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Document History

Version	Date	Summary of Changes
0.1		Initial draft creation
0.2		Review and update
1.0	01.02.2024	Updated version for the Expert Group meeting
1.1	31.10.2024	Document updated with Business Processes and Annexes
1.2	08.01.2025	Update with feedback from the Member States and Service Providers after the consolidation meeting
2.0	06.02.2026	Adding a chapter dedicated to EPOC/ EPOC-PR functional messages; including a list of tables and list of figures; addition of Eurojust workflows and Central Authority involvement; Statistics chapter updates based on previous discussions during the expert group meeting

Table 1: Document History

Reference Documents

- Regulation (EU) 2023/1543 of the European Parliament and of the Council of 12 July 2023 on European Production Orders and European Preservation Orders for electronic evidence in criminal proceedings and for the execution of custodial sentences following criminal proceedings.
- Directive (EU) 2023/1544 of the European Parliament and of the Council of 12 July 2023 laying down harmonised rules on the designation of designated establishments and the appointment of legal representatives for the purpose of gathering electronic evidence in criminal proceedings.

ACRONYMS

The following table lists the acronyms used in this document:

Acronym	Full Form	Short Description
CA	Central Authority	Authority responsible for the administrative transmission of EPOCs and EPOC-PRs, of European Production Orders and European Preservation Orders and of notifications, and for the receipt of data and notifications as well as for the transmission of other official correspondence relating to such certificates or orders.
EA	Enforcing Authority	The authority in the Member State where the Designated Establishment is established or the Legal Representative resides (the Enforcing State), which is competent to receive an EPOC or an EPOC-PR transmitted by the issuing authority for notification or for enforcement
CNCA	Eurojust Competent National Authority	Authority which is contacted by Eurojust National Member for the agreement on the issuance of an EPOC/EPOC-PR
EJNM	Eurojust National Member	References to the Eurojust National Member throughout the document shall be understood as the National Member himself/herself or any of the three following options: <ul style="list-style-type: none"> • Deputies to the National Members (acting on behalf of the National Member) • Assistants to the National Members (acting on behalf of the National Member – <u>Art.7(8) of Eurojust Regulation</u>)
EPOC	European Production Order Certificate	The Certificate by which the European Production Order is transmitted to the Service Provider. The European Production Order is a legal instrument that allows a competent authority in one Member State to obtain electronic evidence directly from a Service

Acronym	Full Form	Short Description
		Provider or its legal representative established in another Member State.
EPOC-PR	European Preservation Order Certificate	The Certificate by which the European Preservation Order is transmitted to the Service Provider. The European Preservation Order is a legal instrument that allows a competent authority in one Member State to order a service provider in another Member State to preserve electronic evidence until a production order is issued.
IA	Issuing Authority	The competent authority in the Issuing State which can issue a European Production Order or a European Preservation Order
IS	Issuing State	The Member State in which the European Production Order or the European Preservation Order is issued.
SP	Service Provider	Used in this document to refer to the Designated Establishment or Legal Representative of the Service Provider
VA	Validating Authority	Authority in the Issuing State that validates the European Production Order or the European Preservation Order before it is issued

Table 2: Acronyms **1 INTRODUCTION**

The Regulation (EU) 2023/1543 establishes a legal framework for obtaining and preserving electronic evidence (e-evidence) in criminal proceedings across Member States. It introduces two new instruments: the European Production Order and the European Preservation Order. These instruments allow competent authorities to request the production or preservation of electronic evidence directly from service providers located in another Member State.

The e-evidence Regulation aims to facilitate the efficient and secure exchange of electronic evidence for law enforcement purposes while safeguarding fundamental rights, including privacy and data protection. The regulation establishes rules and procedures for the collection of electronic evidence, as well as mechanisms for cross-border cooperation among competent authorities. Its implementation

seeks to enhance the effectiveness of criminal justice systems in the digital age but at the same time introduces safeguards to uphold legal standards and respects individual rights.

The regulation sets out the conditions and safeguards for issuing and executing such orders, as well as the rights and obligations of the parties involved. The regulation entered into force on 18 August 2023 and applies from 18 August 2026.

2 SCOPE OF THE DOCUMENT

In today's interconnected and digitally driven business landscape, collaboration is a cornerstone for success. As organizations increasingly rely on digital platforms and technologies, the handling of e-evidence has become a critical aspect of collaboration, particularly in legal and regulatory contexts.

The scope of a business collaboration model document outlines the key aspects and parameters of the collaboration between two or more parties. It serves as a roadmap for the collaboration, providing a clear understanding of the goals, roles, responsibilities, and expectations of each party involved.

The purpose of this document is to set a thorough and comprehensive understanding among stakeholders regarding the details of business workflows covering the EPOC and the EPOC-PR instruments. It aims to gather a common comprehension on the workflows that will constitute the core of the e-evidence IT tool, thereby ensuring a seamless and coherent integration with already existing processes and fulfilling the project objectives.

The document exclusively outlines the business procedures involved in a specific workflow. The technical components of these workflows are outside its scope and will be covered in a separate document.

3.2 KEY PLAYERS – DIRECTIVE (EU) 2023/1544

The e-evidence Directive is a legal act that lays down harmonised rules on the designation of establishments and the appointment of legal representatives for the purpose of gathering electronic evidence in criminal matters. It complements the e-evidence Regulation, which introduces new instruments for cross-border access to electronic evidence, by competent authorities.

The e-evidence Directive requires service providers that offer electronic communication services, specific information society services or internet domain name and IP numbering services in the European Union, regardless of their place of establishment, to designate at least one legal representative or one designated establishment in the Union to receive, comply with and enforce European production and preservation orders. The legal representative or the designated establishment must be physically present in the Union and must be able to communicate effectively with the competent authorities of the Member States.

The diagram below depicts the key stakeholders involved in the process of designating the legal representative or the designated establishment that will be receiving and executing the EPOC and EPOC-PR.

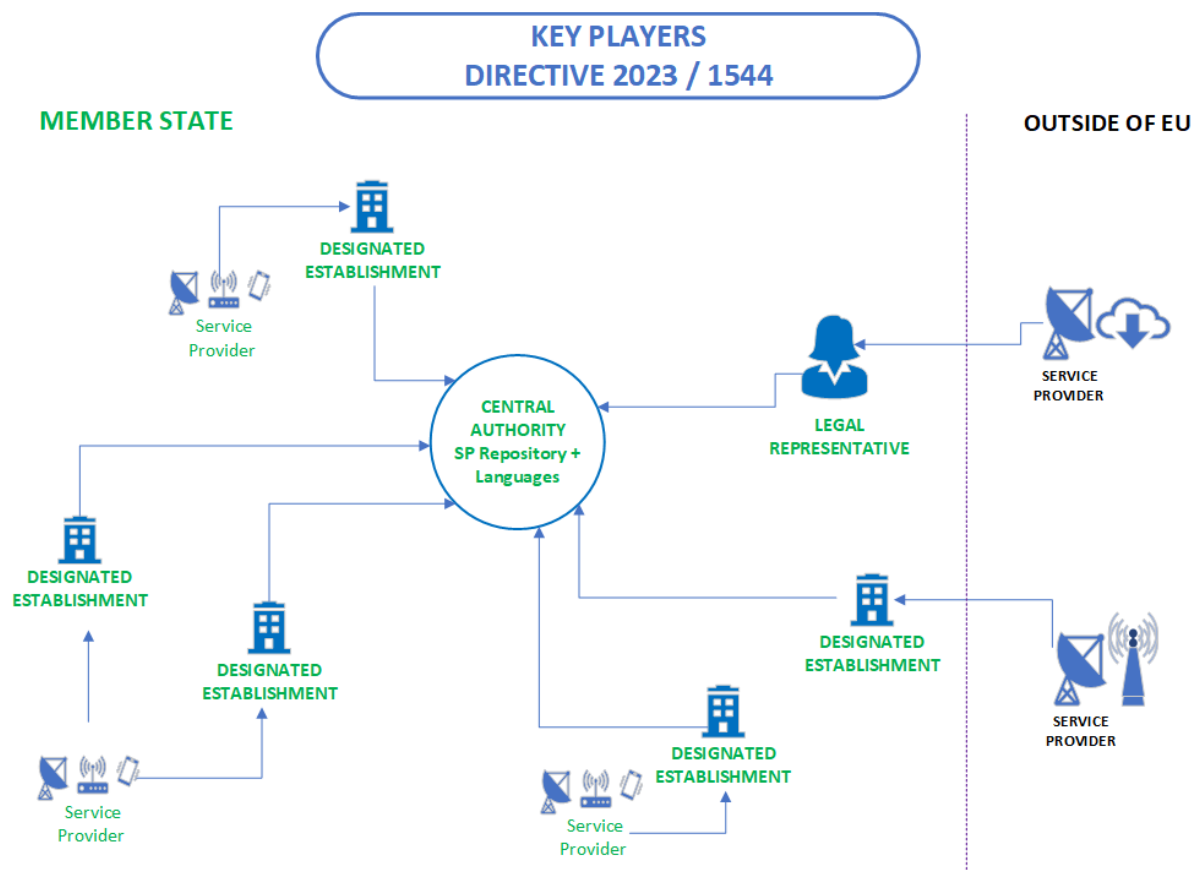


Figure 3-2: Directive (EU) 2023/1544 – Key Players

4 GENERAL ASSUMPTIONS

For all the workflows depicted in this document, the following considerations apply:

4.1 FORMS

Only a limited set of forms is provided in Annex of the e-evidence Regulation.

These forms are available for the following messages described in the following sections:

1. Form 1: European Production Order Certificate (EPOC) for the production of electronic evidence.
2. Form 2: European Preservation Order Certificate EPOC-PR for the preservation of electronic evidence.
3. Form 3: Information on the impossibility of executing an EPOC / EPOC-PR.
4. Form 5: Confirmation of issuance of a request for production following a European Preservation Order.
5. Form 6: Extension of the preservation of electronic evidence.

For all the other messages identified and described in the below sections, the corresponding forms need to be defined.

4.2 LOGGING AND MONITORING

The entire transaction is logged for auditing and monitoring purposes.

Metrics related to message types, response time, error rates, and other performance indicators may be recorded for statistics purposes.

4.3 ISSUES AND ERROR HANDLING

If any issues occur during the process (e.g., invalid request, data unavailability), appropriate error messages should be included in the response.

4.4 STATISTICS

This chapter contains the requirements for statistics gathering and reporting, as set out in Article 28 of the e-evidence Regulation.

The reference implementation software must collect the following statistics:

1. **Report for Article 28(2-a):** The number of EPOCs and EPOC-PRs issued, by the type of data requested, the addressees, and the situation (emergency case or not).
2. **Report for Article 28(2-b):** The number of EPOCs issued under emergency case derogations.
3. **Report for 28(2-c):** The number of fulfilled and non-fulfilled EPOCs and EPOC-PRs, by the type of data requested, the addressees, and the situation (emergency case or not).
4. **Report for Article 28(2-d):** The number of notifications to enforcing authorities pursuant to Article 8, and the number of EPOCs that were refused, by the type of data requested, the addressees, the situation (emergency case or not), and the ground for refusal raised.
5. **Report for Article 28(2-e):** For fulfilled EPOCs, the average period between the moment the EPOC was issued and the moment the data requested were obtained, by the type of data requested, the addressees, and the situation (emergency case or not).
6. **Report for Article 28(2-f):** For fulfilled EPOC-PRs, the average period between the moment the EPOC-PR was issued and the moment the subsequent request for production was issued, by the type of data requested and the addressees.
7. **Report for Article 28(2-g):** The number of European Production Orders or European Preservation Orders transmitted to and received by an enforcing State for enforcement, by the type of data requested, the addressees, and the situation (emergency case or not), and the number of such orders fulfilled.
8. **Report for Article 28(2-h):** The number of legal remedies used against European Production Orders in the issuing State and in the enforcing State, by the type of data requested (To be discussed

with Member States – Takes place outside the system and need to be collected on both issuing and enforcing states. Manually collected).

9. **Report for Article 28(2-i):** The number of cases where ex post validation in accordance with Article 4(5) was not granted. (To be discussed with Member States – Takes place outside the system and need to be collected on both issuing and enforcing states (Manually collected).
10. **Report for Article 28(2-j):** An overview of the costs claimed by service providers in relation to the execution of EPOCs or EPOC-PRs and the costs reimbursed by the issuing authorities (This report could be generated outside the Reference Implementation as there is no data collected automatically to generate it).

Service providers may collect, keep a record of, and publish statistics in accordance with existing data protection principles. The statistics may include:

1. **Number of EPOCs and EPOC-PRs received:** By type of data requested, issuing State, and situation (emergency case or not).
2. **Number of fulfilled and non-fulfilled EPOCs and EPOC-PRs:** By type of data requested, issuing State, and situation (emergency case or not).
3. **Average period for fulfilled EPOCs:** Between the moment the EPOC was received and the moment the data were provided, by type of data requested, issuing State, and situation (emergency case or not).
4. **Average period for fulfilled EPOC-PRs:** Between the moment the EPOC-PR was issued and the moment the subsequent request for production was issued, by type of data requested and issuing State.

5 EPOC AND EPOC-PR BUSINESS PROCESSES

In this chapter, EPOC and EPOC-PR business processes are described, Below the main processes are listed:

- Request Production of Electronic Evidence Process;
- Provide Electronic Evidence Process;
- Eurojust - Issue and Transmit Production Order Certificate;
- Request Preservation of Electronic Evidence Process;
- Preserve Electronic Evidence Process - Confirmation;
- Eurojust - Issue and Transmit Preservation Order Certificate;
- Request Enforcement Procedure Process;
- Execute Enforcement Procedure Process.

