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Subject:	**EVALUATION REPORT ON THE TENTH ROUND OF MUTUAL EVALUATIONS** **On the implementation of the European Investigation Order (EIO)** **REPORT ON SWEDEN**

ANNEX

EVALUATION REPORT ON THE

TENTH ROUND OF MUTUAL EVALUATIONS

on the implementation of the European Investigation Order (EIO)

REPORT on SWEDEN

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1. EXECUTIVE SUMMARY

Directive 2014/41/EU of the European Parliament and of the Council of 3 April 2014 regarding the European Investigation Order in criminal matters ('the Directive') responded to a well-identified practical need for a comprehensive system, based on mutual recognition, for obtaining evidence in cases with a cross-border dimension, replacing the previous fragmented evidence-gathering system, while taking into account the flexibility of the traditional system of mutual legal assistance ('MLA'). Moreover, the European Investigation Order ('EIO') was intended to create a high level of protection of fundamental rights and to implement practical experience, based on direct communication between European judicial authorities. Consequently, the EIO struck a balance between the approaches of mutual recognition and mutual assistance. When the Directive had been in effect for more than five years, it was decided – within the tenth round of mutual evaluations –, to assess the application of the main instrument for gathering evidence.

The information provided by Sweden in the questionnaire and during the on-site visit was detailed and comprehensive, and the evaluation visit was both well prepared and well organised by the Swedish authorities. The evaluation team got a good overview of the Swedish system; this enabled the expert team to identify some key issues that need to be addressed at national and European level, resulting in the recommendations made below in Chapter 21.1.

It should be highlighted that the Swedish system seems to be working extremely well in practice. One of the reasons for this is the prosecution services' high level of specialisation. An example of this is the National Unit against Organised Crime ('RIO'), which, as a general rule, is the competent authority for executing EIOs. In addition to its international team, the RIO has introduced the concept of international administrative officers, a unique solution which offers greater efficiency, including in the case of EIOs. Several of the administrative officers are trained lawyers and are responsible for preparing the prosecutors' decisions throughout the whole execution process, including consultation and coordination with the issuing authority.

Another example of specialisation is the Economic Crime Authority ('ECA'), which is a specialised prosecutorial authority dealing with economic crime, which has its own investigative resources and which gives judicial cooperation cases priority.

The matter of secure information channels was discussed at length during the evaluation visit. The Swedish authorities consider that sensitive data can be shared solely through secure information channels. Accordingly, the Swedish issuing authorities cannot send EIOs by email for data protection reasons. If safe electronic communication channels are available, transmission is possible. It was explained that the currently available alternatives (encrypted messages) would be too cumbersome to use in cooperation with other Member States.

Consequently, Swedish prosecutors are looking forward to the launch of the e-Evidence Digital Exchange System ('e-EDES') since it will greatly facilitate communication between issuing and executing authorities in a safe and paperless way. Furthermore, Swedish practitioners would welcome the interconnection of the EJN Atlas and the e-EDES, and the possibility to interlink the e-EDES with the national case management system.

The Swedish practitioners mentioned that there are sometimes difficulties in identifying the competent authority. Currently the EJN Atlas is based on the logic that only one investigative measure is to be carried out, which does not reflect reality. In addition, it is relatively common that other Member States' EJN contact points do not reply when assistance is sought. As a conclusion, the evaluation team saw fit to recommend to the EJN to improve the Judicial Atlas so that multiple investigative measures can be handled, and to review the contact points.

The evaluation team found evidence of a potential need to revise the Directive in several areas. In their view, the key amendments to the Directive which the EU legislator should consider are as follows:

- make Annex A more user-friendly;
- clarify the application of the rule of speciality;
- clarify what measures are included in the concept of 'interception of telecommunications' within the meaning of Articles 30 and 31.

2. INTRODUCTION

The adoption of Joint Action 97/827/JHA of 5 December 1997[1] ('the Joint Action') established a mechanism for evaluating the application and implementation at national level of international undertakings in the fight against organised crime.

In line with Article 2 of the Joint Action, the Coordinating Committee in the area of police and judicial cooperation in criminal matters ('CATS') agreed after an informal procedure following its informal meeting on 10 May 2022 that the 10th round of mutual evaluations would focus on the EIO.

The aim of the 10th round of mutual evaluations is to provide real added value by offering the opportunity, via on-the-spot visits, to consider not only the legal issues but also – and in particular – relevant practical and operational aspects linked to the implementation of the Directive. This will allow both shortcomings and areas for improvement to be identified, together with best practices to be shared among Member States, thus contributing towards ensuring more effective and coherent application of the principle of mutual recognition at all stages of criminal proceedings throughout the EU.

More generally, promoting the coherent and effective implementation of this legal instrument at its full potential could significantly enhance mutual trust among the Member States' judicial authorities and ensure better functioning of cross-border judicial cooperation in criminal matters within the area of freedom, security and justice. Furthermore, the current evaluation process could provide helpful input to Member States that may not have implemented all aspects of the Directive.

[1] Joint Action of 5 December 1997 adopted by the Council on the basis of Article K.3 of the Treaty on European Union, establishing a mechanism for evaluating the application and implementation at national level of international undertakings in the fight against organized crime.

Sweden was the eleventh Member State to be visited during this round of evaluations, as provided for in the order of visits to the Member States adopted by CATS on 29 June 2022 by a silence procedure[2].

In accordance with Article 3 of the Joint Action, the Presidency has drawn up a list of experts in the evaluations to be carried out. Pursuant to a written request sent to delegations on 15 June 2022 by the General Secretariat of the Council of the European Union, Member States have nominated experts with substantial practical knowledge in the field.

Each evaluation team consists of three national experts, supported by one or more members of staff from the General Secretariat of the Council and observers. For the 10th round of mutual evaluations, it was agreed that the European Commission and Eurojust should be invited as observers[3].

The experts entrusted with the task of evaluating Sweden were Eszter Köpf (HU), Lilja Limingoja (FI) and Rasa Paužaitė (LT). Observers were also present: Tricia Harkin from Eurojust together with Emma Kunsági from the General Secretariat of the Council.

This report was prepared by the team of experts with the assistance of the General Secretariat of the Council, based on Sweden's detailed replies to the evaluation questionnaire and the findings from the evaluation visit carried out in Sweden between 24 and 26 October 2023, where the evaluation team interviewed representatives of the Ministry of Justice, the Prosecutor General's Office, the judiciary and the Bar Association.

[2] ST 10119/22.
[3] ST 10119/22.

3. TRANSPOSITION

Sweden transposed the Directive in the Legislative Act 2017:1000 on the European Investigation Order (‘EIO Act’) and in the Government Ordinance 2017:1019.

The EIO Act implements the Directive in a well-structured manner:

1. Chapter 1 General provisions
2. Chapter 2 Issuing an EIO
    A. General provisions
    B. Specific provisions for certain investigative measures
    C. Withdrawal of an EIO
3. Chapter 3 Recognising and executing an EIO
    A. Obligation to recognise and execute
    B. Conditions for recognition and execution in certain cases
    C. Obstacles to recognition and execution
    D. Procedure
    E. Implementing an EIO
4. Chapter 4 Other provisions

In accordance with Chapter 1, Section 3 of the EIO Act, an EIO refers to:

1. a decision in Sweden which requires an investigative measure to be taken in another Member State for the purpose of obtaining evidence and which has been issued by a prosecutor or court in the course of a preliminary investigation or criminal trial (outgoing EIO), or
2. a decision in another Member State which requires an investigative measure to be taken in Sweden for the purpose of obtaining evidence and which has been issued or validated by a judge, court, investigating magistrate or public prosecutor in criminal proceedings or in other proceedings in respect of a criminal offence initiated before an administrative or judicial authority, where a decision in such other proceedings may lead to proceedings before a court having jurisdiction in criminal matters (incoming EIO).

Chapter 1, Section 6 of the EIO Act provides that the government, or the authority designated by it, may lay down detailed provisions concerning the implementation of the Act. On the basis of the above implementing rule, the government passed Ordinance 2017:1019, containing provisions on the application of the EIO Act.

Section 4 of the Ordinance 2017:1019 authorises the Prosecutor General to determine which prosecutors, where applicable, are competent under the EIO Act to issue, recognise and execute an EIO.

In accordance with Section 5 of the Ordinance 2017:1019, the Prosecution Authority ('PA'), after consulting the Economic Crime Authority ('ECA'), may issue further rules on the implementation of the EIO Act and of the Ordinance 2017:1019 (see the PA Internal Regulation 2007:12).

During the evaluation visit, Swedish practitioners explained that they had no difficulty applying the transposing legislation since they had been consulted during the legislative process.

Some amendments were introduced after the EIO Act entered into force, as a result of the background national legislation changing and were not the result of inadequate or ambiguous implementation. The aim of the amendments was to guarantee the same level of efficiency of evidence gathering in both domestic and cross-border cases.

The PA also has handbooks and continuously develops its procedures, keeping up with new practice within Sweden, at the Court of Justice of the European Union ('CJEU') and the European Court of Human Rights. The handbooks are available to all prosecutors on the PA's *intranet (*see *Best practice No 1)*. Due to the independent status of Swedish prosecutors, it is not compulsory to follow handbooks, they serve to give guidance to case work.

4. COMPETENT AUTHORITIES

4.1. Internal structure of the prosecution services

The PA – headed by the Prosecutor General – has general competence. The PA has 1.200 prosecutors and 700 other staff. There is a National Public Prosecution Department within the PA, with a National Unit against Organised Crime ('RIO'), a National Unit for Environment and Working Environment Cases, a National Unit for Security and a National Unit for Anti-corruption.

