



JUD-IT Final Conference

Judicial cooperation and cross-border data gathering in the fight against crime

What future for E-evidence?

Brussels, 27th September 2019

CEPS, Conference Room, 1 Place du Congrès, Brussels

Background and rationale

Over the past two years, the JUD-IT project investigated how data held by private companies and sought in the context of criminal proceedings is requested, gathered, and exchanged across the EU and in cooperation with third countries. The academics and policy experts composing the JUD-IT network have also looked at the impact that new internal and external initiative composing the so-called “e-evidence package” would have on the existing set of national and supranational rules and procedures governing judicial cooperation in the field of data gathering for criminal justice purposes.

The JUD-IT Final Conference intends to provide EU policy makers a sound evidence basis for discussing core issues and possible ways forward in the inter-institutional discussions that will define the scope and content of both, the EU draft regulation on European Production and Preservation Orders, and the new EU-US agreement under on cross-border access to data. Can new EU and international rules on evidence-gathering help investigating and prosecuting authorities in the fight against crime, while at the same time preserving the level of fundamental rights protection required to uphold judicial cooperation in criminal matters?

The event will give the opportunity to critically reassess the data-gathering measures under discussions in light of EU and national constitutional standards applying to the cross-border collection of electronic information by law enforcement actors. The expert debate involving leading academics, legal practitioners, industry representatives and civil society actors will be developed based on a set of short interventions provided the JUD-IT National partners.



This conference is organised in the context of the JUD-IT (*Judicial Cooperation in Criminal Matters and Electronic IT Data in the EU: Ensuring Efficient Cross-Border Cooperation and Mutual Trust*) Project, with financial support from the Justice Programme of the European Union (JUST-AG-2016-01).

Agenda

Friday, 27 September 2019

CEPS, Conference Room

09:00 09:15	Registration & Coffee
Judicial cooperation and cross-border access to data <i>Evidence from JUD-IT research on Member States' rules and practices</i>	
<p>The event will be devoted at assessing how data held by private companies and sought in the context of criminal proceedings is currently requested, gathered, and exchanged across the EU and in cooperation with third countries. JUD-IT partners having work on specific EU Member States' legal system will review the national constitutional safeguards attached to data sought in criminal investigations.</p> <p>How are these safeguards protected through procedural guarantees? Under which conditions cross-border access to data is allowed? Is a court order required for different data categories? How are the necessity and proportionality requirements of a data request assessed in the issuing and execution phases?</p> <p>This event will be divided into 2 sessions, each covering different EU Member States' legal and institutional systems. During each session, JUD-IT partners will provide evidence on the national systems covered in their research and interact with discussants who will provide feedback based on their own experience working on the field.</p>	
Session I	
09:15 11:00	<p>Introductory Words</p> <ul style="list-style-type: none">• Sergio Carrera Senior Research Fellow and Head of JHA Unit, CEPS <p>Chair:</p> <p>Anze Erbeznik Policy Administrator EP LIBE Committee</p> <ul style="list-style-type: none">• Marco Stefan Research Fellow, JHA Section, CEPS• Gloria González Fuster Co-Director, LSTS Research Group, Vrije Universiteit Brussel• Gavin Robinson Post-Doctoral Researcher, University of Luxembourg• Francesca Galli, Jean Monnet Research Fellow, Centre for Judicial Cooperation, European University Institute <p>Discussants</p> <ul style="list-style-type: none">• Valsamis Mitsilegas Professor of European Criminal Law and Global Security at Queen Mary University of London• Fabrizia Bemer Office of the Public Prosecutor, Florence, Italy• Cristina Vela Senior Adviser Data & Competition, Telefónica• Jan Penfrat Senior Policy Advisor European Digital Rights
11:00	Coffee Break



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Session II

11:15 13:00	<p>Chair: Michael Palmer</p> <p>E-evidence Team Leader DG Just European Commission</p> <p>Discussants</p> <ul style="list-style-type: none">• Petra Bard Associate Professor, Eötvös Loránd University, Visiting Faculty, Central European University• Yannis Naziris Aristoteles University of Thessaloniki Law School• Maria Bergström Associate Professor of European Law, Uppsala University• Christopher Mondschein University of Maastricht <p>• Martin Böse, Professor, Rheinische Friedrich-Wilhelms-Universität Bonn</p> <p>• Catherine Van de Heyning Professor University Antwerp, criminal lawyer Artes</p> <p>• Ludmila Georgieva Public Policy & Government Relations Manager, Google</p>
13:00	Lunch