5.1 REQUEST PRODUCTION OF ELECTRONIC EVIDENCE PROCESS

The Request Production of Electronic Evidence Process comprises the following sub-processes:

- **Send Request for Production of Electronic Evidence to Service Provider:** The Issuing Authority formally requests production of electronic evidence from Service Provider's legal representative or designated establishment.
- **Send Notification to the Enforcing Authority:** If the conditions for notification are fulfilled, the Issuing Authority sends a copy of Annex I, with Section M filled in, to the Enforcing Authority where the Service Provider is declared or established.
- **Provide Additional Information to Service Provider:** Upon receiving a request, the Service Provider may seek clarifications from the Issuing Authority to expedite the execution of the request.
- **Provide Decision to Service Provider and Enforcing Authority:** Upon receipt of Annex III, the Enforcing Authority contacts the Issuing Authority directly to discuss the possibility of withdrawing, adapting, or maintaining the original EPOC.

5.1.1 SEND REQUEST FOR PRODUCTION OF ELECTRONIC EVIDENCE TO SERVICE PROVIDER

The preparation of the request for Production of Electronic Evidence consists of the following steps:

1. **Create Request:** The competent authority in issuing State creates Annex I.
2. **Identify the Addressee:** The competent authority in issuing State determines the appropriate legal representative or designated establishment of the Service Provider.
3. **Complete the Request:** The competent authority fills in the request by completing all the necessary fields, as specified in Annex I of the Regulation.
4. **Sign and Send the Request:** The request must be signed by the issuing authority (and by the validating authority if applicable) and sent to the relevant addressee.
5. **Generate a Trace:** Upon sending, the system should generate a trace log.
6. **Technical Confirmation on Delivery:** A technical confirmation on delivery should be generated by the system and received by the Issuing Authority.

5.1.2 SEND NOTIFICATION TO THE ENFORCING AUTHORITY

If the conditions for notification are fulfilled, the Enforcing Authority must be notified. In this case:

1. The Issuing Authority fills in Annex I with an additional Section M and signs the request.
2. The Issuing Authority sends a copy of Annex I with Section M filled in to the Enforcing Authority.

Note: If a notification to the Enforcing authority is necessary, the EPOC must be translated into an official language of the Enforcing State or into another official language of the Union recognized by that State.

5.1.3 PROVIDE ADDITIONAL INFORMATION TO SERVICE PROVIDER

In this sub-process, the Issuing Authority is asked to clarify missing information, necessary for the Service Provider to send the requested data. The steps include:

1. The Issuing Authority receives a request for additional information from the Service Provider.
2. The Issuing Authority prepares the needed information and sends back the response.
3. The additional information is sent to the Service Provider.

Alternative scenario:

In case of the impossibility to execute the EPOC for any other reason, the Service Provider can seek clarifications through Annex III. The steps include:

1. The Issuing Authority received Annex III from the Service Provider due to the impossibility to execute the EPOC for any other reasons.
2. The Issuing Authority sends additional clarifications.
3. The Service Provider receives the required information and sends the requested data to the authority indicated in Annex I.

5.1.4 PROVIDE DECISION TO SERVICE PROVIDER AND ENFORCING AUTHORITY

Upon receipt of Annex III, where reasons for non-execution of the request are explained by the Service Provider, or after discussion with the notified Enforcing Authority, the Issuing Authority may take the following actions:

- Adapt the original order and inform the Service Provider, and the Enforcing Authority if applicable;
- Withdraw the order and inform the Service Provider, and the Enforcing Authority if applicable;
- Maintain the order. In this case, the Service Provider must comply with the original EPOC.

The decisions listed above have been thoroughly described in the subsequent sections.

5.1.4.1 ADAPT THE EPOC

If the Issuing Authority agrees to adapt the EPOC:

1. The Issuing Authority prepares a new, adapted EPOC.
2. The adapted EPOC is sent to the Service Provider for execution (and the Enforcing Authority if applicable).

5.1.4.2 WITHDRAW THE EPOC

The Issuing Authority can withdraw the original order for Production of Electronic Evidence, thereby terminating the process when it is no longer needed. The steps include:

1. The Issuing Authority prepares and sends the “Withdrawal” message, which contains the case number of the Issuing Authority and is automatically linked to the corresponding case when received by the Service Provider and, if applicable the Enforcing Authority.
2. The message is sent to the Service Provider, and the Enforcing Authority if applicable.
3. The Service Provider aborts the actions related to the original EPOC.
4. In response to the withdrawal, the Service Provider, and the Enforcing Authority if applicable, notify the Issuing Authority about the end of the transaction.
5. The sub-process is ended.

Note: Withdrawal can only be performed for the entire request. If only a part of the EPOC is no longer necessary to execute, it should be modified.

5.1.4.3 MAINTAIN THE EPOC

Should the Issuing Authority decide to maintain the original request, the Service Provider must comply with the original EPOC.

5.1.4.4 DECISION IN CASE OF CONFLICT OF LAWS PROCEDURE

Upon receipt of Annex III in the event of conflicting obligations, the Issuing Authority assesses the information received from the Service Provider. The Issuing Authority can take two possible actions:

- **Agree with the reasons provided by the Service Provider:** The Issuing Authority either withdraws or adapts the EPOC;
- **Disagree with the Reasons Provided:** The Issuing Authority maintains the EPOC and informs the Service Provider and the Enforcing Authority about going to Court.

The Court assesses the EPOC and the objections from the Service Provider for not providing data and may take the following actions:

- **Uphold the EPOC** and inform both the Issuing Authority and the Service Provider about this decision;
- **Lift the EPOC** and inform both the Issuing Authority and the Service Provider about this decision;
- **Request information from the third state** to decide on upholding or lifting the request.

The Issuing Authority should inform the Enforcing Authority about the outcome of the review procedure.

5.2 EUROJUST - ISSUE AND TRANSMIT EPOC

The Issue and Transmit EPOC business process can be initiated by a Eurojust national member (EJNM) in the meaning of Article 8(3) or (4) of the Eurojust Regulation, limited to situations where national law provides Eurojust national members with that competence. It should be noted that in the context of the e-evidence Regulation, a Eurojust national member cannot act an enforcement authority.

The primary objective of this process is to describe the process of issuance and transmission of an EPOC by an EJNM. The process begins with the completion of the EPOC by an EJNM.

Depending on whether the EPOC is subject to validation, the EPOC may need to be forwarded to a national VA of the EJNM's Member State.

Unless a situation of urgency exists (Article 8(4) Eurojust Regulation), the EPOC is then forwarded to a competent national authority (CNCA) for agreement on the EPOC's issuance (which could also be the validating authority or not, depending on the Member State). The CNCA reviews the EPOC and may:

- Seek further information or request amendments;
- Agree with the issuance of the EPOC;
- Disagree with the issuance of the EPOC, resulting in process termination.

If the CNCA agrees with the issuance, the EJNM signs the EPOC, translates it (via an external process), and uploads supporting documentation if necessary. The thus issued EPOC is transmitted directly to the designated establishment/legal representative of the service provider.

Where the EJNM needs to issue the EPOC in a situation of urgency (Article 8(4) Eurojust Regulation), the EJNM can issue and transmit directly to the designated establishment/legal representative of the service provider, but would then need to inform the respective CNCA *ex post*.

5.3 PROVIDE ELECTRONIC EVIDENCE PROCESS

The Provide Electronic Evidence process covers the following sub-processes on the side of Service Provider:

- **Assess if the request can be executed:** Determine the feasibility of executing the request;
- **Request additional information from Issuing Authority:** Seek clarifications if necessary;
- **Inform about the impossibility of executing the request:** Communicate reasons for non-execution;
- **Send outcome of the request:** Provide the requested data to the Issuing Authority;

- **Terminate a process by sending confirmation of withdrawal to Issuing Authority:** Notify the Issuing Authority about the end of the transaction.

The Provide Electronic Evidence Process covers the following sub-processes on the side of the Enforcing Authority:

- **Request assessment sub-process:** Evaluate the request.
- **Raise Grounds for Refusal:** Determine if grounds for refusal apply.
- **Terminate a process upon withdrawal of the request by the Issuing Authority:** Confirm the end of the process if the request is withdrawn.

5.3.1 REQUEST ASSESSMENT SUB-PROCESS

Upon receipt of Annex I by the addressee, the Service Provider assesses if the request can be executed by verifying the following:

1. Is the Service Provider the competent addressee?
 - a) If the answer is “Yes”, then the process continues;
 - b) Otherwise, the appropriate steps should be taken to redirect the request.
2. Does the request contain sufficient information to be executed?
 - a) If “Yes”, and no grounds for refusal was raised by the Enforcing Authority, the requested data can be sent to the competent authority indicated in Annex I;
 - b) If “No”, Service Provider informs the Issuing Authority without undue delay about the impossibility to execute the request by sending Annex III;
 - c) If necessary, the Service Provider can request clarifications from the Issuing Authority;

When the Enforcing Authority receives the EPOC, an initial assessment is conducted to determine if grounds for refusal might be applicable. The result of this assessment may be as follows:

- The Enforcing Authority may choose to raise grounds for refusal and should promptly inform both the Issuing Authority and the Service Provider of this decision;
- The Enforcing Authority may decide not to raise grounds for refusal and must promptly inform both the Issuing Authority and the Service Provider of this decision;
- Upon receipt of Annex III, the Enforcing Authority may contact the Issuing Authority directly and request to withdraw, adapt or to maintain the original EPOC.

Note: A consultation process can be initiated at any stage of the proceedings between the Issuing Authority, the Enforcing Authority, and the Service Provider, once the initial EPOC has been issued.

5.3.2 REQUEST ADDITIONAL INFORMATION FROM THE ISSUING AUTHORITY

If the Service Provider which received the request requires additional information, a consultation process is initiated. In this case:

1. The Service Provider sends a request for additional information to the Issuing Authority.
2. The Service Provider receives the reply with additional information from the Issuing Authority.
3. Upon receipt of such information, an assessment process takes place. This step may result in sending outcome to the Issuing Authority or informing the sender about the impossibility to execute the request or impossibility to execute within specified deadline.

Note: While waiting for clarification from the Issuing Authority, the Service Provider must preserve the requested data to the maximum possible extent.

Alternative scenario:

In case of the impossibility to execute the EPOC for any other reason, the Service Provider can seek clarifications through Annex III. The steps include:

1. The Service Provider fills in Annex III with the required information.
2. The Service Provider sends Annex III to the Issuing Authority requesting clarifications.

3. The Service Provider receives the required information and sends the requested data to the Issuing Authority.

5.3.3 INFORM ABOUT THE IMPOSSIBILITY OF EXECUTING THE REQUEST

In case the Service Provider cannot provide the requested data, they inform without undue delay both the Issuing, and the Executing Authority if applicable, about reasons for non-execution by sending back Annex III. The steps include:

1. The Service Provider fills-in the Annex III form and completes it with all the necessary information.
2. The Service Provider sends Annex III to the Issuing Authority, and Enforcing Authority if applicable.
3. The Service Provider receives the adapted certificate or a decision about withdrawal of the EPOC from the Issuing Authority and acts accordingly.

5.3.4 SEND OUTCOME OF THE REQUEST

If the Enforcing Authority raises no grounds for refusal, the Service Provider shall provide the requested data by transmitting the outcome in one or several parts to the Issuing Authority or the authority indicated in section L of Form 1. Where the Service Provider receives grounds for refusal that apply only in part, it shall disclose only the data not covered by the refusal to the Issuing Authority or the authority indicated in section L of Form 1. The steps include:

1. The Service Provider formats the retrieves data into a structured response suitable for transmission.
2. A response package is generated, containing the requested data along with any additional metadata or status indicators (the response may include relevant details such as timestamps, data version, and any other pertinent information).
3. The Service Provider sends the prepared response to the competent authority in the Issuing State.

Note: The final Outcome message should clearly indicate the end of the transaction (full outcome message). Once the data is successfully transmitted and delivered, the connection between the Issuing Authority and the Service Provider is closed.

Additionally, large files (when “the volume of data to be transferred is hampered by technical capability constraints”) should be transferred through alternative means that can ensure the swift, secure and reliable exchange of information.

Alternative scenario:

In case the Enforcing Authority decides to refuse the EPOC fully, the Service Provider shall not provide any data to the Issuing Authority.

5.3.5 RAISE GROUNDS FOR REFUSAL

Upon receipt of Annex I with a Section M filled in or Annex III from the Service Provider, the Enforcing Authority may decide to raise grounds for refusal. In that case:

1. The Enforcing Authority initiates a consultation process with the Issuing Authority.
2. If the Issuing Authority decides to maintain the original request, the Enforcing Authority may send “Grounds for Refusal” form to both the Issuing Authority and the Service Provider.
3. The Service Provider receives “Grounds for Refusal” form and acts accordingly to the received decision.

Alternative scenario:

Whenever the Enforcing Authority decides that it does not want to raise grounds for refusal, it must inform both the Issuing Authority and the Service Provider about their decision without undue delay.

5.3.6 TERMINATE A PROCESS BY SENDING CONFIRMATION OF WITHDRAWAL TO THE ISSUING AUTHORITY

Upon receiving a withdrawal of the request from the Issuing Authority, the Service Provider must abort all ongoing measures linked to this request. The Service Provider notifies the Issuing Authority about the

termination of the process and disposes of any data or information collected during the execution of the request.

The Enforcing Authority confirms end of case processing.

