

# Public consultation on improving cross-border access to electronic evidence in criminal matters

Fields marked with \* are mandatory.

## Introduction

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Obstacles to accessing electronic evidence complicate criminal investigations and therefore affect criminal justice in the digital age. Criminal procedural measures to gather evidence as part of a criminal investigation are usually national in scope. By contrast, obtaining electronic evidence frequently has cross-border implications. Therefore, authorities have to rely on judicial cooperation mechanisms like mutual legal assistance (MLA) or, within the EU, mutual recognition, on the direct cooperation of service providers, or on direct access to obtain electronic information. All three channels raise different types of issues affecting the investigations that may result in abandoned and unsuccessful cases and, ultimately, in a less effective criminal justice.

In the perspective of improving access to electronic evidence in criminal investigations, the Commission will assess the scope for horizontal or further sectorial action at EU level, while respecting the principle of subsidiarity. The present public consultation is intended to feed this assessment - without, however, either prejudging any action by the European Union or prejudging the legal feasibility of an EU action with regards to the limits of the Union's competence.

## About you

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1 You are welcome to answer the questionnaire in any of the [24 official languages](#) of the EU. Please let us know in which language you are replying.

\*2 You are replying

- as an individual in your personal capacity
- in your professional capacity or on behalf of an organisation

3 If you are replying on your behalf: How are you affected by legislation in this area?

- As a citizen/user of digital services
- As staff of a law enforcement or judicial authority (judge, prosecutor, police)
- As a civil servant of a public authority or administration
- As a lawyer
- As an employee of an electronic communication service provider (e.g telecommunications operators, transmission services excluding broadcasting, etc)
- As an employee of an information society service provider (e.g. online services, cloud services, social networks, platforms etc)
- As an employee of a non-governmental organisation (NGO)
- As an academic
- Other

4 If "other", please specify:

\*5 First name

\*6 Last name

\*7 Email address

If you do not have an email address, please write "Not available".

\*8 Country of residence

- Austria
- Belgium
- Bulgaria
- Croatia
- Cyprus
- Czech Republic
- Denmark
- Estonia
- Finland
- France
- Germany
- Greece
- Hungary
- Ireland
- Italy
- Latvia
- Lithuania
- Luxembourg
- Malta
- Netherlands
- Poland
- Portugal
- Romania
- Slovakia
- Slovenia
- Spain
- Sweden
- United Kingdom
- Other

9 If "other", please specify:

\*10 Your contribution,

Note that, whatever option chosen, your answers may be subject to a request for public access to documents under [Regulation \(EC\) N°1049/2001](#)

- can be published with your personal information** (I consent the publication of all information in my contribution in whole or in part including my name or my organisation's name, and I declare that nothing within my response is unlawful or would infringe the rights of any third party in a manner that would prevent publication)
- can be published provided that you remain anonymous** (I consent to the publication of any information in my contribution in whole or in part (which may include quotes or opinions I express) provided that it is done anonymously. I declare that nothing within my response is unlawful or would infringe the rights of any third party in a manner that would prevent the publication.

\* 11 Respondent's first name

\* 12 Respondent's last name

\* 13 Name of the organisation

\* 14 Email address

\* 15 What is the nature of your organisation?

Please select the answer option that fits best.

- Electronic communication service provider (e.g. telecommunications operators, transmission services excluding broadcasting, etc.)
- Information society service provider (e.g. online services, cloud services, social networks, platforms, etc.)
- Professional/business association
- Government of a Member State or regional government
- Law enforcement or judicial authority or public authority directly related to it (e.g. Ministry of Justice, Ministry of Interior)
- Other public authority/administration
- EU institutions or agencies
- Data protection authority
- Academic/research institution
- Law firm
- Non-governmental organisation (NGO)
- Other

\* 16 If "other", please specify:

\* 17 Is your organisation included in the Transparency Register?

If your organisation is not registered, we invite you to register [here](#), although it is not compulsory to be registered to reply to this consultation. [Why a transparency register?](#)

- Yes
- No
- Not applicable

\*18 If so, please indicate your Register ID number.

