

European Investigation Order in criminal matters and European Remote Participation Order (recast)

2026/0172(COD) - 23/06/2026 - Legislative proposal

PURPOSE: to update the European Investigation Order in criminal matters and the European Remote Participation Order.

PROPOSED ACT: Directive of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: criminal activity increasingly involves cross-border elements and poses a serious challenge to the security within the EU. Criminal networks and terrorist organisations operate seamlessly across multiple jurisdictions to carry out their criminal activities. Therefore, the EU needs criminal justice systems with effective tools and reliable cooperation to address these threats.

Directive 2014/41/EU established the European Investigation Order (EIO) as an instrument for cross-border gathering of evidence in criminal matters. The Directive was a response to a well-identified practical need for a comprehensive framework, based on mutual recognition, for obtaining evidence in cases with a cross-border dimension. Since the start of application in May 2017, the Directive has offered judicial and other competent authorities a valuable tool, which is used extensively across the participating Member States.

CONTENT: this proposed Directive of the European Parliament and of the Council regarding the European Investigation Order in criminal matters and the European Remote Participation Order (recast) aims to **modernise the EU framework for cross-border criminal investigations** by replacing and updating the existing European Investigation Order (EIO) Directive. It seeks to improve judicial cooperation between Member States, simplify procedures, promote digitalisation and introduce a harmonised legal framework for the remote participation of persons in criminal proceedings.

Main elements of the recast are as follows:

- **recast of the European Investigation Order (EIO):** the proposal updates the current EIO framework to make cross-border evidence gathering faster, more efficient and more consistent across the EU, while maintaining strong procedural safeguards.
- **European Remote Participation Order (ERPO):** it establishes a new legal instrument allowing judicial authorities in one Member State to request the **remote participation**, via secure videoconferencing or equivalent technologies, of suspects, accused persons, witnesses, victims, experts or other participants located in another Member State.
- **digitalisation of judicial cooperation:** the proposal makes greater use of secure electronic communication, interoperable IT systems and standardised digital forms for the transmission, execution and follow-up of investigation orders.

- **simplified procedures:** it clarifies the responsibilities of issuing and executing authorities, shortens procedural deadlines where appropriate and reduces administrative burdens to accelerate cross-border investigations.

- **fundamental rights safeguards:** the proposal reinforces safeguards to ensure respect for the rights of defence, the right to a fair trial, data protection and the voluntary participation of witnesses and experts where required. Remote participation must not undermine procedural rights or the quality of judicial proceedings.

- **mutual recognition:** the proposal strengthens the principle of mutual recognition by establishing clearer rules for the recognition and execution of investigation and remote participation orders, while maintaining limited grounds for refusal.

The recast is intended to make judicial cooperation in criminal matters more effective and better adapted to the digital age. By facilitating the gathering of evidence and enabling remote participation in proceedings, it should reduce costs and delays, improve access to justice, enhance the efficiency of cross-border investigations and prosecutions, and contribute to a more coherent Area of Freedom, Security and Justice across the European Union.