The ECA, set up in 1998 and headed by the Director General, is a specialised prosecutorial authority dealing with economic crime. One of the offices in the ECA is specialised in crime against the financial market. The ECA has 150 prosecutors and 584 other staff, including 241 seconded police officers. This also means that the ECA – where judicial cooperation cases are given priority – has its own investigative resources (see *Best practice No 2*).

In accordance with Section 3 of Regulation 2015:743 on the Instruction of the PA, as head of the entire Prosecution Service, the Prosecutor General has an obligation to ensure that all prosecutors (including those working at the ECA) act in accordance with the law, in a consistent and uniform manner.

4.2. Specialisation

There is no specialisation at the ECA, but in every ECA office, there is a prosecutor experienced in international cooperation, who can provide support to colleagues, if needed. The ECA has two EJN contact points.

There is no specialisation in international cooperation nor any EJN contact points in the judiciary.

The PA makes a clear distinction when handling outgoing and incoming EIOs. During the evaluation visit, Swedish practitioners justified this saying that more expertise was needed for executing than for issuing, and that the relatively small number of Swedish prosecutors requires the centralisation of execution in the interest of efficiency.

In accordance with Chapter 2, paragraph 2 of Internal Regulation 2023:07, and its rather extensive competence, the RIO executes the overwhelming majority of incoming EIOs.

In 2012, the RIO set up an international team, responsible for incoming MLA requests. In addition to EIOs, the team – currently seven prosecutors – deals with European arrest warrants ('EAW'), Nordic arrest warrants, extraditions and freezing orders. The RIO has offices in Stockholm, Gothenburg and Malmö and holds weekly videoconferences to address issues, including international issues *(*see *Best practice No 3).* There are also prosecutors specialised in international cooperation in Gothenburg and Malmö as well.

At the RIO, there are ten international administrative officers, and several of them are trained lawyers (see *Best practice No 4*). Many of them have also knowledge of different languages, which is very helpful especially in international cooperation. Each cross-border case is assigned to one prosecutor and one international administrative officer. The international administrative officers do the administrative work and prepare the prosecutors' decisions throughout the execution process. This includes the reception, the review and the registration of EIOs; consultation and coordination with the issuing authority and the Swedish law enforcement authorities; the recognition of EIOs; the oversight of the actual execution; and transmission of the results of the execution. This division of responsibilities means that, at any given time, one prosecutor can have approx. 70 ongoing EIOs and an international administrative officer can have approx. 20 ongoing EIOs.

There are also several international administrative officers in Gothenburg and Malmö. Everyone in the team works with each other so for instance one prosecutor in Gothenburg can have a case with an international administrative officer based in Stockholm.

The PA has six EJN contact points altogether.

4.3. Issuing and executing authorities

Prosecutors and courts are competent to issue and execute an EIO.

Chapter 2, paragraph 2 of the PA Internal Regulation No 2023:07 provides that, as a main rule, incoming EIOs are handled by the RIO, with two exceptions:

- EIOs issued by Finnish authorities are handled by the prosecution office with general competence;
- incoming EIOs falling within the material competence of any of the PA's other National Units (mentioned above) or the ECA are handled by that unit or authority.

EIOs issued by Finnish authorities are distinguished because of the traditional direct cooperation between the Nordic countries.

Swedish EIOs are issued by prosecutors at the ECA and the prosecution offices with general competence.

Courts issue and execute EIOs concerning evidence to be presented at the trial phase, but they are also involved in the issuance and execution of EIOs in the investigation phase. The courts examine questions relating to various investigative measures, such as secret coercive measures. They also issue and execute EIOs for the temporary transfer of detained persons.

During the trial phase, courts issue EIOs based on a request by the parties, mainly in order to hear witnesses either in person or via videoconference. If any other evidence is needed during the trial, the judge asks the prosecutor to provide it, even if the defence proposed its collection.

Incoming EIOs are executed by the courts of general competence and are distributed on a lottery basis.

Sweden does not participate in the European Public Prosecutor's Office ('EPPO')[4]. Sweden has received several EIOs issued by the EPPO. The Swedish executing authorities do not differentiate between EIOs issued by an authority of a Member State and EIOs issued by the EPPO. If the Swedish authorities do not want the EPPO to share the information provided as a result of an EIO's execution, they impose a limitation on its use.

4.4. The right of the suspected or accused person or victim to request an EIO

During the preliminary investigation, the suspect or their lawyer may request an investigation measure in accordance with Chapter 23, Sections 18b and 19 of the Code of Judicial Procedure ('CJP'). The prosecutor decides if the evidence sought would be best gathered by an EIO or if it would be more suitable to use another investigation measure. If the prosecutor does not take appropriate measures for collecting the evidence sought, such as issuing an EIO, the matter can be referred to the court.

During the trial phase, the accused person or their lawyer may also request that the court decide on an investigation measure pursuant to Chapter 45, Section 10 of the CJP. This can result in the prosecutor issuing an EIO. The court's decision not to take evidence may be appealed in conjunction with the judgement or final decision in the case.

The victim is not a participant in the preliminary investigation phase of the Swedish criminal procedure, but the prosecutor is impartial and also takes into account the victim's interests during the whole procedure. If the prosecutor does not issue the EIO requested by the victim in the preliminary investigation phase, an internal appeal is possible. The superior prosecutor supervises the necessity and the proportionality of the request.

During the trial phase, the above-mentioned rules concerning the accused person also apply to the victim.

[4] The Swedish Government is working on the necessary steps to enable Sweden's participation to the EPPO in the near future, including by proposing the necessary legislation.

As regards EIOs issued on behalf of a joint investigation team ('JIT') the PA reported that it is usual for JIT members to contact Member States not participating in the JIT. The PA is not aware of any problems in this regard. The recommended practice for Swedish practitioners is to indicate in the EIO that the EIO was issued on behalf of the JIT. While some Member States accept this, others require each country participating in the JIT to issue its own EIO, which the Swedish authorities then do.

5. SCOPE OF THE EIO AND RELATION TO OTHER INSTRUMENTS

In line with Chapter 1, Section 3 of the EIO Act, an EIO is used only for obtaining evidence in proceedings referred to in the Directive.

In accordance with Chapter 1, Section 4 of the EIO Act, an investigative measure is to refer or correspond to:

a) hearings during preliminary investigations;

b) taking of evidence in court;

c) hearings by audio or video transmission;

d) seizure, detention of consignments pursuant to Chapter 27, Section 9 of the CJP, a measure pursuant to Chapter 27, Section 15 of the CJP (for example a ban on entering a building or area or on moving an object), or an order to preserve a specific item of stored information pursuant to Chapter 27, Section 16 of the CJP;

e) search of premises and other measures pursuant to Chapter 28 of the CJP;

f) secret interception of electronic communications, covert surveillance of electronic communications, secret camera surveillance, secret room bugging and secret data reading;

g) temporary transfer of a detained person;

h) forensic examination of a deceased person;

i) controlled delivery;

j) assistance in a criminal investigation using a protective identity;

k) obtaining evidence held by an authority; or

l) other measures not involving the use of coercion or any other coercive measure. This refers, for example, to the obtaining of evidence that is already in the possession of the executing authority.

Measures under Article 32(1) of the Directive that provisionally prevent the destruction, transformation, removal, transfer or disposal of material, which may be used as evidence, are also covered.

Neither the PA nor the ECA has encountered any major difficulties in identifying the investigative measures for which an EIO can be issued.

Although the procedures set out in Articles 4(b) and 4(c) of the Directive are not found in Swedish law (see also the difference between the definition of outgoing and incoming EIOs in Chapter 1, Section 3 of the EIO Act), Swedish practitioners have not experienced issues in executing EIOs issued by administrative authorities.

5.1. EIOs issued for purposes other than obtaining evidence

Swedish authorities have received EIOs from other Member States for purposes other than obtaining evidence, despite the scope of the EIO (see *Recommendation No* 5*).* However, they accept the different approach of other Member States and execute requests regardless of the format, and seek to respond to each request in a way that it is resource-efficient in practice and flexible within the existing framework.

If a request concerns the service of documents only, it is forwarded to the County Administrative Board, which is the central authority for the service of documents. If an EIO contains a request both for the service of documents and the questioning of the person to be served, the PA executes the EIO in its entirety.

The Swedish authorities understand locating persons as belonging to the realm of police cooperation. It is uncommon for incoming EIOs to request the location of the person without giving a reason or request that the person should be located in order to issue an EAW. However, it is common for an incoming EIO to request that a person be located and, if found, questioned.

The PA reported a few incoming EIOs issued in order to obtain the personal data necessary for the enforcement of an administrative decision.

The Swedish authorities have not encountered any problems regarding the temporary transfer of a person. There have not been incoming EIOs involving the temporary transfer of a person to be questioned as a suspect. In these cases, EAWs were issued by the other Member States for the purpose of prosecution, and either the PA questioned the suspect on behalf of the issuing authority or the issuing authority carried out the questioning via videoconference.

There have been some cases of temporary transfer to question a person who is not a suspect. In such cases, the person concerned must be asked for their consent, but this is essentially never given. An opinion must then be obtained from the Prison and Probation Service on the appropriateness of the transfer of the person concerned. If no obstacle is identified, consultation takes place with the issuing authority to inform them that a transfer can be made, but that the person concerned is unlikely to say anything, given that they did not consent to the procedure. After receiving this information, the issuing authority has always withdrawn the EIO.

Swedish prosecutors will grant approval to use evidence gathered at police level at an earlier stage, if this is requested in an EIO. Execution is based on the report of the Swedish police, without making a formal decision. The Swedish authorities would never ask for consent to use the information gathered as evidence at an earlier stage.

