

Cross-border investigations - quiz

Q1. The prosecutor handling the investigation needs to interview witnesses in another EPPO State:

- a) he makes use of the European Investigation Order*
- b) he assigns the measure to the EDP in that EPPO State, by sending him the request and by associating him/her to the file*
- c) he requests the EDP in the other EPPO State to issue an order to bring the witnesses in the State of the handling EDP*

Q2. The handling EDP would like to intercept the conversation of the suspect while he is in another EPPO State. Under the law of the State of the handling EDP, the conversations between the suspect and his lawyer cannot be intercepted. Such limitation is not provided in the law of the EPPO State where the interceptions take place. Should the assisting EDP take into account the limitation highlighted by the handling EDP?

- a) yes, the assisting EDP must follow the instructions of the handling EDP*
- b) no, the interception must be executed under the law of the State where it takes place and no restriction is possible from the law of another EPPO State*
- c) the two prosecutors have to talk each other in order to find a compromise*

Q3. The handling EDP would like to seize a shipment of narcotics that will take place in another EPPO State, although he does not know in which place exactly. He knows that one of the suspects that will receive the narcotics is leaving from the State of the handling EDP to the other EPPO State and would like to monitor his movements.

- a) he can use the measure under article 30 paragraph 1 (f) of the EPPO regulation*
- b) he can send the judicial police of his/her State to follow the movements of the suspect in the other EPPO State*
- c) he can issue an order to monitor the suspect under his/her law, and assign it for the execution to the assisting EDP, after checking with him/her that the measure, regardless of the legal name, can be executed in the other EPPO State.*

Q4. The handling EDP would like to search premises in another EPPO State. Under his/her law, the prosecutor can order the search with no need for obtaining a judicial authorisation. However, in the other EPPO State a search can only be authorised by a judge:

- a)* the handling EDP shall request the judicial authorisation in his/her State, even though it is not necessary under the national law, just to make the procedure consistent with the law of the State of execution, and shall transmit the request of search and the judicial authorisation to the assisting EDP
- b)* the handling EDP shall send the order to the assisting EDP and the assisting EDP will take care of requesting the judicial authorisation in his/her State, under the national law of that State
- c)* the law of the State of the handling prosecutor prevails in any case, so the search shall be executed in the State of the assisting EDP with no judicial authorisation