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EVALUATIONS ON THE IMPLEMENTATION OF THE EUROPEAN
INVESTIGATION ORDER (EIO) - REPORT ON SLOVENIA**



**EVALUATION REPORT ON THE
TENTH ROUND OF MUTUAL EVALUATIONS
On the implementation of the European Investigation Order (EIO)**

REPORT ON SLOVENIA

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1. EXECUTIVE SUMMARY

The 10th round of mutual evaluations focuses on Directive 2014/41/EU of the European Parliament and of the Council of 3 April 2014 regarding the European Investigation Order (EIO) in criminal matters ('the Directive'). The aim of the evaluation is to consider not only the legal issues but also the practical and operational aspects linked to the implementation of the Directive. It provides a valuable opportunity to identify areas for improvement as well as best practices to be shared among Member States. The evaluation further promotes the effective implementation of the instrument and aims to enhance mutual trust among the Member States' judicial authorities.

The information provided by Slovenia in the questionnaire and during the site visit was both comprehensive and clear. The Ministry of Justice effectively prepared the on-site visit, which included meetings with relevant practitioners. During this visit, the evaluation team received detailed presentations from all practitioners regarding their roles in relation to the EIO. These presentations facilitated in-depth discussions, yielding valuable insights into the practical application of the EIO in Slovenia. It was evident to the evaluation team that Slovenia places a high priority on cross-border cooperation in criminal matters, and that the responsible authorities perform their duties with considerable commitment and professionalism.

The evaluation team commends Slovenia for several best practices (*see Chapter 24.3*). The team was particularly impressed by Slovenia's well-established practice of consulting with the issuing State at an early stage of the EIO execution. This allows for potential issues to be resolved through direct contact before proceeding further.

Nonetheless, the evaluation team has identified areas that require additional improvement. Accordingly, the team has formulated some recommendations for Slovenia's consideration (*see Chapter 24.2.1*).

Slovenia has not established a central authority, nor is it required to do so under the Directive although it can make use of such possibility (Article 7(3) of the EIO Directive). Due to the complexities of the Slovenian legal system concerning the competent authorities for executing EIOs, the team believes it would be advantageous to designate the Ministry of Justice as the central authority for incoming EIOs (*see Recommendation 1 and Chapter 4.3*).

This approach of appointing a specialised receiving body can offer significant benefits. Internally, it enhances efficiency by minimising redundancy and overlap in the handling of incoming EIOs. Additionally, it facilitates the establishment of statistical data and the identification of recurring challenges. Moreover, it ensures a coordinated response to the issuing Member State, particularly when multiple authorities are involved in executing the EIO.

In relation to the temporary transfer and the hearing conducted via videoconference, the evaluation team has concluded that Articles 22, 23, and 24 of the EIO Directive have not been fully or properly implemented. The team recommends that Slovenia transpose Article 23 of the Directive and consider amending its transposition of Articles 22 and 24 in regard to the lack of consent of the person to be transferred or the lack of consent of the suspected or accused person to be heard as it should not be regarded as a mandatory ground for refusing execution (*see Recommendations 6 and 7*). The evaluators emphasise that the grounds for non-recognition or non-execution should be optional, are exhaustively outlined in the Directive and should be interpreted restrictively as exceptions to the principle of mutual recognition.

The internal coherence and readability among the various sections of the form in Annex A was a significant topic of discussion. The Slovenian authorities expressed a desire for a more streamlined and ‘user-friendly’ Annex A. The evaluation team concurs that revising the form could further facilitate the use of EIOs (*see Recommendation 24*).

Furthermore, discussions between practitioners and the evaluation team have highlighted that the scope of the EIO Directive and its interrelation with other judicial cooperation instruments is often unclear, leading to practical difficulties and unnecessary delays. The evaluators believe that practitioners would greatly benefit from a Handbook on the EIO that also integrates relevant case law from the CJEU. Consequently, the evaluators invite the European Commission to publish such a Handbook, potentially with the support of Eurojust and the European Judicial Network (*see Recommendation 22*).

Additionally, the report indicates that further clarification at the EU level is essential to facilitate the smooth cross-border gathering of evidence and to enhance effective judicial cooperation in criminal matters (*see Chapter 24.2.3.*).

This clarification is particularly necessary regarding the principle of specialty in the context of the EIO and the interception of telecommunications such as video and audio surveillance, as well as tracking or tracing activities using technical devices, such as vehicle bugging and GPS tracking, conducted without technical assistance from the Member State in which the subject of the interception is located.

Furthermore, the relationship between the EIO and the Convention Implementing the Schengen Agreement (CISA) must be clarified in relation to cross-border surveillance conducted by technical means. It should be explicitly stated whether the EIO Directive applies to such cross-border surveillance when requested for the purpose of gathering evidence in criminal proceedings and within the framework of mutual legal assistance (*see Recommendations 25 and 26*).

2. INTRODUCTION

The adoption of Joint Action 97/827/JHA of 5 December 1997¹ ('the Joint Action') established a mechanism for evaluating the application and implementation at national level of international undertakings in the fight against organised crime.

In line with Article 2 of the Joint Action, the Coordinating Committee in the area of police and judicial cooperation in criminal matters ('CATS') agreed after an informal procedure following its informal meeting on 10 May 2021 that the 10th round of mutual evaluations would focus on the EIO.

The aim of the 10th round of mutual evaluations is to provide real added value by offering the opportunity, via on-the-spot visits, to consider not only the legal issues but also – and in particular – relevant practical and operational aspects linked to the implementation of the Directive 2014/41/EU. This will allow both shortcomings and areas for improvement to be identified, together with best practices to be shared among Member States, thus contributing towards ensuring more effective and coherent application of the principle of mutual recognition at all stages of criminal proceedings throughout the EU.

More generally, promoting the coherent and effective implementation of this legal instrument at its full potential could significantly enhance mutual trust among the Member States' judicial authorities and ensure better functioning of cross-border judicial cooperation in criminal matters within the area of freedom, security and justice. Furthermore, the current evaluation process could provide helpful input to Member States that may not have implemented all aspects of Directive 2014/41/EU.

Slovenia was the thirteenth Member State to be visited, as provided for in the order of visits to the Member States adopted by CATS².

¹ Joint Action of 5 December 1997 adopted by the Council on the basis of Article K.3 of the Treaty on European Union, establishing a mechanism for evaluating the application and implementation at national level of international undertakings in the fight against organized crime.

² ST 10119/22 and WK 6508/2023.

In accordance with Article 3 of the Joint Action, the Presidency has drawn up a list of experts in the evaluations that are to be carried out. Pursuant to a written request sent to delegations by the Secretariat of the Council of European Union, Member States have nominated experts with substantial practical knowledge in the field.

The evaluation team consists of three national experts, supported by one or more members of staff of the General Secretariat of the Council and observers. For the tenth round of mutual evaluations, it was agreed that the European Commission and Eurojust should be invited as observers³.

The experts entrusted with the task of evaluating Slovenia were Ms Samara Assfahani (Austria), Ms Danka Hržina (Croatia) and Mr Francesco Ciardi (Italy). In addition, two observers were present: Mr Erik Fågelsbo (Eurojust) and Ms Filipa de Figueiroa Quelhas from the General Secretariat of the Council.

This report was prepared by the team of experts with the assistance of the General Secretariat of the Council, based on Slovenia's detailed replies to the evaluation questionnaire, the findings from the evaluation visit carried out in Slovenia between 25 and 29 September 2023, where the evaluation team interviewed the representatives of the Ministry of Justice, Investigative Judges, Prosecutors, Police, representatives of the Judicial Training Centre, and of the Bar Association.

³ ST 10119/22.

3. TRANSPOSITION OF THE DIRECTIVE 2014/41/EU

The EIO Directive has been transposed in Slovenia by amending the Act on Cooperation in Criminal Matters with the Member States of the European Union ('ZSKZDČEU-1'), rather than creating a separate legal act. The transposing legislation entered into force on 5 May 2018⁴.

The consolidation of all instruments related to judicial cooperation in criminal matters with EU member states into a single legislative act is considered by the evaluation team to be a positive feature of the procedural rules in the field of mutual legal assistance (*see best practice 1*).

The Ministry of Justice ('MoJ') prepared a circular letter and sent it to all District Courts, Local Courts, Prosecutor's Offices, and the Police before the transposition law came into effect. The circular letter explained the EIO Directive in detail, specifying its scope, listing the legal instruments it would supersede, and providing a link to the EJM website where all relevant information could be accessed.

⁴ The Directive required transposition into national legal orders by 22 May 2017, as per Article 36.

4. COMPETENT AUTHORITIES

Article 2 of the EIO Directive is correctly transposed in Slovenia. Competent authorities for issuance and execution of the EIO are prescribed by the Article 64 of ZSKZDČEU-1 and by the Criminal Procedure Act of the Republic of Slovenia (ZKP).

4.1. Issuing authorities

According to Article 64 of the ZSKZDČEU-1, district courts and state prosecutor's offices have jurisdiction, pursuant to the competences granted by the ZKP, to issue the EIO for the purpose of criminal proceedings, while local courts have jurisdiction to issue the EIO for the purpose of minor offence proceedings⁵.

Furthermore, in accordance with Article 72 of the ZSKZDČEU-1, the authority competent to order a specific measure or action under the ZKP or the ZP-1 may transmit an EIO to a competent authority in another Member State for recognition and execution in order to obtain evidence believed to be located within that territory.

When a criminal offence is reported, the police investigate the circumstances surrounding the offence. Alongside the results of these inquiries, the criminal report is submitted to the State Prosecutor's Office, which may dismiss the report, request an investigation from the investigative judge at the District Court, or submit a direct indictment.

⁵ In accordance with the Minor Offences Act ('ZP-1'), a minor offence is an act that constitutes a violation of a law, a government regulation, or a municipal decree, which is defined as a minor offence and for which a sanction for minor offences is prescribed (»ZP-1«, 2003). In addition to criminal law, the law on minor offences is part of the penal legal system of the Republic of Slovenia and one of the components of statehood.

The criminal proceedings commence with an investigation conducted by the investigative judge at the District Court. The investigative judge decides regarding the investigation based on the request from the State Prosecutor and the materials provided by the police. During the investigation, the judge collects evidence to be used in subsequent phases of the criminal proceedings.

The determination of whether the next phase will occur in a local or district court depends on the prescribed sanction for the particular criminal offence.

It is important to note that eleven District State Prosecutor's Offices serve as the first-instance authorities. Local, district, and senior state prosecutors operate within these offices, which cover eleven district courts and also engage with local courts in their respective areas. Consequently, in practice, the District State Prosecutor's Office issues and executes the EIO when the requested measure falls within the jurisdiction of the State Prosecutor's Office under Slovenian law.

The Specialised State Prosecutor's Office functions as a District State Prosecutor's Office with territorial jurisdiction over the entirety of Slovenia. This office is responsible for prosecuting serious criminal offences against the economy, offences punishable by ten years' imprisonment or more if committed within a criminal association, as well as criminal offences involving corruption, terrorism, and those related to slavery and human trafficking.

Considering the above, the investigative judge of the District Court has the jurisdiction to issue EIOs for conducting investigative measures within their competence as stipulated by the ZKP. The State Prosecutor is similarly authorised to issue EIOs for inquiries and investigative measures within its jurisdiction under the ZKP, including secret surveillance without technical devices, feigned purchases, the giving or receiving of gifts or bribes, undercover operations without technical devices, and the suspension of arrest or other measures aimed at uncovering major criminal activities (e.g., controlled delivery).

For the purposes of conducting inquiries within criminal proceedings, the police may issue EIOs for actions within their competence as defined by the ZKP. In such instances, the EIO must be validated by the State Prosecutor.

In the Slovenian pre-trial and minor offence procedures, police and other administrative authorities possess the authority to undertake specific investigative measures. While the power to issue an EIO is vested exclusively in state prosecutors or judges, police and administrative authorities may initiate the process by submitting a request to the state prosecutor or judge for the issuance of the EIO.

An EIO issued by the police for the purpose of conducting inquiries must be validated by the State Prosecutor. Conversely, an EIO issued by administrative authorities requires validation from the Misdemeanour Department of the Ljubljana Local Court.

The use of the EIO in proceedings initiated by administrative authorities – beyond the police – as defined in Article 4(b) of the EIO Directive, is exceedingly rare. Data from the Minor Offences (Misdemeanour) Department of the Ljubljana Local Court, which has jurisdiction over such cases (pursuant to Article 2(c)(ii) of the EIO Directive), indicates that the EIO was utilised only once or twice, approximately two or three years ago, for the interrogation of individuals abroad. Initially, there was an intention to employ a conventional international request for this purpose.

Lastly, it is important to note that, in accordance with Articles 86, 87, and 88 of the ZSKZDČEU-1, Slovenia has explicitly integrated into its national legislation the authority of the national member of Eurojust to issue EIOs in urgent cases, as stipulated in Article 8(3)(b) and (4) of the Eurojust Regulation. The evaluation team regards this as a commendable practice (*see Best Practice 2*).

4.2. Executing authorities

Competent executing authorities

In establishing the competent executing authorities, it is essential to differentiate between subject-matter jurisdiction and territorial jurisdiction. This distinction is particularly important in cases where an EIO is issued for the purpose of conducting a single investigative measure, as opposed to cases where an EIO encompasses multiple investigative measures that fall under the jurisdiction of different judicial authorities based on either territorial or subject-matter considerations.

According to Article 64, paragraph 2 of the ZSKZDČEU-1, the investigative judge of the District Court in the area where the act or measure is to be executed possesses subject-matter jurisdiction to decide on the EIO. As stipulated by the ZKP, the investigative judge collects evidence within the framework of the investigation, meaning that the execution of most investigative measures requested by the EIO falls under the jurisdiction of the investigative judge.

The State Prosecutor may execute the EIO issued for the purpose of conducting the following investigative measures: secret surveillance without the use of technical devices, covert purchases, covert acceptance or giving of gifts, covert acceptance or giving of bribes, undercover operations without technical devices, and the suspended arrest of a suspect or the suspension of other measures aimed at uncovering significant criminal activity (e.g., controlled delivery). In accordance with Article 64, paragraph 4 of the ZSKZDČEU-1, when the EIO pertains to acts considered minor offences or other criminal offences under the law of the issuing State, the Local Court in the area where the investigative measure or act is to be executed shall have jurisdiction to execute the EIO.

In accordance with Articles 2 and 4 of the Directive, it is permissible to execute a EIO in cases initiated by an administrative authority, provided that the order has been validated by a judge or that a judicial authority has been established in connection with acts that are punishable under the national law of the issuing state. Furthermore, there must be a possibility to appeal the decision to a court with jurisdiction over criminal matters. This scenario may arise if the relevant authority possesses jurisdiction under the law of the issuing state and if the validation procedure has been duly followed. In Slovenia, the execution of such EIOs is conducted in the same manner as any other, taking into account the procedural context in which the order was issued, whether it pertains to criminal or misdemeanour matters.

Division of competences

The delineation of competences between the State Prosecutor and the investigative judge on one side, and the District Courts on the other, may lead to confusion in cases where an EIO is issued by foreign authorities. This confusion arises because the issuing authority may issue an EIO for the purpose of conducting several investigative measures that fall within the jurisdiction of both the investigative judge and the State Prosecutor, or for measures that pertain to proceedings for criminal offences classified as misdemeanours under Slovenian law.

This issue is further compounded by the fact that the EJM Atlas does not clearly emphasise this division of subject-matter jurisdiction. It is important to note that this information is included in the notification from the Republic of Slovenia (letter from the Ministry of Justice of the Republic of Slovenia, class number: 542-39/2017/4, dated 30 May 2018); however, this notification lacks clarity and precision, particularly for practitioners from different judicial systems. Therefore, the team recommends that Slovenia ensure its notification under Article 33(1)(a) of the EIO Directive accurately reflects the division of competence between the investigative judge and public prosecutor for issuing and executing EIOs. (*see Recommendation 2*).

In this context, Slovenia should also provide a more detailed elaboration in the EJM Atlas regarding the relevant Slovenian competent authorities responsible for EIOs (*see Recommendation 3*).

