



# Procedural Rights in the Context of Evidence-Gathering

Online, 15-16 April 2021

15 April 2021 - 13:00-17:30 CEST

16 April 2021 - 09:30-13:30 CEST

**UP  
GRADE**  
YOUR LEGAL  
EXPERTISE

**Criminal  
Law**



## Speakers and chairs

**Ingrid Breit**, Team Leader – Procedural Rights and Confiscation, Procedural Criminal Law, DG Justice and Consumers, European Commission, Brussels

**Sławomir Buczma**, Judge, JITs Network Secretariat, Eurojust, The Hague

**Vânia Costa Ramos**, Criminal Lawyer, Partner, Carlos Pinto de Abreu e Associados, Lisbon

**Klaus Hoffmann**, Senior Prosecutor, Prosecutor's Office, Freiburg

**Gwen Jansen**, Defence Lawyer, Amsterdam

**Giulia Lasagni**, Junior Assistant Professor in Criminal Procedure, University of Bologna

**Cristian Nicolau**, Head of Unit, Unit JUST.B.3 – e-Justice, IT and Document Management, DG Justice and Consumers, European Commission, Brussels

**Frank Verbruggen**, Professor of Criminal Law, Catholic University of Leuven

**Thomas Wahl**, Senior Researcher, Max Plank Institute for the Study of Crime, Security and Law, Freiburg

## Key topics

- The gathering of cross-border evidence and its admissibility
- Update on the state of play regarding the EU Directives on procedural rights, i.e. the right to information, legal aid and access to a lawyer, presumption of innocence, and the position of children in criminal proceedings
- Setting a legal framework to address the challenges posed by the gathering of e-evidence
- The need for further measures in the EU

Language  
English

Event number  
321DT13e

Organisers  
ERA (Cornelia Riehle) in cooperation with ECBA, EJTN and EULITA



With the support of the Justice Programme 2014-2020 of the European Union

# Procedural Rights in the Context of Evidence-Gathering

## Thursday, 15 April 2021

- 12:45 Connecting to the videoconference platform
- 13:00 **Opening of the seminar and getting to know each other**  
*Cornelia Riehle (ERA)*

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### I. Evidence-gathering in the EU

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- 13:15 **The gathering of cross-border evidence and its admissibility**  
*Thomas Wahl*
- 13:45 **The European Investigation Order (EIO) and its effectiveness in collecting evidence located abroad: a case example**  
*Thomas Wahl*
- 14:30 break
- 14:45 **A new side of the coin: online investigations and the challenges of dealing with electronic evidence in criminal proceedings**
- Principles of dealing with electronic evidence
  - Common procedures for recognising and handling evidence on digital devices
  - International investigations (search and seizure – obtaining evidence from the Internet)
- Klaus Hoffmann*
- 15:30 **Discussion: What to expect from the proposed European Production and Preservation Orders?**  
*Frank Verbruggen*
- 16:15 Break
- 16:30 **Key features of the e-Evidence Digital Exchange System**  
*Cristian Nicolau*
- 17:00 **The admissibility of (electronic) evidence in the EU**  
*Giulia Lasagni*
- 17:30 End of day one

## Friday, 16 April 2021

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### II. New procedural safeguards in the EU

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- 09:15 Connecting to the videoconference platform
- 09:30 **Rights ahead: Access to a lawyer and legal aid in criminal proceedings throughout the EU: where are we?**  
*Gwen Jansen and Vânia Costa Ramos*
- 10:15 Discussion
- 10:30 Break
- 10:45 **The rights to interpretation and translation and information: status quo**  
*Sławomir Buczma*
- 11:15 **State of play regarding the transposition of the rights on the presumption of innocence and children's rights**  
*Ingrid Breit*
- 11:45 Break

## Objective

This seminar will take a detailed look at procedural rights in the context of evidence-gathering with a special focus on new developments in the field of e-evidence.

## About the project

The project consists of four seminars taking place in 2020 and 2021. Each event has a specific focus. For more information, see: [procedural-rights.legal-training.eu](http://procedural-rights.legal-training.eu)

## Who should attend?

This seminar is targeted at judges, prosecutors and defence lawyers from all over the EU (Denmark does not participate in the Justice Programme 2014-2020).

## Interactive online seminar

The online seminar will be hosted on ERA's own online platform. You will be able to interact immediately and directly with our top-level speakers and other participants. We will make the most of the technical tools available to deliver an intensive, interactive experience. As the platform is hosted on our own server, the highest security settings will be applied to ensure that you can participate safely in this high-quality online conference.

## CPD

ERA's programmes meet the standard requirements for recognition as Continuing Professional Development (CPD). This event corresponds to **8 CPD hours**.

## Your contact persons



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### III. Next steps: The need for further procedural safeguards in the EU

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- 12:00 **Procedural rights in the context of evidence-gathering**  
*Vânia Costa Ramos and Gwen Jansen*
- 12:30 **Challenges ahead – the position of the European Commission**  
*Ingrid Breit*
- 13:00 Discussion
- 13:30 End of online seminar

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For programme updates: [www.era.int](http://www.era.int)  
Programme may be subject to amendment.

**Apply online for this seminar:**  
“Procedural Rights in the Context of Evidence-Gathering”:

**[www.era.int/?130416&en](http://www.era.int/?130416&en)**

### e-Presentations

**Cyber Risks in Financial Institutions: Lessons Learned in Responding to Them**

Liviu Chirita

**Approaches to Prepare Proactively for Cybercrime Incidents**

Dave O'Reilly

**Cyber Menaces and Different Types of Cybercrime Offences**

Cormac Callanan

### Specialised e-Courses

**Fighting Child Pornography Online: 10 Key Questions**

Alisdair Gillespie

**[www.era.int/elearning](http://www.era.int/elearning)**

### Save the date

**Annual Conference on White-Collar Crime in the EU 2021**

Online, 17-19 March 2021

**Data Protection and the Law Enforcement Directive**

Online, 20-21 May 2021

**Summer Course on European Criminal Justice**

Online, 21-25 June 2021



This programme has been produced with the financial support of the Justice Programme 2014-2020 of the European Union.

The content of this programme reflects only ERA's view and the Commission is not responsible for any use that may be made of the information it contains.

# Application

## Procedural Rights in the Context of Evidence-Gathering

Online seminar, 15-16 April 2021 / Event number: 321DT13e



Europäische Rechtsakademie  
Academy of European Law  
Académie de Droit Européen  
Accademia di Diritto Europeo

**Procedural Rights in  
the Context of  
Evidence Gathering:**  
[www.era.int/?130416&en](http://www.era.int/?130416&en)

### Language

English

### Contact Person

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## Terms and conditions of participation

### Selection

1. Selection is open to judges, prosecutors and defence lawyers from all EU Member States. Denmark does not participate in the Justice Programme 2014-2020. Participation will be subject to a selection procedure. Spanish applicants who work for the prosecution service (CEJ) must apply for this event through CEJ.
2. Applications should be submitted before **14 April 2021**.
3. A response will be sent to every applicant after this deadline.

### Registration Fee

4. **€60.00**, no discounts available

### Participation

5. Participation at the whole conference is required and your presence will be recorded.
6. A list of participants including each participant's address will be made available to all participants unless the ERA receives written objection from the participant no later than one week prior to the beginning of the event.
7. The participant's address and other relevant information will be stored in ERA's database in order to provide information about future ERA events, publications and/or other developments in the participant's area of interest unless the participant indicates that he or she does not wish ERA to do so.
8. A certificate of attendance will be distributed after the end of the conference.