\*19 Place of establishment (main headquarters in case of multinational organisations)

- Austria
- Belgium
- Bulgaria
- Croatia
- Cyprus
- Czech Republic
- Denmark
- Estonia
- Finland
- France
- Germany
- Greece
- Hungary
- Ireland
- Italy
- Latvia
- Lithuania
- Luxembourg
- Malta
- Netherlands
- Poland
- Portugal
- Romania
- Slovak Republic
- Slovenia
- Spain
- Sweden
- United Kingdom
- Other

\*20 If "other", please specify:

\*21 Your contribution,

Note that, whatever option chosen, your answers may be subject to a request for public access to documents under [Regulation \(EC\) N° 1049/2001](#)

- can be published with your organisation's information** (I consent the publication of all information in my contribution in whole or in part including the name of my organisation, and I declare that nothing within my response is unlawful or would infringe the rights of any third party in a manner that would prevent publication)
- can be published provided that your organisation remains anonymous** (I consent to the publication of any information in my contribution in whole or in part (which may include quotes or opinions I express) provided that it is done anonymously. I declare that nothing within my response is unlawful or would infringe the rights of any third party in a manner that would prevent the publication.

## Part II: General Questions and Current Situation in your country/entity

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*The use of electronic communication tools is constantly growing, so are the criminal investigations that require electronic evidence*

\*22 Instead of using landline and meeting in person criminals use more and more other information society services, such as social media, webmail, messaging services and apps to communicate. Do you consider the increased use of information society services as an obstacle for effective criminal investigations?

- Yes
- No
- No opinion

23 In what sense? (Please use the space below)

*500 character(s) maximum*

\*24 In cross-border cases law enforcement and judicial authorities regularly have to address a judicial authority of another State via a judicial cooperation mechanism such as mutual legal assistance or EU mutual recognition mechanisms. Do you believe direct cross-border cooperation of law enforcement and judicial authorities with digital service providers will bring an added value in criminal investigations?

- Yes
- No
- No opinion

25 In what sense? (Please use the space below)

*500 character(s) maximum*

\* 26 Should the European Commission propose measures to improve direct cooperation of EU law enforcement and judicial authorities with digital service providers headquartered in third countries under the condition that sufficient safeguards are in place to protect your fundamental rights?

- Yes
- No
- No opinion

27 Which concerns would an EU initiative in the area of electronic evidence raise in your view?

	Very relevant	Relevant	Somewhat relevant	Not relevant	No opinion
* Negative impact on (fundamental) rights guaranteed by national law / EU Law	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Loss of sovereignty for your Member State	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Risk that third countries impose similar obligations to service providers to disclose electronic evidence stored in the EU (reciprocity)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

28 Which concerns would an EU initiative in the area of electronic evidence raise in your view?

	Very relevant	Relevant	Somewhat relevant	Not relevant	No opinion
* Less competences compared to the current situation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Confusing landscape of instruments (EIO, Budapest Convention, MLA)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Difficulties in enforcing a request	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

29 Which concerns would an EU initiative in the area of electronic evidence raise in your view?

	Very relevant	Relevant	Somewhat relevant	Not relevant	No opinion
* Mandatory nature	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Increasing volume of requests	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Hampering customer's trust in your services	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

30 Others/comments (please use the space below)

500 character(s) maximum

31 What do you expect to be achieved by an EU initiative on electronic evidence?

	Yes	No	No opinion
* Faster access to evidence by streamlined EU-wide approach	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Legal certainty	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Easier access to service providers of other Member States	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

32 What do you expect to be achieved by an EU initiative on electronic evidence?

	Yes	No	No opinion
* Legal certainty	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* EU wide common request form	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

33 What do you expect to be achieved by an EU initiative on electronic evidence ?

	Yes	No	No opinion
* Legal certainty	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Guarantees for the protection of fundamental rights in accordance with the Charter of Fundamental Rights	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

\* 34 Definitions exist for example for "subscriber information" in the Convention on Cybercrime of the Council of Europe, for "traffic data" and "location data" in Directive 2002/58/EC, for "electronic communications metadata" and "electronic communications content" in the Commission proposal for a Regulation on e-privacy. Nevertheless there is still no harmonised definition for data exchanged in the context of judicial cooperation and the existing definitions may not cover all forms of data. Do you think that setting up EU definitions for these terms in the context of judicial cooperation, taking into consideration existing EU definitions for other purposes, would clarify the situation and thus be helpful?

- Yes
- No
- No opinion



\* 35 Besides the possibility to set up a legal framework for cases with cross-border dimension, do you think the possible EU initiative should also cover purely domestic cases?