Territorial jurisdiction

The question of territorial jurisdiction is addressed in Article 64, paragraphs 2 and 3 of the ZSKZDČEU-1.

According to these provisions, if the EIO is issued for an investigative measure that falls under the jurisdiction of a District Court or State Prosecutor, the execution of the EIO is the responsibility of the District Court or State Prosecutor within whose territory the investigative measure is to be performed. If it is not possible to determine the District Court or State Prosecutor with territorial jurisdiction, the investigative judge of the District Court of Ljubljana or the State Prosecutor of Ljubljana shall have jurisdiction.

If the EIO is issued for the purpose of conducting several investigative measures that fall within the territorial jurisdiction of multiple District Courts or State Prosecutors, territorial jurisdiction shall be vested in the investigative judge of the District Court or the State Prosecutor who has jurisdiction to perform the first act or measure indicated in the EIO.

If an investigative measure or act specified in the EIO falls under the jurisdiction of different authorities according to the law of the Republic of Slovenia, Article 64, paragraph 5 of the ZSKZDČEU-1 mandates that the order shall be sent to the State Prosecutor's Office with territorial jurisdiction. This office shall then order or execute such investigative measures or acts within its jurisdiction according to Slovenian law and refer the order and execution of other investigative measures or acts to the court of competent jurisdiction.

In practice, the jurisdiction of the investigative judge of the District Court or the State Prosecutor for the execution of the EIO depends not only on the type of investigative measure requested but also on the phase of the proceedings in the issuing State. Consequently, the Republic of Slovenia has recommended that other EU Member States specify the phase of the proceedings when completing Annex A.

In summary, an EIO is recognised and executed in the same manner and under the same conditions as if the investigative measure or act concerned had been ordered by the competent authority of the Republic of Slovenia, unless otherwise provided by ZSKZDČEU-1 (Article 65 of ZSKZDČEU-1).

4.3. Central Authority

Slovenia has not established a central authority, nor is it mandated to do so under the Directive but has the option to do so, as outlined in Article 7(3) of the EIO Directive.

The Slovenian MoJ provides assistance to the competent national authorities when challenges arise that cannot be resolved directly with the authorities from other Member States. These challenges may include identifying the appropriate foreign competent authority or central authority, as well as sending or verifying the authenticity of documentation.

The MoJ occasionally receives EIOs from other Member States; in such instances, the EIO is transmitted to the appropriate Slovenian authority for execution. The issuing authority is duly notified, in accordance with paragraph 6 of Article 7 of the Directive, that the EIO has been forwarded. Besides that, Slovenian EJM contact points are always available to foreign EJM contact points for clarification on competent Slovenian receiving authorities.

Moreover, if issues arise in sending or verifying the authenticity of documentation that cannot be addressed directly, the Ministry may also assist in the transmission of documents.

As explained above (*see Chapter 4.2.*), given the complexities of the Slovenian legal system concerning the competent authorities for executing EIOs, the evaluation team believes it would be beneficial to designate the Ministry of Justice as the central authority for incoming EIOs (*see Recommendation 1*).

The team considers that this strategy of appointing a specialised receiving body can yield significant advantages. Internally, it enhances efficiency by minimising redundancy and overlap in the management of incoming EIOs. Additionally, it facilitates the establishment of statistical data and the identification of recurring challenges. Furthermore, it ensures a coordinated response to the issuing Member State, particularly when multiple authorities are involved in executing the EIO.

4.4. The right of the suspected or accused person or victim to apply for an EIO

The ZSKZDČEU does not expressly establish the right of a suspect, an accused person, a victim or a lawyer or representative acting on their behalf to apply for an EIO. The defendant and the victim do not have a (special) right to request the issuing of an EIO. However, they may request the execution of an investigative measure that requires the cooperation of another Member State, which means that the authority conducting the proceedings shall assess the request and order the EIO. If the court does not order the measure (or does not issue an EIO) without justifiable cause, this constitutes a breach of the constitutional right to a fair trial, providing a basis for the defendant or the victim to file an appeal or pursue other legal remedies.

The defence counsel and the victim's attorney have the same rights as the individuals they represent when it comes to proposing investigative measures. During the on-site visit, lawyers explained that they were aware of the option to request that an EIO be issued to obtain evidence abroad. However, they lack experience in using this option.

5. SCOPE OF THE EIO AND RELATION TO THE OTHER INSTRUMENTS

In Slovenia, the EIO is applicable to all investigative measures, with the exception of the service of documents, transfer of proceedings, measures for obtaining criminal records, the establishment of joint investigation teams (JITs), and cross-border surveillance, as outlined in Article 40 of the Convention implementing the Schengen Agreement (CISA). The EIO is also not applicable to actions conducted within JITs.

Slovenian legislation restricts the use of the EIO to criminal and minor offence proceedings (Articles 58, 59, 71 of the ZKP) but does not limit its application based on the phase of the proceedings. Consequently, in criminal proceedings, an EIO can be issued during the pre-trial phase, formal judicial investigation, main hearing, and in proceedings involving both regular and extraordinary legal remedies. However, issuing an EIO for the purpose of enforcing criminal sanctions and security measures is not permissible, as these actions fall outside the established scope of criminal proceedings.

No difficulties have arisen from differing interpretations by other Member States regarding what constitutes the trial phase. However, when the EIO does not specify the phase, questions may arise concerning the phase of proceedings in the issuing state. According to national legislation, this determination can influence whether the EIO is executed by the state prosecutor or the investigative judge. Any such uncertainties are clarified through consultations with the issuing state.

The evaluation team commends the generally proactive, open, and constructive attitude of Slovenian authorities towards the execution of EIOs, along with their common practice of consulting the issuing state—either directly or through Eurojust or the European Judicial Network (EJN)—at an early stage in the execution process. This approach is regarded as a significant best practice that should be encouraged (*see Best Practices 3 and 5*).

According to Article 58 of the ZSKZDČEU-1, the measures permitted under an EIO must be for the purpose of gathering evidence in criminal proceedings or proceedings for minor offences, provided that such measures are permitted under the domestic law.

The Criminal Procedure Act (ZKP) investigative measures that correspond to those specified in Annex A of the EIO Directive. These measures include:

- Hearing: Witnesses, experts, suspects, accused persons, and victims as witnesses (ZKP, Arts. 227 et seq., 234 et seq., 248 et seq.).
- Identification: Of individuals linked to a specified phone number or IP address (ZKP, Art. 149.č).
- Remote Hearing: Conducted via videoconference or other audio-visual transmission (ZKP, Arts. 84.a, 224.a).
- Financial Information Gathering: Relating to bank and other financial accounts (ZKP, Art. 156), as well as information on banking and financial operations (ZKP, Art. 156).
- Real-Time Evidence Gathering: Including monitoring of banking and financial operations (ZKP, Art. 156), controlled deliveries (ZKP, Art. 155), covert investigations (ZKP, Arts. 149.a, 151, 155.a), and interception of telecommunications (ZKP, Art. 150).
- Provisional Measures: To prevent the destruction, alteration, transfer, or disposal of items that may serve as evidence, including residential searches, personal searches, electronic device searches, and seizures (ZKP, Arts. 214 et seq.).
- Database Information Retrieval: From databases maintained by police or judicial authorities (ZKP, Art. 143).

Additionally, the EIO facilitates the temporary transfer of a person held in custody to the issuing or executing state (ZSKZDČEU-1, Arts. 77a, 77b) and the acquisition or transfer of information or evidence already in the possession of the executing authority (ZSKZDČEU-1, Arts. 61/3 and 72/3).

Slovenian authorities have reported no difficulties in identifying the investigative measures for which the EIO can be issued. However, additional direct consultations with the issuing state are occasionally necessary before executing the EIO, particularly in cases of ambiguous translations (for example, the use of identical terminology for covert surveillance and undercover operations) or when it is unclear whether the EIO pertains to the gathering of information or the taking of statements from suspects or witnesses by the police or courts.

Correct identification of the investigative measure is essential to determine whether the EIO should be executed by the state prosecutor or the investigative judge, especially concerning covert surveillance (Art. 149.a of ZKP), which may require authorisation from either authority depending on the circumstances. Given the significance of this issue, the team requests that Slovenia provide a more detailed elaboration in the ‘fiches belges’ regarding the investigative measures available under Slovenian law (*see Recommendation 5*) and the division of competencies (*see Recommendation 3*).

As an issuing state, Slovenia predominantly employs the EIO to obtain evidence. In accordance with Article 59 of the ZSKZDČEU, an EIO can be issued for the purpose of conducting investigative measures or acts provided by the ZKP or the ZP-1 (Minor Offences Act) to obtain evidence. In practice, during the pre-investigative phase, police authorities issue EIOs to conduct inquiries within their jurisdiction, which are subsequently validated by the State Prosecutor.

Instances of executing EIOs to obtain data from court files – including court decisions and information about participants in proceedings – have been reported, as well as requests for data from databases and public registers, or for the service of documents and obtaining court decisions from other countries. Court decisions can serve as evidence, for example, regarding convictions abroad or issues related to *ne bis in idem*. Slovenian authorities do not refuse such EIOs; rather, they strive to execute them and comply with the requested investigative measures (*see Best Practice 3*). In this regard, the evaluation team recommends that the issuing authorities respect the scope of the EIO and only issue EIOs for the purpose of gathering evidence (*see Recommendation 12*).

In practice, Slovenian authorities execute EIOs issued for the purpose of conducting inquiries, although in most cases, the requested data must be obtained through international police cooperation.

A notable best practice by Slovenia involves handling EIOs issued for measures that clearly fall outside the scope of mutual legal assistance (MLA) requests, as well as executing EIOs that combine requests for both evidence and procedural acts (*see Best practice 3.2.*).

EIO and the European Arrest Warrant (EAW)

In cases where the issuing state has requested the arrest and surrender of a suspect alongside measures falling within the scope of the EIO (such as house searches, DNA sampling, and suspect interrogation), Slovenian authorities have reminded the issuing authority to request the arrest and surrender of the suspect via the EAW, while executing the remaining measures outlined in the EIO. In one instance, Slovenian authorities were asked to obtain information regarding the residence (habitual address) of a suspect.

Regarding the enforcement of administrative decisions, Slovenian authorities have received requests for personal data and the whereabouts of individuals served with court documents. However, no EIOs have been issued for this purpose.

In cases where a JIT was established, Slovenian authorities reported issuing EIOs to non-participating states to seek evidence obtained prior to the conclusion of the JIT, encountering no difficulties in this regard.

Slovenia has not experienced any problems when a Member State party to a JIT issues an EIO on behalf of the JIT, reporting that the data, information, evidence, etc., will be submitted to the JIT and shared with other Member States through the JIT channel. However, there was one case where an EIO was issued to gather evidence related to a specific cybercrime, which was also under the jurisdiction of Slovenian authorities. Subsequently, the issuing state established a JIT with two other Member States concerning the same matter and requested permission to share the data previously obtained under the EIO within the JIT framework. No problems were encountered in this instance.

The team considers it important to note that issuing authorities should ensure that Section D of the EIO form includes all other relevant instruments sent to the executing State (such as a European Arrest Warrant (EAW) or an existing Joint Investigation Team (JIT)) that are connected to the same investigation. This is to ensure that executing authorities possess all relevant information before executing the EIO (*see Recommendation 13*).

Discussions between practitioners and the evaluation team have also highlighted that the scope of the EIO Directive and its interrelation with other judicial cooperation instruments is frequently ambiguous. This lack of clarity often results in practical challenges and unnecessary delays in proceedings. The evaluators contend that practitioners would significantly benefit from a comprehensive Handbook on the EIO that incorporates relevant case law from the Court of Justice of the European Union (CJEU). Accordingly, the evaluators urge the European Commission to consider publishing such a Handbook, potentially with the collaboration of Eurojust and the European Judicial Network (*see Recommendation 22*).

6. CONTENT AND FORM OF THE EIO

6.1.Challenges relating to the form

As the executing authority, Slovenian authorities have not encountered significant problems with completing the EIO form. However, Slovenia practitioners have suggested some improvements to enhance the form's clarity and user-friendliness:

- Restructure the form to avoid repetition by directly placing sections C and G of Annex A in succession.
- Allow sections that have not been filled out to be omitted from the form.
- Ensure that section D contains all relevant instruments related to the specific EIO, such as freezing orders and European Arrest Warrants (EAWs).

The evaluation team agrees with Slovenia's position and invites the European Commission to consider making the form more user-friendly by restructuring the form to eliminate unnecessary repetition, ensuring that sections C and G of Annex A are arranged to follow one another directly. Additionally, the team suggest revising section D to include all relevant instruments pertaining to the EIO in question (*see Recommendation 24*).

As executing State, Slovenia has noted that some incoming EIOs do not include all relevant information. This has led to incomplete content, such as missing attachments or data, unclear content, often due to translation issues.

In such cases, open issues were quickly resolved through consultation with the issuing authority (*see best Practice 3.1.*). Additionally, issuing authorities were requested to update the EIO when Member States have different legal standards for ordering a particular measure.

6.2.Language regime and problems related to the translation

Slovenia accepts EIOs in both Slovenian and English. Consequently, it is unnecessary for the issuing authority to demonstrate that a case is urgent in order for an EIO in English to be accepted.

Slovenia's decision to comply with the obligation to accept an additional language, as stipulated in Article 5 of the EIO Directive, by choosing a language widely used within the European Union, as recommended in Recital 14 of the Directive is commendable (*see Best Practice 7*). The evaluation team encourages other Member States to adopt a similar practice (*see Recommendation 11*).

Slovenia occasionally faces challenges in locating interpreters for certain languages, such as Lithuanian, Latvian, and Estonian, particularly in urgent cases or when Member States do not accept urgent EIOs in English. In instances where translation is not feasible, Slovenian authorities issue EIOs in English and request responses in the same language. Should Slovenia receive a reply in a language for which no interpreters are available, it seeks assistance from Eurojust (*see Best Practice 5*).

As an executing authority, Slovenian authorities encounter situations where EIOs have not been translated into the appropriate language (either Slovenian or English) or have not been translated at all. In some cases, the translations provided were of inadequate quality or incomprehensible (for example, translations from Hungarian), necessitating a new translation.

In this regard, Member States are advised to utilise concise sentences and precise language when issuing an EIO. This practice will facilitate easier translation and avoid the replication of the text from the underlying national order (*see Recommendation 14*).

6.3. EIOs containing multiple requests

The Slovenian judicial authorities did not encounter any issues with EIOs that contained requests for multiple investigative measures.

In instances where an EIO includes several requests, and the outcome of one investigative measure determines the execution of subsequent measures, the Slovenian judicial authorities proceed to conduct all requested measures and acts. They do so without questioning whether the results of previously conducted measures may have influenced the content of the following measures, nor do they inform the issuing authority of the outcomes of these prior measures. Upon completion of all requested investigative measures and acts, the results are forwarded to the issuing authority.

6.4. Additional EIO, splitting of EIOs, conditional EIOs

Slovenian authorities have reported no significant issues with the issuance of additional EIOs, the splitting of a single EIO into multiple orders, or the handling of conditional EIOs. Each authority is responsible for executing investigative measures within its jurisdiction and subsequently transmits the EIO to the relevant competent authority for implementation.

However, it is noted that additional EIOs may be processed by different districts within Slovenia. According to Slovenian officials, no major challenges have arisen in this context to date.

The primary difficulties encountered by Slovenian authorities concerning additional EIOs have occurred when the issuing authority failed to indicate in the relevant section that a prior EIO had already been issued and sent to Slovenian authorities. Issuing authorities are therefore strongly encouraged to ensure that Section D of the EIO form comprehensively lists all other relevant instruments, such as related or prior EIOs, that have been sent to the executing State in connection with the same investigation. This will enable executing authorities to possess all pertinent information before executing the current EIO (*see Recommendation 14*).

There have also been instances of "conditional" EIOs, which outline further procedures and investigative actions contingent upon the outcomes of prior investigative steps. For example, such conditions may include obtaining a statement from Person A, acquiring a document from Company B, and, if there are grounds to suspect that Person C has committed a criminal offence, obtaining a statement from Person C. In these cases, only the investigative measures of obtaining and transmitting evidence – specifically, statements from Person A and documents from Company B – were undertaken. The evaluation of this evidence is not within the remit of the executing state, as this would effectively transfer the leadership of pre-trial proceedings to the issuing state.