5.4 REQUEST PRESERVATION OF ELECTRONIC EVIDENCE PROCESS

The Request Preservation of Electronic Evidence Process encompasses the following sub-processes:

- **Send request for preservation of electronic evidence:** The Issuing Authority requests preservation of electronic evidence from Service Provider's legal representative or designated establishment.
- **Send request for extension of the preservation of electronic evidence:** Whenever needed, the Issuing Authority requires extension of preservation of electronic evidence for an additional period of maximum 30 days from Service Provider's legal representative or designated establishment.
- **Send confirmation of issuance of a request for production following a European Preservation Order:** If applicable, the Issuing Authority sends the confirmation of issuance of a request for production following a European preservation order to Service Provider's legal representative or designated establishment.
- **Inform about the end of data preservation obligation:** The Issuing Authority informs the Service Provider that they no longer need to preserve data.
- **Provide decision to Service Provider:** Upon receipt of Annex III, the Issuing Authority may decide to withdraw, adapt or maintain the original EPOC-PR.
- **Provide additional information to Service Provider:** The Service Provider may seek clarifications from the Issuing Authority to expedite the execution of the request.

5.4.1 SEND REQUEST FOR PRESERVATION OF ELECTRONIC EVIDENCE

The preparation of the request for Preservation of Electronic Evidence consists of the following steps:

1. **Create Request:** The competent authority in issuing State creates a new Annex II.
2. **Identify the Addressee:** The competent authority in issuing State determines the appropriate legal representative or designated establishment of the Service Provider.
3. **Complete the Request:** The competent authority fills in the request by completing all the necessary fields, as specified in Annex II of the Regulation.
4. **Sign and Send the Request:** The request must be signed by the Issuing Authority (and the Validating Authority if required) and sent to the relevant addressee.
5. **Generate a Trace:** Upon sending, the system should generate a trace log.
6. **Technical Confirmation on Delivery:** A technical confirmation on delivery should be generated by the system and received by the Issuing Authority.

5.4.2 SEND REQUEST FOR EXTENSION OF THE PRESERVATION OF ELECTRONIC EVIDENCE

During the initial 60 days preservation period, the Issuing Authority may request extension of preservation of electronic evidence for an additional period of maximum 30 days. In this case:

1. The Issuing Authority fills in Annex VI with the required information.
2. The Issuing Authority sends a filled-in Annex VI to the Service Provider.

5.4.3 SEND CONFIRMATION OF ISSUANCE OF A REQUEST FOR PRODUCTION FOLLOWING A EUROPEAN PRESERVATION ORDER

If the Issuing Authority decides to issue a subsequent request for production within the preservation period, the following steps are taken:

1. The Issuing Authority fills in Annex V with the required information.
2. The Issuing Authority sends a filled-in Annex V to the Service Provider.

5.4.4 INFORM ABOUT THE END OF DATA PRESERVATION OBLIGATION

When data preservation is no longer necessary, the Issuing Authority informs the Service Provider and the preservation obligation ends.

5.4.5 PROVIDE DECISION TO SERVICE PROVIDER

Upon receipt of Annex III, where reasons for non-execution of the request are explained by the Service Provider, or after discussion with the Enforcing Authority, the Issuing Authority may take the following actions:

- Adapt the original EPOC-PR;
- Withdraw the EPOC-PR;
- Maintain the EPOC-PR.

The decisions listed above have been thoroughly described in the subsequent sections.

5.4.5.1 ADAPT THE EPOC-PR

In case the Issuing Authority decides to adapt the original request:

1. A new adapted EPOC-PR is created by the Issuing Authority.
2. The adapted EPOC-PR is sent to the Service Provider for execution.

5.4.5.2 WITHDRAW THE EPOC-PR

The Issuing Authority can withdraw the original request for preservation of electronic evidence, thereby terminating the process when it is no longer needed. The steps include:

1. The Issuing Authority prepares and sends the Withdrawal message, which contains the case number of the Issuing Authority and is automatically linked to the corresponding case when received by the Service Provider.
2. The Service Provider is notified about the end of transaction.
3. The Service Provider aborts the actions related to the original request.
4. In response to the withdrawal, the Service Provider notifies the Issuing Authority about the end of the transaction.
5. The sub-process is ended.

Note: Withdrawal can only be performed for the entire request. If only a part of the EPOC-PR is no longer necessary to execute, it should be notified with an adapted EPOC-PR.

5.4.5.3 MAINTAIN THE EPOC-PR

In case the Issuing Authority decides to maintain the initial EPOC-PR, the Service Provider must preserve the requested data.

5.4.6 PROVIDE ADDITIONAL INFORMATION TO SERVICE PROVIDER

In case the EPOC-PR is incomplete, contains errors, or lacks sufficient information, the Service Provider seeks clarification from the Issuing Authority by sending back Annex III.

The steps include:

1. The Issuing Authority receives Annex III about the impossibility to execute the EPOC-PR due to incomplete information or manifest errors.
2. The Issuing Authority sends the reply with additional information to the Service Provider.
3. Upon receipt of the relevant information, the Service Provider preserves the data and sends back confirmation message to the Issuing Authority.

Note: If the Issuing Authority does not provide the necessary clarifications within five days, the EPOC-PR is considered cancelled and there is no need for the Service Provider to preserve the data any more.

5.5 EUROJUST - ISSUE AND TRANSMIT EPOC-PR

The Issue and Transmit EPOC-PR business process can be initiated by a Eurojust national member (EJNM) in the meaning of Article 8(3) or (4) of the Eurojust Regulation, limited to situations where national law provides Eurojust national members with that competence. It should be noted that in the context of the e-evidence Regulation, a Eurojust national member cannot act an enforcement authority.

The primary objective of this process is to describe the process of issuance and transmission of an EPOC-PR by an EJNM. The process begins with the completion of the EPOC-PR by an EJNM.

Unless a situation of urgency exists (Article 8(4) Eurojust Regulation), the EPOC-PR is then forwarded to a competent national authority (CNCA) for agreement on the EPOC-PR's issuance. The CNCA reviews the EPOC and may:

- Seek further information or request amendments;
- Agree with the issuance of the EPOC-PR;
- Disagree with the issuance of the EPOC-PR, resulting in process termination.

If the CNCA agrees with the issuance, the EJNM signs the EPOC-PR, translates it (via an external process), and uploads supporting documentation if necessary. The thus issued EPOC-PR is transmitted directly to the designated establishment/legal representative of the service provider.

Where the EJNM needs to issue the EPOC-PR in a situation of urgency (Article 8(4) Eurojust Regulation), the EJNM can issue and transmit directly to the designated establishment/legal representative of the service provider, but would then need to inform the respective CNCA *ex post*.

5.6 PRESERVE ELECTRONIC EVIDENCE PROCESS - CONFIRMATION

The Preserve Electronic Evidence Process encompasses the following sub-processes:

- **Preserve the requested data:** The Service Provider informs the Issuing Authority about the preservation of the requested data.
- **Inform about impossibility of execution of EPOC-PR:** The Service Provider sends information about impossibility of executing an EPOC-PR to Issuing Authority and provides reasons for non-execution;
- **Terminate a process by sending confirmation of withdrawal to Issuing Authority:** The Service Provider sends the confirmation of the end of the transaction to Issuing Authority.

5.6.1 PRESERVE THE REQUESTED DATA

In this sub-process, when the Issuing Authority requests for preservation of electronic evidence, the Service Provider preserves the data for a maximum of 60 days. The steps include:

1. The Service Provider receives Annex II sent by the Issuing Authority.
2. The Service Provider preserves the requested data.
3. The Service Provider sends a confirmation about preserving the requested data to the Issuing Authority.

Alternative scenarios:

1. If the Issuing Authority decides to extend the initial 60-day preservation period by additional 30 days, the Service Provider continues to preserve data upon receiving Annex VI.
2. If the Issuing Authority sends confirmation that a subsequent request for production will be issued by sending Annex VI, the Service Provider preserves the data until production is required.

5.6.2 INFORM ABOUT IMPOSSIBILITY OF EXECUTION OF EPOC-PR

When the Issuing Authority requests preservation of electronic evidence, the Service Provider may inform about the impossibility of executing the request. The steps include:

1. The Service Provider fills in Annex III form and completes it with the required information.
2. The Service Provider sends Annex III to the Issuing Authority.

3. The Service Provider is informed about any changes related to the original EPOC-PR and acts accordingly.

Alternative scenario:

In case of the existence of interference with immunities, privileges, freedom of press or freedom of expression, Annex III is also sent to the Enforcing Authority, which may then contact the Issuing Authority directly and request to withdraw, or adapt the original EPOC-PR.

5.6.3 REQUEST ADDITIONAL INFORMATION FROM THE ISSUING AUTHORITY

If the EPOC-PR is incomplete, contains errors, or lacks sufficient information, the Service Provider seeks clarification from the Issuing Authority within five days.

The steps include:

1. The Service Provider sends Annex III to the Issuing Authority, informing about the impossibility to execute the EPOC-PR due to incomplete information or manifest errors and seeks clarification.
2. The Service Provider receives the reply with additional information from the Issuing Authority.
3. Upon receipt of the supplementary information, the Service Provider preserves the data and sends back confirmation message to the Issuing Authority.

Note: Failure to receive clarification from the Issuing Authority exempts the Service Provider from preservation obligations.

5.6.4 TERMINATE A PROCESS BY SENDING CONFIRMATION OF WITHDRAWAL TO THE ISSUING AUTHORITY

Upon receipt of a withdrawal of the EPOC-PR from the Issuing Authority, the Service Provider takes the following actions:

1. The Service Provider aborts all ongoing measures linked to the EPOC-PR.
2. The Service Provider notifies the Issuing Authority about the termination of the process and disposes of any data or information collected during the execution of the EPOC-PR.

5.7 REQUEST ENFORCEMENT PROCEDURE PROCESS

The Request Enforcement Procedure Process comprises the following sub-processes:

- **Send request for Enforcement Procedure to the Enforcing Authority:** The Issuing Authority may send the enforcement procedure request in case of non-compliance with an order by the Service Provider.
- **Provide additional information to the Enforcing Authority:** Once the enforcement procedure is initiated, the Enforcing Authority may seek clarifications from the Issuing Authority to either recognise or not recognise an order.

5.7.1 SEND REQUEST FOR ENFORCEMENT PROCEDURE

When a Service Provider does not comply with an EPOC or EPOC-PR within the specified deadline or without providing acceptable reasons, the Issuing Authority may initiate the enforcement procedure. This process involves:

1. **Request Submission:** The Issuing Authority initiates the Procedure of Enforcement and informs the Enforcing Authority about non-compliance.
2. **Document Transfer:** The Issuing Authority transfers the completed form as per Annex III, and any pertinent documents in accordance with the Regulation. The documents must be translated into a language accepted by the Enforcing State.
3. **Notification:** The Issuing Authority may also inform the Service Provider that an enforcement procedure has been triggered.

5.7.2 PROVIDE ADDITIONAL INFORMATION TO THE ENFORCING AUTHORITY

If the Enforcing Authority requires additional information before issuing a decision not to recognise the order, a consultation process is initiated. In this case:

1. The Issuing Authority receives a request for additional information from the Enforcing Authority.
2. The Issuing Authority prepares the needed information and sends back the response.
3. The Enforcing Authority sends the decision about not recognising the order to the Service Provider and the Enforcing Authority.

5.8 EXECUTE ENFORCEMENT PROCEDURE PROCESS

The Execute Enforcement Procedure Process comprises the following sub-processes:

- **Enforcement Procedure assessment** sub-process;
- **Request additional information from Issuing Authority;**
- **Inform about the decision on the Enforcement Procedure;**
- **Raise objection to the decision of the Enforcing Authority;**
- **Comply with the decision of the Enforcing Authority.**

5.8.1 ENFORCEMENT PROCEDURE ASSESSMENT SUB-PROCESS

Upon receipt of “Request to Enforce the Order”, the Enforcing Authority should:

1. Contact the Issuing Authority in case consultation is required.
2. Continue the process by taking the decision on the recognition of the order concerned.

5.8.2 REQUEST ADDITIONAL INFORMATION FROM THE ISSUING AUTHORITY

Before deciding not to recognize or enforce an order or upon receipt of Objection from the Service Provider, the Enforcing Authority shall consult with the Issuing Authority and request further information as necessary. The steps include:

1. The Enforcing Authority initiates a consultation process with the Issuing Authority.
2. The Enforcing Authority receives the reply with the required information from the Issuing Authority.
3. Upon receipt of such information, an assessment process takes place which results in taking a decision by the Enforcing Authority.

5.8.3 PROVIDE ADDITIONAL INFORMATION TO ENFORCING AUTHORITY

As a result of a consultation process, the Issuing Authority shall respond to the Enforcing Authority. The steps include:

1. The Issuing Authority receives a request for consultation from the Enforcing Authority.
2. The Issuing Authority sends the additional information to the Enforcing Authority.
3. Upon receipt of such information, an assessment process takes place which results in taking a decision by the Enforcing Authority.

5.8.4 INFORM ABOUT THE DECISION ON THE ENFORCEMENT PROCEDURE

Upon receipt of the “Request to Enforce the Order” message, the Enforcing Authority must decide whether to:

- **Recognise the Order:** In this case, the Enforcing Authority informs the Service Provider and the Issuing Authority, and formally requires the addressee to comply with the order informing them about:
 - the possibility to object to the execution,
 - the penalties applicable in the event of non-compliance,
 - the deadline for compliance or lodging an objection.
- **Not Recognise the Order:** In this case, the Enforcing Authority must inform about the decision both the Issuing Authority and the Service Provider.

Alternative scenario:

Upon receiving objections from the Service Provider, the Enforcing Authority will review any objections raised by the addressee and consult with the Issuing Authority if necessary. A final decision on the enforcement will be made, which the Service Provider must adhere to promptly. The Enforcing Authority may:

- **Agree with the Objections:** In this case, both the Service Provider and the Issuing Authority are informed and the process is closed on all sides.
- **Enforce the Order:** In this case, both the Service Provider and the Issuing Authority are informed, and the Service Provider must comply with the Enforcing Authority's final decision.

If the Service Provider fails to comply with a confirmed and enforceable order, the Enforcing Authority imposes a pecuniary penalty. An effective judicial remedy must be available against the penalty decision.

