



IMPLEMENTATION OF E-EVIDENCE FRAMEWORK INTO GERMAN LAW

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(TIME) FRAME OF THE EU FRAMEWORK



- **Implementation period until 18 August 2026 (Art. 35 of the Regulation)**
- **Why implementation?**
 - **EU Regulation is directly applicable, while Directive must be transposed**
→ national law mainly organises competences, supervision, and enforcement.
 - **Implementing Laws exist in Italy, Croatia, Denmark, Lithuania and Slovakia and Germany**
 - **Draft legislation is prepared in Belgium, Czechia, Denmark, Finland, Ireland and the Netherlands.**
 - **Commission opened infringement procedures against: Belgium, Bulgaria, Czechia, Estonia, Ireland, Greece, Spain, France, Cyprus, Latvia, Lithuania, Luxembourg, Hungary, Malta, the Netherlands, Austria, Poland, Portugal, Romania, Slovenia, Finland, and Sweden for failing to communicate full transposition**
- **As the e-evidence Framework has not yet been implemented, there are not yet real-world examples of its application.**

TRANSPOSITION OF E-EVIDENCE FRAMEWORK INTO NATIONAL LAW



Regulation (EU) 2023/1543

- directly applicable
- **Art. 35**: application date → **18 August 2026**
- Establishes:
 - European Production Orders (EPOC)
 - European Preservation Orders (EPOC-PR)
 - uniform cross-border mechanism

Directive (EU) 2023/1544

- Requires **national transposition**
- **Art. 15(1)**: deadline → **18 February 2026**
- Regulates:
 - designation of competent authorities
 - enforcement mechanisms vis-à-vis service providers
 - national procedural framework and sanctions

THE GERMAN E-EVIDENCE TRANSPOSITION AND IMPLEMENTATION ACT



- Entered into force 13 March 2026
- Establishes the **national framework necessary to apply the EU e-Evidence instruments** once the e-Evidence Regulation becomes applicable on 18 August 2026.
- **The Federal Office of Justice (BfJ) = central authority which monitors service providers' compliance with their obligations**
- ❖ **non-compliance may be punished as administrative offences.**

OBLIGATIONS FOR SERVICE PROVIDERS



- **register** on a platform (**Notification Platform**), so that their data can be transmitted to an EU database – the **Court Database**.
→ The service provider's and the addressee's details must be stored there.
- **appoint a designated recipient** (known as an '**addressee**') for the purpose of receiving European Production or Preservation Orders.

In which MS?

- Where the services are actually provided. The addressee is either a **branch** in such a Member State or – if no branch exists there – a **representative**.

ROLE OF THE FEDERAL OFFICE OF JUSTICE (BUNDESAMT FÜR JUSTIZ - BFJ)



- validation of service providers registered in Germany.
 - Subsequently, the 'E-Justice Coordination Office for Europe' (EKE), which is responsible for the whole of Germany, connects the addressees to the nationally operated IT system 'e-Codex'.
 - In future, e-Codex is also planned to involve lawyers and private individuals for the cross-border exchange of evidence and other documents
- has published initial information on its website, including pages on the upcoming notification procedure for service providers and announced further guidance on who qualifies as a service provider under the law and how to register on the Notification Platform.

THE IT-FRAMEWORK



- **based on common technical standards defined at EU level, made legally binding through Implementing Regulation (EU) 2025/1550**
- **authorities will exchange data through a decentralised IT system system, the e-CODEX infrastructure**
 - **no single central platform,**
 - but: a **secure decentralised network** that connects national judicial systems across Europe and enables authorities to exchange electronic evidence across borders **using their existing systems.**
- **But: Not all data is transmitted in the same way.**
 - Smaller datasets are sent directly through the system.
 - Larger datasets — which are very common in practice — are transmitted through alternative channels (Article 19(5) of the Regulation).