When executing EIOs in cases where no pre-trial proceedings are underway in Slovenia, the Slovenian Police have observed that additional coordination is required, particularly in instances involving larger seizures and when there is a need to extend investigative measures based on direct findings made on-site.

6.5.Orally issued EIOs

There have been no EIOs orally issued in Slovenia. In theory, however, such orders could be feasible and executed. Covert investigative measures, such as covert surveillance and the acquisition of electronic data concerning communication traffic, serve as a relevant example within domestic legislation (see ZKP Articles 149.a, 149.b, 150, 150.a, 150.b, 151, and 152).

The practical application of these provisions under the ZKP will determine whether they can be effectively applied in the context of orally issued EIOs.

7. NECESSITY, PROPORTIONALITY AND RECOURSE TO A DIFFERENT TYPE OF INVESTIGATIVE MEASURES

As the issuing authority, Slovenia places significant emphasis on the principles of necessity and proportionality when determining the criminal offenses for which specific investigative measures may be ordered. This consideration is particularly relevant to the gravity and nature of each offense. Certain investigative measures are prohibited in minor offense proceedings and cannot be employed for offenses that are punishable by non-custodial sentences or prison sentences not exceeding a specified duration.

In relation to measures that interfere with individual rights, the authority responsible for ordering such measures has a duty to evaluate, in each individual case, whether there exists a sufficient likelihood that a criminal offense has been committed. The required threshold of likelihood varies for different investigative measures, and it is essential to ascertain whether the use of the measure is necessary to obtain evidence, especially when alternative measures are available.

Consequently, the principles of necessity and proportionality are applied on a case-by-case basis, necessitating a thorough assessment of the factual circumstances, which is also required under domestic law for judicial decisions. Slovenian authorities must determine whether the proposed measure is the only viable means of obtaining evidence and whether the interference with the rights of the individuals involved is commensurate with the intensity and intrusiveness of the measure.

When a decision is made, it is imperative that the circumstances have been meticulously assessed to confirm that all prerequisites under national law are satisfied.

In the capacity of the executing State, if the competent authority, as stipulated in Article 63, paragraph 3 of the ZSKZDČEU, has reason to believe that the investigative measure or act specified in the EIO is neither necessary nor proportionate for the purposes of the proceedings – taking into account the rights of the suspected or accused person – or if it would not have been ordered under similar conditions in a comparable domestic case within the issuing State, the authority may consult with the issuing judicial authority regarding the significance of executing the EIO or its potential withdrawal.

To date, Slovenian authorities have not encountered any cases in which the EIO was deemed unnecessary or disproportionate.

8. TRANSMISSION OF THE EIO FORM AND DIRECT CONTACTS

According to Slovenian authorities, no significant difficulties have been encountered in determining where an EIO should be sent. Any issues are typically resolved by consulting the EIJN Atlas or contacting EIJN contact points (*see Best Practice 4*). For more complex cases, Eurojust is consulted.

The EIJN in the Republic of Slovenia consists of 12 members: 6 judges, 5 prosecutors and 1 contact point at the Ministry of Justice. Therefore, the assistance of EIJN contact points is readily accessible.

Slovenian authorities have reported occasional difficulties in identifying the correct executing authority in Member States with decentralised judicial systems involving multiple executing authorities. In such cases, the EIO is sent to all potentially competent authorities, who then execute the investigative measures according to their respective jurisdictions.

When issuing an EIO with multiple executing authorities, Slovenian authorities address the EIO to all relevant authorities (according to the EIJN Atlas) or transmit the EIO to the executing state via Eurojust (competent authorities of the executing state then execute the requested measures according to their jurisdiction). No significant difficulties have been encountered.

For transmitting an EIO, electronic transmission is sufficient, especially if the EIO itself or the accompanying email can be electronically signed, or when the EIO can be sent via the e-EDES (*see Best Practice 8*).

In Slovenia, the prosecutors' offices are already connected to the e-EDES. The evaluation team commends Slovenia for this (*see Best Practice 8*) and encourages Slovenia to connect all other competent national authorities, including the courts, to the e-EDES as soon as possible (*see Recommendation 4*). This will ensure the secure electronic transmission of data and evidence.

The team also recommends that other Member States connect all relevant national authorities to e-EDES as soon as possible (*see Recommendation 15*). This will facilitate the secure electronic transmission of EIOs and related information across the EU.

There are variations in practice among Slovenian authorities, depending on their experience with other Member States:

- The EIO is sent electronically, and the receiving authority is asked whether they wish to receive the EIO in physical form. If the executing state does not respond after receiving the electronic EIO, the EIO is sent in physical form.
- The EIO is sent electronically and by regular mail (some foreign authorities do not acknowledge receipt via email, so there is uncertainty as to whether they have received it).
- The EIO is only sent electronically when the executing State specifically indicates that it does not wish to receive the EIO by post.
- The EIO is sent only by post.

Email transmission is not possible for classified cases. In these instances, Eurojust's cryptographic computer can be used.

The team strongly encourages executing authorities to accept EIOs transmitted by electronic means, provided they comply with the conditions outlined in Article 7 of the Directive. This extends beyond the acceptance of EIOs sent solely via traditional postal methods (*see Recommendation 19*).

As an executing state, even in cases where an EIO is received by email, Slovenian authorities subsequently usually receive the EIO by ordinary post. The police have reported problems with transmitting the results of special investigative measures due to the fact that they must be sent in accordance with the special procedure prescribed by Slovenian law, as the mentioned results are classified documents.

After the EIO has been transmitted, communication takes place directly between the issuing and executing authorities or central authority. In cases where the EIO is not executed within a reasonable time or there is no response from the executing Member State, Slovenian authorities contact the EJM or Eurojust for assistance. As mentioned above, there are EJM contact points in District Courts and Prosecutor's Offices, making them easily accessible.

9. RECOGNITION AND EXECUTION OF EIO AND FORMALITIES

9.1. Recognition and execution in line with the mutual recognition principle

Chapter 8 of ZSKZDČEU-1 delineates the detailed procedures for recognising and executing EIOs. This chapter systematically outlines the steps that must be followed when an authority in Slovenia, tasked with issuing investigative measures or conducting actions under the ZKP, encounters an EIO issued by a competent judicial authority from another EU Member State.

Article 58 establishes the protocols that a competent authority, authorised to issue investigative measures or undertake actions under the Act governing criminal procedure, must adhere to when recognising an EIO from another EU Member State. These EIOs are intended to facilitate the execution of one or more investigative measures or actions within Slovenia, specifically within the context of criminal and minor offence proceedings.

To enhance clarity and precision, Article 59 provides definitions for specific terms relevant to the execution of EIOs.

Article 60 plays a crucial role in outlining the conditions under which an EIO may be executed. It specifies the applicability of recognition and execution across various contexts, including criminal proceedings and cases before administrative authorities concerning minor offences or other violations under the law of the issuing State. This application is contingent upon individuals having the opportunity, as per the law of the issuing State, to challenge decisions through legal remedies, particularly in courts with jurisdiction over criminal matters.

Moreover, this chapter addresses proceedings before judicial authorities regarding minor offences or other violations of the issuing State's law. In such instances, the provision of legal remedies is mandated, in alignment with the law and jurisdiction of the issuing State, particularly in criminal matters.

Article 60 further encompasses proceedings where criminal offences, minor offences, or other violations may lead to the accountability of legal entities or the imposition of penalties in the issuing State.

Article 61 explicitly defines the scope of these provisions. A competent authority, as referenced in Article 64, is obliged to recognise and execute an EIO if it is expressly issued for the purpose of conducting one or more investigative measures or actions deemed necessary for criminal or minor offence proceedings in the issuing State.

It is important to note that the provisions of this chapter do not extend to the measures outlined in Articles 53 and 54 of ZSKZDČEU-1. These specific measures, for particular reasons, remain beyond the purview of this chapter.

Interestingly, despite the aforementioned provisions, the competent authority specified in Article 64 retains the discretion to acknowledge or execute an EIO in circumstances where the order is issued to secure evidence that has already been obtained prior to the formal issuance of the EIO.

In summary, Chapter 8 of ZSKZDČEU-1 provides a comprehensive and well-structured framework for recognising and executing EIOs, aligning unequivocally with the principles and directives established by the European Union.

9.2.Compliance with formalities

This chapter delves into the vital aspect of compliance with formalities in the execution of EIOs within the jurisdiction of the Republic of Slovenia. It is imperative to explore how Slovenia aligns its legal framework, particularly the ZSKZDCEU-1, with the formalities outlined in the directive while addressing pertinent issues and the Slovenian competences' responses to such matters.

Slovenia is committed to adhering to the formalities stipulated in EIO when executing EIOs. One crucial aspect of compliance relates to the completion of Section I (Formalities) of the EIO by the issuing authority. In cases where the issuing authority fails to complete this section, Slovenian competences have stated that the required actions are taken in accordance with Slovenian legislation. This approach ensures that essential information is available for the effective execution of the EIO while maintaining consistency with Slovenian legal standards. It also ensures that procedural gaps are addressed in a manner consistent with its national legal framework.

Slovenia has noted that it has not encountered cases of refusal to comply with certain formalities in a manner that contravenes fundamental principles of the law of the executing state.

In situations where an EIO pertains to investigative measures that, under Slovenian law, require authorization by a court, Slovenia follows a specific approach. The issuing authority is not required to attach the relevant authorization, as it is the law of the issuing country that takes precedence. This approach aligns with the principle that the issuing state's legal standards apply to the execution of investigative measures according to Article 9 of the directive. It also promotes efficiency in cross-border cooperation in criminal matters by recognising the legal processes and decisions of the issuing state.

The evaluation team recommends that issuing authorities explicitly indicate in Section I of Annex A of the EIO form whether any special requirements for the gathering of evidence, as well as for the evidence itself, are applicable under their respective legal frameworks (*see Recommendation 18*).

10. ADMISSIBILITY OF EVIDENCE

Article 18 of the ZKP delineates the principles governing the admissibility of evidence in criminal proceedings within Slovenia. It stipulates that courts and state bodies involved in criminal proceedings possess the discretion to assess the establishment of facts without being constrained by specific formal rules of evidence. Furthermore, the court is prohibited from basing its decisions on evidence obtained in violation of human rights, fundamental freedoms guaranteed by the Constitution, or procedural provisions that render the evidence inadmissible under the law.

The concept of evidence admissibility is fundamental in any legal context, ensuring that evidence presented in court is both valid and reliable, and that it has been acquired in accordance with the appropriate legal standards. In the specific context of EIOs, this principle is of paramount importance, as it upholds the integrity of cross-border cooperation in criminal matters.

Slovenian authorities have reported that they have not encountered any challenges or issues regarding the admissibility of evidence arising from non-compliance with specific formalities or procedures during the execution of EIOs. Slovenia's report indicates that its practices and procedures have been effective in ensuring the admissibility of evidence in the execution of EIOs.

Moreover, there have been instances where data controllers voluntarily provided data to the police without an order from the investigative judge. For example, bank transactions were shared, although only data pertaining to bank account holders was requested for potential later retrieval via a court order. In cases where data or evidence is obtained by the police through international police cooperation, the use of such data is restricted to police purposes only, when this limitation is explicitly stated in the document issued. In such situations, this data must subsequently be obtained through the investigative judge by issuing an EIO to secure admissible evidence.

The evaluators emphasise the importance of executing authorities complying with the procedural formalities requested by the issuing Member State, as these are crucial for the admissibility of evidence when the conditions referred to in Article 9(2) of the Directive are met. In any case, consultations should take place to achieve the most efficient possible execution of the EIO (*see Recommendation 21*).

11. SPECIALITY RULE

The EIO Directive, unlike certain other mutual recognition instruments such as the EAW, does not explicitly reference the speciality rule. Interpretations of this rule vary significantly among Member States, and there can be divergent opinions even within a single Member State. The absence of a specific provision in the Directive, coupled with its foundation in mutual recognition, underscores the necessity for clarification regarding the application of the speciality rule.

The evaluation team observes that Member States hold differing interpretations concerning the applicability of the speciality rule to the EIO, as well as the scenarios to which it pertains. These differences are also linked to issues of legality, opportunity, and confidentiality. Several situations can be identified where the speciality rule may be applicable or may lead to varying interpretations.

Given that the content of the speciality rule appears to be subject to debate, and in the interest of fostering uniform practice across all Member States, the evaluation team encourages the Commission to provide clarification on the applicability of the speciality rule within the context of the EIO (*see Recommendation 27*). This clarification would further facilitate smooth and effective judicial cooperation.

In Slovenia, the application of the principle of speciality in relation to EIOs is not governed by specific rules. However, Slovenia operates in accordance with its domestic law, specifically the Criminal Procedure Act (ZKP). This Act permits the use of evidence obtained through covert operations for purposes other than those for which they were originally authorised, provided that such evidence pertains to criminal acts for which covert operations could be sanctioned (ZKP, Article 154/3).

To date, Slovenia has not encountered situations necessitating the request for consent from the executing authority for the use of evidence obtained in other proceedings. However, should such a scenario arise, Slovenian authorities would seek consent, particularly in instances where evidence from different proceedings relates to the same historical events and circumstances. According to the Slovenian authorities, this approach aligns with principal standards and interpretations, as well as existing national and international practices concerning the principle of speciality, especially in the context of surrender and extradition proceedings.

Although there are no specific legal provisions governing the principle of speciality, Slovenian authorities would meticulously assess whether the conditions for executing an EIO are also satisfied in relation to the other matter. They would consider whether obtaining such consent might adversely affect the interests of any ongoing proceedings, particularly during the early stages of pre-trial investigations.

If Slovenia, as the executing authority, intends to use evidence obtained after executing an EIO, it would request consent from the issuing state.

Importantly, if the execution of an EIO uncovers the commission of a different crime from that which prompted the issuance of the EIO, Slovenia would initiate investigations based on the principle of *ex officio*, provided that Slovenian authorities possess jurisdiction in such cases.

12. CONFIDENTIALITY

Slovenian legislation governing confidentiality, as outlined in the Criminal Procedure Act (ZKP), encompasses specific provisions designed to safeguard sensitive information, recordings, and evidence obtained during covert investigations.

Slovenia's approach to confidentiality is formalised in Article 154 of the ZKP. This article mandates that information, messages, recordings, or evidence acquired through various investigative measures—specifically those enumerated in Articles 149a, 149b, 149c, 150, 150a, 150b, 151, 155, and 155a—must be kept confidential. The primary objectives of this confidentiality are to ensure the effective conduct of criminal proceedings and to protect the rights of the suspect or accused individual.

Notably, evidence must be retained for as long as the criminal file is maintained or until its destruction, as stipulated in the first paragraph of Article 154. If, within two years of the completion of the last investigative measure, the state prosecutor does not initiate criminal prosecution or take any relevant actions, the material collected during the investigation shall be destroyed under the supervision of the investigating judge, as described in the second paragraph. Importantly, this destruction process is subject to suspension if the state prosecutor subsequently takes action against the suspect.

Regarding the acquisition of electronic communications data, which falls under Articles 149b, 149c, 149d, and 149e of the ZKP, additional confidentiality measures are implemented. These provisions ensure that IT operators or information service providers are prohibited from disclosing to users, subscribers, or third parties that specific information has been or will be transmitted. This prohibition on disclosure lasts for 24 months following the end of the month in which the data were transmitted. This period may be extended under certain circumstances, including court orders issued during the prohibition period.

Similarly, concerning the acquisition of banking data, Paragraph 6 of Article 156 reinforces confidentiality. It stipulates that banks, savings banks, payment institutions, electronic money companies, or entities involved in virtual currency transactions are prohibited from disclosing to customers or third parties that information and documentation have been or will be transmitted to the investigating judge, state prosecutor, or police. This prohibition on disclosure also lasts for 24 months after the completion of the order or the transmission of information. Like electronic communications data, this period can be adjusted by court order under specific conditions.

While Slovenian law does not contain specific rules governing the confidentiality and execution of EIOs, the general provisions outlined in the ZKP apply to all cases within Slovenia, including the execution of EIOs. When addressing EIOs, Slovenian authorities respect the instructions provided by the issuing Member State, particularly with regard to confidentiality.