The Swedish authorities reported an incoming EIO issued to assess which sentence could be imposed in the event of a conviction. The EIO did not include measures requested to obtain evidence relating to the offence, but the issuing authority requested that a doctor question the suspect on their possible substance abuse. In Sweden, questioning during the preliminary investigation must be carried out by the police or by the prosecutor. Substance abuse in relation to the sentence should be handled by the Prison and Probation Service before the trial. The execution of the EIO in question was therefore problematic.

An incoming EIO requested a morality investigation of a suspect in order to obtain an overview of their lifestyle by hearing the family members. The issuing investigating judge argued that the measure concerned the obtaining of evidence in the context of the preliminary investigation. The PA, on the other hand, took the view that it was more a matter of determining the sentence. In addition, morality investigations are alien to Swedish law. Besides, the family members did not wish to provide any information.

An incoming EIO requested that an expert assess the credibility of a young victim of a rape case in order to avoid the need for appearance in court. Such a measure is completely alien to Swedish law, as credibility is always assessed by the court.

The above-mentioned cases were solved via consultation and by recourse to a different investigative measure.

5.2. EIOs issued in the different stages of the criminal proceedings

An EIO may be issued in the course of a preliminary investigation or criminal trial, which corresponds to the procedure set out in Article 4(a) of the Directive. Preliminary investigation and trial of a legal person are also covered, in accordance with Article 4(d) of the Directive.

In Sweden, a preliminary investigation is opened when there is reason to believe that an offence that falls under public prosecution has been committed (Chapter 23, Section 1 paragraph 1 of the CJP). Measures taken before a preliminary investigation is opened are carried out in the framework of police cooperation.

In the trial phase, an EIO may be issued until the judgement has become final, but an EIO cannot be issued at the enforcement stage. There is, however, an exception, i.e. when certain consequences (e.g. confiscation) of the criminal offence are dealt with by another Member State. An EIO issued by the other Member State in such a procedure is admissible, although the case in Sweden is already considered *res judicata.*

6. CONTENT AND FORM OF THE EIO

6.1. Challenges relating to the content and the form

As an issuing authority, the PA has not reported any particular problems relating to Annex A. According to the ECA, inexperienced prosecutors find it difficult to navigate the form and to understand what is to be filled in. The ECA handles many bank account requests and prosecutors find it illogical that this investigative measure falls under Section H4 rather than under Section C along with other investigative measures (see *Recommendation No 11*).

According to the PA, when acting as an executing authority, issues relating to the content are rather common i.e. certain information is missing, e.g. the date of the offence or the description of the circumstances of the offence. It also happens that insufficient information is provided regarding questioning, which makes it impossible to hold the interview. There were also references to missing annexes, missing pages or missing signatures. According to the ECA, it is sometimes unclear what the executing authority needs to do.

The Swedish authorities reported a case where the issuing authority requested a seizure. In this case, Swedish law requires a search. Doubt then arose on whether the EIO also included a search order. Prosecutors solve cases involving incomplete information or doubts through consultation, by contacting the issuing authority.

In the experience of the PA, consultation is often needed because it is common for the investigation scenario to change after the first investigative measure has been carried out. For example, once the prosecutor has obtained bank account details, it is necessary to consult the issuing authority on how it wishes to proceed with the questioning of the account holder, and whether they are to be regarded as a witness or a suspect.

It may also happen that the issuing authority requests the hearing of two people, and information obtained during the first interview puts the matter in a new light. In these cases, the prosecutor consults the issuing authority before holding the second interview. An investigative measure may also lead to an alternative suspect, or it may become clear that the person concerned is also a suspect in a Swedish investigation into the same matter.

According to the ECA, the issuing authority is contacted as soon as doubts arise. In the case of more complex investigative procedures, Eurojust is contacted.

6.2. Language regime

In the notification relating to Article 5(2) of the Directive, Sweden reported that, when Sweden is the executing Member State, Swedish or English may be used for completing or translating the EIO, (see *Best practice No 5* and *Recommendation No* 6).

The Swedish authorities follow a very flexible language regime in the course of criminal procedures. The mandatory usage of Swedish is limited to the trial phase, meaning, *inter alia*, that use of Swedish is not applicable to the case file. The Swedish authorities are allowed to issue an EIO directly in English, if the circumstances of the case allow it. It is also possible to conduct a hearing in English. However, the defence may always request a translation.

Within the Swedish criminal procedure, only use of certified forensic translators is allowed. No machine translation has been used by the authorities so far. The translation is coordinated by the police since they have the contract with the forensic translators. In accordance with the guidelines, whenever possible, EIOs are translated into the official language of the executing Member States, even if other languages are also accepted.

The PA has encountered severe issues with the translation quality of incoming EIOs. The request for a proper translation may lead to a time-consuming consultation process and sometimes several reminders are sent before a reply is received. Such requests are usually communicated in section D of Annex B. However, if the PA does not receive an answer, the further reminders would be sent by formal letters.

In some cases, the issuing authority has required the translation of the documents relating to the execution of the EIO, although no such obligation is laid down in the Directive.

The ECA reported similar experiences, stating that translations into Swedish are sometimes so poor that it is difficult to understand the request. This can also be the case with translations into English.

It can take time for the Swedish issuing authorities to obtain a proper translation, especially into lesser used languages. This can be a major problem in urgent cases. For obvious reasons, the Swedish issuing authorities cannot assess the quality, but have not received any feedback on the quality of translations from executing authorities.

6.3. Multiple requests and cascading EIOs

Owing to its abovementioned wide-ranging competencies (see Chapters 4.1 and 4.3), if one of the multiple requests falls within the RIO's competence, it can execute the EIO as a whole. Chapter 2, paragraph 2 of PA Internal Regulation No 2023:07 (see Chapter 4) is therefore a flexible internal rule on how to organise work, and is not a legally binding rule on competence. EIOs that concern more than one local jurisdiction are either sent to the National Operational Department of the Police – which coordinates the execution – or are sent to the local police authorities and the multiple execution is coordinated by the RIO itself.

6.4. Orally issued EIOs

In accordance with Chapter 3, Section 13 of the EIO Act, an EIO must be in written form. The PA has not encountered cases where an EIO has been issued orally but, in theory, an orally issued EIO might be acceptable if the conditions for an EIO are met and there are special circumstances e.g. immediate action is crucial. This might happen if contact has already been established between the relevant authorities.

7. NECESSITY, PROPORTIONALITY AND RECOURSE TO A DIFFERENT TYPE OF INVESTIGATIVE MEASURE

The PA informed the evaluation team that, when acting as issuing authority, the prosecutor assesses the conditions of necessity and proportionality, based on all the circumstances of the investigation. In addition, the prosecutor may choose not to issue an EIO unless the offence under investigation is significant. The Swedish issuing authorities are not aware of any cases in which the executing authority has questioned the proportionality of an EIO.

According to the ECA, account is taken of the severity of the offence and the decisive nature of the evidence to be sought. Most prosecutors find it relatively cumbersome to issue an EIO and additional time is needed for translation. These factors alone mean that an EIO is not issued without careful consideration of necessity and proportionality.

The PA reported cases, when acting as executing authority, where the prosecutor questioned the proportionality of a requested investigative measure, but the EIO was still executed. Such cases may arise with EIOs relating to petty offences that would probably be punished by a fine e.g. simple theft.

During the evaluation visit, it was explained that, although the Swedish criminal procedure law does not have a *de minimis rule*, it contains several flexible instruments to terminate the procedure. The Swedish authorities therefore regularly face questions on necessity and proportionality in relation to EIOs issued by Member States where criminal procedure law is based on the principle of legality. The matter is always solved via consultation in the spirit of mutual trust.

Sometimes EIOs are received for a search, but the Swedish police can obtain the information without such a measure if the person concerned cooperates.

It is also relatively common for extensive searches to be requested several years after the crime was committed and therefore the chances of finding evidence are slim. There was, for example, a request to seize all the computers and other electronic devices from a family. In another case, it was requested that all the employees of a large Swedish company be questioned as witnesses. The issuing authorities were contacted to find out what the aim of the measures were. If several and intrusive investigative measures are requested, the assistance of Eurojust is requested and accordingly, a coordination meeting is organised (see *Best practice No 6*).

The assessment of the necessity and proportionality is rather complicated for some investigative measures: whether it is possible to bring a person in for questioning and if so, at what stage of the procedure; when can a search be carried out at the residence of someone other than a suspect as certain conditions are imposed by Swedish law.

8. TRANSMISSION OF THE EIO FORM AND DIRECT CONTACTS

According to the PA, difficulties have been encountered in identifying the competent authorities. Even if the EJN Atlas is used, some information on authorities may be missing. Apparently, there seems to be an issue with identifying the competent Swedish court, but work is ongoing to address this shortcoming (see *Recommendations No 1* and *No* 7).

The EJN Atlas assumes that only one investigative measure is to be carried out, but in most cases an EIO concerns several investigative measures. Problems may arise in particular when it is not known where in the executing Member State an investigative measure is to be carried out. There is scope to improve aspects of the EJN Atlas in these areas (see *Recommendation No 13*). The PA also feels that although assistance in some cases is provided in a swift and accurate way, sometimes EJN contact points of other Member States not to reply when assistance is sought and that it would therefore be beneficial for the EJN to review the contact points (see *Recommendation No 14*).

