



ONLINE TRAINING OF MASTER TRAINERS SESSION 3 – 9 DECEMBER 2021



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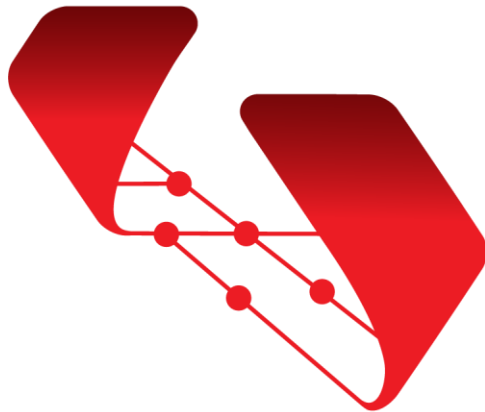
Session 3: Thursday, 9th December 2021, 09.15-12.45 CET

09.15 – 09.30	Virtual registration and logging in to meeting
09.30 – 09.45	Welcome and introduction to the learning objectives of this session
09.45 – 10.30	Reflections on formalities and procedures requested for the execution particular investigative measures
10.30 – 11.20	Reflections on transfer of evidence, liability, and legal remedies
11.20 – 11.30	Comfort break
11.30 – 12.00	Experiences with the e-Evidence Digital Exchange System
12.00 – 12.30	Reflections on video conferencing requests and other measures
12.30 – 12.45	Concluding remarks for Session 3

Session 3: Thursday, 9th December 2021, 13.45-17.15 CET

13.45 – 14.00	Virtual registration and logging in to meeting
14.00 – 14.15	Welcome and introduction to the learning objectives of this session
14.15 – 15.00	Reflections on formalities and procedures requested for the execution particular investigative measures
15.00 – 15.40	Reflections on transfer of evidence, liability, and legal remedies
15.40 – 15.50	Comfort break
15.50 – 16.20	Experiences with the e-Evidence Digital Exchange System
16.20 – 17.00	Reflections on video conferencing requests and other measures
17.00 – 17.15	Concluding remarks for Session 3

BRIEF REMINDER OF LEARNING OUTCOMES FOR THESE 3 SESSIONS OF TRAINING



By the end of the Training, participants should be able to:

1. Have a structured approach to passing on their knowledge on the EIO procedures
2. Identify and overcome cultural differences in the application of the EIO
3. Using their nuanced knowledge of legal differences between MSs, help anticipate potential obstacles in the EIO process
4. Use and instruct others on the use of the e-Evidence Digital Exchange System

WELCOME

- Summary of learning goals of Session 1+2
 - Reflection on grounds of issuing an EIO
 - Reflection on particular investigative measures
 - How do we pass on experiences/lessons learnt from experience to others
 - How to/what aspects of cultural differences to pass on to others
 - Reflection on receiving and executing and EIO
 - Annex B
 - Asking for additional information when details in EIO are not enough
 - Deadlines importance to inform if deadlines will not/cannot be followed
 - Checking that all legal formalities have been followed before execution
 - First trials with the e-Evidence Digital Exchange System

The background features a dynamic composition of overlapping, flowing shapes in various shades of red and white. The shapes create a sense of movement and depth, with some areas appearing as if they are peeling or peeling away from a surface. The overall effect is modern and energetic.

EXPERIENCES WITH E-EDES

TOUR DE TABLE ON E-EDES

- What is positive about using this system for sending an EIO?
- What is positive about receiving and executing an EIO through this system?
- Have you explored the option of sending an MLA?
- What about Annex C?
- What are possible hurdles?
 - On look and feel
 - Missing
 - Not clear how it works

TRICKY ISSUES IN EIOS

TWO APPROACHES

- Approach 1:
 - In smaller groups reflect on 3-5 'tricky' aspects of EIOs you would definitely want to explain to new/less experienced colleagues on sending/receiving/executing an EIO
- Approach 2:
 - On the basis of the selected elements – larger group reflection