In instances where the issuing Member State specifies confidentiality requirements, Slovenian authorities adhere to these directives. Furthermore, if there is any doubt or ambiguity concerning confidentiality in the execution of EIOs, consultations are conducted to ensure compliance with the confidentiality obligations established by the issuing state.

Slovenian authorities uphold the confidentiality of investigations and respect the principle of non-disclosure as mandated by Article 146 of the Criminal Procedure Act. This obligation encompasses both the existence and the content of the EIO. Additionally, if an issuing Member State indicates specific formalities aimed at preserving confidentiality, Slovenian authorities comply accordingly.

To date, Slovenian practitioners have not reported any issues related to confidentiality in their practice. They adhere to the laws of the requesting state regarding the disclosure of information. It is important to note that while information pertaining to undercover investigations remains undisclosed, information regarding interrogations is shared in accordance with established procedures.

13. GROUNDS FOR NON-EXECUTION

13.1. General

Article 11 of the Directive reflects a compromise reached in negotiations, providing a list of non-mandatory grounds for refusal applicable to all measures. This includes, for the first time in a mutual recognition instrument, an explicit clause on fundamental rights. Additionally, there are some specific grounds that apply only to certain investigative measures.

Slovenian legislation does not distinguish between recognition and execution. Article 62 of the ZSKZDČEU-1 states that the recognition or execution of an EIO may be refused in listed cases.

In Slovenia, grounds for refusal are rarely invoked. However, there have been instances of non-execution of EIOs due to incomprehensible or incomplete forms, or an inability to execute the proposed measure due to factual circumstances. For example, the person was not located on the territory of the Republic of Slovenia or did not exist according to Slovenian data, the EIO was ordered for conduct that is not a criminal offence under domestic criminal law, or the proposed measure was incompatible with fundamental principles of the legal order of the Republic of Slovenia. When asked about the last case mentioned, Slovenian practitioners described a situation in which an agent provocateur was to be used.

Slovenian practitioners also reported that when an issue relating to a possible refusal arises, Slovenian authorities either consult the issuing authorities or Eurojust and request additional information, or request, when communicating the refusal, that the issuing authority should inform Slovenian authorities immediately if they consider that a misunderstanding could have occurred.

13.2. Dual criminality

Dual criminality is a fundamental principle in cross-border criminal cooperation, ensuring that an act deemed criminal in one Member State is also classified as a criminal offense in the executing Member State. In the context of EIOs, dual criminality plays a pivotal role in determining the admissibility and execution of these orders.

Slovenia has not encountered significant challenges related to dual criminality in the context of EIOs, particularly in cases involving "listed facts." "Listed facts" refer to situations where dual criminality is explicitly recognised, thereby minimising the need for further assessment.

However, questions have arisen in instances where a particular act is classified as a criminal offense in Slovenia but only as a misdemeanour in the executing Member State, or conversely. To address these scenarios, Slovenian authorities adhere to established procedures and principles:

- Handling Misdemeanours

When an offence is classified as a misdemeanour in the executing Member State but as a criminal offense in Slovenia, the Slovenian authorities may opt to transfer the EIO to a local court. This transfer ensures that the case aligns with the legal framework of the executing Member State and mitigates potential conflicts arising from differing categorizations of the offence.

- Handling “Non-Criminal” Cases

Slovenia's approach to executing EIOs demonstrates flexibility in dual criminality scenarios. For example, Slovenia has conducted house searches related to doping cases, even though doping may not be considered a criminal offense under Slovenian law. This approach underscores Slovenia's commitment to cooperative law enforcement.

– Pre-Trial Proceedings

The Criminal Procedure Act (ZKP) stipulates that certain activities may only be carried out during pre-trial proceedings. These activities typically involve police investigations based on standards of proof indicating the commission of an officially prosecutable criminal offense. In situations where dual criminality is absent, questions may arise regarding the legality of actions conducted under the ZKP.

To date, Slovenia has not encountered cases in which the dual criminality test was invoked concerning investigative measures listed in Article 10(2) of the EIO Directive. Article 10(2) outlines non-coercive investigative measures that Member States may request through EIOs. Slovenia's experience indicates that these measures have been executed smoothly, without significant concerns regarding dual criminality.

13.3. Ne bis in idem

Slovenia has effectively implemented the "ne bis in idem" principle as articulated in Article 62(1) of the ZSKZDČEU-1.

This principle ensures that an individual is not prosecuted or punished more than once for the same criminal offence. Slovenian legal practitioners have reported successful applications of this principle, and there have been no recorded instances of an EIO being issued or executed in potential violation of "ne bis in idem."

Consequently, the recognition or execution of an EIO may be refused if it has been issued for a criminal offence committed by an individual who has been definitively acquitted or convicted, or if criminal proceedings against this individual have been definitively discontinued, or if the charge was ultimately dismissed as unfounded.

Additionally, an EIO may be refused if a competent state prosecutor has rejected the criminal complaint on the grounds that the suspect has fulfilled their obligations under a mediation agreement, or because the suspect has undertaken actions mandated by a state prosecutor to mitigate or rectify the harmful consequences of the criminal offence in accordance with the provisions of the Act governing criminal procedure. Furthermore, an EIO may be refused if it pertains to a minor criminal offence for which the individual has been convicted by a final decision.

In practice, Slovenian authorities have consistently upheld this principle during the execution of EIOs, as there have been no documented cases of an EIO being issued or executed in potential violation of "ne bis in idem." To enhance compliance, Slovenian prosecutors have access to a comprehensive database that contains information on previous investigations involving the same individuals. This resource empowers prosecutors to effectively uphold the "ne bis in idem" principle.

Moreover, individuals subject to investigative measures are expected to cooperate by disclosing any prior cases related to the same allegations that may have been legally resolved in another jurisdiction.

13.4. Immunities or privileges

Article 62(1) of the ZSKZDČEU-1 closely mirrors Article 11(1)(a) of the EIO Directive. This provision addresses situations in which an immunity or privilege recognised under Slovenian law may impede the execution of an EIO. Notably, Slovenia has not encountered any practical cases involving issues of immunity or privileges related to EIOs.

In instances where immunity falls under the jurisdiction of another EU Member State or an international organisation, Article 11(5) of the Directive assigns the responsibility for initiating the necessary proceedings to the issuing judicial authority. However, these provisions have neither been invoked nor reported in practice within Slovenia.

13.5. Fundamental rights

Article 62(1) of ZSKZDČEU-1, which corresponds to Article 11(1)(f) of the EIO Directive, allows for the refusal of an EIO if there are substantial grounds to believe that executing the investigative measure would violate fundamental rights under the Treaty on European Union and the Charter of Fundamental Rights. Slovenia's legal provisions and practices have aligned with this principle, as indicated by the absence of any practical situations where this ground for refusal was invoked when issuing or executing an EIO.

Slovenian authorities reported that they have not had experience in applying the grounds for refusal mentioned in Article 11(1)(f) of the directive, neither when issuing nor executing an EIO.

14. TIME LIMITS

The Directive establishes specific time limits for the recognition and execution of an EIO. The principle of celerity is a critical factor in assessing the effectiveness of EIO applications. This understanding has been accurately recognised by both legislators and practitioners in Slovenia.

The evaluation team found no significant concerns regarding time limits when Slovenia serves as the executing Member State. Slovenian practitioners generally report that they are able to meet the stipulated deadlines.

In exceptional circumstances, delays may occur for objective reasons, such as difficulties in locating individuals subject to investigative measures. In such instances, the issuing Member State is typically informed of the situation.

In cases of significant delays from the executing Member State, Slovenian authorities proactively reach out to the executing authority, either directly or through Eurojust or the European Judicial Network (EJN), to seek clarification.

The Slovenian Police have emphasised the efficiency of obtaining information from abroad, describing it as a largely positive experience. However, they also acknowledge that there have been individual cases where responses from foreign authorities took longer than anticipated.

The evaluation team believes that Section B of the Directive should be employed judiciously and only in situations where there is a genuine necessity for urgency.

Slovenian practitioners appropriately consider the following criteria, which are not explicitly regulated within the legislation:

- The risk of evidence disappearing;
- The time limits indicated by the issuing authority;
- The inherent urgency of certain measures based on their nature;
- The suspect or accused being deprived of or limited in their freedom;

- Criminal cases involving foreign nationals who do not reside in the Republic of Slovenia;
- Procedures related to asset recovery and insurance matters;
- The imminent commencement of a trial;
- The approaching statute of limitations.

Slovenian authorities have reported their compliance with requests for urgency and have not encountered significant issues in this regard. When an EIO is marked as urgent, it is treated with immediate priority.

Urgency is clearly indicated and explained in both received and issued EIOs. However, if an EIO fails to provide a rationale or merely states that it is urgent for the conduct of pre-trial proceedings without further elaboration, it is not regarded as urgent.

Should issues arise due to a lack of responsiveness from the involved parties, Slovenian authorities will contact the issuing authority directly or through Eurojust or the EJM.

The evaluation team wishes to underline the importance of meeting the deadlines stipulated in the Directive and recommends that Member States comply with the deadlines and swiftly inform issuing authorities of any delays (*see Recommendation 16*).

15. GROUNDS FOR POSTPONEMENT OF RECOGNITION OR EXECUTION

Slovenian authorities have reported that no issues have arisen concerning the postponement of the recognition or execution of EIOs. From the perspective of the issuing authorities, Slovenia has also not encountered practical difficulties related to postponements.

However, the Slovenian authorities have indicated that, in the event of a situation necessitating a postponement, they would promptly inform the requesting authority. It is noteworthy that there are currently no rules in the EIO Directive governing the time limits for such postponements. Additionally, there are no mechanisms in place to ensure that postponements do not result in excessive delays.

16. LEGAL REMEDIES

The defendant and the victim do not have a special or separate right of appeal when Slovenian authorities issue an EIO or when a proposal for issuing an EIO is rejected. However, it is important to highlight that in such cases, an EIO is issued to execute an investigative measure that has been ordered by the Slovenian authority in a criminal or minor offence procedure. Therefore, the issuance or rejection of an EIO is an integral part of the (national) criminal or minor offence proceedings, and the lawfulness of the court's actions can be contested through remedies against the judgment or other decisions in which the court determines whether the defendant is guilty of a criminal act or minor offence.

The individuals whose rights are affected by the investigative action referred to in the EIO (e.g., the owner of the property that shall be seized abroad) issued by a Slovenian authority do not have the right to appeal against the issuance of the order, nor do they have the right to appeal directly against the order for the investigative measure. However, case law recognises their right to seek (monetary) compensation.

There is no right to appeal against the decision of a Slovenian authority to recognise the EIO because a formalised decision (ruling) is issued only in the case of rejecting the EIO (ZSKZDČEU-1, Art. 65).

Slovenian law does not specify specific rules regarding the disclosure of decisions on the EIO. Whether a person will be informed that an investigative order has been issued depends on the laws that regulate the measure carried out based on the EIO. In the case of covert investigative measures, the person will not be informed about the issuance of an EIO, but they will be informed, for example, about the interrogation.

During the investigation phase, there is a possibility to appeal in a way to exclude evidence from the file. Compensation is provided only for damages caused to objects.

17. TRANSFER OF EVIDENCE

The Slovenian legislation governing the transfer of evidence is encapsulated in Article 68a of the ZSKZDČEU-1, which stipulates that evidence obtained must be transferred without delay. Furthermore, the competent authority may indicate the necessity for the immediate return of evidence once it is no longer required in the issuing State, or may reach an agreement with the issuing judicial authority of the requesting State regarding the timing of its return.

When Slovenian authorities seek the transfer of evidence from another Member State, they predominantly utilise electronic means for transmission. This method provides a swift and convenient approach for exchanging evidence. In instances where electronic transfer is not feasible, physical transfer methods are employed. Typically, evidence is transferred from the police to the prosecutor or investigative judge, thereby facilitating the continuity of the investigative process. There have been occasions where evidence has been transferred through police channels, and email communication has also been utilised as a viable means for evidence exchange.

Conversely, when Slovenia receives EIO requests from other Member States seeking evidence within its jurisdiction, it is deemed efficient for practitioners from the issuing State to be present during investigative measures. This presence allows for the immediate transfer of evidence to them. Slovenia is committed to expediting the exchange of evidence, ensuring that it reaches the requesting authority in a timely manner.

To maintain the integrity and chain of custody of evidence during its transfer, Slovenia employs a variety of measures and protocols, including:

- Transfer via Eurojust: Evidence is securely transferred through Eurojust using cryptographic systems, which ensure the confidentiality and authenticity of the exchanged data.
- Physical Meetings: In cases where physical transfer is feasible or necessary, measures are implemented to safeguard the security and integrity of the evidence during transportation.
- Regular Mail: When regular mail is employed for evidence transfer, specific security measures are not implemented to protect the evidence throughout the process.
- Liaison Officers: Liaison officers may be utilised to facilitate the transfer of evidence.
- Regulation of Classified Information: Slovenia has established specific regulations governing the transfer of evidence related to classified information, providing a structured framework for the handling of sensitive materials.

18. OBLIGATION TO INFORM - ANNEX B

Pursuant to Article 70 of the ZSKZDČEU-1, which corresponds to Article 16 of the EIO Directive, Slovenian authorities are required to send Annex B to the issuing state within seven days of receiving the EIO. Annex B serves as confirmation of receipt of the EIO.

This obligation to send Annex B applies to all EIOs received by Slovenian authorities and must be adhered to consistently. Slovenia has reported that it generally dispatches Annex B as required (*see Best Practice 8*). However, in cases where the executing state can act on the EIO immediately upon receipt and send the obtained evidence concurrently, Slovenian authorities consider it unnecessary to send Annex B separately as an acknowledgment of receipt. This pragmatic approach aligns with the EIO Directive's objective of promoting efficient and effective cooperation among member states, even though the directive does not explicitly address this particular scenario.

As the issuing state, Slovenian authorities have indicated that there have been instances where the acknowledgment of receipt (Annex B) was not sent. The evaluation team would like to emphasise the importance of always sending Annex B in time and therefore makes a recommendation to Member States in this regard (*see Recommendation 17*). However, they noted that such situations did not lead to any complications, as they subsequently initiated inquiries regarding the status of the EIOs directly with the executing states or through the contact points of the European Judicial Network.

Furthermore, Slovenia has expressed a desire to amend Annex B, suggesting that it could be replaced by a simple electronic acknowledgment of receipt.

19. COSTS

In the view of the Slovenian authorities, there are no predetermined criteria for determining when costs may be deemed exceptionally high. Costs may be classified as exceptionally high in instances where investigative measures necessitate the expensive storage of special chemicals (precursors) or incur significant destruction costs. However, the Slovenian authorities do not consider the expenses associated with the intervention of a mandatory defence counsel to be exceptionally high and, therefore, do not regard these costs as the responsibility of the issuing state.

As the issuing authority, the Slovenian authorities have neither reported any delays attributed to exceptionally high costs nor encountered difficulties in conducting consultations related to the costs of executing an EIO.

Recognising that the issue of costs could benefit from further clarification, the evaluation team encourages the Commission to consider the development of guidelines to assist Member States in determining when costs should be classified as exceptionally high. Such guidelines could provide initial tools for Member States to engage in consultations effectively. Additionally, the guidelines could suggest the option of consulting Eurojust to facilitate these discussions if necessary. Furthermore, reference is made to Article 31 of the Regulation on Freezing and Confiscation Orders, which already includes a provision relevant to this matter (*see Recommendation 23*). Eurojust is also invited to contemplate the issuance of guidelines on ‘excessive costs’ to provide further guidance to judicial authorities (*see Recommendation 29*).

20. COORDINATION OF THE EXECUTION OF DIFFERENT EIOS IN DIFFERENT MEMBER STATES AND/OR IN COMBINATION WITH OTHER INSTRUMENTS

According to Slovenia, no significant issues have arisen in practice regarding cases with parallel or linked proceedings occurring in multiple Member States, where searches and/or other investigative measures need to be executed simultaneously on a single action day. When necessary, challenges are addressed during coordination meetings with authorities from other Member States or with the assistance of Eurojust, particularly in complex cases.