In the experience of the ECA, the EJN Atlas generally works well. EJN contact points and Eurojust are also used, especially if several investigative measures are to be executed in a coordinated way in different locations or if it is not known where an investigative measure is to be executed. If coordination is not relevant and the locations are known, the EIOs may be sent to different executing authorities. If it is not necessary to have a centralised point for coordination, having one may increase the time needed to take investigative measures. Direct contact is usually the best approach (see *Best practice No 7*).

The approach taken by the Swedish authorities to secure information channels is a well-known fact. Accordingly, the PA does not send EIOs by email for data protection reasons. Transmission of EIOs is possible via safe electronic communication channels, which exist between Swedish authorities, including the National Member of Sweden at Eurojust. During the evaluation visit, the PA explained that an EIO received from any email address is accepted if there are no doubts about its authenticity, since it concerns the criminal procedure of the issuing Member State.

The ECA clarified that the communication succeeding an EIO may be sent by email provided that it does not contain any sensitive information. The same applies for Annex B.

The Swedish courts may transmit an EIO via email, justified by the fact that the criminal procedure is no longer confidential in the trial phase.

Although the evaluation team tends to agree with the Swedish authorities' approach in restricting the communication channels, resulting from the lack of a secure solution, Sweden is invited to explore the technical possibilities for secure exchange of outgoing EIOs and sending the results of the execution of the EIOs *(*see *Recommendation No 2).*

Swedish prosecutors are looking forward to the launch of the 'e-EDES' since it will greatly facilitate communication between the issuing and executing authorities in a safe and paperless way. The Swedish authorities work towards the aim that e-EDES will be fully functional in Sweden and involving all competent authorities, by end of 2024. Other Member States should also speed up the process of joining the e-EDES (see *Recommendation No 8*). Swedish practitioners would welcome the interconnection of the EJN Atlas and the e-EDES, and the possibility to interlink the e-EDES with the national case management system (see *Recommendations No 12* and *No 15*).

Communication about the execution of EIOs takes place directly between the Swedish authorities and the authorities of other Member States. Eurojust is contacted, if necessary.

9. RECOGNITION AND EXECUTION OF THE EIO AND FORMALITIES, ADMISSIBILITY OF EVIDENCE

According to Chapter 2, Section 6 of the EIO Act, the EIO shall specify whether any specific formal requirements or procedures are to be complied with by the competent authority of the other Member State when executing the investigation order. The evaluation team was reported that the necessary procedural requirements are generally observed by the foreign authorities that have received EIOs from Sweden.

When executing EIOs, Swedish practitioners apply the Directive in a flexible manner and in accordance with the spirit of the Directive. EIOs are recognised and executed without formal modalities, which is in line with the Directive. Swedish authorities comply with the formalities indicated in section I of the EIO as long as the application of these formalities does not conflict with Swedish national legislation (Chapter 3, Section 15 of the EIO Act).

When examining whether an investigation order is to be recognised and executed, the investigative measure specified in the investigation order may be replaced by another measure which produces an equivalent result (Chapter 3, Section 18 of the EIO Act). Mutual trust and mutual recognition play a key role. Swedish authorities seek to carry out the measures as far as possible in accordance with the requirements of the issuing authority *(*see *Best practice No 8* and *Recommendation No* 9*)*.

Chapter 3, Section 1 of the EIO Act provides that an investigation order transmitted from another Member State shall be recognised and executed in Sweden if the conditions are fulfilled and unless otherwise provided for in this Act. In accordance with Chapter 3, Section 19 of the EIO Act, if the investigation order can be recognised and executed in Sweden, a decision shall be issued stating that execution is to take place (declaration of enforceability).

The declaration of enforceability should specify the investigative measure(s) to be executed. The declaration should also, where appropriate, indicate whether a specific formal requirement or procedure is to be complied with pursuant to Section 15, give other information relevant to the enforcement of the measure and indicate how to appeal against a declaration of enforceability.

The Swedish authorities informed the evaluation team that in a decision-making process no distinction is made between recognition and execution of the EIO. Administrative personnel distribute the EIO in question to a competent authority, which executes it with the assistance of the police authorities, if necessary. If issues arise at the executing phase, the administrator contacts the executive authority. The executive police authority usually does not have direct contact with the issuing authority, except if a foreign officer is participating in the execution of the EIO. The competent authority always takes a formal decision on the non-execution of the EIO.

During the evaluation visit, prosecutors explained that the PA has not encountered any problems where the issuing authority had not completed section I which resulted in issues related to formalities later on. However, sometimes formalities are indicated which may be difficult to comply with in some cases. For example, requirements for signing documents pose no problem. However, there are no sanctions if a person were to refuse to sign. The ECA and the PA explained that that questioning under the threat of criminal penalties cannot take place during a preliminary investigation. Nor is it possible to conduct questioning under oath during a preliminary investigation; however, it was reported that witnesses are sometimes asked to sign a document certifying that they are providing information during questioning under threat of criminal penalties.

As this is contrary to the fundamental principles of Swedish law, the authority cannot carry out questioning with such requirements. In these cases, Swedish practitioners contact the issuing authority. As a result of the consultation, the EIO could be withdrawn or sometimes the issuing authority wants questioning to take place without an oath. Otherwise, the authority seeks to carry out the measures as far as possible in accordance with the requirements of the issuing authority.

The Swedish prosecutors explained that the Swedish courts do not impose any requirement to see an underlying decision but that they examine the requested execution of an EIO on the basis of the information contained in the EIO. In their view, bearing in mind the mutual recognition principle, because a copy of the court authorisations for an investigative measure is not mandatory, they would not request it. As issuing authority, some prosecutors within the ECA attach a court decision just in case and in order to avoid a request for supplementary information since some Member States impose this requirement.

The admissibility of evidence obtained via the EIO is of crucial importance in cross-border cooperation aimed at gathering evidence. However, neither the PA nor the ECA are aware of problems related to the admissibility of evidence stemming from non-compliance with certain formalities or procedures in the execution of the EIO.

In Sweden, the principle of free evaluation of evidence applies, which means that all evidence, with some exceptions, is permitted and it is the court that assesses the value of the evidence presented. If the court finds that there are reasons to object to how an evidence-gathering measure was decided or carried out, the court will take that into account in evaluating the evidence. Depending on the circumstances, during the trial, the court may reach the conclusion that the evidence has no value at all. Furthermore, the fact that the evidence was produced in the wrong order may be taken into account by the court when determining the sanction. The issue of a violation may also be raised by the convicted person appealing a judgement.

10. RULE OF SPECIALITY

The Directive does not contain any express provisions on the speciality rule or the possibility of imposing restrictions on the use of evidence or other information transferred between Member States.

However, in order to be able to meet any restrictions on use imposed by other Member States, it follows from Chapter 4, Section 3 of the EIO Act that the Swedish authorities must comply with the conditions imposed by a competent authority in another Member State which restrict the use of transferred evidence or information.

It is also possible for Swedish authorities to impose conditions on the use of evidence or information transferred to an authority in another Member State (Chapter 4, Section 4 of the EIO Act). Such conditions may be imposed if they are justified by the right of an individual or are necessary from a general point of view. Exemptions may be granted from any conditions imposed (Chapter 4, Section 5 of the EIO Act).

As the issuing authority, the PA does not usually object to the use of data obtained in another investigation. The PA does not consider that a change to an indictment falls within the scope of the rules governing cooperation under an EIO, since the EIO concerns the same investigation leading to the indictment. In the experience of the PA, this issue is more common in the context of cooperation on the EAW.

The ECA stated that, in its view, the speciality rule does not apply to the EIO. On the other hand, if the executing authority expressly states that there are restrictions on who may use the data, consent will be obtained. In the opinion of the ECA, a distinction must be made between restrictions on users and confidentiality issues. Article 19(3) of the Directive governs the confidentiality of the information collected, not how it may be used. The ECA is in charge of several large-scale investigations which have significant links to each other. If evidence has been obtained in an investigation and it turns out that this evidence is also relevant in another case, the prosecutors consider that they are able to share that evidence provided that the executing authority has not imposed any restrictions on users. Some prosecutors still put this question to the executing authority.

The same applies to sharing evidence obtained with the Tax Agency in the case of tax offences. In preliminary investigations, assistance may be requested from the Tax Agency in order for them to make tax calculations on which the indictment may be based. In those cases, evidence, including evidence obtained by means of an EIO, must be shared with the Tax Agency and their tax investigation.

As the executing authority, the PA, as a general rule, has no objection to the use of evidence in other investigations, but considers that an assessment should be made on a case-by-case basis. Consent is usually given. However, it is not clear how the PA, as executing authority, makes an assessment on a case-by-case basis for the use of evidence in other investigations. There are no provisions in Swedish national law stating that, unless a competent authority of the other Member State indicates otherwise, the evidence and other information obtained during the execution of the EIO may be used only within the scope of the proceedings referred to in the EIO.

The ECA stated that there are no rules on giving consent to use the evidence in other proceedings but that, if the question is asked, consent is usually given. The PA also explained that, as executing authority, it is relatively common to have to use the evidence obtained through the execution of an EIO. The PA always asks for the consent of the issuing authority. If it seems likely that the Swedish Police Authority might be interested in the information, the prosecutor usually notes in the declaration of enforceability that information may not be used in a Swedish investigation without the other country's consent.

Given the above, the evaluation team is of the opinion that the speciality rule is a general rule in judicial cooperation between Member States and should always be respected. Member States have diverging views on whether the speciality rule is applicable in the context of the EIO Directive. This leads to different approaches among national authorities with some always asking for consent before using information in other proceedings and others assuming that it is not necessary to ask for consent within the context of the EIO.