SOME ISSUES

- Scope of application of EIO and differentiation from MLA
- Additional measures
 - Transfer of person in custody
 - Hearing by videoconference or other audiovisual transmission
 - Telephone conference
 - Gathering of evidence in real-time

REFLECTIONS FROM DISCUSSIONS

- Background knowledge: it is good for all actors using the EIO instrument to be aware of other EU legal instruments & international cooperation instruments (EIO is one of a several instruments – choosing the right instrument for the particular purpose is important.)
 - e.g. this helps to distinguish freezing orders from EIO used for obtaining evidence
 - e.g. using of MLA for serving documents and not an EIO
 - e.g. EIO can be used for a JIT but an EIO can be used by a party in a JIT
- Particular attention to the grounds of non-recognition – this way a sent order can be carried out in a smoother way

REFLECTIONS FROM DISCUSSIONS

- Translations – quality of translations: precision is needed for a correct understanding of an EIO; EIO cannot be carried out without translation of documents
- EJN web-site is very useful
- More detailed reflections:
 - Legality principle vs opportunity principle
 - Avoid fishing expeditions

REFLECTIONS FROM DISCUSSIONS

- Recommended best practice
 - Include in EIO specific rules of national law: this helps to explain to an executing state why a particular measure is needed and the way it needs to be carried out.



COMFORT BREAK

10 minutes



HOW TO CARRY OUT TRAININGS

TRAINING NEXT STEPS - CASCADING

Training in the different states

- Who will carry this out?
 - In collaboration with national competent authority
- When will the training be carried out?
 - Between mid-February 2022 – mid-April 2022
- How long?
 - At least two half days / One training day (but can be more according to the needs of the trainees)
 - In national language
- What needs to be done before? What support is there?
 - Plan when the training/s will be held – the TREIO team will support in this
 - Plan with each trainer the content of the training sessions – the RUG team will support in this
 - Adaptation of the materials to the national context – mainly by the trainer
- QUESTION:
 - What type of support would you expect to have?

TRAINING NEXT STEPS - CASCADING

Inter-state training

- Who will carry this out?
 - Mix of trainers (from national training)
- To who?
 - Participants from the national trainings who are comfortable to follow a training in English
- When will the training be carried out?
 - Between mid-May 2022 – mid-June 2022
- How long?
 - At least two half days / One training day (but can be more according to the needs of the trainees)
 - In English
- What is the aim of these sessions?
 - To understand different national EIO contexts
- What needs to be done before? What support is there?
 - Plan when the training/s will be held – the TREIO team will support in this
 - Plan with the trainers the content of the training sessions - the RUG team will support in this
- QUESTION:
 - What type of support would you expect to have?

TRAINING NEXT STEPS - CASCADING

E-Learning

- Who will carry this out?
 - TREIO partners + national trainers
- To who?
 - Participants from any state can participate
- When will the training be carried out?
 - Will be available after June 2022
- How long?
 - According to the time allocation the participant makes for the training
 - In English and national languages
- What is the aim of these sessions?
 - Getting to know the EIO and learn about it. It also includes a part to learn about the e-EDES system
- What needs to be done before? What support is there?
 - Prepare the e-learning content - the TREIO team will do this
 - Adapt the e-learning content to different languages – national trainers with the support of the ECTEC + RUG teams

MATERIALS AVAILABLE FOR THE TRAINING

- 4 modules consisting of:
 - Slides
 - On the law
 - Scenarios
 - On *e*-EDES
 - Information Sheets
 - Multiple choice questions
 - Additional materials (where available)

REFLECTIONS ON PREPARING A TRAINING

- What are the learning goals to achieve?
- Who is the audience? Who is being trained?
- How to take into account the level of experience of the audience?
- How to adjust materials to the national context?
- What scenarios to use? - Matching content to knowledge levels of audience and to the learning goals.
- How to distribute time between topics/sessions?
- How to reflect on eEDES functionality and how to present the system?
- How to link national training to the follow-up international session and e-learning?



**THANK YOU & WE LOOK FORWARD TO WORKING
WITH YOU ON THE NATIONAL TRAININGS**