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**NOTE**

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From : General Secretariat  
To : Working Party on Cooperation in Criminal Matters  
Subject : Initiative of the Kingdom of Belgium, the Republic of Bulgaria, the Republic of Estonia, the Kingdom of Spain, the Republic of Austria, the Republic of Slovenia and the Kingdom of Sweden for a Directive of the European Parliament and of the Council regarding the European Investigation Order in criminal matters  
- List of provisions of currently existing legal instruments that may be affected

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Delegations will find in the Annex a list of provisions of currently existing legal instruments that may be affected by the setting up of the cooperation mechanisms proposed in the Directive regarding the European Investigation Order in criminal matters, in respect of the Member States participating to its adoption.

**List of provisions of currently existing legal instruments that may be affected by the setting up of the cooperation mechanisms proposed in the Directive on the European investigation order, in respect of the Member States participating to its adoption**

<u>EIO Measure</u>	<u>Corresponding provisions in existing instruments</u>
<i>General investigative measures / transfer of evidence</i>	Article 3 CoE 1959 MLA Convention Article 7 CoE 1959 MLA Convention Article 13 CoE 1959 MLA Convention Art 3 1978 Additional Protocol to CoE 1959 MLA Convention Articles 1 - 7 EU 2000 MLA Convention Article 8 - 18 Convention on mutual assistance and cooperation between customs administrations (Naples II) Article 3(1)(a) FD 2003/577/JHA on Freezing Orders Articles 1 - 25 FD 2008/978/JHA on the European Evidence Warrant
<i>Specific investigative measures</i>	
Temporary transfer to the issuing State of persons held in custody for purpose of investigation	Article 11 CoE 1959 MLA Convention as modified by Second Additional Protocol to CoE 1959 MLA Convention
Temporary transfer to the executing State of persons held in custody for purpose of investigation	Article 9 EU 2000 MLA Convention Article 13 Second Additional Protocol to CoE 1959 MLA Convention

Hearing by videoconference	Article 10 EU 2000 MLA Convention Article 9 Second Additional Protocol to CoE 1959 MLA Convention
Hearing by telephone conference	Article 11 EU 2000 MLA Convention Article 10 Second Additional Protocol to CoE 1959 MLA Convention
Information on bank account	Article 1 EU 2001 MLA Protocol
Information on banking transactions	Article 2 EU 2001 MLA Protocol
The monitoring of banking transactions	Article 3 EU 2001 MLA Protocol
Controlled deliveries	Article 18 Second Additional Protocol to CoE 1959 MLA Convention Article 12 EU 2000 MLA Convention Article 22 of the Convention on mutual assistance and cooperation between customs administrations (Naples II)
Investigative measures implying gathering of evidence in real time, continuously and over a certain period of time.	<b><i>Depending on the exact content of the measures referred to by this provision, the following provisions may be encompassed by the corresponding Article(s) in the EIO Directive:</i></b>  Article 19 ( <i>Covert investigations</i> ) Second Additional Protocol to CoE 1959 MLA Convention Article 14 ( <i>Covert investigations</i> ) EU 2000 MLA Convention Title III ( <i>Interception of communications</i> ) EU 2000 MLA Convention