According to the evaluation team, judicial cooperation between Member States would benefit from a clear line on speciality, since the ambiguity caused by the lack of clear rules at EU level can lead to severe consequences for the admissibility of cross-border evidence gathering. The evaluation team therefore invites the Commission to clarify the application of the speciality rule with regard to the EIO (see *Recommendation No 11*).

11. CONFIDENTIALITY

Under Swedish law, during the preliminary investigation, the suspect and their lawyer have a continuous right of access to the facts of the preliminary investigation if this can be done without prejudice to the investigation. The suspect and their lawyer have the right to know the facts of the preliminary investigation (Chapter 23, Sections 18 and 18a of the CJP) but not after the lead investigator has completed the investigation. The suspect then receives information about the issuing of an EIO. Furthermore, there are provisions linked to certain investigative measures that require the person affected by the measure to be informed, for example of an enforced seizure (Chapter 2, Section 14 of the EIO Act and Chapter 27, Section 11 of the CJP).

Article 19 of the Directive is not *expressis verbis* implemented in the EIO Act, i.e. there are no explicit provisions stating that the information specified in the EIO must not be publicly disclosed beyond the extent that is necessary in order to ensure the execution of the EIO. In this law, there is also no legal obligation imposed for the Swedish authority to notify the competent authority of another Member State about the disclosure of the information provided in the EIO.

However, Chapter 15 section 1a and Chapter 18 section 1 and 17 of the Public Access to Information and Secrecy Act (2009:400) contains the most commonly used provisions on secrecy in preliminary investigations and judicial cooperation, which includes the EIO. During the visit, Swedish practitioners informed the evaluation team that, under national law, it is also possible to impose the obligation on financial institutions not to disclose the substance of the data request. The evaluation team notes that this complies with Article 19(4) of the Directive, where Member States are obliged to ensure that banks do not disclose any information to their clients in the context of the EIO.

The Swedish authorities also explained that both the investigative and trial phases may be confidential in some cases involving sexual crimes, minors etc. During the (generally public) trial phase and the execution of the sentence, access to the case file may not be refused. However, some document or parts of the documents e. g. autopsy protocols, can be kept confidential by the authorities according to the Public Access to Information and Secrecy Act (2009:400). Also, some parts of a court hearing can be held behind closed doors, meaning it is not open to the public. If there is a reason, the prosecutor or the court can impose a duty of confidentiality on a person regarding information about the case both during the investigative and trial phase.

During the visit, the Swedish practitioners informed the evaluation team that they had not encountered any problems relating to rules on disclosure and confidentiality either as the issuing State or as the executing State. However, the evaluation team is of the opinion that the concept of confidentiality of the EIO Directive is not clear enough. It is not clear to what extent the issuing authority should not disclose the evidence or information provided by the executing authority in accordance with Article 19(3) of the Directive.

It is indisputable that disclosure to the defence is essential in order to properly defend the accused. Furthermore, the information will be used in a trial that is generally open to the public. This article refers to cases where disclosure is necessary for the investigations or proceedings described in the EIO. Under national law and unless otherwise indicated by the executing authority, there is a clear obligation that the issuing authority should not disclose any information received.

12. GROUNDS FOR NON-EXECUTION

The grounds for non-execution are transposed in Chapter 3, Section 5 of the EIO Act. Contrary to the Directive, the grounds for non-execution in the EIO Act are both obligatory and optional. Obligatory grounds for non-execution also include those not covered by the Directive. For example, an EIO may not be recognised and executed in Sweden if: it is contrary to the provisions on data protection referred to in Chapter 36, Sections 5 and 5a of the CJP; it relates to the seizure of a written document or an order to preserve a specific item of stored information and there are impediments, under Chapter 27, Section 2 of the CJP, to seizing the document or, under Chapter 27, Section 16, fourth paragraph of the CJP, to issuing an order.

However, the evaluation team was not provided with practical examples of invoking the obligatory grounds for refusal mentioned above. The discussions with prosecutors and judges during the evaluation visit confirmed a very low number of refusals, both from the issuing and executing perspectives. The Swedish authorities, when acting as executing authority, consider it necessary to contact the authorities of another Member State, pursuant to Articles 10(4) and 11(4) of the Directive, sometimes with the assistance of Eurojust or EJN contact points, prior to a possible non-execution or recourse to another investigative measure.

The Swedish issuing authorities had encountered situations where the execution of the EIO was impossible because the requested measure would not be allowed in a similar domestic case in the executing State. According to the PA, it has been relatively common that, because of the nature of Swedish law, it is not possible to assist with secret interception of electronic communication when the information obtained from that surveillance is intended to identify a suspect. As of 1 October 2023, the national legislation for secret interception of electronic communication was amended and can in some situations be used to identify a suspect. Before 1 October 2023 covert surveillance was used in the situation mentioned above. It is also common, albeit less so, that the facts of the case are such that secret interception cannot be ordered under Swedish law.

In the view of the Swedish authorities, an EIO may be used in order to ensure the presence of a defendant at trial via videoconference. Although the purpose of the EIO is to gather evidence and attending a trial does not always have that purpose, Sweden executes such requests. However, if an EIO refers to a hearing by means of audio or video transmission with a suspect or accused person or a person referred to in Chapter 36, Section 1, second and third paragraphs of the CJP, the investigation order may only be recognised and executed if the person to be heard consents to the hearing (Chapter 3, Section 2 of the EIO Act).

The execution of EIOs is not refused in Sweden in cases where EIOs were issued in relation to the proceedings referred to in Article 4(b) of the Directive (proceedings brought by administrative authorities). The Swedish authorities execute EIOs issued by competent administrative authorities provided they are duly validated by a judicial authority, as stipulated in the Directive.

The PA also explained that it is common practice for the issuing authority to want a person to be heard as a witness but that, under Swedish law, that person is to be regarded as a suspect. For example, in money laundering cases, account holders with money derived from fraud would already be considered a suspect and not a witness. In these cases, the PA considers that the person should be heard as a suspect in order to safeguard their rights, such as the right to obtain a public defence counsel during the hearing. Before the interrogation, the person would also be informed of the fact that they are considered a suspect.

Furthermore, it is not possible to question someone under the threat of criminal penalties during a preliminary investigation. The Swedish practitioners have mentioned that, in their view, an EIO issued for psychiatric examination does not fall within the scope of the Directive. Such situations – which are deemed to be contrary to the fundamental principles of Swedish law – can often be resolved through consultation.

The ECA has no experience of invoking grounds for non-execution. As mentioned above, direct communication between the issuing and executing authorities is the key to success. If an EIO cannot be executed, it is usually withdrawn.

In some cases, non-execution of the EIO by Sweden is the result of practical issues such as an incomplete form or unclear information. Although clarification or additional information is requested by Sweden in those cases, some Member States do not reply, resulting in the non-execution of the EIO. In such cases, there is no formal decision on non-execution. The issuing authority is duly informed.

In general, Sweden has not experienced any issues regarding the possible grounds for non-execution of dual criminality, *ne bis in idem* or immunities or privileges. Nor were there any reports that Swedish EIOs had been refused because they were considered to be disproportionate.

13. TIME LIMITS

The Directive has considerably increased the speed of cross-border cooperation vis-à-vis the MLA regime.

The time limits of execution of an EIO are correctly transposed in Chapter 3, Section 16 and 17 of the EIO Act. Following the Directive, a decision on recognition and enforcement is issued swiftly and within 30 days of the competent prosecutor or district court receiving the investigation order. If there is a specific reason, the decision may be issued at the latest within 60 days of receipt. If an investigation order is transmitted in accordance with Article 32 of the Directive, in its original version, the decision is, if possible, issued within 24 hours of receipt.

The Swedish issuing authorities usually receive replies in good time. However, the evaluation team was told about cases where Swedish practitioners do not receive a response or even a reply from the executing authority. Some Member States do not send Annex B. It is therefore unclear who Swedish practitioners can contact for information about the execution of the EIO. In the event of a delay, the executing authority is requested to give information about the EIO's state of execution and about the reasons for the delay. When such requests have no effect, the EJN contact points and Eurojust might be involved. However, during the visit, the Swedish practitioners mentioned that the timely execution of their EIOs was not a systematic problem.

The Swedish executing authorities usually comply with time limits. However, there have been cases where the execution has taken longer than the time limit set in the Directive. The reason for delays can be linked to the nature of the investigative measure requested, to the high number of requests to be executed, their complexity or the need to consult the issuing authority, which sometimes makes it impossible to meet the deadlines. There have, for example, been EIOs requesting the questioning as witnesses of around 40 people across Sweden. Another scenario that can be time-consuming is when foreign officials wish to be present during questioning. This can take time to coordinate.

Practitioners informed the evaluation team that the delays may also occur, inter alia, due to a lack of resources at the police authority which is responsible for carrying out the measure. In such cases, the PA cannot avail of the police authority's resources. For example, a request for extremely extensive investigative measures needs to be weighed up against more urgent national serious crime cases, which the Police Authority is required to prioritise.

There are also cases where there is a difference of opinion between the issuing and executing authorities as to when coercive measures are to be used in a case, for example when to bring in for questioning someone who does not agree to be questioned. Member States may have different opinions on in which State that decision is to be taken which, in turn, may mean that there is a long delay before the measure can be executed. For example, the PA, as the executing authority, considers it necessary to take a decision on a search in order to obtain the requested information, while the issuing authority wishes to use a so-called voluntary disclosure procedure instead.

The ECA explained that, as the issuing authority, it usually receives replies in due time. As the executing authority, unless there are circumstances beyond the authority's control, such as banks replying too late or someone to be questioned being uncontactable, the time limits are almost always complied with. The ECA has its own investigative resources and judicial cooperation cases are prioritised.

