

E-Evidence Regulation (EEVO)

The EEVO enables EU law enforcement authorities to request digital evidence directly from service providers in other Member States – without lengthy mutual legal assistance procedures. Two new instruments:



EPOC – PRODUCTION ORDER

Binding obligation to produce electronic evidence (content, traffic, or subscriber data)



EPOC-PR – PRESERVATION ORDER

Obligation to preserve data for a specified period so it is not deleted



Who is affected?

Service providers “offering services in the Union” are affected, regardless of where the company is based. This includes:

- Messenger / VoIP
- Hosting & Cloud
- Platforms & Social Networks
- Domain-Registrars



What criteria must be met?

An EU nexus exists when at least one of the following criteria is met:

- Services are accessible to users in an EU Member State (language, currency, marketing)
- Provider has an establishment in a Member State
- Significant number of users in one or more Member States



Obligations & Deadlines at a glance

	PRODUCTION(ART. 10 EEVO)	PRESERVATION (ART. 11 EEVO)
STANDARD CASE	10 days from receipt	Preserveimmediately, 60-day duration
EMERGENCY	8 hours from receipt	One-time extension of +30 days possible



Sanctions for non-compliance under Art. 16 EEVO

Fines of up to 2% of worldwide annual turnover are possible in the event of culpable non-compliance without an accepted reason. Proactive communication with the authority (e.g., reporting obstacles) can avert sanctions.



How to respond correctly

PRODUCTION

1. Observe the deadline: 10 days / 8h (emergency)
2. Check data category: Subscriber data → execute directly; content/traffic data → check offence threshold (Art. 5(4) EEVO)
3. Check certificate: Complete & error-free? If not: Annex III form
4. Transmit data: Maintain confidentiality, observe non-disclosure obligation
5. Follow-up: Lift preservation, delete data (unless other retention obligations apply)

PRESERVATION

1. Preserve immediately: Without delay after receipt
2. Duration: 60 days, extendable once by +30 days; until production if followed by a subsequent EPOC
3. Check certificate: Complete & error-free? If not: Annex III form
4. Confidentiality: Ensure integrity, observe non-disclosure obligation (Art. 11(3) EEVO)
5. Follow-up: After expiry of the deadline / notification by the authority: delete preserved dat

Action required due to the EEVO



Designate addressees

appoint at least one recipient of orders pursuant to Art. 3(1) EEVO



Establish internal processes

Define workflows for receipt, review, preservation, transmission & documentation



Training & Record-Keeping

Train staff, implement evidentiary documentation