The statistics provided by Eurojust (refer to Chapter 22) confirm that the Slovenian authorities engage with Eurojust not only for bilateral cases – such as the facilitation and follow-up of the execution of EIOs, especially in urgent situations – but also for multilateral cases requiring coordination.

The evaluation team also commends Slovenia for its consistent application of Article 21 of the Eurojust Regulation when issuing EIOs that must be executed simultaneously across multiple Member States (*see Best Practice 9*).

21. SPECIFIC INVESTIGATIVE MEASURES

21.1. Temporary transfer (Article 22-23)

Recital 25 of the EIO Directive underlines that if a person is to be transferred to another Member State for the purpose of prosecution, including bringing that person before a court for trial, a EAW should be issued. However, the EIO Directive could be used for the temporary transfer of persons to obtain evidence from them.

This explanation is crucial to understand the sometimes-confusing relationship between the EAW and EIO in relation to the temporary transfer of persons held in custody. The Commission is therefore invited to prepare and publish a Handbook on the EIO, potentially with the support of Eurojust and the European Judicial Network. This Handbook should provide comprehensive guidance on the scope of the EIO Directive and its interrelation with other EU and international cooperation instruments (*see Recommendation 22*).

Regarding the implementation of Articles 22 and 23 EIO Directive in Slovenian national legislation, it seems that Articles 77a and 77b of the Cooperation in Criminal Matters with the Member States of the EU Act refer only to the situation reflected in Article 22 EIO Directive. The situation disciplined in Article 23 EIO Directive is not implemented in any of the provisions of the cited Act.

More specifically:

- Article 77a concerns the situation when a Slovenian Court issues a European Investigation Order for the temporary transfer of a person held in custody in another Member State to Slovenia to carry out an investigative measure or act.
- Article 77b refers to the situation when the Slovenian authority acts as an executing authority for the temporary transfer of a person held in custody in Slovenia to carry out an investigative measure or act to gather evidence requiring their presence in the issuing State.

It is clear that both articles of the Slovenian act aim to implement only the provision in Article 22 EIO Directive. Article 23 EIO Directive refers to the different situation when evidence gathering requiring the presence of a person held in custody is to be conducted in the executing State, while the person is held in custody in the issuing State. This different situation does not seem to be contemplated in any of the implementing norms.

As such, the team invites Slovenia to fully transpose Article 23 of the EIO Directive (temporary transfer of a person held in custody to the executing State), as per *Recommendation 6*.

In implementing Article 22(2) EIO Directive, Slovenia opted to introduce the lack of consent by the person held in custody or when the transfer would prolong their detention as mandatory additional grounds for refusing to execute the EIO (Article 77b(8)). Slovenia has no special procedure to determine if a person will consent to their temporary transfer before the EIO is issued and sent.

The wording used in Article 22 EIO Directive (as in Article 11) suggests these additional grounds for refusal are optional. The EU Commission's report on the implementation of Directive 2014/41/EU dated 20.7.2021 takes this approach. Paragraph 3.4.3 states "*The general duty to execute an EIO in Article 9(1) is limited by the optional grounds for non-recognition or non-execution listed in Article 11(1), as well as by additional grounds for certain investigative measures in Articles 22(2), 23(2), 24(2), 26(6), 27(5), 28(1), 29(3), and 30(5).*"

However, the report highlights inconsistent interpretation by Member States, with more than half transposing all or some grounds for non-recognition or non-execution as mandatory, while others transposed them as optional. Some Member States did not explicitly transpose some grounds for refusal under Article 11(1). A few either did not transpose, or transposed additional grounds under Articles 22(2), 24(2), 26(6), 27(5), 28(1), 29(3), and 30(5) as mandatory.

Some practitioners deem the EIO Directive gives no advice on the nature (mandatory or optional) of the grounds for refusal. According to this view, Article 22(2) EIO Directive only allows Member States to consider the missing consent as a ground for refusal, leaving them to decide if it should be mandatory or optional.

However, the use of "may" instead of "shall", and the fact the EIO is based on mutual trust and recognition, with refusal being an exception, are arguments to support the Commission's interpretation. There are additional practical arguments for Article 22(2):

Allowing the person in custody to freely block the transfer may hamper judicial cooperation. For example, an EIO can be issued to temporarily transfer an accused (held in custody in an executing State) to participate in an identification procedure where eyewitnesses identify a perpetrator. If the person's consent is a mandatory ground for refusal, such an identification procedure would not be possible, hampering evidence gathering and undermining the investigation.

During the on-site visit, Slovenian authorities stated the incorrect implementation was due to an inaccurate Slovenian translation of the Directive, where "may" was replaced by "shall" for all non-recognition grounds.

In order to align its transposition law with the EIO Directive, Slovenia is invited to amend the transposition of Article 22(2) so the lack of person's consent is not a mandatory ground for executing this investigative measure (*see Recommendation 7*).

Slovenian authorities clarified they have not had any cases of transferring persons held in custody, either as issuing or executing State.

21.2. Hearing by videoconference

The questioning of witnesses, experts, and suspected or accused persons is a common method for gathering evidence during both the investigation and trial phases. Article 77c and Article 77č of the Cooperation in Criminal Matters with the Member States of the European Union Act implement Article 24 of the EIO Directive, addressing both outgoing and incoming EIOs.

When acting as the issuing authority, Article 77c stipulates that an EIO may be issued by national judicial authorities to question a witness, expert, or suspect/accused person via videoconference or other audiovisual means, provided that the relevant criminal procedure legislation permits such questioning. In this context, Article 244a of the Criminal Procedure Act outlines the conditions under which videoconferencing is permissible for questioning the aforementioned individuals. Specifically, the hearing of an accused person or witness may be conducted via videoconference if:

The individual is a protected person under the Act governing witness protection, and their appearance before the authority would pose a serious risk to their life or the lives of individuals connected to them, or to persons named by the witness in accordance with the provisions of the witness protection legislation.

The individual is an anonymous witness, and their appearance before the authority would pose a serious threat to their life or the lives of individuals connected to them, or to persons named by the witness as per the witness protection provisions.

The competent authority has submitted a relevant request to another state in accordance with an Act or international treaty.

It is not feasible or desirable for the individual to appear before the authority conducting the hearing for other justified reasons.

The hearing of an expert witness may also be conducted via videoconference if the conditions outlined in point 4 are satisfied.

In terms of the completeness of the implementation of the corresponding provisions under Article 24 of the EIO Directive, Article 77c does not fully consider certain rules established by the European legislation, specifically:

- Paragraph 3 of Article 24, which addresses the agreement with the executing authority regarding the practical arrangements for the videoconference.
- Paragraph 5(c) of Article 24, which pertains to the conduct of the hearing directly by the issuing State in accordance with its own laws.

Despite these omissions, no practical issues have been encountered, as both provisions are consistently observed and applied. Practical arrangements with the executing State are always necessary for the smooth execution of the videoconference, and the conduct of questioning by the issuing authority is a distinctive feature of this investigative measure.

As previously mentioned, the rules and procedures for acting as the executing authority are outlined in Article 77č, which aligns only partially with Article 24 of the EIO Directive. Specifically, paragraph 1 of this Article states, “The investigating judge of the court having jurisdiction shall decide on the execution of a European Investigation Order issued for the purpose of conducting questioning by videoconference of a witness, expert, a suspected or an accused person that is in the territory of the Republic of Slovenia, in accordance with the procedures and conditions laid down in the Act governing criminal procedure.” This provision lacks clarity, as the decision on execution should adhere to the procedures established in Articles 65-68 of the Cooperation in Criminal Matters with EU Member States Act, which implements Articles 9 and 12 of the EIO Directive, rather than solely the Act governing criminal procedure.

Regarding the “conditions,” it appears that the provision aims to indicate that the recognition and execution of the order are subject to the same conditions required in a similar domestic case, in line with Article 11(1)(c) of the EIO Directive and Article 62 of the implementing act. Furthermore, paragraph 4 of the same Article establishes that “Questioning conducted by videoconference or other audiovisual transmission and the preparation of the record and transcript shall be carried out in accordance with the Act governing criminal procedure.” While the domestic procedure is indeed applicable to the preparation of the record and transcript, the questioning of the individuals should be conducted in accordance with paragraph 5(c) of Article 24 of the EIO Directive, meaning that the hearing is conducted directly by, or under the direction of, the issuing authority in accordance with its own laws.

According to the EIO Directive, only the summoning of the suspect/accused to appear for the hearing is performed according to the “detailed rules laid down in the law of the executing State” (Article 24(3)(b)), while the hearing aimed at questioning the individual is held according to the domestic law of the issuing State. During the hearing, the relevance of the executing State's legislation is limited to cases where the hearing is conducted in a manner that conflicts with the fundamental principles of that State (for instance, when a witness is regarded as a suspect under the executing State's legislation, necessitating adherence to all related guarantees).

A further inconsistency in the implementation of Article 24 of the EIO Directive pertains to paragraph 3(b), as Article 77č(3), second point, stipulates that, alongside the summoning of the suspect/accused persons to be heard by videoconference, they are informed of their rights under the law of the Republic of Slovenia, rather than under the law of the issuing State, as mandated by the aforementioned provision of the Directive. Nonetheless, in response to the questionnaire, it was indicated that when Slovenian authorities conduct a hearing by videoconference, individuals are provided with appropriate legal instructions under the law of both States, in accordance with their status under the law of the issuing State. This information, which is to be provided prior to the hearing (and after the summoning of the person to be heard), relates to the implementation of paragraph 5(e) of Article 24 of the EIO Directive, even though Article 77č of the implementing act does not include this provision.

During the on-site visit, Slovenian authorities clarified that they typically inform the suspect/accused person of their rights under the legislation of the issuing State when required, as this is a specific formality under Article 9(2) of the EU Directive and Article 66(2) of the domestic implementation act. The evaluation team believes that Article 24(3)(b) should always be applied, regardless of whether the issuing State has completed Section I of Annex A. If the issuing State has not provided the relevant information regarding the rights of the suspect to be heard by videoconference, the executing State should seek and request that information.

Taking into consideration the above, Slovenia is invited to ensure that when executing EIOs Slovenian authorities apply par. 3 let. b) and par 5 let. c) and e) of the Article 24 of the EIO Directive (*see Recommendation 8*).

Regarding the status of the person to be heard (as a suspect/accused or a witness), Slovenian authorities have affirmed that, in general, they have not encountered issues concerning the corresponding procedural guarantees. However, there was an instance where a foreign authority requested the interrogation of a person in pre-trial proceedings (gathering information), but the status of that person was uncertain (witness or suspect), for example, in identifying the driver of a vehicle involved in an accident. Direct communication with the issuing authority is considered an effective means of resolving such issues.

Slovenian courtrooms are equipped to facilitate videoconferencing. During the on-site visit, representatives of the judiciary reported that they have not encountered significant problems in establishing connections with authorities from other Member States for the purpose of videoconferencing. One Slovenian authority did mention occasional connectivity issues due to equipment incompatibility; however, these were successfully resolved, and connections were established.

Concerning the implementation of Article 24(2) of the EIO Directive, the transposed national law (Article 77č of the Act on Cooperation in Criminal Matters with EU Member States) stipulates that the lack of consent from the suspected or accused person to be heard by videoconference is a mandatory ground for refusal. This interpretation diverges from the wording of the EIO Directive, which suggests that such grounds should be considered optional. Following discussions during the on-site visit, it appears that the implementation of the corresponding provision in national law stems from an incorrect translation of this provision into Slovenian.

Moreover, the non-consent of the suspect or accused person does not necessarily preclude the execution of the EIO. Article 63a(1) of the Act on Cooperation in Criminal Matters, which implements Article 10(1) of the EIO Directive, states that “if the investigative measure or act indicated in the European Investigation Order does not exist under the law of the Republic of Slovenia, or it would not be permitted in a similar domestic case, the competent authority referred to in Article 64 of this Act may resort to an investigative measure or act other than that provided for in the European Investigation Order.” Consequently, if the suspect or accused person does not consent to a hearing via videoconference, the Slovenian executing authority may proceed with an “ordinary” hearing of the suspect/accused person.

In order to respect the Directive, Slovenia is invited to amend the transposition of Article 24 in regard to the lack of consent of the person to be transferred or the lack of consent of the suspected or accused person to be heard as the consent should not be a mandatory ground for non-recognition or non-execution, and thus in line with the Directive (*see Recommendation 7*).

The ordinary hearing of the suspect/accused person may not be a suitable alternative in cases where, for example, the suspect is detained for a short period in the executing Member State, and a videoconference could be conducted swiftly before their release. Additionally, the standard hearing effectively represents a different investigative measure, wherein the accused person is neither seen nor heard directly by the magistrates handling the case or deciding on the merits, unless the issuing authority requests assistance in executing the EIO in support of the competent authorities of the executing State. In this scenario, the authority designated by the issuing State, who possesses full knowledge of the case, does not interact directly with the suspect/accused person during questioning.

In addition to the practical and substantive challenges associated with the Slovenian legislator's implementation of the relevant provision of the EIO Directive (which is a common issue among Member States), it is essential to note that, according to Article 244a of the Criminal Procedure Act, the lack of consent from the suspect/accused person in a domestic case does not impede the holding of a videoconference, as it can proceed even if the suspect/accused person has denied consent.

The differing regime concerning the consent of the suspect/accused person appears inconsistent with the provisions of Article 9(1) of the EIO Directive, as implemented by Article 65(2) of the Cooperation in Criminal Matters Act, which obliges the receiving authority to execute the EIO in the same manner and under the same modalities as if the investigative measure concerned had been ordered by an authority of the executing State.

Despite the fact that the EIO, according to Article 1 of the Directive, can be issued solely for the purpose of gathering evidence, Slovenian authorities have indicated that in Slovenia, the EIO can also be issued for the purpose of hearing the accused person during the main trial to ensure their participation (ZKP, Article 84.a). In this regard, Article 84a of the Criminal Procedure Act provides that hearings in the main trial may also be conducted via videoconference under the same conditions as those specified in Article 244a (for the hearing of the accused person) and Article 304a (to ensure the participation of the accused persons as well as other parties, as an alternative to the ordinary hearing). Specifically, hearings in the main trial (and preliminary hearings) may be conducted via videoconference if:

- The parties to the procedure agree to this, or
- Depending on the circumstances of the case, it is necessary for the successful execution of the criminal proceedings.
- Thus, the scope of the EIO has been expanded to facilitate the participation of the accused person located in the Republic of Slovenia (for incoming EIOs) or in another Member State (for outgoing EIOs).

In this context, Slovenian representatives of the judiciary have reported encountering refusals from Croatian authorities regarding hearings conducted via videoconference for defendants in the main trial. This is attributed to the fact that, under Croatian national legislation, the participation of a defendant in a trial via videoconference would infringe upon the right to a fair trial, in accordance with the fundamental principles of domestic law, irrespective of whether the individual consents.

In what concerns Slovenia, the Criminal Procedure Act allows remote monitoring of trials (Article 304.a). The courts must respect the principle of immediacy, but there is no restriction in the law itself, if the court decides to allow monitoring of trials via videoconference. Consent is not necessary as it can be overruled by the judge.

During the on-site visit, it was clarified that questioning of witnesses, experts, and suspects/accused persons via videoconference has never occurred through direct contact with the individual to be heard outside the procedures established by the EU Directive. The only two instances where this has occurred involved non-Member States (the UK as the issuing authority and the USA as the executing State).

21.3. Hearing by telephone conference

According to Article 77d of the implementing act, a European Investigation Order may be issued, recognised, and executed for the purpose of questioning a witness or an expert via telephone conference, by applying *mutatis mutandis* the provisions outlined in Articles 77c and 77e of this Act.

Slovenia has reported no issues with the formalities or procedures associated with conducting hearings for witnesses, suspects, or victims through telephone conference.

21.4. Information on bank and other financial accounts and banking and other financial operations

The issuing of an EIO to obtain information concerning bank accounts or other financial accounts, banking or other financial operations, or for the monitoring of banking or other financial operations is regulated in Articles 26, 27, and 28(1)(a) of the EIO Directive. Regarding the implementation of the EIO Directive, it should be noted that only a few Member States (MSs) provide specific rules and investigative measures to obtain bank data, resulting in a lack of uniform procedures. Instead, there are as many different procedures as there are Member States.

