



## JUD-IT TRANSNATIONAL JUDICIAL TRAINING WORKSHOP

### *JUDICIAL COOPERATION IN CRIMINAL MATTERS AND ELECTRONIC IT DATA IN THE EU*

#### ***ENSURING EFFICIENT CROSS-BORDER COOPERATION AND MUTUAL TRUST (JUD-IT)***

Organised by the Centre for Judicial Cooperation of the European University Institute

Sala Europa

Villa Schifanoia, Via Boccaccio 121 - Florence

**5 - 6 NOVEMBER 2018**

#### ■ INTRODUCTION

The **JUD-IT Project** examines the interplay between the latest national and EU legislative developments in the field of **cross-border access to electronic information in criminal proceedings**. The project aims at taking stock of how electronic data is requested, accessed and exchanged through Mutual Legal Assistance agreements and mutual recognition instruments, in particular the European Investigation Order. By looking also at day to day practices, the project also assesses current challenges faced by both national authorities and companies when issuing and receiving cross-border requests for access and exchange of electronic data.

The overarching objective of the project is to identify and exchange '**promising practices**' across the EU in order to strengthen **mutual trust** and **effectiveness in cross-border access to electronic data in cross border criminal proceedings** within the AFSJ and in relations with third country, the US in particular. The impact on criminal justice cooperation on the EU Charter of Fundamental Rights is equally under scrutiny.

The **JUD-IT transnational judicial training** is intended as **a forum to foster the exchange of knowledge and mutual learning** processes between judicial authorities and legal practitioners across the EU. The plenary sessions will discuss most recent developments in EU legislation.

Participants will benefit from first hand training by world class experts and academics. They will be invited to share their experience during a round table. Finally, a group exercise built around a fictitious case on the EIO will recreate the conditions of the adjudication process and stimulate the engagement of the participants in role playing and problem-solving activities. **Innovative legal reasoning, argumentation and problem-solving methods** are the immediate result from such discussion.



This meeting is possible thanks to the financial support of the Justice Programme of the European Union.

## ■ PROGRAMME

### 5 NOVEMBER

- 09.30 - 09.40 Welcome and registration  
**Deirdre Curtin** | European University Institute
- 09.40 - 10.00 Presentation of the JUD-IT project - Key preliminary findings  
**Francesca Galli** | European University Institute  
**Federica Casarosa** | European University Institute
- SESSION I - CROSS BORDER COOPERATION: THE PRESENT**
- Chair  
**Marco Stefan** | Centre for European Policy Studies
- 10.00 - 10.45 *Cross border cooperation and mutual recognition: where do we stand?*  
**Valsamis Mitsilegas** | Queen Mary University of London
- 10.45 - 11.00 Coffee break
- 11.00 - 12.45 *Cross border law enforcement access to electronic data: quid of privacy and data protection?*  
**Gloria Gonzales Fuster** | Vrije Universiteit Brussel
- The role of independent judicial scrutiny in the implementation of the mutual recognition principle in cross-border criminal proceedings*  
**Petra Bard** | Central European University
- Cross-border law enforcement access to company data - a new role for private companies?*  
**Maria Bergström** | University of Uppsala
- 12.45 - 14.15 Lunch
- SESSION II - LEARNING FROM PRACTICE**
- Chair  
**Federica Casarosa** | European University Institute
- 14.15 - 15.45 *From Mutual Legal Assistance Agreements to the European Investigation Order*  
**Lorena Bachmaier** | Complutense University of Madrid
- Evidence-Gathering in Cross Border Cases and defense rights*  
**Ralph Bunche** | Fair Trials International
- Suspects' rights in the digital era*  
**Gabriella di Paolo** | University of Trento (tbc)
- 15.45 - 16.00 Coffee break
- 15.45 - 16.00 Roundtable discussion - Cross-border law enforcement access to company data: experiences from practice  
Exchange of views and best practices among trainees
- 16.00 - 17.30 Wrap up and key learning points  
**Francesca Galli** | European University Institute

## 6 NOVEMBER

09.00 - 10.45 Working groups activity: discussion around a fictitious case  
Trainers  
**Francesca Galli** | European University Institute  
**Marco Stefan** | Centre for European Policy Studies

10.45 - 11.00 Coffee break

### SESSION III - CROSS BORDER COOPERATION: THE FUTURE

Chair  
**Mariavittoria Catanzariti** | European University Institute

11.00 - 12.15 *Microsoft Case and Cloud Act: inputs for the development of EU law?*  
**Neema Singh Guliani** | American Civil Liberties Union

*Transnational Enforcement of Production Orders for Electronic Evidence.  
Beyond Mutual Recognition?*  
**Katalin Ligeti** | University of Luxembourg

12.15 - 12.30 Final debate

12.30 - 12.45 Concluding remarks  
**Deirdre Curtin** | European University Institute  
**Sergio Carrera** | Centre for European Policy Studies