- Yes
- No
- No opinion

36 Experience shows that access to electronic evidence can be cumbersome and ineffective, especially when the data in question is stored in another country and/or the relevant service provider is headquartered in another country. In your opinion, which of the following are the main obstacles to obtain access to electronic evidence for criminal investigations? (Please rate relevance below:)

	very relevant	relevant	somewhat relevant	not relevant	no opinion
* Difficulties to determine where the data is stored	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Difficulties to determine the seat of establishment of the relevant service provider	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Difficulties to obtain electronic evidence when the service provider in question has outsourced its computing resources e.g. to a cloud service provider	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Service providers have different policies regarding which information has to be included in a request	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Non-existence of appropriate national legal framework for swiftly obtaining e-evidence	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* No common definition of the type of the requested data	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Lengthy process to finally receive or access the electronic evidence through judicial cooperation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Unpredictability of responses by the service provider when the request is not mandatory	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Lack of enforceability	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Lack of admissibility of the evidence in court	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

37 To evaluate the impact of a possible EU initiative it is important to be informed about the current legal framework in the Member States to access electronic evidence. Does the national legal framework in your country cover the following scenarios? (Please select in cases where the described scenarios are applicable in your country)

(As the definition of the kind of data might differ from Member State to Member State refer to the data as you are familiar with in your country):

	Requesting information on subscriber data	Requesting information on metadata	Requesting information on content data
* A specific severity of the offence is required	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
* Police may directly contact service providers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
* Prosecutor may directly contact service providers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
* Judge has to issue a production order	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
* Judicial order is mandatory but in urgent circumstances the police or prosecutor may directly contact the service provider	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



38 Swift information is essential in criminal investigations and seems to be a crucial point in cases where electronic evidence is needed. From your experience, how long does it take until you get under normal circumstances the requested evidence from the service provider (average time in calendar days) when the service provider is located ...

	within 2 days	between 3-5 days	between 6-10 days	between 11-30 days	between 1 month- 6 months	more than 6 months	more than 1 year
In your Member State	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
In another Member State when directly contacting the service provider	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
In another Member State by European investigation order (EIO)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
In another Member State by mutual legal assistance (MLA) /within the scope of the Council of Europe Budapest Convention on Cybercrime	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
In a third country when directly contacting the service provider	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
In a third country by mutual legal assistance (MLA) /within the scope of the Council of Europe Budapest Convention on Cybercrime	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

\* 39 To understand the parameters for costs and the cost-intensity of a request, the European Commission wants to get a clearer picture about the current situation in the Member States. Do you incur costs when you request access to electronic evidence (not counting your own administrative costs) if the service provider is located in your Member State?

- No costs
- Costs charged by service provider
- Others

40 Costs charged by the service provider (please tick the box that is relevant, multiple choice possible)

- depends on the service provider
- depends on the type of data requested
- depends on the volume of data requested

\* 41 If you replied "others" please specify below

*500 character(s) maximum*

42 In case of costs, please specify the average amount in Euro per request

*500 character(s) maximum*

\* 43 Do you incur costs when you request access to electronic evidence (not counting your own administrative costs) if the service provider **is not** located in your Member State?

- No costs
- Costs charged by service provider
- Others

44 Costs charged by the service provider (please tick the box that is relevant, multiple choice possible)

- depends on the service provider
- depends on the type of data requested
- depends on the volume of data requested

\*45 If you replied "others" please specify below

*500 character(s) maximum*

46 In case of costs, please specify the average amount in Euro per request

*500 character(s) maximum*

47 How many of your requests to access electronic evidence were addressed to service providers with headquarters...

	2015	2016	No data available
in your country			
in another Member State within the EU			
in a third country outside the EU			

\* 48 Has your business ever been requested by a judicial or law enforcement authority to provide access to electronic evidence for a criminal investigation?

- Yes
- No
- I don't know



49 If your **headquarters are located within the EU**: How many requests are from a European law enforcement or judicial authority that is located...

	2015	
in the same Member State as your headquarters		
in another Member State as your headquarters		

50 If your **headquarters are located in a third country**: How many requests are from a European law enforcement or judicial authority that is located in an European Member State in the following years?

	2015
Number of requests	
No data available/applicable	

\*51 The time it takes for service providers to provide the requested data seems to vary a lot. In your experience, does it take longer to provide the requested data when the requesting judicial or law enforcement authority is located in another country as your headquarters?