5.8.5 RAISE OBJECTION TO THE DECISION OF THE ENFORCING AUTHORITY

Upon receipt of the Recognition Decision, the Service Provider may decide not to comply with the decision of the Enforcing Authority. The steps include:

1. The Service Provider receives the Recognition Decision from the Enforcing Authority.
2. The Service Provider objects and sends a message with the required information to the Enforcing Authority.
3. The Service Provider receives the final decision from the Enforcing Authority and must act accordingly.

Alternative scenario:

In case the Service Provider receives "Not Recognise" decision from the Enforcing Authority, the process is closed on all sides (Issuing Authority, Enforcing Authority and Service Provider) and all resources allocated to it may be released.

5.8.6 COMPLY WITH THE DECISION OF THE ENFORCING AUTHORITY

If the enforcement is confirmed by the Enforcing Authority, the Service Provider must adhere to the original EPOC or EPOC-PR and send or preserve the requested data without undue delay:

1. The Service Provider sends the requested data to the Issuing Authority.
2. The Service Provider preserves the requested data and informs the Issuing Authority.

6 EUROPEAN PRODUCTION ORDER – EPOC

N.B. For clarity, the optional role of CAs on the side of the issuing and/or the enforcing State is only depicted in WF-001. However, it applies equally to the other workflows for both EPOC and EPOC-PR and was omitted from those diagrams solely for readability purposes. In case the issuing/enforcing State has designated a CA in charge of administrative transmission (if this Central Authority has been declared) and/or receipt of EPOC/EPOC-PRs, any communication between States will have to pass through them as illustrated in the workflow below. Where there is no notification to the enforcing authority, there will be no involvement of the central authority on the executing side.

6.1 WF-001-EPOC - BASIC WORKFLOW – WITHOUT OR WITH EMERGENCY - NO NOTIFICATION

WF-001-EPOC	Basic workflow - Without or with emergency
Legal Provision	Article 7 (1), Article 10 (3), Article 10 (4)
Workflow Description: Basic request-reply workflow, without notification, for obtaining subscriber data, identification data, traffic data and /or content data.	
Involved Actors: Issuing Authority, Designated Establishment or Legal Representative, Central Authority (optional)	
Deadlines: 10 days, 8 hours in case of emergency.	
Forms Available: Form 1 for the request; No form available for the reply with data.	
<p>Workflow Steps</p> <ul style="list-style-type: none"> • Issuing Authority (IA) initiates a EPOC (Form 1) for specific data, such as subscriber data, identification data, traffic data, or content data. • The EPOC typically includes details on the type and scope of data required. • The EPOC, Form 1, is transmitted to: <ul style="list-style-type: none"> ○ A CA of the issuing State, ○ A CA of the enforcing State, or ○ Directly to the relevant data source or service responsible (Service Provider or SP) for handling the specific data category. • The SP checks if the EPOC can be executed. • At this stage, the SP can request clarifications from the IA. • Upon successful check, the SP processes the query to gather the requested data. • The SP retrieves the relevant data based on the parameters specified in the EPOC. • The retrieved data is formatted into a structured response suitable for transmission. • A response package is generated, containing the requested data along with any additional metadata or status indicators. • The response may include relevant details such as timestamps, data version, and any other pertinent information. • The prepared response is transmitted back to the IA, originator of the EPOC. • When possible, similar communication protocols are used for response transmission as those used for the initial EPOC. • The IA receives the response and extracts the necessary data for further processing or presentation. • The IA system may perform additional actions based on the obtained information. • Once the data is successfully delivered, the connection between the IA and the SP is closed. • Resources allocated for processing the EPOC may be released. 	

Table 3: EPOC - BASIC WORKFLOW – WITHOUT OR WITH EMERGENCY - NO NOTIFICATION

**WF-001: EPOC - BASIC SCENARIO – With or Without Emergency
No Notification
Article 7 (1), Article 10 (3), Article 10 (4)**

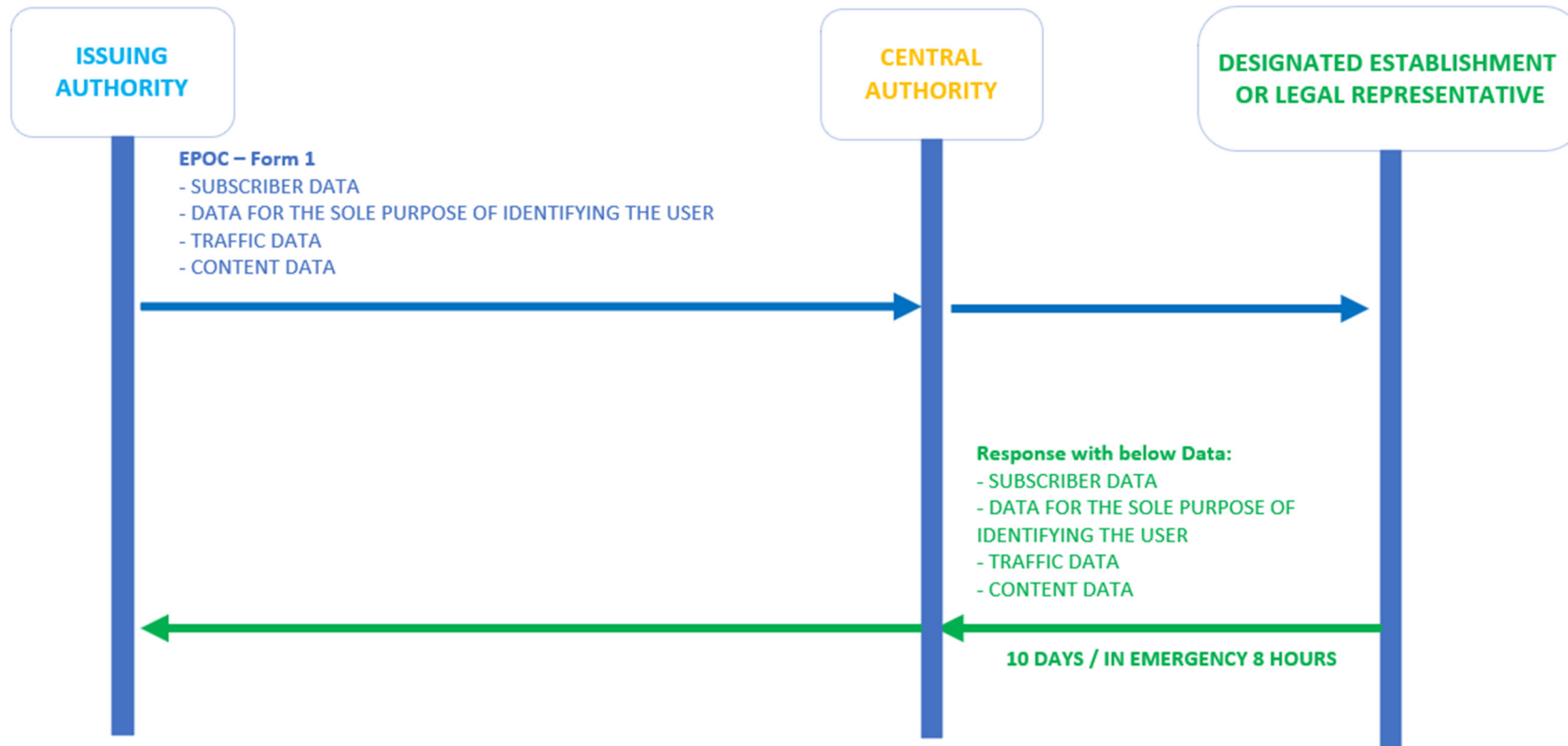


Figure 6-1: EPOC - BASIC WORKFLOW – WITHOUT OR WITH EMERGENCY - NO NOTIFICATION

6.2 WF-002-EPOC - BASIC WORKFLOW – NO EMERGENCY - WITH NOTIFICATION

Traffic and/or content data. Offence or data subject are not in the issuing state.

WF-002-EPOC	Basic workflow – No Emergency - With Notification
Legal Provision	Article 7 (1), Article 10 (2)
<p>Workflow Description: Basic request-reply workflow for obtaining traffic data and /or content data, where offence or data subject are not in the issuing state.</p> <p>No emergency</p>	
<p>Involved Actors: Issuing Authority, Enforcing Authority, Designated Establishment or Legal Representative</p>	
<p>Deadlines: 10 days</p>	
<p>Forms Available: Form 1 for the request and the notification; No form available for the reply with data.</p>	
<p>Workflow Steps</p> <ul style="list-style-type: none"> • Issuing Authority (IA) initiates a EPOC for specific data, such as traffic data, or content data. • The EPOC typically includes details on the type and scope of data required. • The EPOC, Form 1, is transmitted to the relevant data source or service responsible (Service Provider or SP) for handling the specific data category. • If the conditions for notification are fulfilled, EA must be notified. A copy of Form 1, with an additional section filled (Section M) should also be transmitted to the competent Enforcing Authority (EA). • In this workflow, it is assumed that no ground for refusal is raised. • The SP checks if the EPOC can be executed. • At this stage, the SP can request clarifications from the IA. • Upon successful check, the SP processes the query to gather the requested data. • The SP retrieves the relevant data based on the parameters specified in the EPOC. • The retrieved data is formatted into a structured response suitable for transmission. • A response package is generated, containing the requested data, including content data, along with any additional metadata or status indicators. • The response may include relevant details such as timestamps, data version, and any other pertinent information. • The prepared response is transmitted back to the IA, originator of the EPOC, provided that the EA replied without raising a ground for refusal, or the 10-days deadline has elapsed without response by the EA. • When possible, similar communication protocols are used for response transmission as those used for the initial EPOC. • The IA receives the response and extracts the necessary data for further processing or presentation. • The IA system may perform additional actions based on the obtained information. • Once the data is successfully delivered, the connection between the IA and the SP is closed. • Resources allocated for processing the EPOC may be released. 	

Table 4: EPOC - BASIC WORKFLOW – NO EMERGENCY - WITH NOTIFICATION

WF-002-EPOC - Basic workflow – No Emergency - With Notification
Offence or data subject are not in the issuing state
Article 7 (1), Article 10 (2)

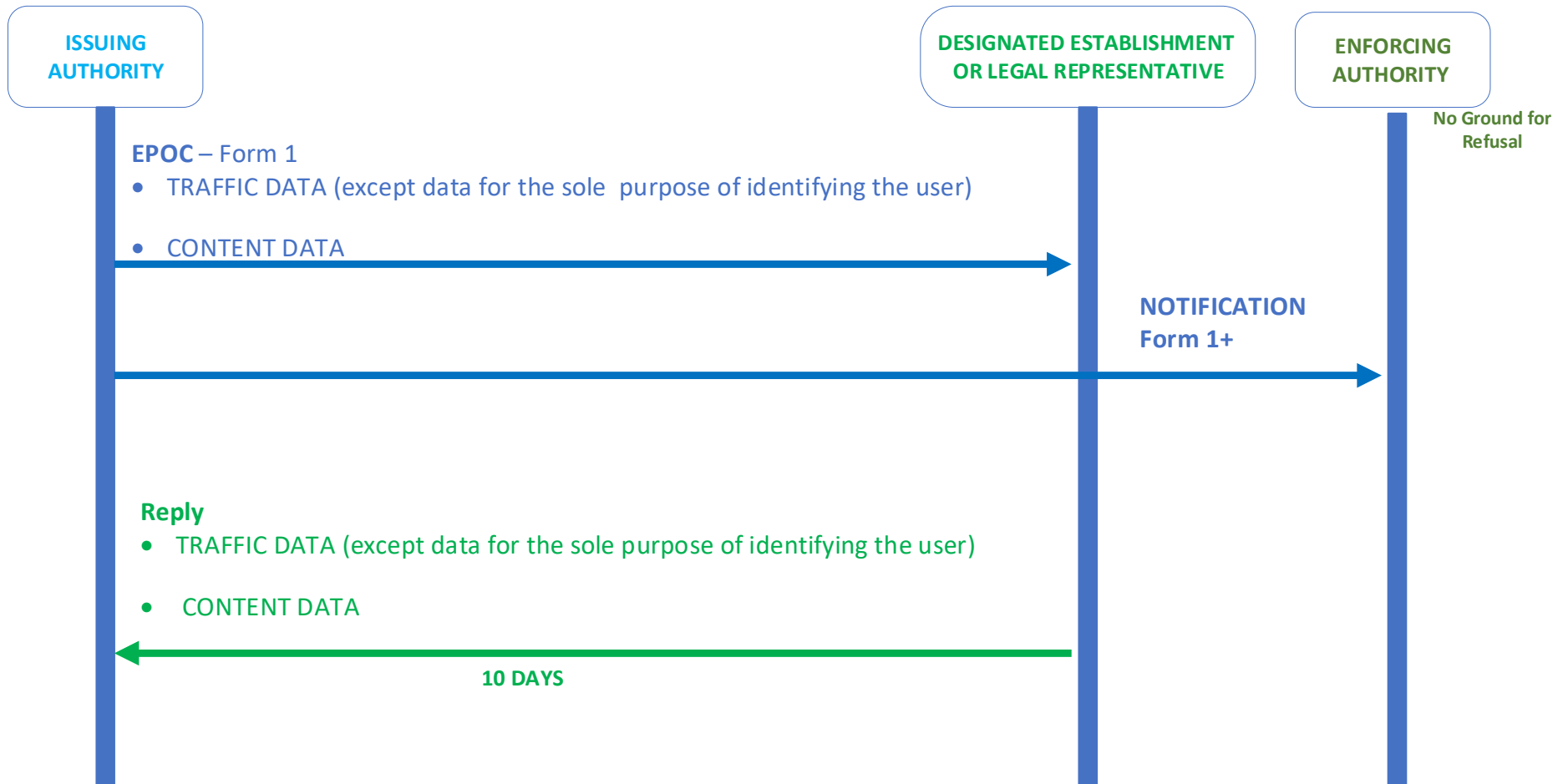


Figure 6-2: EPOC - BASIC WORKFLOW – NO EMERGENCY - WITH NOTIFICATION

6.3 WF-003-EPOC - NOTIFICATION - GROUNDS FOR REFUSAL - NO EMERGENCY

Traffic and/or content data. Offence or data subject are not in the issuing state.

