

MLA: Directive 2014/41/EU

22.05.2017

Problem addressed

The process of information gathering for crimes committed in different states or by foreign persons faces many administrative and political obstacles, which complicates solving of these crimes for the official entity in question.

Objective

Create an official and regulated framework enabling a mutual assistance of all involved parties to gather information, hearing witnesses, expert and prosecuted persons etc.

Solution

Established rules to enforce letter rogatory of the authority of a Party (issuing state) which aims to procure evidence or to communicate the evidence in criminal proceedings undertaken by the judicial authorities of another Party (assisting state). A new board regulation for cross boarder mutual legal assistance will be established by the European Investigation Order (EIO), featuring a simplified procedure for recognising the request of an issuing state - especially by using a common standardised certificate, obligation to execute a request and an enumerative catalogue of refusal grounds.

Timing

The conventions are already entered in force, a new communication channel is established to submit letter rogatory. No detailed time framework is previewed but a full connection of all judicial authorities of participating countries (NL and GER/NRW) might be feasible end of 2016. EIO-directive has to be implemented in EU-MS up to 22 May 2017.

Use case example

The MLA use case allows a criminal judicial authority in the issuing state to submit a request of mutual legal assistance (letter rogatory) electronically to the competent authority in the assisting state where assistance needs to be carried out. The system replaces the way of sending letter rogatories up until now via mail.

Integrity of messages are ensured by the e-CODEX system, authenticity by electronic signature according to the e-CODEX Circle of Trust Agreement.

The MLA use case does not only provide a secure and integer system to submit electronically requests for mutual legal assistance in criminal matters but as well for any further communication between issuing und assisting authority like request for status update, withdrawal of a request and wrap-up. After implementation of EIO-directive the system allows to produce and to submit EIO-template electronically.