- Yes
- No
- I don't know

52 How long does it take before you can provide the requested data (average in days)?

	within 2 days	between 3-5 days	between 6-10 days	between 11-30 days	between 1 month- 6 months	more than 6 months	more than 1 year
When the requesting authority is situated in the same country	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
When the requesting authority is not situated in the same country	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

53 What are the main obstacles in cross border situations to swiftly provide the requested data? (please rate relevance below)

	very relevant	relevant	somewhat relevant	not relevant	no opinion
* Legal uncertainty	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* No common definition of the type of the requested data	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Requests differing in form and content between Member States	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Need to assess the legitimacy of the request	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Insufficient information to assess the legitimacy of the request	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Need to assess authenticity of the request e.g. that the request is from a law enforcement authority	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Guaranteeing the protection of fundamental rights, including personal data protection and privacy	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Conflicting obligations for the digital service provider deriving from different legal frameworks (requesting State and State in which the headquarter is located)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

54 Others: (please use the space below)

*500 character(s) maximum*

55 What are the most relevant drivers for costs for your entity if the requests come from an authority that is **not** located in the same country as your headquarters? (please rate relevance below)

	very relevant	relevant	somewhat relevant	not relevant	no opinion
* Need to assess the authenticity and legitimacy of the requests	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Requests do not provide all necessary information, so more information is needed	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* In cases of questions, to contact the relevant person	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* No common definition of the type of requested data	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* The volume of requests	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Requests differing in form and content between Member States	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

56 Others : Please specify in the space below

*500 character(s) maximum*

57 Are these cost-drivers also applicable in purely domestic cases? Please specify in the space below

*500 character(s) maximum*

### Part III. Access to e-evidence by a direct production request/order to the digital service provider

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58 A possible EU initiative could enable law enforcement authorities to directly request (through a “production request”) or compel (“production order”) a service provider in another Member State to disclose specific information about a user without having to go through a law enforcement or judicial authority in the other Member State. Do you think a EU initiative should cover

	Yes	No	No opinion
* A direct production request to the service provider (voluntary measure)?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* A direct production order to the service provider (mandatory measure)?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

59 If the European Commission proposes a legal Framework for direct cross-border requests to service providers: how relevant are the following conditions for a possible cross-border instrument to access e-evidence (Please rate relevance below)?

	very relevant	relevant	somewhat relevant	not relevant	no opinion
* Direct access should only be given for a limited number of offences (e.g. depending on the severity)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Condition that the act is punishable in both countries (double criminality)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Specific safeguards to ensure fundamental rights	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Notification of another Member State affected by this measure	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Possibility for the notified Member State to object the measure	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Notification of the targeted person	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Legal remedies for the person affected	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

60 Others : Please specify in the space below

*500 character(s) maximum*

61 Data is frequently categorised as non-content (subscriber information, e.g. the name of an e-mail account holder and metadata, e.g. the time an e-mail was sent) or as content (e.g. the content of an e-mail). If the EU would establish a legal framework for the direct cross-border cooperation with service providers, which data should be subject to it?:

	All types of data (content and non-content)	Only non-content data (subscriber information and metadata)
Only data stored in the EU	<input type="radio"/>	<input type="radio"/>
Also data stored outside the EU	<input type="radio"/>	<input type="radio"/>
Depending on where the service provider is located	<input type="radio"/>	<input type="radio"/>

\* 62 If the EU would establish a legal framework for the direct cross-border cooperation with service providers, which types of service providers should be subject to it (multiple choice)?

- Electronic communication service providers (e.g. telecommunications operators, transmission services excluding broadcasting, etc.)
- Information society service providers (e.g. online services, cloud services, social networks, platforms, etc.)
- Other digital services providers relevant for investigation measures

63 If you replied other, please specify in the space below

*500 character(s) maximum*

## Part IV. Direct access to e-evidence through an information system without any intermediary (e.g. a service provider) involved

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There could be a situation e.g. during a house search on the suspect's premises where his/her laptop is searched and access to his/her virtualised storage media (cloud-based) is possible directly from the seized device, but it might be unclear where the data is stored or whether there is a cross border dimension at all.

\* 64 Do you see any need for a common EU framework for this situation?

- Yes
- No
- No opinion

65 If the European Commission should decide to propose a legal Framework for this situation, what should the proposal provide?

	Yes	No	No opinion
* Condition that the act is punishable in both countries (double criminality)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Specific safeguards to ensure fundamental rights	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Notification of another Member State affected by this measure	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Possibility for the notified Member State to object the measure	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Notification of the targeted person	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Legal remedies for the person affected (including challenging the admissibility of evidence)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

66 Others : Please specify in the space below

*500 character(s) maximum*

## Part V. International scope

*Important service providers are often headquartered in third countries, such as in the US. Alternatively or additionally, the requested data may be stored in a third country. These elements often hamper criminal investigations.*

