

EUROPEAN JUDICIAL NETWORK (EJN)

Fostering judicial cooperation
in criminal matters

Informal Expert Meeting on International Cooperation in
Criminal Matters

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Discussions about the development of videoconference (1/5)

- Use of videoconferences increased in both national and cross-border cases.
- In general, the national legislation of the majority of the Member States foresees **no obstacles in using videoconferences in the national criminal procedure**. European Investigation Order/Mutual Legal Assistance request is needed for videoconference abroad.

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Discussions about the development of videoconference (2/5)

- Some Member States made amendments in the criminal procedure law that allowed the courts, in their domestic proceedings, **to send to a person a direct link enabling him/her to join the trial remotely** from any technical device that enables video and audio transmission – with a certain limitations. Could this practice be applied also for the cross-border videoconferences?

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Discussions about the development of videoconference (3/5)

Main reasons why the executing State should be involved:

- technical means for enabling the videoconference to take place
- the competence of the executing State to use power
- the respect of the sovereignty of the executing State

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Discussions about the development of videoconference (4/5)

Could these points be discussed?

- almost everyone possesses a technical device that would allow him/her to participate in the trial remotely regardless of the location
- when a person gives consent – no need to use coercive measures
- with the consent of a person – is there the violation of sovereignty?
- mutual trust between the Member States
- similarity to the notification procedures on the interception of telecommunications when no technical assistance is needed from the executing state

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Discussions about the development of videoconference (5/5)

Rising number of videoconferences, the **enhanced mobility** of people and **modern technical solutions** are the main reasons for considering a change in the international legal framework, but some aspects need deep analysis and examination:

- security
- identity
- confidentiality
- admissibility of evidence
- sovereignty
- rules of which country to apply

EJN considers that setting up a working group of experts would allow evaluating whether such changes are realistic, taking into account all potential risks and also suggest solutions

Thank you for your attention!

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