While Articles 26 and 27 regulate the obtaining of already existing information from the past concerning accounts and operations, respectively, Article 28(1)(a) concerns the obtaining of real-time information on operations that will be carried out in the future.

Slovenia has not implemented Articles 26 and 27 of the EIO Directive, but the monitoring of banking and other financial operations in real-time finds its implementation in Article 77e of the Cooperation in Criminal Matters Act. Despite this fact, all these investigative measures are disciplined at the domestic level in the same provision of Article 156 of the Criminal Procedure Act. The investigative judge is allowed, upon a reasoned request from the Prosecutor:

To order banks and financial institutions to send information and documents "on the balance of accounts and account transactions or other transactions of the suspect, the accused person, and other persons that may be reasonably presumed to be implicated in financial or other transactions of the suspected or accused person, if such data might serve as evidence in criminal proceedings or if they are necessary for the seizure of objects or the securing of a claim for the confiscation of proceeds or property equalling the value of the proceeds."

To order the monitoring "on an ongoing basis [of] the financial transactions of the suspect, the accused person, and other persons that may be reasonably presumed to be implicated in financial or other transactions of the suspected or accused person," for a period of three months, which can be extended to a maximum time period of six months.

Following the Decision of the Constitutional Court of the Republic of Slovenia, No. U-I-144/19, dated July 6, 2023, information on the identity of the holders (and proxies) of bank accounts and financial relationships is also accessible only upon a Court order.

During the on-site visit, representatives of the judiciary stated that, despite the lack of domestic transposition of Articles 26 and 27 of the EU Directive, they have always executed requests from other MSs, as Article 61 of the Cooperation in Criminal Matters with EU MSs Act (which implements the general provision of Article 3 of the EU Directive) is deemed applicable for this purpose.

To facilitate the execution of requests for banking and financial information, Slovenia has set up a national Central register on banking data (Centralni register za bančne podatke) and other financial relationships and has implemented the Fourth and Fifth Anti-Money Laundering (AML) EU Directives to grant access to information on the substantial beneficial owners of companies. Furthermore, regarding the modalities through which the bank and financial information sought is transferred to the issuing States, Slovenian authorities have specified that, when the data collected are massive, they are generally sent by banks and financial institutions in electronic format and then transmitted in the same form to the requesting authority, usually through CDs. This practice allows the investigating bodies of the issuing authority to process and analyse these massive data in a more convenient way.

The evaluation team was informed during the visit that no issues have been encountered so far regarding the completeness and timeliness of the responses, both as issuing and executing authority.

Following the above-mentioned Decision of the Constitutional Court of the Republic of Slovenia, No. U-I-144/19, dated July 6, 2023, Article 156 of the Criminal Procedure Act was amended by ZKP-P of June 2026 and now reads:

Article 156

(1) If there are reasonable grounds to suspect that a particular or identifiable person has committed, is committing, is preparing to commit, or is organising the commission of an offence for which the offender is being prosecuted ex officio, and it is necessary in order to prevent or prove that offence or to apprehend the perpetrator, or in order to seize objects or to secure a claim to the forfeiture of proceeds or property having the same value as proceeds, or in order to seize objects or to secure a claim for the confiscation of proceeds or property with a value equivalent to the proceeds, in order to obtain confidential information or documents concerning the balance of deposits and balances and the accounts or other transactions of the suspect or accused person, or the suspect or the accused and other persons who may reasonably be presumed to be involved in the financial transactions or transactions of the suspect or the accused, the investigating judge may, upon a reasoned request by the Public Prosecutor, order the bank, savings bank, payment institution, electronic money issuer or a branch or agent providing payment services or distributing electronic money for them, or a virtual currency issuer, management or trading company, to provide him or the competent authority with the requested confidential information or documents.

(2) The bank, savings bank, payment institution, e-money issuer, or branch or agent providing payment services or distributing e-money on their behalf, or the virtual currency issuer, management or trading company, shall immediately provide the investigating judge and the competent authority specified in the order with the requested information and documents referred to in the preceding paragraph.

(3) Under the conditions referred to in paragraph 1 of this article, the investigating judge may, upon a reasoned request by the Public Prosecutor, order a bank, a savings bank, a payment institution, an electronic money issuer or a branch or agent providing payment services or distributing electronic money on their behalf, or a company issuing, managing or trading in virtual currency, to monitor the financial affairs of the suspect, the accused and other persons reasonably suspected of being involved in the suspect's or the accused's financial transactions or dealings, to monitor on an ongoing basis the financial affairs of the suspect, the accused and other persons who may reasonably be suspected of being involved in the suspect's or the accused's financial transactions or dealings, and to provide it on an ongoing basis with confidential information about transactions or dealings carried out or intended to be carried out by those persons. In the order, the investigating judge shall set a time limit within which the bank, savings bank, payment institution, e-money company or branch or agent providing payment services or distributing e-money on their behalf, or the company issuing, managing, or dealing in virtual currency, must provide him with the information.

(4) The duration of the measure referred to in the preceding paragraph may not exceed three months but may be extended to a maximum of six months on the proposal of the Public Prosecutor for compelling reasons.

(5) If there are grounds for suspecting that a criminal offence has been committed, is being committed, or is being prepared or organised, for which the perpetrator is being prosecuted *ex officio*, and it is necessary to obtain information on the holder or the nominee of a specific or identifiable payment account, savings deposits virtual currency safes or safe-deposit boxes, the tenant or nominee of the safe-deposit box and the period during which it was or is in use, or information on the existence of a contractual or business relationship with the suspected person, with the exception of information on the suspected person's assets or the balance of deposits and deposits and the balance and turnover of accounts or virtual currency safes, the Public Prosecutor or the police may request in writing a bank, savings bank, payment institution, electronic money issuer or a branch or agent providing payment services or distributing electronic money for them, or a company that manages or trades in virtual currency, even if it is not a bank, savings bank, payment institution, electronic money issuer or a branch or agent providing payment services or distributing electronic money for them, or a company that issues, manages or trades in virtual currency, even without the consent of the legal person, sole proprietor or self-employed person to whom the data relate, to communicate such data or to provide documents containing such data without delay, provided that they do not also contain information on the assets of the suspect or on the balance of deposits and deposits and the balance and turnover of accounts.

(6) If the information referred to in the preceding paragraph relates to a person, its acquisition or the transmission of documents containing such confidential information shall be ordered by the investigating judge on a reasoned application by the Public Prosecutor, if there are reasonable grounds for concluding that a criminal offence has been committed, is being committed, is being prepared or is being organised, for which the perpetrator is being prosecuted *ex officio*, and the information must be obtained for the purpose of detecting, preventing or proving that criminal offence or for the purpose of detecting the perpetrator. The requested confidential information or the documents containing such confidential information shall be forwarded without delay to the investigating judge and to the competent authority specified in the order, in accordance with the order.

(7) The investigating judge shall, by order, set a time limit, until the expiry of which a bank, a savings bank, a payment institution, an electronic money issuer or a branch or agent providing payment services or distributing electronic money for them, or a virtual currency issuer, management or trading company, may not disclose to its customer or a third party that it has sent or is about to send information or documents to the investigating judge, the Public Prosecutor or the police. The time limit may not exceed 24 months from the end of the month in which the execution of the order was completed. The investigating judge may, by order, extend the time limit by a maximum of 12 months, but not more than twice, shorten the time limit or lift the ban on disclosure. After the expiry of the time limits referred to in this paragraph, access to data may not be restricted for persons to whom the prohibition on consultation no longer applies.

(8) Beneficiaries may obtain data from taxable persons under this Article by means of secure electronic communication links. Where the data to be obtained pursuant to this Article are also held in a register, the beneficiaries may also obtain them from the register, provided that the conditions laid down in this Article and in the law governing the register are met. In the case of communication of information from the register, the restrictions referred to in the preceding paragraph shall be binding on the keeper of the register.

(9) A request and an order under this Article shall be made in writing. An order under paragraphs 1 and 3 of this Article shall contain a statement of proportionality, including with respect to the confidential information or documents requested. Where a measure under paragraphs 1 and 3 of this Article is ordered against a person who is not a suspect, the order shall provide that the person shall be informed of the measure to be taken against him or her or shall provide that, in the interests of the proceedings, the person shall not be informed. If the order provides for the person to be informed, in the case referred to in paragraph 3 of this Article, the person shall be informed at the end of the measure. If the order provides for the person to be informed, the time limit referred to in paragraph 7 of this article shall not be imposed on the person.

21.5. Covert investigations

In Slovenia, a distinction is made between covert investigative feigned transactions and infiltration operations. Both tools fall under the broader concept of covert investigation.

Feigning transactions involves actions such as virtual purchases, the virtual acceptance or gifting of items, or the virtual offering or receiving of bribes, as outlined in Article 155 of the ZKP. Infiltration operations, governed by Article 155a of the ZKP, involve the deployment of undercover operatives who continuously gather data on individuals and their criminal activities. Under the leadership and supervision of the police, these covert operations utilise fabricated personal information, manipulated databases, and forged documents to prevent the disclosure of sensitive data or the identities of operatives. Undercover operatives are authorised to engage in legal transactions and may employ technical devices for voice transmission and recording, photography, and video recording.

An undercover agent may be a police officer, a law enforcement officer from a foreign country, or, in exceptional circumstances, another individual if the execution of undercover operations cannot be achieved otherwise.

Under Slovenian law, the issuance of an EIO is not required if a foreign agent is needed solely for the purposes of Slovenian proceedings. However, an EIO is necessary when a foreign investigation is involved. In practice, EIOs have been sent to other Member States in cases where a covert operation has been extended beyond Slovenia's borders.

During an on-site visit, Slovenian authorities clarified that the issue concerning differing time limits in Slovenian legislation and that of issuing Member States does not pertain directly to covert investigative measures, as initially reported in responses to the questionnaire. Rather, it relates to the regime governing the interception of communications when Slovenian authorities are requested to provide technical assistance under Article 30 of the EU Directive. Specifically, Article 155a, paragraph 6 of the ZKP stipulates a time limit of two months for covert infiltrations, which can be extended to 24 months, or, in certain cases, up to 36 months, thereby accommodating longer durations of investigation.

Slovenian authorities also reported an instance during an undercover operation in which a Member State requested the installation of software on a detainee's computer to intercept information. As Slovenian legislation does not permit such measures, the EIO was rejected. It is important to note that the installation of malware (such as a Trojan) for the purpose of intercepting communications is explicitly prohibited under Slovenian law.

During the visit to Slovenia, the police expressed concerns regarding covert investigative measures, which, like other special investigative techniques, are classified at least as "Internal" under Slovenian law. This classification system can create challenges when Slovenia transmits investigative results to issuing States, particularly if those States do not have a comparable classification system. The lack of assurance regarding the same level of confidentiality and procedural safeguards in the issuing State can complicate cooperation.

Although Slovenian authorities have indicated that outstanding issues in these specific cases are generally resolved through effective communication with competent authorities, it is crucial to emphasise that this matter is governed by Article 19(3) of the EU Directive. This article stipulates that "the issuing authority shall, in accordance with its national law and unless otherwise indicated by the executing authority, not disclose any evidence or information provided by the executing authority, except to the extent that its disclosure is necessary for the investigations or proceedings described in the EIO."

21.6. Interception of telecommunication

21.6.1. Slovenian legal framework

In Slovenia, the criteria for authorising the interception of telecommunications in domestic cases are established by the Criminal Procedure Act (ZKP). These criteria are also applicable when such measures are requested via an EIO.

Interception can only be ordered by an investigative judge if there are grounds for suspicion that an individual has committed, is committing, or is planning to commit a serious offence.

Additionally, there must be reasonable suspicion that a communication device or computer system is being used in the commission of the offence, and it must be demonstrated that alternative measures would be insufficient for evidence collection, or that their collection could jeopardise the health or safety of individuals.

Serious offences warranting interception include crimes against the sovereignty of the Republic of Slovenia and its democratic constitutional order, for which a sentence of at least five years' imprisonment may be imposed. Other serious crimes include abduction, extortion, child sexual exploitation and abuse online, drug trafficking, criminal association, smuggling, corruption, money laundering, insider trading, defrauding public funds, illicit manufacturing and trafficking of weapons or explosives, and unlawful management of nuclear or other hazardous radioactive substances. Additionally, interception may be ordered for other crimes that carry a minimum sentence of eight years' imprisonment.

The prosecutor's request for interception must include information regarding the suspected crime and a justification for the necessity of such a measure. It should also provide identifying information about the person against whom the measure is requested, details about the type of measure sought, the method of implementation, its scope and duration, and a precise specification of the premises or locations where the measure will be executed. Furthermore, the request should detail the electronic communications means involved and any other relevant circumstances that justify the use of the specific measure. If necessary, a justification for the early enforcement of the order (i.e., based on an oral order from the investigative judge) should also be provided.

Interception may be ordered for a maximum duration of one month, with the possibility of extension upon request; however, the total duration must not exceed six months. Practical challenges may arise when the issuing authority requests the interception of telecommunications for a period longer than that permitted by Slovenian national legislation (for instance, if the issuing authority has obtained domestic authorisation for a four-month period). In such cases, the executing Slovenian authorities can only authorise interceptions for one month and will require the issuing authority to provide additional information to satisfy the conditions for extending the interception for further one-month periods. This information should be submitted prior to the expiration of the current time period to enable the executing authority to assess the new elements and issue the necessary authorisation for extension. Delays in this process can occasionally occur.

As the issuing authority, Slovenia has not encountered any instances where the executing authority has refused to execute an EIO on the grounds that the requested measure would not be available in a similar domestic case within the executing Member State.

21.6.2. Scope of the concept of ‘interception of telecommunication’ and use of Annex A or C in cases of cross-border surveillance

At present, there is no uniform understanding of the term ‘interception of telecommunications’ within the European Union. Consequently, Member States (MSs) hold differing views regarding whether certain techniques – such as GPS tracking, the bugging of a vehicle, or the installation of spyware on a device to intercept conversations at the source, as well as audio and video surveillance – fall under the legal regime of interception of telecommunications as outlined in Articles 30 and 31 of the Directive. In instances where MSs do not classify such investigative measures as interception of telecommunications, Article 28 of the EU Directive (which pertains to the gathering of evidence in real time, continuously, and over a specified period) should be applied. This is particularly relevant when technical assistance from the executing MS is required, necessitating the issuance of an EIO under Annex A rather than Annex C.

In practice, some MSs would apply Annex C for certain of the aforementioned measures, while others would utilise Annex A. These divergent interpretations can significantly impede judicial cooperation, as it remains unclear to the issuing State whether a specific investigative measure, which is not easily categorised as interception of telecommunications, falls under Articles 30 and 31 (or Article 28) of the EU Directive. Furthermore, it is important to consider that investigating authorities often become aware of the target's imminent border crossing only shortly before it occurs or after the border has been crossed. To safeguard the admissibility and usability of the evidence collected, it is essential to provide a flexible and rapid instrument for judicial cooperation, such as a simple notification to the State where the target has crossed.

In view of these findings, the evaluation team has deemed it appropriate to recommend that the EU legislators clarify the concept of ‘interception of telecommunications’, as well to clarify the relationship between the EIO and the Convention Implementing the Schengen Agreement (CISA) in relation to cross-border surveillance by technical means. It should be explicitly stated whether the EIO Directive applies to cross-border surveillance requested for the purpose of gathering evidence in criminal proceedings and within the framework of mutual legal assistance. (*see Recommendations 25 and 26*).

Conversely, the absence of a uniform legal framework governing cross-border surveillance at the EU level—especially when such surveillance records are intended for use as evidence in criminal proceedings—coupled with a lack of comprehensive regulation in the EIO Directive, underscores the necessity for the EU legislator to clarify the concept of ‘interception of telecommunications’ and to establish clear regulations for cross-border surveillance. Notably, one of the provisions not replaced by the EIO Directive is Article 40 of the CISA. Recital 9 of the EIO Directive explicitly states: “This Directive does not apply to cross-border surveillance as referred to in the Convention implementing the Schengen Agreement.” The rules governing this measure, along with those pertaining to hot pursuit (Article 41 CISA), remain unchanged.