67 To identify the obstacles the European Commission is interested in your opinion: which are the main difficulties in cases with a third country dimension? (Please rate importance below)

	very important	important	somewhat important	not important	no opinion
* Identification of the responsible representative of the relevant service provider	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Contacting the responsible representative of the relevant service provider	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Identification of the responsible contact person of the law enforcement authority	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Lack of a common form	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Lack of a responsible representative of the service provider in the EU	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Lack of a single electronic platform to safely transfer the request and the electronic data requested	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Lack of direct access to content	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

68 Others : Please specify in the space below

*500 character(s) maximum*



69 In your opinion, what could improve criminal investigations with a third country dimension? (Please rate importance below)

	very important	important	somewhat important	not important	no opinion
* Conclusion of bilateral treaties with main affected third parties	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Conclusion of multilateral treaties	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Development of an EU-wide common system/approach	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

70 Others : Please specify in the space below

500 character(s) maximum

71 Which are the most relevant third countries you need to approach for access to e-evidence? (multiple choice)

- Afghanistan
- Albania
- Algeria
- Andorra
- Angola
- Antigua and Barbuda
- Argentina
- Armenia
- Australia
- Austria
- Azerbaijan
- Bahamas
- Bahrain
- Bangladesh
- Barbados
- Belarus
- Belgium
- Belize
- Benin
- Bhutan
- Bolivia
- Bosnia and Herzegovina
- Botswana
- Brazil

- Brunei Darussalam
- Bulgaria
- Burkina Faso
- Burundi
- Cabo Verde
- Cambodia
- Cameroon
- Canada
- Central African Republic
- Chad
- Chile
- China
- Colombia
- Comoros
- Congo
- Costa Rica
- Croatia
- Cuba
- Cyprus
- Czech Republic
- Côte D'Ivoire
- Democratic Republic of the Congo
- Denmark
- Djibouti
- Dominica
- Dominican Republic
- Ecuador
- Egypt
- El Salvador
- Equatorial Guinea
- Eritrea
- Estonia
- Ethiopia
- Fiji
- Finland
- France
- Gabon
- Gambia
- Georgia
- Germany
- Ghana
- Greece
- Grenada
- Guatemala
- Guinea
- Guinea Bissau

- Guyana
- Haiti
- Honduras
- Hungary
- Iceland
- India
- Indonesia
- Iran
- Iraq
- Ireland
- Israel
- Italy
- Jamaica
- Japan
- Jordan
- Kazakhstan
- Kenya
- Kiribati
- Kuwait
- Kyrgyzstan
- Laos
- Latvia
- Lebanon
- Lesotho
- Liberia
- Libya
- Liechtenstein
- Lithuania
- Luxembourg
- Madagascar
- Malawi
- Malaysia
- Maldives
- Mali
- Malta
- Marshall Islands
- Mauritania
- Mauritius
- Mexico
- Micronesia
- Monaco
- Mongolia
- Montenegro
- Morocco
- Mozambique
- Myanmar

- Namibia
- Nauru
- Nepal
- Netherlands
- New Zealand
- Nicaragua
- Niger
- Nigeria
- North Korea
- Norway
- Oman
- Pakistan
- Palau
- Panama
- Papua New Guinea
- Paraguay
- Peru
- Philippines
- Poland
- Portugal
- Qatar
- Republic of Moldova
- Romania
- Russian Federation
- Rwanda
- Saint Kitts and Nevis
- Saint Lucia
- Saint Vincent and the Grenadines
- Samoa
- San Marino
- Sao Tome and Principe
- Saudi Arabia
- Senegal
- Serbia
- Seychelles
- Sierra Leone
- Singapore
- Slovakia
- Slovenia
- Solomon Islands
- Somalia
- South Africa
- South Korea
- South Sudan
- Spain
- Sri Lanka

- Sudan
- Suriname
- Swaziland
- Sweden
- Switzerland
- Syrian Arab Republic
- Tajikistan
- Tanzania
- Thailand
- The former Yugoslav Republic of Macedonia
- Timor-Leste
- Togo
- Tonga
- Trinidad and Tobago
- Tunisia
- Turkey
- Turkmenistan
- Tuvalu
- Uganda
- Ukraine
- United Arab Emirates
- United Kingdom
- United States of America
- Uruguay
- Uzbekistan
- Vanuatu
- Venezuela
- Viet Nam
- Yemen
- Zambia
- Zimbabwe

## Document upload and final comments

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72 Should you wish to provide additional information (e.g. a short position paper) or raise specific points not covered by the questionnaire, you can upload your additional document here.

*Please note that the uploaded document will be published alongside your response to the questionnaire which is the essential input to this open public consultation. The optional document will serve only as additional background reading to better understand your position.*