WF-003-EPOC	Notification - Grounds for Refusal – No Emergency
Legal Provision	Article 7 (1), Article 12 (1), Article 12 (3), Article 12 (4)
<p>Workflow Description: Request-reply workflow for obtaining traffic data and /or content data, where offence or data subject are not in the issuing state.</p> <p>No emergency.</p> <p>A ground for refusal is being considered.</p>	
<p>Involved Actors: Issuing Authority, Enforcing Authority, Designated Establishment or Legal Representative</p>	
<p>Deadlines: 10 days</p>	
<p>Forms Available: Form 1 for the request and the notification; No form available for the reply with data.</p>	
<p>Workflow Steps</p> <ul style="list-style-type: none"> • Issuing Authority (IA) initiates a EPOC for specific data, such as traffic data or content data. • The EPOC typically includes details on the type and scope of data required. • The EPOC, Form 1, is transmitted to the relevant data source or service responsible (Service Provider or SP) for handling the specific data category. • If the conditions for notification are fulfilled, EA must be notified. A copy of Form 1, with an additional section filled (Section M) should also be transmitted to the Enforcing Authority (E.A) where the SP is declared or established. • Upon receipt of the EPOC, the EA checks and concludes it wants to raise Ground for Refusal: EA contacts IA to discuss. • The results of this discussion could be as follow: <ul style="list-style-type: none"> ○ IA adapts the EPOC (then a new workflow starts). ○ IA withdraws the EPOC (then the workflow ends). ○ IA maintains the EPOC. • IA informs both SP and EA about their decision (adapt, withdraw or maintain). • EA assesses the feedback of IA in case the original EPOC is maintained. • EA has 10 days to reply with one of the following possibilities: <ul style="list-style-type: none"> ○ Refuse the EPOC fully. ○ Refuse the EPOC partially. ○ Specify condition to IA in order to execute the EPOC. • If a ground for refusal is invoked on the whole EPOC, EA directly informs the SP not to provide any data. • If the EPOC is refused totally, IA must withdraw it and inform both EA and SP. • In the last two cases (partial refusal or conditions to execute), SP has to prepare a reply and send it back to IA. • If IA adapts the EPOC or a new EPOC is issued, the SP has a new period of 10 days to reply. • If there are conditions on the EPOC or a partial refusal but no new EPOC is issued, the SP needs to respond within the original 10-days period. • The SP retrieves the relevant data based on the parameters specified in the EPOC. • The IA receives the response and extracts the necessary data for further processing or presentation. • Once the data is successfully delivered, the connection between the IA and the SP is closed. • Resources allocated for processing the EPOC may be released. 	

Table 5: EPOC - NOTIFICATION - GROUNDS FOR REFUSAL - NO EMERGENCY

WF-003-EPOC: GROUNDS FOR REFUSAL - NO EMERGENCY
Offence or data subject are not in the issuing state

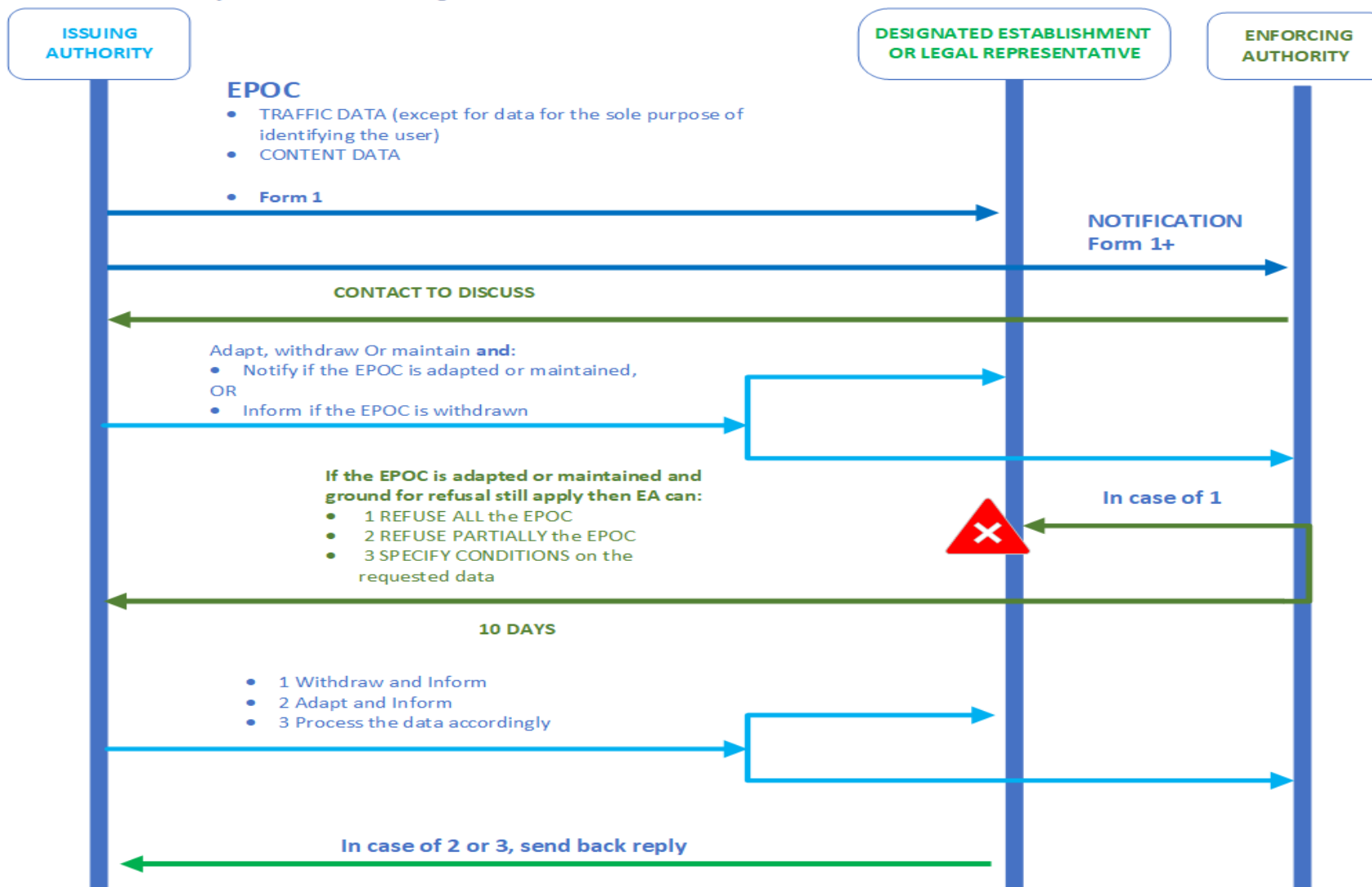


Figure 6-3: EPOC - NOTIFICATION - GROUNDS FOR REFUSAL - NO EMERGENCY

6.4 WF-004-EPOC – NOTIFICATION - NO GROUND FOR REFUSAL - EMERGENCY EPOC

Traffic and/or content data. Offence or data subject are not in the issuing state.

WF-004-EPOC	Notification – No Ground for Refusal - Emergency EPOC
Legal Provision	Article 8 (1), Article 10 (4)
Workflow Description	
Request-reply workflow for obtaining traffic data and /or content data, where offence or data subject are not in the issuing state. Emergency EPOC. No ground for refusal is being considered.	
Involved Actors: Issuing Authority, Enforcing Authority, Designated Establishment or Legal Representative	
Deadlines: 8 Hours	
Forms Available: Form 1	
Workflow Steps	
<ul style="list-style-type: none"> • Issuing Authority (IA) initiates an emergency EPOC (Form 1) for specific data, such as traffic data or content data. • The EPOC typically includes details on the type and scope of data required. • The EPOC is transmitted to the relevant data source or service responsible (Service Provider or SP) for handling the specific data category. • If the conditions for notification are fulfilled, EA must be notified. A copy of Form 1, with an additional section filled (Section M) should also be transmitted to the Enforcing Authority (E.A) where the SP is declared or established. • The SP has 8 hours from the reception of the EPOC to retrieve the relevant data based on the parameters specified in the EPOC. • The retrieved data is formatted into a structured response suitable for transmission. • A response package is generated, containing the requested data along with any additional metadata or status indicators. • The response may include relevant details such as timestamps, data version, and any other pertinent information. • The prepared response is transmitted back to the IA, originator of the EPOC. • The IA receives the response and extracts the necessary data for further processing or presentation. • Once the data is successfully delivered, the connection between the IA and the SP is closed. • Resources allocated for processing the EPOC may be released if after 96 hours no ground for refusal is raised. 	

Table 6: EPOC – NOTIFICATION - NO GROUND FOR REFUSAL - EMERGENCY EPOC

**WF-004-EPOC- EMERGENCY REQUEST – No Ground for Refusal - Emergency
WITH NOTIFICATION
Article 8 (1), Article 10 (4)**

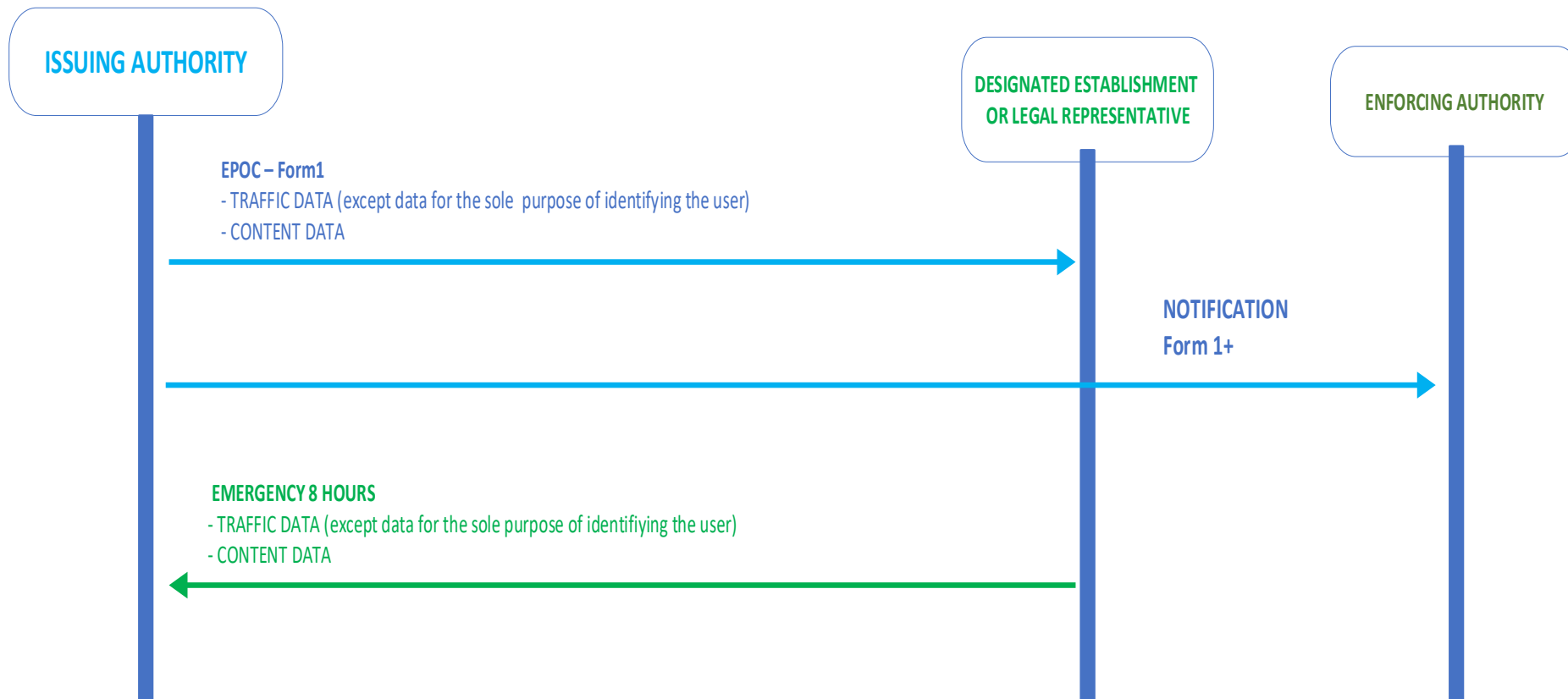


Figure 6-4: EPOC – NOTIFICATION - NO GROUND FOR REFUSAL - EMERGENCY EPOC

6.5 WF-005-EPOC – NOTIFICATION– GROUND FOR REFUSAL - EMERGENCY EPOC

Traffic and/or content data. Offence or data subject are not in the issuing state.