As said above, there is currently no clear and homogeneous approach to cross-border surveillance among MSs. This lack of consensus arises primarily from the classification assigned by national legislation to cross-border surveillance, either as police surveillance or as an investigative measure conducted by a judicial authority within a criminal proceeding. Even in the latter case, which necessitates judicial cooperation, different legal bases may be invoked under the EIO Directive depending on the type of surveillance. For instance, surveillance may be conducted in a manner where authorities from one Member State physically follow a person travelling across the border. However, the enforcement of such measures may also involve the use of technical devices. GPS tracking devices are commonly employed, and as previously mentioned, Articles 28 (gathering evidence in real time and over a specified period) or Articles 30 and 31 (regarding the interception of telecommunications, with or without the need for technical assistance from the executing authority) may be applicable.

Nevertheless, the challenge remains of how the application of the EIO can be reconciled with Article 34(1)(b) and Recital (9) of the Directive. Practitioners have confirmed that there are varying interpretations across Member States:

- Some do not require the submission of an EIO.
- Others require an EIO only when the results of the surveillance are to be used as evidence in a criminal investigation.
- Some always mandate the submission of an EIO, as they consider these measures to be of a judicial nature.

The issues outlined above are also prevalent in Slovenia, where, based on information gathered before, during, and after the on-site visit, there is a lack of clarity and consistency regarding:

- The definition of “interception of telecommunications” and its scope under Articles 30 and 31 of the EIO Directive.
- The relationship between cross-border surveillance and interception of telecommunications.
- The respective fields of application of Article 40 CISA and the EIO Directive.

The interpretation of the term “interception of telecommunications” within Slovenian legislation and practice was explored in depth during and after the on-site visit. Based on responses to the questionnaire, an analysis of the relevant provisions of the Criminal Procedure Act, and information previously submitted to Eurojust, it was unclear whether interceptions of telecommunications included the use of specialised listening devices installed in a vehicle (or other objects) to intercept communications and whether Article 31 of the EIO Directive could apply in cases of cross-border surveillance conducted through tracking devices (with or without simultaneous interception of communications). Conversely, it is clear that, under Slovenian legislation, the use of Trojan malware installed on electronic devices for the purpose of intercepting communications is prohibited.

An analysis of domestic legislation reveals that Articles 77(i), (j), and (k) of the ZSKZDČEU, which implement Articles 30 and 31 of the EIO Directive, explicitly refer to the interception of telecommunications without defining the types of interceptions included. Specifically, it remains ambiguous whether, in addition to telephone interceptions and interceptions of communications via computer and telematic systems, GPS tracking, vehicle bugging, and audio/video surveillance in private spaces fall within the category of “telecommunications” for the purposes of Articles 30 and 31 EIO Directive and the corresponding domestic regulations.

Articles 77(i), (j), and (k) reference the regulations on interceptions outlined in the ZKP (Criminal Procedure Act), yet the ZKP does not utilise the term “interception of telecommunications.” It appears that Articles 77(i) and (k) – which pertain to the issuance of the EIO when technical assistance from another MS is required and the notification of the MS authorising an interception when the subject of interception crosses into another MS – intend to refer to the measures provided under Article 150 of the ZKP, i.e., interceptions of electronic communications (all forms of communications transmitted over electronic communication networks, as defined in paragraph 1, number 1 of this provision). Article 77(i) mandates that the issuing authority provide sufficient technical data in the EIO, particularly the number or another form of identification of the electronic means of communication, to ensure the execution of the EIO. A similar formulation is used in Article 77(k) regarding the monitoring of telecommunications.

Consequently, it appears that environmental interception in a bugged vehicle could be permissible under Article 151 of the ZKP (interceptions in another’s home or premises), yet it does not seem to fall under the concept of “interception of telecommunications.” Nevertheless, according to information provided by the Slovenian authority in response to the questionnaire submitted to all MSs by Eurojust and compiled in the report “Operational Topic on Interception of Telecommunications” dated 12 May 2022 (see pages 109 and following), the notification of Annex C is deemed appropriate in cases of bugged vehicles crossing the border. This implies that such interception is classified as “interception of telecommunications” for the purposes of applying the relevant provisions of the EIO Directive. Although the applicability of Annex C in this context was not sufficiently clarified during the on-site visit, subsequent written information confirms that “bugging” is regarded as interception of telecommunications, and that Annex C is considered a suitable instrument for cross-border investigations where technical assistance from the executing State is not required.

Regarding cross-border surveillance conducted through technical means, such as GPS tracking devices installed in vehicles or other objects (without simultaneous interception of communications), this measure is regulated at the domestic level in Article 149a of the Criminal Procedure Act. Since the scope of this measure is limited to monitoring the position and movements of the object, it theoretically falls outside the definition of interceptions and, as such, is outside the scope of Articles 30 and 31 of the EIO Directive. Nonetheless, as previously emphasised, the need for a mechanism akin to that outlined in Article 31 of the EIO Directive to promptly address situations where the target crosses a border unexpectedly is of utmost importance. Consequently, some MSs tend to invoke Article 31 of the EIO Directive even in these cases.

Regarding the practice in Slovenia, it seems that Annex C is not deemed as appropriate in case of technically monitored vehicles crossing the border⁶. In order to meet the need to have a legal coverage in such these cases, Slovenian representatives have clarified that whenever the crossing of the borders is unexpected and unpredictable, Art. 40 CISA has to be applied. The central authority for receiving and forwarding these notifications is the International Police Cooperation Division of the Criminal Police Authority, within the General Police Administration.

When a cross-border surveillance (CBS) notification is received, Slovenian police always notifies the competent prosecutor according to Slovenian Criminal Procedure Act, and the prosecutor who is on a 24/7 duty allows and authorize the CBS, or send to the on duty investigating judge the request for the authorization, when the modalities of the secret surveillance are those listed in Art. 149a par. 6 Criminal Procedure Act: the installation of tracking technical device requires the secret entering inside the vehicle or the tracking activity is accompanied by audio transmission or recording through technical devices. According to the information provided after the on-site visit, the notification of the borders crossing to the competent authority may be either a pre-notification or a post-notification and the authorization in urgent cases may be requested and issued by the competent authority orally (as provided for domestic cases in Article 149a par 8 Criminal Procedure Act) provided that the written authorization is released within 12 hours from the oral authorization.

⁶ Actually, a different information was provided by Slovenia to Eurojust in the frame of the report “Operational topic on interceptions of telecommunications” dated 12.05.2022, where (see page 109 and following of the report) it was stated the also in case of cross-border covert surveillance with tracking device, Annex C is considerable usable.

On the contrary in cases where it is predictable that the technically monitored object (e.g. a vehicle equipped with GPS) is going to cross the border, and especially when it is going to happen several times in a certain time-period, an EIO (Annex A) is deemed as necessary by the Slovenian judicial authorities, both as issuing or executing authority.

It seems that the recourse to Art. 40 CISA (which was originally conceived, as it is clear by the wording of the provision, for cases of physical surveillance⁷) to cases where the covert surveillance is conducted through technical means, is the only feasible response to a practical need. But the boundaries between the two instruments at hand is not clearly defined.⁸ But at the same time, that pushes for the EU to introduce a regulation in the EIO Directive regarding this type of cross-border surveillance and to clarify the respective area of application vis a vis Art. 40 CISA.

That new regulation could consider that a similar notification system to that outlined in Art 31 EIO Directive for the interception of telecommunications is adequate, bearing in mind that:

1. In case of installation of a geo-location device in an object (car/vessel, or others), which technically records only the movement of the object and not communications, the device may use (and usually uses) the same channels (telecommunication network) as those used for intercepting communications, in so far it resembles an “interception of communication”. In addition, this measure affects fundamental rights in a less intrusive way than the interception of communications, and it would be illogical to require in such this case the issuing of an Annex A .
2. In case of bugged cars, the level and intensity of intrusiveness could be considered equal to that of the interception of telecommunication and, also in this case, the device may use (and usually uses) the same channels (telecommunication network) as those used for intercepting communications. So that, it would be logical to include also this kind of interception in the same regime provided for by Art. 31 EIO DIR for the interception of telecommunications, in order to facilitate the cross border gathering of evidence.

⁷ Furthermore it has to be noted that Art. 40 CISA would be applicable both to ordinary and urgent situation and not only to the latter situation.

⁸ Also in the Fiches Belges, cross-border surveillance by technical means is included in two different measures (A.55 and A.70) where the distinction between the two is not clear.

Regarding the use of Annex C, it is reported that in practice, the Slovenian Authority (the Court of Ljubljana, which is the competent authority to receive Annex C) only receives the Art. 31 EIO DIR notification in a few cases, despite cross-border audio surveillance being a commonly implemented investigative measure. When the notification of an Annex C is received, the competent authority always provides a reply within the 96-hour deadline, and the notification has never been rejected so far. It was also highlighted that communication with other member states, aimed at solving problems related to the implementation of Art. 31 EIO DIR (such as insufficient information provided by the issuing state), is always prompt and successful. It is important to note that the competent Slovenian authority can be reached at any time, and in case of urgency (similar to domestic cases under Art. 152 par 2 of the Criminal Procedure Act), an oral decision can be issued based on an oral request, with the written paperwork prepared at a later stage. This approach helps avoid potential problems with timely or missing consent.

Regarding the extent to which the notified authority can check whether "the interception would not be authorised in a similar domestic case," it was clarified that the Slovenian authority does not perform an assessment of the same factual circumstances already evaluated by the issuing state when authorizing the interceptions. The check is mostly formal in nature, as the purpose of the notification is not to submit an order for recognizing an investigative measure (Annex A), but rather to reflect respect for the sovereignty of the other state.

21.7. Transmission of intercepts

Concerning the potential for real-time transmission of the outcomes of telecommunications interceptions conducted by the Slovenian authorities under Article 30 of the European Investigation Order (EIO) Directive, it has been noted that the Slovenian Police employs dedicated software for the interception of communications.

Due to the technical limitations of this software, it is not feasible to transmit the intercepted telecommunications to the issuing state in real time. Consequently, investigators are required to produce transcripts and reports detailing their observations, which are then saved onto a storage medium and subsequently submitted to the issuing authority.

22. STATISTICS

22.1 Statistics extracted from the Eurojust Case Management System

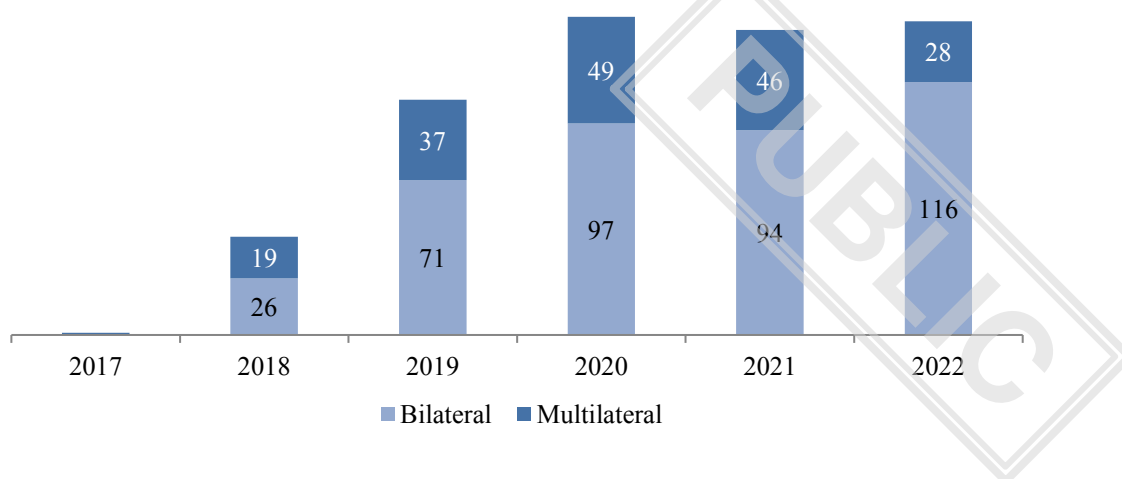
During the evaluation visit, Eurojust provided statistics extracted from the Eurojust Case Management System in relation to cases dealt with by Eurojust. It included information on: (i) the total number of EIO-related cases at Eurojust; (ii) the number of bilateral and multilateral cases involving the Slovenian Desk at Eurojust; and (iii) the number of EIO-related cases in which the Slovenian Desk was either ‘requesting’ or ‘requested’.⁹

All EIO-related cases at Eurojust	2017	2018	2019	2020	2021	2022	Total
Bilateral cases	51	561	988	1295	1900	2305	7100
Multilateral cases	37	231	337	462	414	401	1882
Total cases	88	792	1325	1757	2314	2706	8982

EIO cases involving Slovenia	2017	2018	2019	2020	2021	2022	Total
Bilateral cases	0	26	71	97	94	116	404
Multilateral cases	1	19	37	49	46	28	180
Total cases	1	45	108	146	140	144	584

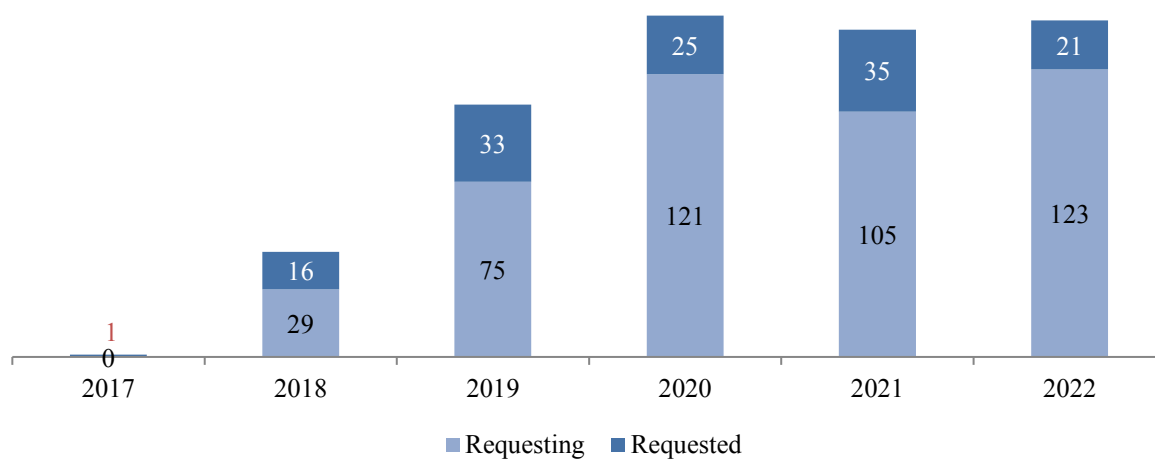
⁹ ‘Requesting’ means that a Slovenian national authority requested that the Slovenian Desk open a case at Eurojust vis-a-vis one or more other Member State; ‘requested’ means that another Desk at Eurojust opened, at the request of its national authority, a case vis-a-vis the Slovenian Desk.

Bilateral and multilateral EIO cases involving Slovenia



EIO cases involving Slovenia	2017	2018	2019	2020	2021	2022	Total
Requesting cases	0	29	75	121	105	123	453
Requested cases	1	16	33	25	35	21	131
Total cases	1	45	108	146	140	144	584

EIO cases involving Slovenia



22.2. Statistics provided by Slovenia

There is no statistical data related to the application of the EIO available for 2017, as the Slovenian transposition law only came into force in May 2018. However, the statistical data gathered for the last six years (2018-2023) was incomplete.

The Slovenian authorities provided the evaluation team with estimated statistics on incoming and outgoing requests. However, these figures were acknowledged as unreliable approximations. This lack of accurate data has made it challenging for the evaluation team to assess the statistics in Slovenia comprehensively.

The absence of reliable statistics precludes analysis of various crucial aspects, including refusal rates, execution postponements, adherence to the Directive's time limits, the types of crimes prompting EIO issuance, and the distribution of EIOs across different Slovenian authorities.

The evaluation team suggests that Slovenia should employ electronic alternative methods to collect these statistics.

