urgent cases.*
- *Where relevant, provide contact details of the authority responsible for making practical arrangements for the transfer of evidence, including the temporary transfer of a person held in custody.*
- *Ensure EIO is signed by the issuing authority in section (K) and, when applicable, by the validating authority in section (L).*

Tick the type of authority which issued the EIO:

- judicial authority
- (*) any other competent authority as defined by the law of the issuing State

(*) Please also complete section (L)

Name of authority:

.....

Name of representative/contact point:

.....

File No:

Address:

Tel. No: (country code) (area/city code)

Fax No: (country code) (area/city code)

E-mail:

Languages in which it is possible to communicate with the issuing authority:

.....

If different from above, the contact details of the person(s) to contact for additional information or to make practical arrangements for the transfer of evidence:

Name/Title/Organisation:

Address:

E-mail/Contact Phone No:

Signature of the issuing authority and/or its representative certifying the content of the EIO as accurate and correct:

Name:

Post held (title/grade):

Date:

Official stamp (if available):

SECTION L: Details of the judicial authority which validated the EIO

- *Fill in this section only, if a non-judicial authority has issued this EIO.*
- *Insert official contact details of the validating authority.*
- *If possible, indicate contact details of a representative who has knowledge of a relevant foreign language and is familiar with the investigation, especially in urgent cases.*

Please indicate the type of judicial authority which has validated this EIO:

- (a) judge or court
- (b) investigating judge
- (c) public prosecutor

Official name of the validating authority:

.....

Name of its representative:

.....

Post held (title/grade):

.....

File no:

Address:

.....

Tel. No: (country code) (area/city code)

Fax No: (country code) (area/city code)

E-mail:

Languages in which it is possible to communicate with the validating authority:

.....

Please indicate if the main contact point for the executing authority should be the:

- issuing authority
- validating authority

Signature and details of the validating authority

Name:

Post held (title/grade):

Date:

Official stamp (if available):