If a Swedish executing authority anticipates that the execution of an EIO will take longer than expected, they usually inform the issuing authority in line with Article 12(5) of the Directive. Usually, in such cases, the issuing state is consulted and another date for the execution of the EIO is determined.

The Swedish authorities tend to adopt a pragmatic and flexible approach to incoming urgent EIOs – when executing them, they respect requests for urgency and act accordingly. In relation to the assessment of urgency, the PA takes into account the reasons indicated by the issuing authority, such as imminent negative prescription or the date of the hearing, the risk of information loss, the imminent release of a person serving a sentence and the need to question them before that, or the fact that foreign officials are already present in the country to take measures.

Nevertheless, according to the practitioners, the 'urgent' box is sometimes ticked without further clarification. In the absence of any specific indication in the EIO, the facts are assessed at the discretion of the authority. In relation to urgent cases, participants also agreed that Eurojust's timely involvement and intervention can be crucial. According to the judges, they have been executing EIOs in urgent cases by following requests made by issuing Member States. No issues have been reported.

Chapter 3, Section 24 of the EIO Act provides that the prosecutor may decide to postpone the execution of the EIO for a certain period of time, if its execution could damage an ongoing investigation or prosecution, or if the investigation order concerns evidence used in other proceedings in Sweden. The district court may decide on such a postponement in the case of an investigation order referred to in the first paragraph of Section 8. The period of postponement under the first paragraph above may be extended. Once the grounds for postponement have ceased to exist, the execution of the EIO resumes. Decisions concerning postponement and the extension of postponement state the reasons for the decision to postpone.

14. LEGAL REMEDIES

In accordance with the EIO Act, no appeal may be brought against a decision to issue an EIO as a whole. However, the practitioners informed the evaluation team that the prosecutor's actions or decisions, including those related to the issuance of the EIO, can be appealed to the supervisory authority or to the Justice Chancellor.

The Swedish authorities explained that access to justice is linked to the investigative measure to which the EIO relates. Access to justice applies to an investigative measure contained in an EIO as it would to the same measure in a domestic case. This means that the court's examination takes place at a different stage depending on the investigative measure concerned. In addition, an EIO may only be issued if it is proportionate (Chapter 2, Section 4 of the EIO Act). The purpose of this provision is to implement Article 6(1) point a) and recital (11) of the Directive. In cases where the court tries an investigative measure in an EIO, the court should also make an assessment of the proportionality of the EIO.

Chapter 4, Section 1 of the EIO Act provides that an appeal may be brought against a decision by the court under Chapter 2, Sections 5, 14, 16 and 16a (i.e. detention of consignments, secret interception of electronic communications, covert surveillance of electronic communications, covert camera surveillance, secret room bugging or secret data reading, forensic medical examination, seizure, barred access, preservation of a specific item of stored information). Under this law, no appeal may be brought against other decisions on the recognition and execution of an EIO.

For more intrusive measures contained in an EIO, a court order is needed. For example, the court must always decide on the secret coercive measures before an EIO is issued. In the same way as in a domestic investigation, the person affected by a seizure may request the court to review the seizure when it has been executed (Chapter 2, Section 14 of the EIO Act and Chapter 27, Section 6 of the CJP). If the object has not been transferred to Sweden when the criminal case is decided, the court examines whether the seizure should remain in force pursuant to Chapter 27, Section 8, paragraph 5 of the CJP.

With regard to a search that can be assumed to be large scale or cause particular inconvenience to the affected person, the prosecutor may, in a similar way as in a national procedure, apply for the court's permission before the investigation order for the measure is issued (Chapter 2, Section 5, paragraph 3 of the EIO Act and Chapter 28, Section 4 of the CJP). In that review, the proportionality of the EIO must also be assessed.

With regard to a hearing of a witness, the executing Member State is responsible for the summoning and other matters that may arise in order to have a witness appear at the hearing (Article 24(3) of the Directive). The Swedish provisions on possibilities for a witness to request a court review of an imposed fine (Chapter 23, Section 6b of the CJP) are therefore relevant when Sweden, as the executing state, is responsible for having a witness appear at a hearing in accordance with an EIO.

In its judgement No C-324/17 (*Gavanozov I*), the CJEU interpreted Article 5(1) of the Directive, in conjunction with Section J of the form set out in Annex A, and concluded that, when issuing an ElO, the judicial authority of a Member State does not have to include in Section J of the EIO form a description of the legal remedies, if any, which are provided for in its Member State against the issuing of such an order.

The above-mentioned case was followed by case No C-852/19 (*Gavanozov II*) where the CJEU ruled that national legislation of an issuing Member State which does not provide for any legal remedy against the issuing of an EIO for search and seizure and hearing of a witness via videoconference is not compatible with Article 14 of the Directive read in conjunction with Article 24(7) of the Directive and Article 47 of the Charter of Fundamental Rights of the European Union ('Charter'). The issuance of an EIO in such a scenario is contrary to Article 6 of the Directive read in conjunction with Article 47 of the Charter and Article 4(3) of the Treaty on the European Union.

During the visit, it was explained to the evaluation team that Swedish law does not provide for a possibility to appeal a decision to interview a witness. Following the judgement of the CJEU in Case No C-852/19 (*Gavanozov II*), witnesses were nonetheless allowed remedies against such EIOs in practice. The evaluation team takes into account that the above-mentioned CJEU jurisprudence is relatively new and that it is therefore difficult at this stage to predict how prosecutors and courts of Member States will apply the judgements in practice. However, the starting point is that the principle of mutual trust should be respected.

In order to further ensure legal remedies in Swedish law for infringements of individual rights, there is a possibility for anyone who considers that their rights under the European Convention for the Protection of Human Rights and Fundamental Freedoms ('ECHR') have been violated by e.g. the police, a prosecutor or a court, to request damages from the State and to have the matter tried in court (Chapter 3, Section 4 of the Tort Liability Act).

In the context of evaluating the measure's compatibility with the ECHR, the court can try the legality and proportionality of the measure. This may, for example, apply to measures under a law which in itself complies with the requirements of the ECHR but which are executed by an authority in a way that is contrary to the ECHR, e.g. with a lack of proportionality between the purpose of the measure and the harm caused to the individual. Furthermore, the legal remedy regarding damages in Chapter 3, Article 4 under the Tort Liability Act should be applicable to all investigative measures where an individual's rights or freedoms have been violated by an authority.

The Swedish practitioners stated that information concerning legal remedies is generally not included in the order and is therefore not passed onto the person concerned by the measure in cross-border cases. In the opinion of the evaluation team, information on available legal remedies is essential for the person concerned to effectively seek judicial control. In light of the above, Sweden should ensure that the person affected by the investigative measure is notified of the applicable legal remedies in due time.

15. OBLIGATION TO INFORM

Acting as an issuing authority, according to the PA, there are cases where Annex B is not sent or the time limit is not complied with *(*see *Recommendation No 10).* The experience of the ECA seems to be slightly more positive, as Annex B is usually received, with some exceptions. In these cases, a reminder is sent to the executing authority.

Both the PA and the ECA stated that, as executing authority, they always send Annex B as a matter of course and the ECA reported that it is automatically sent by the administrator who registers the incoming EIO *(*see *Best practice No 9).*

The Swedish authorities did not mention any suggestions for the improvement of Annex B.

16. COSTS

The PA acting as issuing Member State has rarely encountered issues with the costs being borne by the executing Member State, unless the requested investigative measure is of an extraordinary nature. The PA does not ask for EIOs to be modified due to costs but seeks to execute the request in the best way possible. The PA has no experience with cases where the execution of the EIO has been delayed or the EIO has not been executed due to exceptionally high costs.

According to the PA, the costs of appointing a defence counsel would never be regarded as exceptionally high. However, extensive forensic analyses could lead to significant costs. In such cases, consultations may take place. In the opinion of the PA, an agreement must be reached on the matter before execution.

The ECA has no experience of problems relating to costs, either as the issuing or the executing authority.

17. COORDINATION

The PA stressed the importance of coordination when it comes to cooperation on an EIO. If an EIO is received and it is ascertained that there is already a preliminary investigation on the same matter in Sweden, efforts are made to coordinate, in order to prevent unnecessary resources from being spent on measures which have already been taken. In these cases, it is important to create and facilitate contact between the investigator in Sweden and the authorities of the other Member State. It is also important to safeguard the interests of the injured party.

A planned crackdown often includes both an EIO and an EAW. According to the PA, difficulties may arise in such cases, because it is not possible to conceal from the suspect that their detention has been ordered in absentia. Eurojust is contacted if wider coordination or further resources are needed. The ECA confirmed that such cases are coordinated through Eurojust.

If the evidence gathered through an EIO is deemed to be of interest in a Swedish investigation, the issuing State is always asked whether the evidence may be used in the Swedish investigation before the evidence is handed over to the Swedish investigation. The issuing Member State is therefore aware of how the evidence is being handled in Sweden and if a new investigation is opened. Though, the issuing State is not informed if evidence is gathered which has no connection to the EIO. For example, neither the issuing authority nor the prosecutor handling the EIO in Sweden will be informed when the authority carrying out the investigation measure, such as picking up a person to be heard, find and seize narcotics. In addition, new investigations are usually not dealt with by the same prosecution office as the prosecutor dealing with the execution of the EIO. The Swedish authorities consider such situation to fall outside the cooperation under the Directive.