WF-005-EPOC	Notification – Ground for Refusal - Emergency Request
Legal Provision	Art 8 (4), Article 10 (4), Article 12 (1)
<p>Workflow Description</p> <p>Request-reply workflow for obtaining traffic data and /or content data, where offence or data subject are not in the issuing state.</p> <p>Emergency EPOC.</p> <p>A ground for refusal is being considered.</p>	
<p>Involved Actors: Issuing Authority, Enforcing Authority, Designated Establishment or Legal Representative</p>	
<p>Deadlines: 8 Hours</p>	
<p>Forms Available: Form 1</p>	
<p>Workflow Steps</p> <ul style="list-style-type: none"> • Issuing Authority (IA) initiates an emergency EPOC (Form 1) for specific data, such as traffic data or content data. • The EPOC typically includes details on the type and scope of data required. • The EPOC is transmitted to the relevant data source or service responsible (Service Provider or SP) for handling the specific data category. • If the conditions for notification are fulfilled, EA must be notified. A copy of Form 1, with an additional section filled (Section M) should also be transmitted to the Enforcing Authority (E.A) where the SP is declared or established. • The SP has 8 hours from the reception of the EPOC to retrieve the relevant data based on the parameters specified in the EPOC. • The retrieved data is formatted into a structured response suitable for transmission. • A response package is generated, containing the requested data along with any additional metadata or status indicators. • The response may include relevant details such as timestamps, data version, and any other pertinent information. • The prepared response is transmitted back to the IA, originator of the EPOC. • In the meantime, and upon receipt of the EPOC, the EA could raise Ground for Refusal: EA may contact IA to discuss. • EA has 96 hours to inform about its decision that could be as follow: <ul style="list-style-type: none"> ○ Refuse all, ○ Refuse partially. ○ Inform about special conditions. • EA informs both SP and IA about their decision. • Since the data has already been transmitted to IA, the following actions should take place: <ul style="list-style-type: none"> ○ If the EPOC is refused fully or partially, IA must delete or restrict the use of the received data (Article 4 (5)) or of relevant parts of the data. ○ If special conditions apply, IA should either restrict or apply the special conditions raised by the EA. 	

Table 7: EPOC – NOTIFICATION– GROUND FOR REFUSAL - EMERGENCY EPOC

WF-005-EPOC- EMERGENCY REQUEST – GROUND FOR REFUSAL - EMERGENCY WITH NOTIFICATION

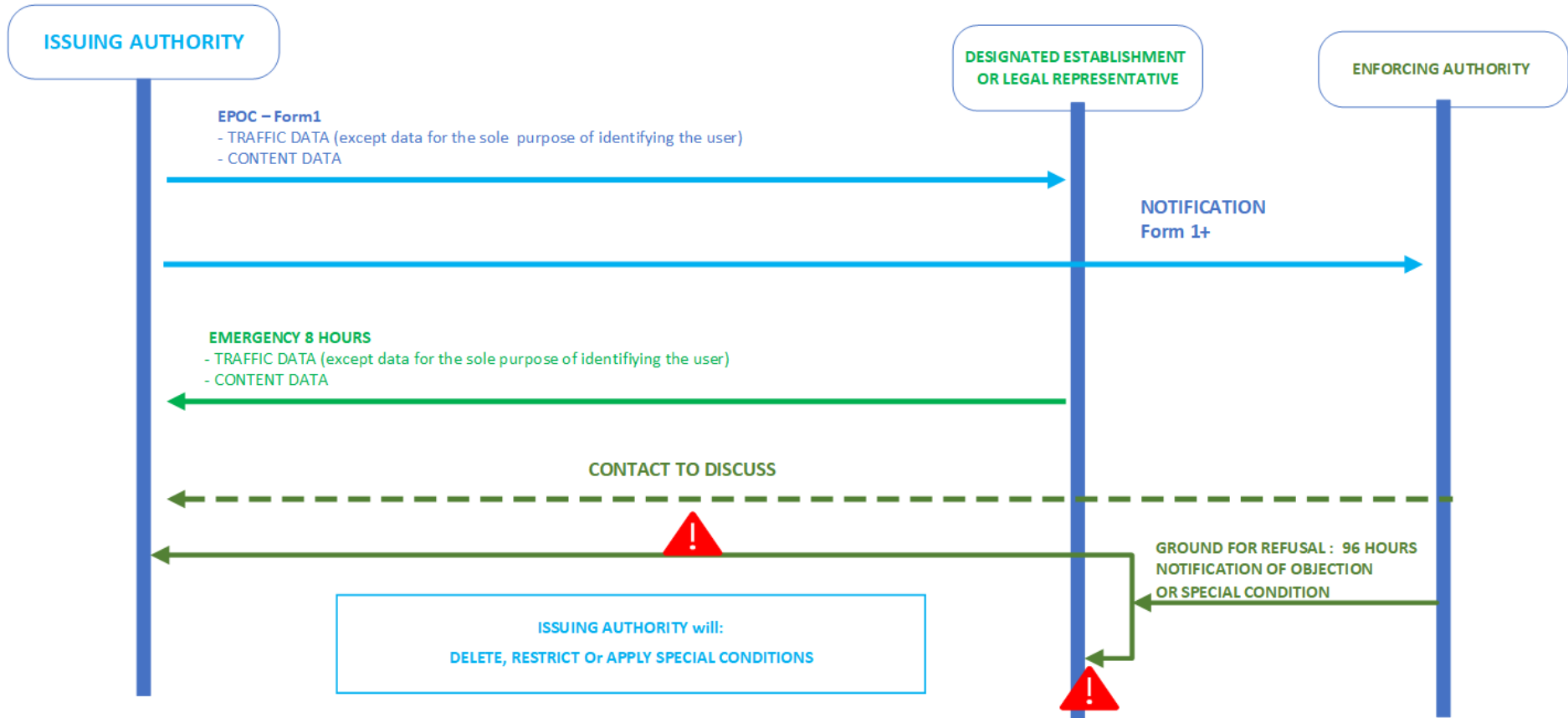


Figure 6-5: EPOC – NOTIFICATION– GROUND FOR REFUSAL - EMERGENCY EPOC

6.6 WF-006-EPOC - INTERFERENCE WITH IMMUNITIES OR PRIVILEGES INTERFERENCE WITH FREEDOM OF PRESS OR FREEDOM OF EXPRESSION - NO NOTIFICATION

WF-006-EPOC	Interference With Immunities Or Privileges Interference With Freedom Of Press Or Freedom Of Expression - No Notification
Legal Provision	Article 10 (5) subparagraph 1; Subparagraph 2
<p>Workflow Description</p> <p>Workflow where there is a possibility of interference with immunities or privileges interference with freedom of press or freedom of expression.</p> <p>No notification</p>	
<p>Involved Actors: Issuing Authority, Enforcing Authority, Designated Establishment or Legal Representative</p>	
<p>Forms Available: Form 1 and Form 3</p>	
<p>Workflow Steps:</p> <ul style="list-style-type: none"> • Issuing Authority (IA) initiates a EPOC (Form 1) for specific data, such as subscriber data, identification data, traffic data, or content data. • The EPOC typically includes details on the type and scope of data required. • The EPOC is transmitted to the relevant data source or service responsible (Service Provider or SP) for handling the specific data category. • The SP checks if the EPOC can be executed. • Upon assessment, the SP informs without undue delay by sending back Form 3 both to IA and EA about the existence of interference with immunities, privileges, freedom of press or freedom of expression. • Upon receipt of Form 3, EA may contact directly IA and requests to withdraw, to adapt or to maintain the original EPOC. • After review of all information received, IA can take 3 possible actions: <ul style="list-style-type: none"> ○ Withdraw the EPOC. ○ Adapt the EPOC. ○ Maintain the EPOC • If IA withdraws the EPOC, it should inform directly both SP and EA. • In case IA adapts the original EPOC, it should send a modified EPOC (using a new Form 1) to both SP and EA; • In case IA maintains the original EPOC, it should inform both SP and EA. • Upon receipt of the adapted EPOC or the information that it is maintained, the SP retrieves the relevant data based on the parameters specified in the EPOC. • The retrieved data is formatted into a structured response suitable for transmission. • A response package is generated, containing the requested data along with any additional metadata or status indicators. • The prepared response is transmitted back to the IA, originator of the EPOC. • The IA receives the response and extracts the necessary data for further processing or presentation. • Once the data is successfully delivered, the connection between the IA and the SP is closed. • Resources allocated for processing the EPOC may be released. 	

Table 8: EPOC - INTERFERENCE WITH IMMUNITIES OR PRIVILEGES INTERFERENCE WITH FREEDOM OF PRESS OR FREEDOM OF EXPRESSION - NO NOTIFICATION

WF-006-EPOC: - interference with immunities or privileges or
- interference with freedom of press or freedom of expression
NO NOTIFICATION
Article 10 (5) subparagraph 2; Subparagraph 1

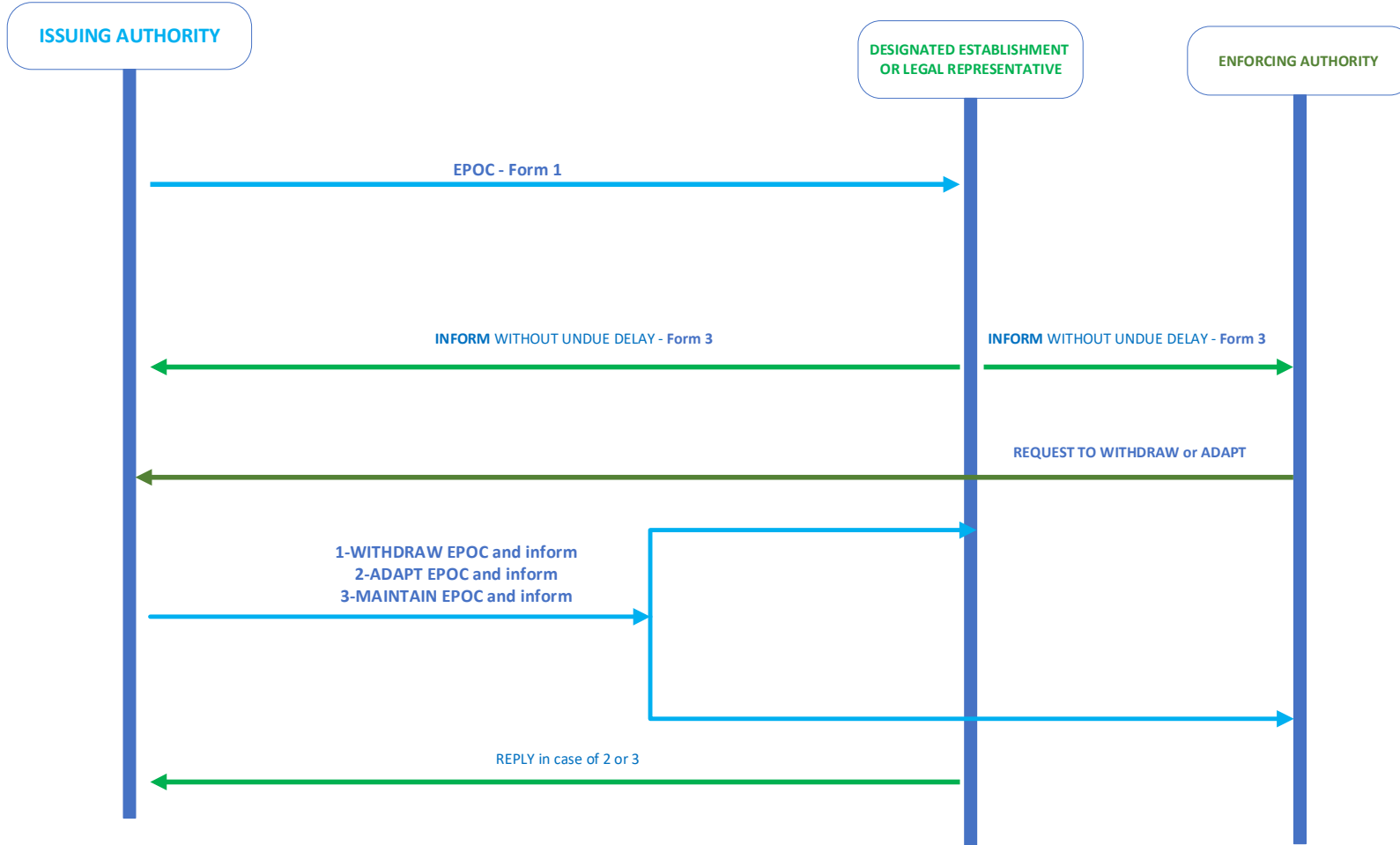


Figure 6-6: EPOC - INTERFERENCE WITH IMMUNITIES OR PRIVILEGES INTERFERENCE WITH FREEDOM OF PRESS OR FREEDOM OF EXPRESSION - NO NOTIFICATION

6.7 WF-007-EPOC - INTERFERENCE WITH IMMUNITIES OR PRIVILEGES, INTERFERENCE WITH FREEDOM OF PRESS OR FREEDOM OF EXPRESSION - WITH NOTIFICATION

WF-007-EPOC	Interference With Immunities Or Privileges, Interference With Freedom Of Press Or Freedom Of Expression - With Notification
Legal Provision	Article 10 (5) subparagraph 1; Subparagraph 3
<p>Workflow Description</p> <p>Workflow where there is a possibility of interference with immunities or privileges interference with freedom of press or freedom of expression.</p> <p>With notification.</p>	
<p>Involved Actors: Issuing Authority, Enforcing Authority, Designated Establishment or Legal Representative</p>	
<p>Forms Available: Form 1 and Form 3</p>	

Workflow Steps:

