

COLLEGE POSITION ON E-EVIDENCE DIGITAL EXCHANGE SYSTEM¹

Eurojust supports and strengthens coordination and cooperation between Member States in the most complex cross-border criminal investigations. As digitalisation profoundly affects the criminal justice field, the availability of digital tools and common secure communication channels is essential for Eurojust to fulfill its core tasks and deliver its support to Member States.

Therefore, Eurojust worked closely with the European Commission (COM) in the Digital Criminal Justice Study and **shares the vision of an EU-wide digital infrastructure for secure cross border communication in the field of judicial cooperation**, available for both Member States and Eurojust.

The legislative initiatives² on digitalisation of judicial cooperation prepared by COM envisage that an IT system based on e-CODEX³ and eEDES⁴ would become the default channel for exchanging any information and mutual legal assistance requests between competent National Authorities in cross-border criminal proceedings.

The role of Eurojust is duly recognised in this legislative package, as the proposal on amending the Eurojust Regulation **foresees that any communication between Eurojust and national authorities will need to be carried out through such interoperable, secure and decentralised IT system**.

To fulfil this obligation, this IT system will need to be accessible for Eurojust National Desks and integrated with the Eurojust IT infrastructure and Case Management System to enable National Desks to be in the position to exchange information with their National Authorities and with other National Desks. In the course of the technical development of eEDES by COM since 2017, Eurojust has provided its requirements to be taken into account in the implementation.

However, the current state of development of eEDES as well as the proposals from COM regarding Eurojust technical connection **lack the sufficient technical modalities for Eurojust to perform its statutory tasks in judicial cooperation and are not in line with the role of Eurojust nor with the legislative proposals on digitalisation**.

Some Member States have already started to use the eEDES system on a voluntary basis from April 2022, with more Member States about to join by the end of 2022. At present National Desks **can only seek access to eEDES via their National Authorities, which only enables the exchange of information with their National Authorities, and not with other National Desks at Eurojust**.

As Eurojust's core task is to support judicial cooperation between the Member States, this can only be considered as substantial lack in implementation and needs to be urgently addressed. **Therefore, it is essential that the eEDES developments take into account Eurojust's requirements and enable Eurojust to continue performing its role, also in line with the proposed legislation on digitalisation of judicial cooperation**.

¹ Approved by the College of Eurojust in its Plenary meeting of 5. July 2022. (Tbc)

² The proposal for a Regulation on digitalisation of judicial cooperation and the proposal for a Regulation amending the Eurojust Regulation.

³ Regulation (EU) 2022/850 of the European Parliament and of the Council of 30 May 2022 on a computerised system for the cross-border electronic exchange of data in the area of judicial cooperation in civil and criminal matters (e-CODEX system)

⁴ eEDES is a tool developed by COM and is based on the e-CODEX network, which is the digital infrastructure for secure cross border communication in the EU in the field of justice. According to the legislative proposals on digitalisation, the decentralised IT system in the future will be based on the existing eEDES tool which is envisaged to cover all communication in the context of judicial cooperation.