



Kai Ambos / Alexander Heinze / Peter Rackow /
Miha Šepec (Eds.)

The European Investigation Order

Legal Analysis and Practical Dilemmas
of International Cooperation

Beiträge zum Internationalen und Europäischen Strafrecht /
Studies in International and European Criminal Law and Procedure
Band / Volume 56

286 pages, 2023

ISBN 978-3-428-18708-9, € 89,90*

Alle Informationen zum Titel: www.duncker-humblot.de/9783428187089

This book is the last and final part of the project *European Investigation Order – legal analysis and practical dilemmas of international cooperation* in the EU Justice Programme. It presents a contribution to the European-wide discourse on how to enhance the effectiveness and the practical implementation of the Directive 2014/41/EU on the European Investigation Order in Criminal Matters of the European Parliament and of the Council of 3 April 2014 (EIO). Through national reports (Part I), the analysis of selected topics (Part II), and case comments (Part III), the book's objective is to equip practitioners, academics and students with specialised knowledge about the cross-border evidence gathering procedure described in the Directive 2014/41/EU. Hence, this book is targeted at the legal community, students of law, NGOs and the interested public. Its goal is to achieve a better understanding of dilemmas connected with the practical application of the Directive and thus enhance the legal and public discourse.

Inhalt

I. NATIONAL REPORTS

Charlotte Genschel, Lara Schalk-Unger and Nikolina Kulundžija: The European Investigation Order – National Report Austria

Elizabeta Ivičević Karas, Zoran Burić, Marin Bonačić and Aleksandar Maršavelski: European Investigation Order In Croatia – Normative Framework and Practical Challenges

Kai Ambos, Peter Rackow and Alexander Heinze: The European Investigation Order – a German Perspective

Laura Scomparin, Valeria Ferraris, Andrea Cabiale, Caroline Peloso and Oscar Calavita: Abbreviated National Report – Italy

Mário Simões Barata, Ana Paula Guimarães and Daniela Serra Castilhos: The European Investigation Order in Portugal – Legal Analysis and Practical Dilemmas

Miha Šepec, Tamara Dugar, Anže Erbežnik and Jan Stajnko: Legal Implementation and Practical Application of the EIO Directive in Slovenia

Miha Šepec, Tamara Dugar and Jan Stajnko: European Investigation Order – A Comparative Analysis of Practical and Legal Dilemmas



II. SPECIAL TOPICS

Kai Ambos and **Peter Rackow**: Developments and Adaptations of the Principle of Mutual Recognition – Reflections on the Origins of the European Investigation Order with a View to a Practice-Oriented Understanding of the Mutual Recognition Principle

Laura Scomparin and **Caroline Peloso**: Defend Yourself, by Contesting: Considerations on the Relationship Between Right of Defence and Right to Contest in the European Investigation Order

Caroline Peloso and **Oscar Calavita**: Interception of Telecommunications: Strengths and Weaknesses of the European Investigation Order Directive (2014/41/EU)

Miha Šepec and **Lara Schalk-Unger**: Special Part of EU Criminal Law: The Level of Harmonization of the Categories of Offences Listed in Annex D in EU Legislation and Across Selected Member States

Laura Scomparin and **Andrea Cabiale**: The Principle of Proportionality in Directive 2014/41/EU – Challenges of the Present and Opportunities for the Future

Anže Erbežnik and **Marin Bonačić**: European Investigation Order, E-Evidence and the Future of Cross-Border Cooperation in the EU

III. SHORT COMMENTS

Jan Stajnko, **Mário Simões Barata** and **István Szijártó**: Comments re Gavanozov I and Gavanozov II

Peter Rackow, **Elizabeta Ivičević Karas**, **Zoran Burić**, **Marin Bonačić** and **Aleksandar Maršavelski**: Comments re Parquet de Lübeck

List of Editors

List of Authors

Subject Index