- Issuing Authority (IA) initiates a EPOC (Form 1) for specific data, such as traffic data or content data.
- The EPOC typically includes details on the type and scope of data required.
- The EPOC is transmitted to the relevant data source or service responsible (Service Provider or SP) for handling the specific data category.
- The EPOC, Form 1, is transmitted to the relevant data source or service responsible (Service Provider or SP) for handling the specific data category.
- If the conditions for notification are fulfilled, EA must be notified. A copy of Form 1, with an additional section filled (Section M) should also be transmitted to the Enforcing Authority (EA) where the SP is declared or established.
- The SP checks if the EPOC can be executed.
- Upon assessment, the SP informs without undue delay by sending back Form 3, both IA and EA about the existence of interference with immunities, privileges, freedom of press or freedom of expression.
- Upon receipt of Form 3, IA can take 3 possible actions:
 - Withdraw the EPOC.
 - Adapt the EPOC.
 - Maintain the EPOC
- If IA withdraws the EPOC, it should inform directly both SP and EA.
- In case IA adapts the original EPOC, it should send a modified EPOC (using a new Form 1) to both SP and EA.
- In case IA maintains the original EPOC, it should inform both SP and EA.
- In parallel, upon receipt of the EPOC, the EA checks and concludes:
 - It does not want to raise a ground for refusal, or
 - It wants to raise a ground for refusal (in particular on immunities and privileges but possibly also on other ground): EA contacts IA to discuss.
- The results of this discussion could be as follow:
 - IA adapts the EPOC (then a new workflow starts).
 - IA withdraws the EPOC (then the workflow ends).
 - IA maintains the EPOC.
- IA informs both SP and EA about their decision (adapt, withdraw or maintain).
- EA assesses the feedback of IA in case the original EPOC is maintained.
- EA has 10 days to reply with one of the following possibilities:
 - Refuse the EPOC fully.
 - Refuse the EPOC partially.
 - Specify condition to IA in order to execute the EPOC.
- If a ground for refusal is invoked on the whole EPOC, EA directly informs the SP not to provide any data.
- If the EPOC is refused totally, IA must withdraw it and inform both EA and SP.
- In the last two cases (partial refusal or conditions to execute), SP has to prepare a reply and send it back to IA.
- If IA adapts the EPOC or a new EPOC is issued, the SP has a new period of 10 days to reply.
- If there are conditions on the EPOC or a partial refusal but no new EPOC is issued, the SP needs to respond within the original 10-days period.
- If the EA replied without raising a ground for refusal, or the 10-days deadline has elapsed without response of the EA, the SP retrieves the relevant data based on the parameters specified in the EPOC.
- The retrieved data is formatted into a structured response suitable for transmission.
- A response package is generated, containing the requested data along with any additional metadata or status indicators.
- The prepared response is transmitted back to the IA, originator of the EPOC.
- The IA receives the response and extracts the necessary data for further processing or presentation.
- Once the data is successfully delivered, the connection between the IA and the SP is closed.
- Resources allocated for processing the EPOC may be released.

Table 9: EPOC - INTERFERENCE WITH IMMUNITIES OR PRIVILEGES, INTERFERENCE WITH FREEDOM OF PRESS OR FREEDOM OF EXPRESSION - WITH NOTIFICATION

WF-007-EPOC - interference with immunities or privileges or
 - interference with freedom of press or freedom of expression
 WITH NOTIFICATION
 Article 10 (5) subparagraph 3; Subparagraph 1

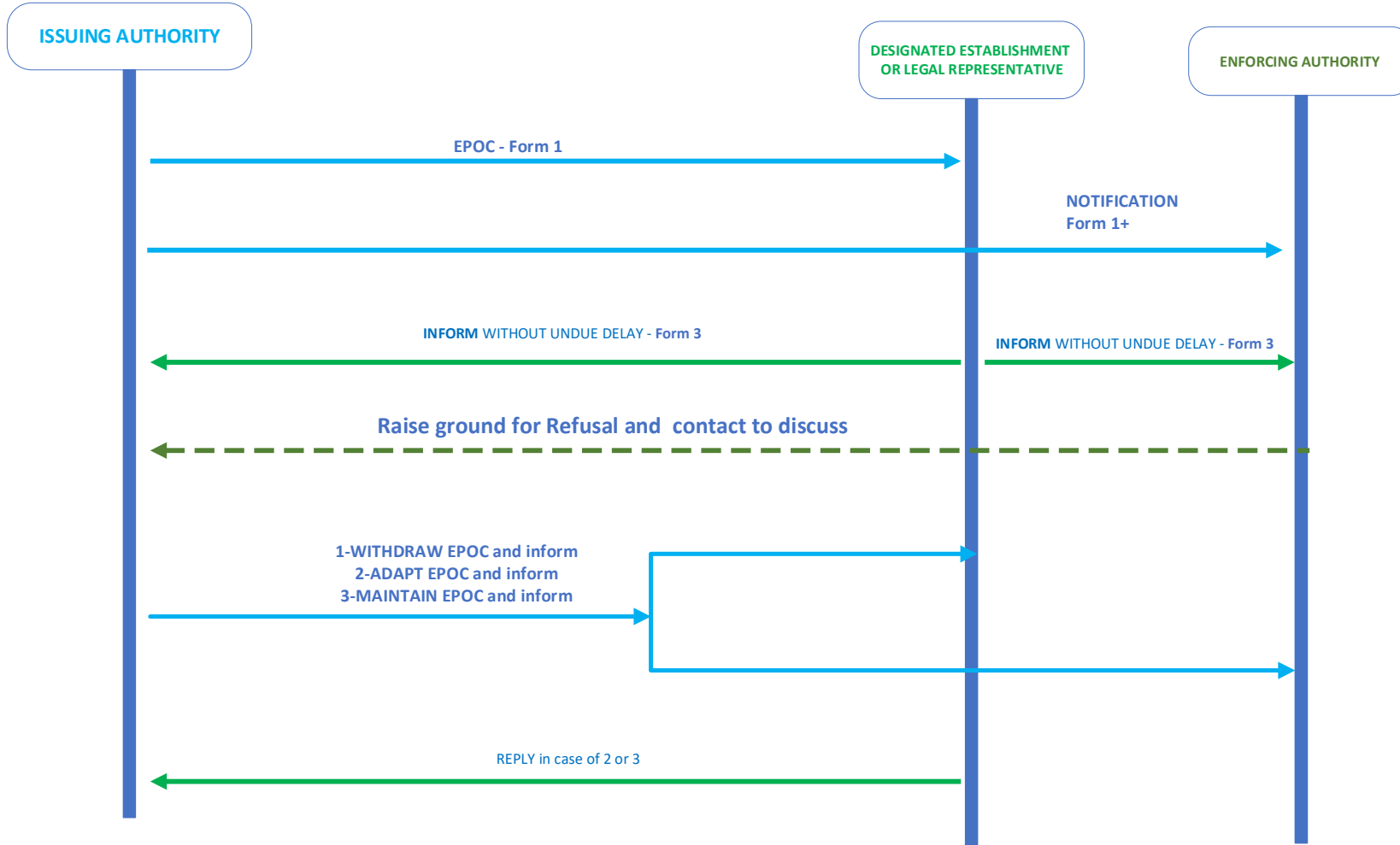


Figure 6-7: EPOC - INTERFERENCE WITH IMMUNITIES OR PRIVILEGES, INTERFERENCE WITH FREEDOM OF PRESS OR FREEDOM OF EXPRESSION - WITH NOTIFICATION

6.8 WF-008-EPOC - IMPOSSIBILITY OF EXECUTION - DE FACTO IMPOSSIBILITY - CIRCUMSTANCES OUTSIDE ADDRESSEE – NO NOTIFICATION

WF-008-EPOC	Impossibility Of Execution - De Facto Impossibility - Circumstances Outside Addressee – No Notification
Legal Provision	Article 10 (7)
<p>Workflow Description</p> <p>Workflow where the SP cannot execute the order because of de facto impossibility. No notification</p>	
<p>Involved Actors: Issuing Authority, Designated Establishment or Legal Representative</p>	
<p>Forms Available: Form 1 and Form 3</p>	
<p>Workflow Steps:</p> <ul style="list-style-type: none"> • Issuing Authority (IA) initiates a EPOC (Form 1) for specific data, such as subscriber data, identification data, traffic data, or content data. • The EPOC typically includes details on the type and scope of data required. • The EPOC is transmitted to the relevant data source or service responsible (Service Provider or SP) for handling the specific data category. • The SP checks if the EPOC can be executed. • Upon assessment, the SP informs IA without undue delay by sending back Form 3 about the impossibility to execute the EPOC due to circumstances outside the addressee (and preserves the data if possible). • Upon receipt of Form 3, IA assesses the information received. • IA can take 2 possible actions: <ul style="list-style-type: none"> ○ Accept the reasons laid down by the SP. ○ Maintain the EPOC • If IA accepts the “De Facto impossibility to execute”, it informs the SP. This closes the process on both side and no additional action is needed. • In case IA maintains the original EPOC, it should inform the SP. • Upon receipt of the information that it is maintained, SP can contact IA to discuss or explain. • If and whenever possible, the SP retrieves the relevant data based on the parameters specified in the EPOC and the conversation held with IA. • The retrieved data is formatted into a structured response suitable for transmission. • A response package is generated, containing the requested data along with any additional metadata or status indicators. • The prepared response is transmitted back to the IA, originator of the EPOC. • The IA receives the response and extracts the necessary data for further processing or presentation. • Once the data is successfully delivered, the connection between the IA and the SP is closed. • Resources allocated for processing the EPOC may be released. 	

Table 10: EPOC - IMPOSSIBILITY OF EXECUTION - DE FACTO IMPOSSIBILITY - CIRCUMSTANCES OUTSIDE ADDRESSEE – NO NOTIFICATION

WF-008: EPOC - IMPOSSIBILITY OF EXECUTION
- de facto impossibility - circumstances outside addressee
NO NOTIFICATION
Article 10 (7)

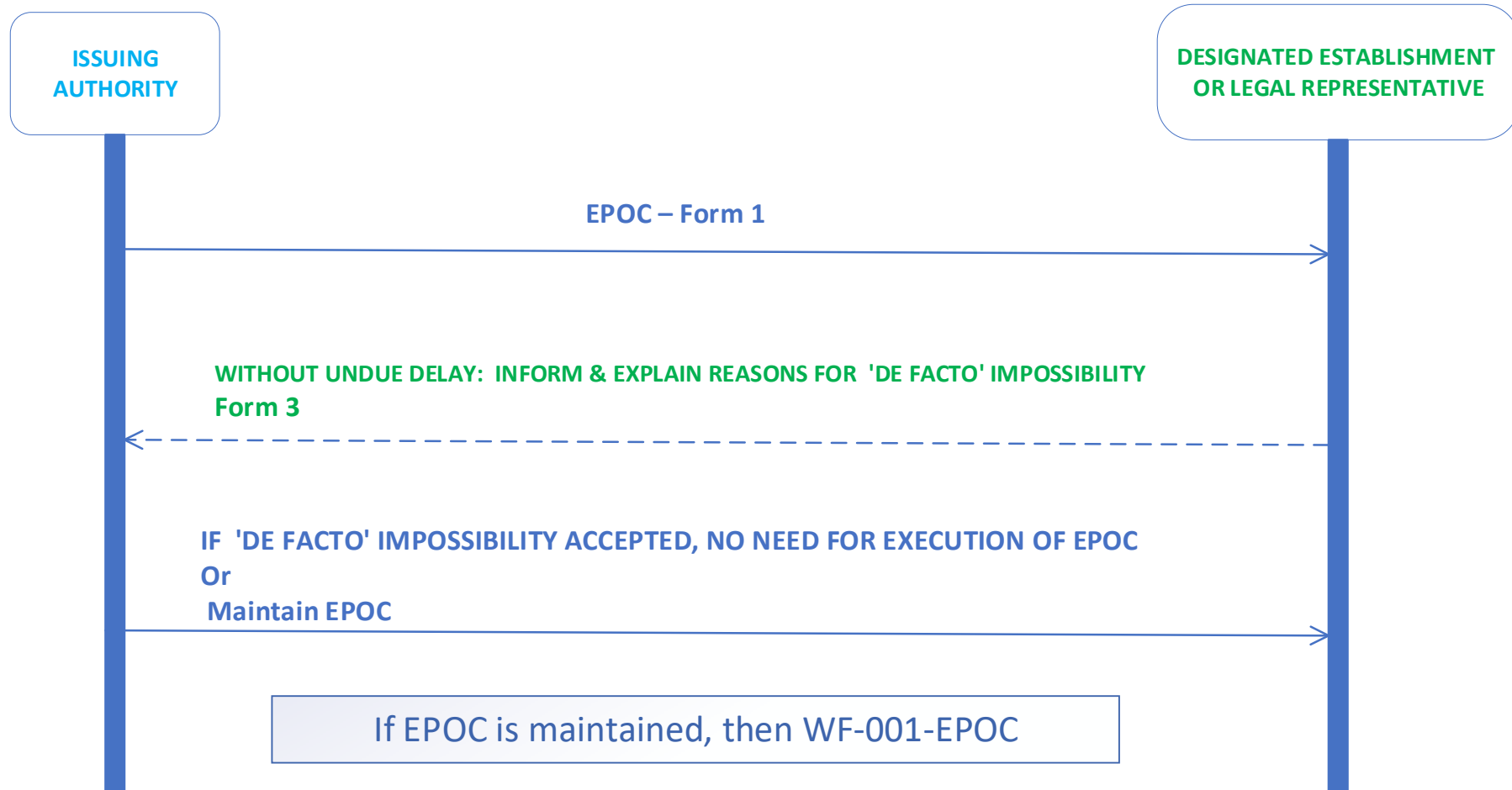


Figure 6-8: EPOC - IMPOSSIBILITY OF EXECUTION - DE FACTO IMPOSSIBILITY - CIRCUMSTANCES OUTSIDE ADDRESSEE – NO NOTIFICATION

6.9 WF-009-EPOC - IMPOSSIBILITY OF EXECUTION - DE FACTO IMPOSSIBILITY - CIRCUMSTANCES OUTSIDE ADDRESSEE – WITH NOTIFICATION

WF-009-EPOC	Impossibility Of Execution - De Facto Impossibility - Circumstances Outside Addressee – With Notification
Legal Provision	Article 10 (7)
Workflow Description	
Workflow where the SP cannot execute the order because of de facto impossibility. With notification	
Involved Actors: Issuing Authority, Enforcing Authority, Designated Establishment or Legal Representative	
Forms Available: Form 1 and Form 3	