The team acknowledges that inadequate statistical data is a widespread issue among Member States. The anticipated launch of the e-EDES platform is expected to significantly improve this situation. Nevertheless, the evaluation team recommends that Slovenia prioritise data collection efforts to enable a reliable analysis of the EIO's statistics in the country, until the e-EDES is fully operational (*as outlined in recommendation 5*).

23. TRAINING

In recent years, the topic of EIO has been presented at several seminars and law schools:

- Conference on English legal terminology in the application of EU criminal law instruments (2017) – 17 judges
- Annual Prosecutorial Conference (2017) – 151 prosecutors
- Annual Prosecutorial Conference of the Supreme State Prosecutor's Office of the Republic of Slovenia and the Association of State Prosecutors of Slovenia (2018) – 185 prosecutors
- Seminar for investigative judges (2018) – 47 judges
- In September 2019 the Judicial Training Centre of the Ministry of Justice organised a seminar and workshops on EIO in practise, which was attended by 180 judges and state prosecutors. The participants estimated the educational event very useful, especially the practical workshops, where they needed to fill out the EIO form by themselves, under the guidance of the workshop leader.
- ERA workshop »Better Applying European Criminal Law« (2022) – 31 trainee judges, court assistants and court staff
- Most recent was the training on e-EDES, organised by the Supreme State Prosecutor's Office

Another form of providing the update to the practitioners on the EIO is through the EJM CPs. As the EJM CPs meet at least 3 to 4 times per year in national EJM meetings, they share new knowledge, experience, information operating on EJM regular, plenary, and regional meetings. After national meetings EJM CPs share the information with practitioners of the Courts and Prosecutor's Offices. The evaluation team consider this to be a very good practice (*see Best Practice 10*).

The MoJ is frequently contacted by practitioners about the EIO, namely, where to send the EIO, where to find a form for EIO, what language is acceptable by other Member States, or with other issues regarding translation.

Trainings are usually provided by the Judicial Training Centre but also by the Supreme State Prosecutor's Office. In terms of assessment, participants are encouraged to fill out questionnaires after each training to state their satisfaction and potential suggestions for future trainings. Trainings are also assessed by the Expert Council and the Ministry of Justice.

At the moment the evaluation took place, the Judicial Training Centre does not offer stand-alone systematic trainings on EIO, but it does, however, try to add the topic to the agenda of as many main criminal law educational events yearly as possible.

Regular trainings are organised also by the Supreme State Prosecutor's Office and EIO is included.

In the light of the information provided by Slovenian competent authorities, the evaluation team deems it necessary to recommend that Slovenia provide more regular training on EIO for judges, prosecutors, investigators of the Police, candidate judges, and clerks dealing with EIOs and to facilitate training on EIO to lawyers, which could be done by allowing lawyers to take part on the trainings provided to judges and prosecutors (*see Recommendation 10*).

It is also recommended that the European Judicial Training Network (EJTN) increase the number of courses related to the EIO, perhaps in partnership with national training projects. The training should include the interaction of various instruments for judicial cooperation in criminal matters (*see Recommendation 28 to Eurojust/Europol/EJN/EJTN*).

24. FINAL REMARKS, RECOMMENDATIONS AND BEST PRACTICES

24.1. Suggestions by Slovenia

According to Slovenia, the meetings of practitioners involved in the issuance/execution of EIOs are of paramount importance. Regional and other meetings of EJM and cooperation among EJM contact points, contribute significantly to the uniform treatment of cases and solution of potential problems, thus leading to faster and better executions of EIOs. Direct communication, both ex-ante information and follow-up and verification of the execution of EIOs, presents a great added value.

In the view of Slovenian practitioners, details provided in EIO forms vary extremely among Member States. In many cases updates are required because of incomplete information, e.g., without a link between the criminal act or minor offence and the person to whom the EIO relates, or no description of the procedure for identifying the person. In general, taking into account Slovenian standards of criminal procedure and the necessary reasoning of decisions, the Slovenian authorities would welcome more information from the issuing states on the proceedings to which their EIOs relate.

Slovenian authorities must often remind executing states relating to house searches of the necessary presence of two witnesses (in accordance with Slovenian legislation), which is not otherwise a requirement of foreign legislation.

In the area of crypto fraud, Slovenian authorities are facing a lack of understanding of the functioning of crypto market among Member States and are receiving unreasonable or illogical requests to obtain information from companies that facilitate cryptocurrency transactions but have no influence on individuals' direct trading in cryptocurrencies.

Slovenian Police authorities consider EIO as one of feasible and effective ways of obtaining information from abroad in pre-trial proceedings. No major problems have been encountered. Dilemmas are usually resolved in the context of specific cases with Slovenian state prosecutor's offices, the courts, with national representatives at Eurojust, as well as, when so needed, with representatives of the competent authorities from other Member States.

24.2. Recommendations

Regarding the practical implementation and operation of the evaluated Directive, the team of experts involved in the assessment of Slovenia was able to review the system satisfactorily.

The evaluation team saw fit to make several suggestions for the attention of the Slovenian authorities. Furthermore, based on the various good practices, related recommendations are being put forward to the EU, its institutions and agencies, and to Eurojust in particular, as well as to the EJM. Slovenia should conduct an 18-month follow-up to the recommendations referred to below after this report has been agreed by COPEN.

24.2.1. Recommendations to Slovenia

Recommendation No 1: Consider designating the Ministry of Justice as the central authority for incoming EIOs. (*see Chapter 4.3.*)

Recommendation No 2: Ensure that its notification under Article 33(1)(a) of the EIO Directive accurately reflects the division of competence between the investigative judge and public prosecutor for issuing and executing EIOs (*see Chapter 4.2.*).

Recommendation No 3: Provide a more detailed elaboration in the EJM Atlas regarding the relevant Slovenian competent authorities for executing EIOs (*see Chapter 4.2.*).

Recommendation No 4: Connect all competent national authorities to the e-EDES, as soon as possible, to ensure the secure transmission of EIOs and of the evidence (*see Chapter 8.*).

Recommendation No 5: Provide a more detailed elaboration in the ‘fiches belges’ regarding the investigative measures available under Slovenian law (*see Chapter 5.*).

Recommendation No 6: Fully transpose Article 23 of the EIO Directive, on the temporary transfer of a person held in custody to the executing state for the purpose of carrying out investigative measure with a view to gathering evidence for which the presence of that person is required (*see Chapter 21.1.*).

Recommendation No 7: Amend the transposition of Article 22 and 24 in regard to the lack of consent of the person to be transferred or the lack of consent of the suspected or accused person to be heard as the consent should not be a mandatory ground for non-recognition or non-execution, and thus in line with the Directive (*see Chapters 21.1. and 21.2.*).

Recommendation No 8: Ensure that when executing EIOs Slovenian authorities apply par. 3 let. b) and par 5 let. c) and e) of the Article 24 of the EIO Directive (*see Chapter 21.2.*).

Recommendation No 9: Until the e-EDES is fully operational, improve the collection of statistics on EIOs. (*see Chapter 22.2.*)

Recommendation No 10: Provide for more regular training on EIO for judges, prosecutors, investigators of the Police, candidate judges, and clerks dealing with EIOs and to facilitate training on EIO to lawyers, which could be done by allowing lawyers to take part on the trainings provided to judges and prosecutors (*see Chapter 23.*).

24.2.2. Recommendations to the other Member States

Recommendation No 11: When complying with the obligation to accept an additional language, under Article 5 of the EIO Directive, Member States should consider indicating at least one language which is commonly used in the EU, as recommended in Recital 14 of the Directive (*see Chapter 6.2.*).

Recommendation No 12: Issuing authorities should respect the scope of the EIO and not issue EIOs for purposes other than the gathering of evidence (*see Chapter 5.*).

Recommendation No 13: Issuing authorities should ensure that Section D of the EIO form includes all other instruments sent to the executing State (such as an EAW or an existing JIT or a related or prior EIO) that are connected to the same investigation, so that executing authorities possess all relevant information before executing the EIO (*see Chapter 5 and 6.4.*).

Recommendation No 14: Issuing authorities should ensure that translations of EIOs are accurate. They should also use short sentences and precise language when issuing an EIO, to facilitate accurate translation, and not copy the text of the underlying national order (*see Chapter 6.2.*).

Recommendation No 15: Member States should connect all relevant national authorities to e-EDES, as soon as possible (*see Chapter 8.*).

Recommendation No 16: Executing authorities should comply with deadlines and swiftly inform issuing authorities about any delays (*see Chapter 14*).

Recommendation No 17: Receiving authorities, and central authorities when applicable, should always send Annex B, and do so within the time limits laid down in Article 16 of the Directive (*see Chapter 18*).

Recommendation No 18: Issuing authorities should specify in Section I of Annex A of the EIO form if special requirements for the gathering of evidence, as well as for the evidence itself, are applicable under their laws (*see Chapter 9*).

Recommendation No 19: Executing authorities should accept EIOs sent by electronic means which comply with the conditions of Article 7 of the Directive, and not only EIOs sent by traditional post (*see Chapter 8*).

Recommendation No 20: Executing authorities should always consult with the issuing authority (in accordance with Article 9(6) of the Directive) in cases of difficulties or possible refusal, with a view to facilitating expeditious and optimal handling of the EIO (*see Chapter 9*).

Recommendation No 21: Executing authorities must comply with procedural formalities requested by the issuing Member State, as these are crucial for the admissibility of evidence, when the conditions referred to in Article 9(2) are met. In any case, consultations should take place in order to achieve the most efficient possible execution of the EIO (*see Chapter 10*).

24.2.3. Recommendations to the European Union and its institutions

Recommendation No 22: The Commission is invited to prepare and publish a Handbook on the EIO, potentially with the support of Eurojust and the European Judicial Network. This Handbook should provide comprehensive guidance on the scope of the EIO Directive and its interrelation with other EU and international cooperation instruments. It should also integrate relevant case law from the Court of Justice of the European Union (CJEU) (*see Chapter 5 and 21.1*).

Recommendation No 23: The Commission is invited to consider creating guidelines on when to label costs as exceptionally high, to provide guidance to national authorities when they are entering into consultations in that regard. The guidelines could mention the option of turning to Eurojust to facilitate such consultations, if needed. Reference is also made to Article 31 of the Regulation on freezing and confiscation orders, which already includes a provision of this kind (*see Chapter 19*).

Recommendation No 24: The Commission is invited to consider making the form more user-friendly and restructuring it to avoid the need for repetition, to amend sections C and G of Annex A in order to (directly) follow one another and to amend section D so that it contains all relevant instruments related to the EIO in question (*see Chapter 6.1. and 21.2.*).

Recommendation No 25: The Commission is invited to consider submitting an amendment to the Directive to clarify the concept of interception of telecommunications, in the context of Article 31 and of Annex C, especially whether Annex C may be used for measures such as bugging of a car or GPS tracking without the technical assistance of the requested State (*see Chapter 21.6.2.*).

Recommendation No 26: The Commission is invited to consider submitting an amendment to the Directive to clarify the relationship between the EIO and the Convention Implementing the Schengen Agreement (CISA) in relation to cross-border surveillance conducted by technical means. It should be explicitly stated whether the EIO Directive applies to cross-border surveillance requested for the purpose of gathering evidence in criminal proceedings and within the framework of mutual legal assistance (*see Chapter 21.6.2.*).

Recommendation No 27: The Commission is also invited to consider submitting an amendment to the Directive to provide clarity regarding the speciality principle in the context of the EIO (*see Chapter 11*).

24.2.4. Recommendations to Eurojust/Europol/EJN/EJTN

Recommendation No 28: The EJTN should increase the number of courses related to the EIO, perhaps in the framework of a partnership with the national training projects. Training should cover the interaction of the various instruments for judicial cooperation in criminal matters (*see Chapter 23*).

Recommendation No 29: Eurojust should consider issuing guidelines on ‘excessive costs’ to offer guidance to judicial authorities (*see Chapter 19*).

24.3. Best Practices

This section will include a list of best practices to be adopted by other Member States.

Slovenia is to be commended for:

1. Including the transposition of the EIO Directive within the Act on Cooperation in Criminal Matters with the Member States of the European Union (*see Chapter 3*)
2. Expressly including in the national law the power of the national member of Eurojust to issue EIOs in urgent cases, as foreseen under Art. 8(3)(b) and (4) of the Eurojust Regulation (*see Chapter 4.1*)
3. The generally proactive, open, and constructive attitude of Slovenian authorities towards executing EIOs, characterised by:
 - 3.1. A common practice of consulting with the issuing State at an early stage of the execution of EIOs and resolving issues through bilateral consultations (*see Chapters 5, 6.1, and 9.1*);
 - 3.2. Handling EIOs issued for measures clearly outside the scope as MLA requests and executing EIOs with a combination of requests for both evidence and procedural acts (*see Chapter 5*)
4. Frequently using the EJM Atlas to find the competent executing authority in another Member State (*see Chapters 4.3 and 8*) and, when the EJM Atlas does not provide conclusive information, resorting to EJM contact points and Eurojust to establish the competent executing authorities in other Member States.
5. Seeking assistance from the Eurojust national desk only when direct contacts are insufficient (*see Chapter 6.2.*).
6. Systematically sending Annex B when receiving an EIO (*see Chapter 18*).
7. When complying with the obligation to accept an additional language (Article 5 of the EIO Directive), to have chosen a language (English) which is commonly used in the EU (as recommended in Recital 14 of the Directive) (*see Chapter 6.2.*)
8. Taking part in the e-EDES pilot project (*see Chapter 8*)
9. When issuing EIOs that must be executed simultaneously in multiple Member States, to apply consistently Article 21 of the Eurojust Regulation. (*see Chapter 20*).

10. Holding regular meetings of Slovenian European Judicial Network Contact Points (EJN CPs) to facilitate the sharing of knowledge and experience, as well as to address practical issues related to the EIO and other EU judicial cooperation instruments in criminal matters. The conclusions reached during these meetings are disseminated to all relevant practitioners involved with the EIO in the courts and prosecutor's offices (*see Chapter 23*).

ANNEX A: PROGRAMME FOR THE ON-SITE VISIT

26 September 2023 – Ministry of Justice (Ljubljana, Slovenia)

09:30-12:30	Welcome speech and presentations: <ul style="list-style-type: none">- Ministry of Justice- Prosecutors- Judges
12:30-14:00	Lunch
14:00-16:40	Meetings with representatives of State Prosecution (from different regions) and representatives of the Courts (from different regions)

27 September 2023

09:30-12:30	Meetings with practitioners (Judges, Prosecutors, Police) and representatives of the Judicial Training Centre
12:30-14:00	Lunch
14:00-14:50	Meetings with practitioners (representatives of the Slovenian Bar Association)
15:00-16:30	<i>Continuation of Q&A with Judges and Prosecutors</i>

28 September 2023

09:30-11:00	Final Q&A with the practitioners and the Ministry of Justice and presentation of findings by the evaluation team
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ANNEX B: LIST OF ABBREVIATIONS/GLOSSARY OF TERMS

LIST OF ACRONYMS, ABBREVIATIONS AND TERMS	ENGLISH
CATS	Coordinating Committee in the area of police and judicial cooperation in criminal matters
CISA	Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders
CJEU	Court of Justice of the European Union
Constitution	Constitution of the Republic of Slovenia
COPEN	Working Party on Cooperation on Criminal Matters
EIO Directive or Directive	Directive 2014/41/EU of the European Parliament and of the Council of 3 April 2014 on the European Investigation Order in criminal matters
EAW	European arrest warrant
e-EDES	e-Evidence Digital Exchange System
EIO	European Investigation Order
EJN	European Judicial Network in criminal matters
EJTN	European Judicial Training Network
Eurojust Regulation	Regulation (EU) 2018/1727 of the European Parliament and of the Council of 14 November 2018 on the European Union Agency for Criminal Justice Cooperation (Eurojust), and replacing and repealing Council Decision 2002/187/JHA
JIT	Joint investigation team
MLA	Request for mutual legal assistance
MoJ	Ministry of Justice
ZSKZDČEU-1	Act on Cooperation in Criminal Matters with the Member States of the European Union
ZKP	Criminal Procedure Act

LIST OF ACRONYMS, ABBREVIATIONS AND TERMS	ENGLISH
ZP-1	Minor Offences Act