18. SPECIFIC INVESTIGATIVE MEASURES

18.1. Temporary transfer

Neither the PA nor the ECA have encountered issues relating to custody during the temporary transfer. Where someone is detained in another Member State, the prosecutor or the court should seek the opinion of the detained person on the transfer. This can be indicated in the EIO. There is no special procedure in place, but nothing prevents the prosecutor or the court from contacting the competent authorities of the other Member State before issuing an EIO in order to ask which requirements for consent apply. The Swedish authorities have not received any reports of such cases. If a person is detained in another Member State, alternative measures to transfer would be favoured by the Swedish authorities.

As the executing authority, the PA explained that the prosecutor instructs the investigator to seek the consent of the detained person. However, in most cases, the person does not consent to the transfer.

There have been some cases of temporary transfer for questioning of a person who is not a suspect. In such cases, the person concerned must be asked for consent, but this is essentially never given. An opinion must then be obtained from the Prison and Probation Service on the appropriateness of the transfer of the person concerned. If no obstacle is identified, consultation takes place with the issuing authority to inform them that a transfer can be made, but the person concerned is unlikely to say anything, given that they did not consent to the procedure. The prognosis of the questioning planned in the issuing Member State is therefore poor and the issuing authority has then (this has happened twice) withdrawn the EIO.

18.2. Hearing by videoconference

Under Swedish law, a suspect or accused person may be heard by videoconference provided that the person consents to the hearing (Chapter 2, Section 10, paragraph 2 of the EIO Act). The PA has not encountered any cases where the suspect or accused person did not consent to the hearing by videoconference. As an alternative, however, the situation could be resolved by the Swedish police holding the hearing, or by investigators from the issuing authority travelling to Sweden to hold the hearing.

The prosecutors within the ECA have little experience of using videoconferencing during preliminary investigations. In their opinion, questioning via videoconference is not appropriate in large-scale investigations into financial crime. It is much more common for witnesses who are abroad to be questioned via videoconference during the court trial. In these cases, the court issues, and deals with, the EIOs.

According to the PA, there are technical problems with connections between Member States because different systems are used. As the executing Member State during the preliminary investigation, it is best to organise a videoconference through the Police Authority's system. Prosecutors may then also be present if it is considered appropriate. There is always a test run before the hearing itself to ensure the connection. As executing authority, the PA always asks how the issuing authority wants to record the hearing.

The prosecutors explained that they do not use open-source platforms because checking the person's identity is vital.

The PA states that a person cannot be questioned under oath during the preliminary investigation (see Chapter 9) and that this has sometimes led to the suspension of a hearing when representatives of the issuing authority have administered an oath. Another example is that national legislation and practice requires a Swedish prosecutor or investigator to be present at the hearing. However, it has happened that the issuing authority has stated that their presence would lead to the hearing being invalid.

Swedish legislation on trials generally allows the accused person to be present by videoconference throughout the main trial (Chapter 5, Section 10 of the CJP) (see *Best practice No 10*). Even if the Directive and the legislation implementing the Directive are aimed at hearing the accused person by videoconference during the main trial, attendance by videoconference throughout proceedings should also be possible, provided that the accused person consents. In such cases, an EIO for the measure can be issued or executed (Chapter 2, Section 10, paragraph 2 and Chapter 3, Section 2, paragraph 2 of the EIO Act). The court has no experience of an EIO for the main trial to be held entirely by video conference and in a complex case, the court would assess if it would be more appropriate to be present in person.

As the issuing authority, the court has not encountered any problems resulting from the procedural status of the person to be heard. The Swedish authorities explained that an EIO is mainly issued when there is a need to hear a witness. As the issuing authority, the court can accept that hearings take place outside court (e.g. via WebRtc), since this is more flexible, but the issue of an EIO usually involves a hearing before the court.

As the executing authority, it has sometimes been difficult for the court to determine whether the person to be questioned is to be regarded as a witness or an injured party, which may lead to uncertainty as to whether the person should give evidence. The court has not encountered any problems in distinguishing suspects from other people to be questioned. Police force can be used to ensure the person's presence during the court hearing. As an executing authority, the court records the hearing and sends it to the issuing authority.

The court explained that they have no information about cases in which an EIO is issued during the preliminary investigation but have received requests from Member States issuing an EIO for the person to be heard by a court.

18.3. Hearing by telephone conference

Both the PA and the ECA explained that requests for hearings by telephone are relatively rare.

18.4. Information on bank and other financial accounts and banking and other financial operations

Both outgoing and incoming EIOs concerning bank accounts and other financial information are very common. As issuing authority, nowadays the Swedish prosecutors are trying to use the Asset Recovery Office in order to avoid sending an EIO in vain. The ECA, in particular, reported that prosecutors usually first issue an EIO only for bank account or other financial information and, after receiving the reply, they issue an EIO to hear the account holder but only if this measure is needed for the investigation.

As executing authority, the Swedish authorities reported cases where the information about bank accounts in the EIO is incorrect e.g. typos to be corrected. Sometimes the time of the offence and requested information can be narrowed down to one week instead of the requested time period of a whole year, which is considered excessive. In EIOs considered excessive, there is consultation with the issuing authority before the EIO is executed.

The police authority has access to 'The Mechanism', a database where it is possible to search for persons and some of the bank accounts, but unfortunately one of the biggest banks is not connected. Before requesting the information from the bank, a preliminary check is done to verify whether the bank account exists. For the competence of the Swedish authorities, the location of the bank's server is not important; what matters is that the bank is registered in Sweden. The banks are obliged to provide the requested information according to the Bank Act (2004:297). All the Swedish banks have a nominated contact point for governmental inquiries.

According to the Swedish authorities, real-time gathering of information on bank accounts is possible, in which case a repetition of an EIO would not be mandatory.

18.5. Covert investigations

Covert investigations concern the use of a protected identity, meaning that officials use personal data other than their own to infiltrate a group of people to obtain evidence of certain criminal activities. Under the Qualified Protected Identities Act (2006:939), police officers may, among other things, obtain a qualified protected identity for participation in search or investigation activities relating to serious crime or activities to prevent such crime.

An EIO may be issued for assistance in a criminal investigation using a protected identity. Swedish law does not require the participation of an agent from another Member State. In accordance with Article 29(4) of the Directive, Member States should agree on the detailed arrangements for carrying out the covert investigation.

There is a special unit within the Police Authority which deals with infiltration activities. These cases are always very sensitive and protected by a high level of confidentiality. The PA is aware of isolated cases of covert investigations but does not have much recent experience. There are no restrictions on using civilians, but it is recommended not to involve civilians in covert investigations.

18.6. Interception of telecommunications

There is no common European definition for the interception of telecommunications. At present, interception of telecommunications is interpreted differently throughout the Member States. In the opinion of the evaluation team, the EU legislator should clarify what measures are included in the concept of 'interception of telecommunications' within the meaning of Articles 30 and 31 of the Directive (see *Recommendation No 11*).

In accordance with Chapter 2, Sections 17 and 19a of the EIO Act, the following investigative measures are covered by Articles 30 and 31 of the Directive:

- secret interception of electronic communications, meaning that messages transmitted in an electronic communications network to or from a telephone number or other address are secretly intercepted or recorded by technical means for reproducing the content of the message;
- covert surveillance of electronic communications, meaning that data are secretly obtained in respect of messages transmitted in an electronic communications network to or from a telephone number or other address, where electronic communication equipment has been located in a given geographical area, or in a geographical area where a particular electronic communication device is or has been located;
- secret data reading, which means that data intended for automated processing are secretly read by technical means or recorded in a readable information system.

According to the PA, the bugging of a car constitutes secret room bugging. Room bugging cannot be authorised retroactively and thus Annex C cannot be used for room bugging. GPS tracking is a police investigation method which is decided upon and handled by the Police Authority .

The court approval is required for interception and bugging measures and there is an *ex parte* procedure in front of the court: the ombudsman is there to represent the public interest and this is seen as a form of legal remedy.

When Sweden is acting as executing authority for EIOs concerning interception many factors need to be considered in accordance with national legislation. As of 1 October 2023, there are revised provisions in the CJP for the investigative measures listed above. The provisions differentiate suspects who are known and unknown and whether or not the investigative measure is used for identification purposes.

The PA explained that these measures are assessed on the basis of the criteria laid down in national law and that this sometimes means – to the disappointment of the issuing Member States – it is impossible to execute an EIO. The ECA mentioned in particular the penalty threshold that must be reached in order for a Swedish court to allow the interception. The Swedish authorities expressed their view that even the revised provisions are quite complex.

The following circumstances are essential and need to be verified (Chapter 27, Sections 18-22a of the CJP):

- whether the purpose is to identify a suspect: for bugging, a suspect needs to be known, for other measures this is not a requirement;
- severity of the crime: minimum threshold/list of offences/expected sentence for one crime or several crimes;
- connection to the suspect/suspected crime;
- necessity: justification of the particular importance of the measure, if not feasible, less intrusive alternatives.

In the experience of the PA, the use of Annex C is not very common, is only received for wiretapping.

In relation to the transmission of interceptions, the method depends entirely on the technology that the Police Authority is using. Phone interception is carried out via the internet service provider and data interception is carried out by secret data reading. There is also a special international administrator for covert operations. The Police Authority handles the transmission of data and can carry it out almost instantly. The Police Authority has also a 24/7 service for such purposes.

19. STATISTICS

The PA reported the total number of EIOs over the last five years as follows:

Incoming EIOs: 3.006
Outgoing EIOs: 1.283

Statistics provided by the ECA:

	Incoming EIOs	Outgoing EIOs
2018	42	60
2019	46	94
2020	50	96
2021	42	138
2022	36	111

Considering the extent of the statistical data provided, the evaluation team saw fit to recommend that Sweden collect statistical data on cases of refusals, both as the issuing and executing authority, and on cases in which the execution of an EIO was postponed *(*see *Recommendation No 3)*.

