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WORKING PAPER

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From:	Commission services
To:	Delegations
Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on European Production and Preservation Orders for electronic evidence in criminal matters (European production order) = flow charts

Delegations will find in Annex two flowcharts, to visualise the processes for 1) execution and 2) enforcement of European Production and Preservation Orders, for the meeting on 29-30 May.

Enforcement Non-compliance with an EPOC/ EPOC-PR Issuing authority may transfer the EPOC, EPOC-PR, Annex III and any other relevant document to the competent authority in enforcing State (enforcing authority) . Translated into language of enforcing authority. Addressee informed. (14(1)) Enforcing authority decision not to recognise the order based on consideration that grounds provided for in varas Before decision not to recognise the order, Enforcing authority 4 or 5 apply, data is protected by immunity or priviles consultation of issuing decision to recognise the disclosure may impact interests such as national security authority, who has 5 order within 5 days (14(2)) and defence (14(2)) days to reply (14(7)) Formal requirement to addressee to comply, informing about: possibility to oppose by invoking grounds set out in Art 14(4) or 14(5); applicable sanctions; deadline for compliance or opposition (14(3)) Addressee objects, providing Disclosure justification to enforcing Non-compliance/no dressee compl authority on the basis of grounds response set out in 14(4) or (5) Enforcement/pecuniary sanctions in accordance Enforcing authority decides with national law. Judicial on basis of justification and, if Decision not to remedy is available (14(10)) necessary, further info obtained from Decision to enforce enforce order issuing authority, who should reply order within 5 days (14(6),(7)) Notify without delay issuing authority and addressee of decision not to enforce (14(8)) If enforcing authority obtains data, it should transmit to issuing authority within 2 days, unless data is protected by immunity or privilege under its own domestic law or it impacts fundamental interests such as national security or defence, in which case issuing authority should be informed (14(9))

Execution of an EPOC