20. TRAINING

20.1. Training provided by the Prosecution Authority

The basic training, which takes a total of two years to complete, is mandatory and, as a rule, all prosecutors recruited should participate in the training during their time as assistant prosecutor i.e. during the initial part of their career as a prosecutor. Depending on the number of prosecutors recruited, the basic courses are given approximately two to four times a year. Prosecutors recruited as additional prosecutors also carry out basic training, starting approximately after six to 12 months of employment. The PA explained that its basic training includes six hours of training on the EIO and that a separate case study on the preliminary investigation deals with the EIO.

Once the basic training has been completed, the PA offers a comprehensive range of further training. As part of this further training, a course on international judicial cooperation is offered. A total of six hours of this course is allocated to the EIO. The course is run once a year with 24 available places.

Auditors at the PA are also offered an annual training course which includes a shorter session on international legal assistance and the EIO. Furthermore, all prosecutors can consult a one-hour webinar on the intranet covering international issues including the EIO.

The PA's Training Centre is responsible for the training provided within the PA. The legal quality of all training courses is guaranteed by the fact that the training officers and the course managers are prosecutors and by contacts with both the PA's legal department and development centre.

20.2. Training provided by the Economic Crime Authority

The ECA is a specialist authority and, when they are recruited, prosecutors have a basic knowledge of international judicial cooperation. Each year the ECA runs a course or seminar on international cooperation for prosecutors. These cover various topics, including the EIO. Each office also has a designated international contact prosecutor who has specific experience of the subject and who can assist colleagues if necessary. There is no specific training solely on the EIO. Prosecutors at the ECA also have access to all the support material available on the PA's intranet.

The ECA is responsible for providing additional training; the basic training is handled by the PA.

In the opinion of the evaluation team, Sweden should ensure that the judiciary receives adequate training in cooperation in criminal matters, including on the EIO (see *Recommendation No* 4*).*

20.3. Training of the judiciary

In Sweden, an e-training course on international judicial cooperation which includes the EIO is available to all judges. The handbook for judges on international judicial cooperation is currently being updated and will also include information on the EIO. The updated version will be available from January 2024.

21. FINAL REMARKS, RECOMMENDATIONS AND BEST PRACTICES

21.1. Recommendations

Regarding the practical implementation and operation of the Directive, the team of experts involved in the assessment in Sweden was able to review the system satisfactorily.

The evaluation team saw fit to make several suggestions for the attention of the Swedish authorities. Furthermore, based on the various examples of good practice, related recommendations are being put forward to the EU, its institutions, as well as to the EJN. Sweden should conduct an 18-month follow-up to the recommendations referred to below after this report has been agreed by COPEN.

21.1.1. Recommendations to Sweden

Recommendation No 1: Sweden should keep the EJN Atlas updated (see Chapter 8).

Recommendation No 2: Sweden is invited to explore technical possibilities for secure exchange of outgoing EIOs and for sending the results of the execution of the EIOs (see Chapter 8).

Recommendation No 3: Sweden should collect statistical data concerning cases of refusal both as the issuing and executing authority and cases in which the execution of an EIO has been postponed (see Chapter 19).

Recommendation No 4: Sweden should ensure that the judges receive adequate training in cooperation in criminal matters, including on the EIO (see Chapter 20.2).

21.1.2. Recommendations to the other Member States

Recommendation No 5: Member States' issuing authorities should respect the scope of the EIO (see Chapter 5.1).

Recommendation No 6: Member States should accept English in addition to their official language (see Chapter 6.2).

Recommendation No 7: Member States should keep the information on the EJN Atlas updated (see Chapter 8).

Recommendation No 8: Member States should speed up the process of joining the e-EDES (see Chapter 8).

Recommendation No 9: Member States, acting as executing authorities, should, as far as possible, respect formalities requested by issuing authorities (see Chapter 9).

Recommendation No 10: Member States should send Annex B systematically (see Chapter 15).

21.1.3. Recommendations to the European Union and its institutions

Recommendation No 11: The EU legislator is invited to

- make Annex A more user-friendly (see Chapter 6.1);
- clarify the application of the rule of speciality (see Chapter 10);
- clarify what measures are included in the concept of 'interception of telecommunications' within the meaning of Articles 30 and 31 (see Chapter 18.6).

Recommendation No 12: The Commission is invited to look into establishing links between the e-EDES and the Judicial Atlas (see Chapter 8).

21.1.4. Recommendations to the EJN

Recommendation No 13: The EJN is invited to look into ways to improve the EJN Atlas to be able to handle multiple investigative measures (see Chapter 8).

Recommendation No 14: The EJN is invited to review the EJN contact points (see Chapter 8).

Recommendation No 15: The EJN is invited to look into establishing links between the e-EDES and the Judicial Atlas (see Chapter 8).

21.2. Best practices

Sweden is commended for:

1. the information on judicial cooperation in criminal matters available to practitioners, in the form of continuously updated handbooks and an intranet (see Chapter 3);
2. the ECA having its own investigative resources and prioritising judicial cooperation cases (Chapter 4.1);
3. having a special team at the RIO with members in various places around the country and for holding weekly videoconferences (see Chapter 4.2);
4. establishing international administrative officers specialised and trained in international cooperation (see Chapter 4.2);
5. accepting English in addition to the official language (see Chapter 6.2);
6. contacting Eurojust if multiple investigative measures are requested (see Chapter 7);
7. approaching the execution of EIOs in a spirit of consultation and trust (see Chapter 8);
8. respecting formalities as far as possible, when acting as executing authorities (see Chapter 9);
9. sending Annex B systematically (see Chapter 15);
10. the possibility under national legislation generally allowing the accused person to be present by videoconference throughout the main trial, thereby facilitating the execution of relevant EIOs (see Chapter 18.2).

ANNEX A: PROGRAMME FOR THE ON-SITE VISIT

Tuesday 24 October 2023

09:30 – 10:00 Ministry of Justice (*Government Offices, Jakobsgatan 24, Room Symfoniorkestern, 12th floor*)

Introduction to the Swedish implementation of the Directive and the roles of the authorities in Swedish investigations.

10:00 – 12:00 Meeting with representatives from the Swedish Public Prosecutor's Office and from the Swedish Economic Crime Authority (*Government Offices, Jakobsgatan 24, Room Symfoniorkestern, 12th floor*)

Discussions regarding practical experiences related to the Directive

12:15 – 13:15 Lunch

13:30 – 16:30 Continued discussion regarding practical experiences related to the Directive (*Government Offices, Jakobsgatan 24, Room Symfoniorkestern, 12th floor*)

19:00 Dinner

Wednesday 25 October 2023

09:30 – 12:30 Visit to the National Unit against Organized Crime of the Swedish Public Prosecutors Office (*address Hantverkargatan 25 a*)

Discussions regarding the practical experiences related to the Directive with representatives from the Swedish Public Prosecutors Office joined by representatives from the Swedish Economic Crime Authority

12:45 – 13:45 Lunch

14.15 – 15.15 Ministry of Justice, visit by representatives of the Swedish Courts (*Government Offices, Jakobsgatan 24, Room Lyran, 3rd floor*)

Discussions regarding practical experiences related to the Directive

15:30 – 16:30 Visit by representatives of the Swedish Bar Association (*Government Offices, Jakobsgatan 24, Room Lyran, 3rd floor)*

Thursday 26 October 2023

09:30 – 10:30 Ministry of Justice joined by representatives from the Swedish Public Prosecutor's Office, the Swedish Economic Crime Authority, the Swedish Courts and the Swedish Bar Association (*Government Offices, Jakobsgatan 24, Room Symfoniorkestern, 12th floor*)

Round-up

10:45 – 11:15 Internal meeting of the evaluation team (*Government Offices, Jakobsgatan 24, Room Symfoniorkestern, 12th floor*)

11:30 – 13:00 Presentation of the evaluation team's conclusions and recommendations (*Government Offices, Jakobsgatan 24, Room Symfoniorkestern, 12th floor*)

ANNEX B: LIST OF ABBREVIATIONS/GLOSSARY OF TERMS

ACRONYMS AND ABBREVIATIONS	FULL TERM
CATS	Coordinating Committee in the area of police and judicial cooperation in criminal matters
Charter	Charter of Fundamental Rights of the European Union
CJEU	Court of Justice of the European Union
CJP	Code of Judicial Procedure
Directive	Directive 2014/41/EU of the European Parliament and of the Council of 3 April 2014 on the European Investigation Order in criminal matters
EAW	European arrest warrant
ECA	Economic Crime Authority
ECHR	European Convention on Human Rights
e-EDES	e-Evidence Digital Exchange System
EIO	European Investigation Order
EIO Act	Legislative Act 2017:1000 on the European Investigation Order
EJN	European Judicial Network
EJN Atlas	Judicial Atlas of the European Judicial Network
EJTN	European Judicial Training Network
EPPO	European Public Prosecutor's Office
Eurojust	European Union Agency for Criminal Justice Cooperation
Eurojust Regulation'	Regulation (EU) 2018/1727 of the European Parliament and of the Council of 14 November 2018 on the European Union Agency for Criminal Justice Cooperation (Eurojust), replacing and repealing Council Decision 2002/187/JHA
JIT	joint investigation team
Joint Action	Joint Action of 5 December 1997 adopted by the Council on the basis of Article K.3 of the Treaty on European Union, establishing a mechanism for evaluating the application and implementation at national level of international undertakings in the fight against organised crime

ACRONYMS AND ABBREVIATIONS	FULL TERM
MLA	mutual legal assistance
RIO	National Unit against Organized Crime
PA	Prosecution Authority