Workflow Steps

- Issuing Authority (IA) initiates a EPOC (Form 1) for specific data, such as traffic data or content data.
- The EPOC typically includes details on the type and scope of data required.
- The EPOC is transmitted to the relevant data source or service responsible (Service Provider or SP) for handling the specific data category.
- If the conditions for notification are fulfilled, EA must be notified. A copy of Form 1, with an additional section filled (Section M) should also be transmitted to the Enforcing Authority (E.A) where the SP is declared or established.
- The SP checks if the EPOC can be executed.
- Upon assessment, the SP informs without undue delay IA and EA by sending back Form 3, about the impossibility to execute the EPOC due to circumstances outside the addressee (and preserves the data if possible).
- Upon receipt of Form 3, IA assesses the information received.
- IA can take 2 possible actions:
 - Accept the reasons laid down by the SP.
 - Maintain the EPOC
- If IA accepts the “De Facto impossibility to execute”, it informs the SP and EA. This closes the process on both side and no additional action is needed.
- In case IA maintains the original EPOC, it should inform the SP and EA.
- Upon receipt of the information that it is maintained, SP can contact IA to discuss or explain.
- In parallel, upon receipt of the EPOC, the EA checks and concludes:
 - It does not want to raise a ground for refusal, or
 - It wants to raise a ground for refusal : EA contacts IA to discuss.
- The results of this discussion could be as follow:
 - IA adapts the EPOC (then a new workflow starts).
 - IA withdraws the EPOC (then the workflow ends).
 - IA maintains the EPOC.
- IA informs both SP and EA about their decision (adapt, withdraw or maintain).
- EA assesses the feedback of IA in case the original EPOC is maintained.
- EA has 10 days to reply with one of the following possibilities:
 - Refuse the EPOC fully.
 - Refuse the EPOC partially.
 - Specify condition to IA in order to execute the EPOC.
- If a ground for refusal is invoked on the whole EPOC, EA directly informs the SP not to provide any data.
- If the EPOC is refused totally, IA must withdraw it and inform both EA and SP.
- In the last two cases (partial refusal or conditions to execute), SP has to prepare a reply and send it back to IA.
- If IA adapts the EPOC or a new EPOC is issued, the SP has a new period of 10 days to reply.
- If there are conditions on the EPOC or a partial refusal but no new EPOC is issued, the SP needs to respond within the original 10-days period.
- If the EA replied without raising a ground for refusal, or the 10-days deadline has elapsed without response of the EA: If and whenever possible, the SP retrieves the relevant data based on the parameters specified in the EPOC and the conversation held with IA.
- The retrieved data is formatted into a structured response suitable for transmission.
- A response package is generated, containing the requested data along with any additional metadata or status indicators.
- The prepared response is transmitted back to the IA, originator of the EPOC.
- The IA receives the response and extracts the necessary data for further processing or presentation.
- Once the data is successfully delivered, the connection between the IA and the SP is closed.
- Resources allocated for processing the EPOC may be released.

Table 11: EPOC - Impossibility Of Execution - De Facto Impossibility - Circumstances Outside Addressee – With Notification

WF-009-EPOC - IMPOSSIBILITY OF EXECUTION
- de facto impossibility - circumstances outside addressee
WITH NOTIFICATION
Article 10 (7)

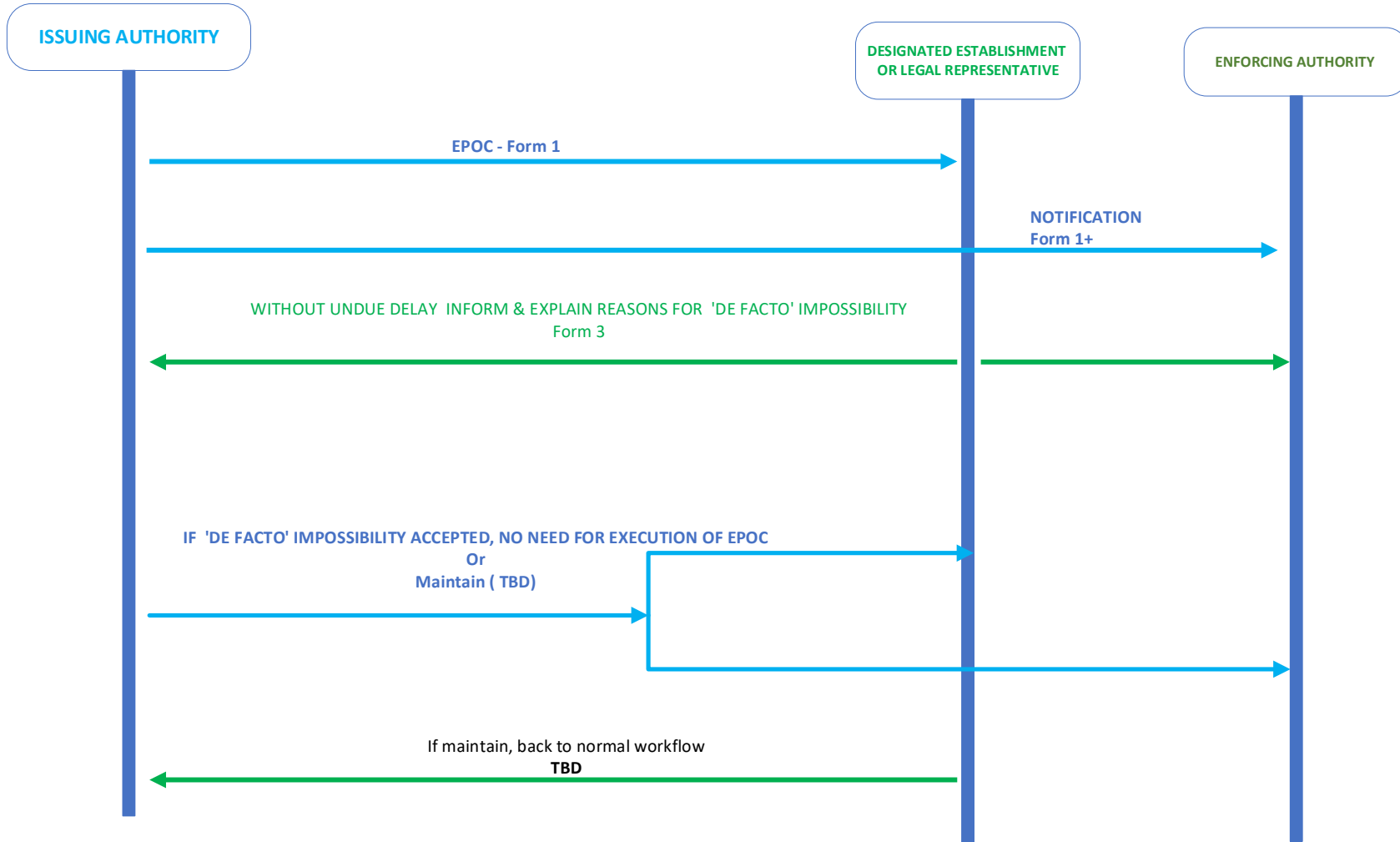


Figure 6-9: EPOC - Impossibility Of Execution - De Facto Impossibility - Circumstances Outside Addressee – With Notification

6.10 WF-010-EPOC - IMPOSSIBILITY OF EXECUTION- INCOMPLETE DATA - MANIFEST ERRORS OR INSUFFICIENT INFORMATION - NO NOTIFICATION

WF-010-EPOC	Impossibility Of Execution- Incomplete data - Manifest Errors or Insufficient Information - No Notification
Legal Provision	Article 10 (6)
<p>Workflow Description</p> <p>Workflow where the SP cannot execute the order due to errors or missing information. Additional information needs to be requested in order the execute the EPOC.</p> <p>No notification</p>	
<p>Involved Actors: Issuing Authority, Designated Establishment or Legal Representative</p>	
<p>Deadlines: 5 days (clarification) / 10 days for the reply.</p>	
<p>Forms Available: Form 1 and Form 3</p>	
<p>Workflow Steps:</p> <ul style="list-style-type: none"> • Issuing Authority (IA) initiates a EPOC (Form 1) for specific data, such as subscriber data, identification data, traffic data, or content data. • The EPOC typically includes details on the type and scope of data required. • The EPOC is transmitted to the relevant data source or service responsible (Service Provider or SP) for handling the specific data category. • The SP checks if the EPOC can be executed. • Upon assessment, the SP informs IA without undue delay by sending back Form 3, about the impossibility to execute the EPOC for incomplete data, manifest errors or insufficient information. • While waiting for clarification from the IA, the SP must preserve the data to the maximum possible extent. • SP can also seek clarification by requesting additional information from IA. • Upon receipt of Form 3, IA assesses the information received. • IA can take 2 possible actions: <ul style="list-style-type: none"> ○ Provide the requested clarification to the SP within maximum 5 days. ○ Issue a new EPOC. • Upon receipt of the additional information or the new EPOC, the SP retrieves the relevant data based on the parameters specified in the EPOC and the conversation held with IA. • The deadline for the SP is interrupted and restarts upon reception of the clarification or starts from zero upon reception of the new EPOC. • The retrieved data is formatted into a structured response suitable for transmission. • A response package is generated, containing the requested data along with any additional metadata or status indicators. • The prepared response is transmitted back to the IA, originator of the EPOC. • The IA receives the response and extracts the necessary data for further processing or presentation. • Once the data is successfully delivered, the connection between the IA and the SP is closed. • Resources allocated for processing the EPOC may be released. 	

Table 12: EPOC - IMPOSSIBILITY OF EXECUTION- INCOMPLETE DATA - MANIFEST ERRORS OR INSUFFICIENT INFORMATION - NO NOTIFICATION

WF-010-EPOC - IMPOSSIBILITY OF EXECUTION

- incomplete
- manifest errors
- not sufficient information

NO NOTIFICATION



Figure 6-10: EPOC - IMPOSSIBILITY OF EXECUTION- INCOMPLETE DATA - MANIFEST ERRORS OR INSUFFICIENT INFORMATION - NO NOTIFICATION

6.11 WF-011-EPOC - IMPOSSIBILITY OF EXECUTION- INCOMPLETE DATA - MANIFEST ERRORS OR INSUFFICIENT INFORMATION - WITH NOTIFICATION

WF-011-EPOC	Impossibility Of Execution- Incomplete data - Manifest Errors or Insufficient Information - With Notification
Legal Provision	Article 10 (6) Subparagraph 1
<p>Workflow Description: Workflow where the SP cannot execute the order due to errors or missing information. Additional information needs to be requested in order the execute the EPOC. With notification.</p>	
<p>Involved Actors: Issuing Authority, Enforcing Authority, Designated Establishment or Legal Representative</p>	
<p>Deadlines: 5 days (clarification) / 10 days for the reply.</p>	
<p>Forms Available: Form 1 and Form 3</p>	

Workflow Steps:

- Issuing Authority (IA) initiates a EPOC (Form 1) for specific data, such as traffic data or content data.
- The EPOC typically includes details on the type and scope of data required.
- The EPOC is transmitted to the relevant data source or service responsible (Service Provider or SP) for handling the specific data category.
- If the conditions for notification are fulfilled, EA must be notified. A copy of Form 1, with an additional section filled (Section M) should also be transmitted to the Enforcing Authority (E.A) where the SP is declared or established.
- The SP checks if the EPOC can be executed.
- Upon assessment, the SP informs without undue delay IA by sending back Form 3 to both IA and EA, about the impossibility to execute the EPOC for incomplete data, manifest errors or insufficient information.
- While waiting for clarification from the IA, the SP must preserve the data to the maximum possible extent.
- SP can also seek clarification by requesting additional information from IA.
- Upon receipt of Form 3, IA assesses the information received.
- IA can take 2 possible actions:
 - Provide the requested clarification to the SP and EA within maximum 5 days.
 - Issue a new EPOC and send it back to SP and EA (for EA, an additional section needs to be filled in).
- In parallel, upon receipt of the EPOC, the EA checks and concludes:
 - It does not want to raise a ground for refusal, or
 - It wants to raise a ground for refusal (in particular on immunities and privileges but possibly also on other ground): EA contacts IA to discuss.
- The results of this discussion could be as follow:
 - IA adapts the EPOC (then a new workflow starts).
 - IA withdraws the EPOC (then the workflow ends).
 - IA maintains the EPOC.
- IA informs both SP and EA about their decision (adapt, withdraw or maintain).
- EA assesses the feedback of IA in case the original EPOC is maintained.
- EA has 10 days to reply with one of the following possibilities:
 - Refuse the EPOC fully.
 - Refuse the EPOC partially.
 - Specify condition to IA in order to execute the EPOC.
- If a ground for refusal is invoked on the whole EPOC, EA directly informs the SP not to provide any data.
- If the EPOC is refused totally, IA must withdraw it and inform both EA and SP.
- In the last two cases (partial refusal or conditions to execute), SP has to prepare a reply and send it back to IA.
- If IA adapts the EPOC or a new EPOC is issued, the SP has a new period of 10 days to reply.
- If there are conditions on the EPOC or a partial refusal but no new EPOC is issued, the SP needs to respond within the original 10-days period.
- If the EA replied without raising a ground for refusal, or the 10-days deadline has elapsed without response of the EA, upon receipt of the additional information or the new EPOC, the SP retrieves the relevant data based on the parameters specified in the EPOC and the conversation held with IA.
- The deadline for the SP and the EA is interrupted and restarts upon reception of the clarification or restarts from zero upon reception of the new EPOC.
- The retrieved data is formatted into a structured response suitable for transmission.
- A response package is generated, containing the requested data along with any additional metadata or status indicators.
- The prepared response is transmitted back to the IA, originator of the EPOC.
- The IA receives the response and extracts the necessary data for further processing or presentation.
- Once the data is successfully delivered, the connection between the IA and the SP is closed.
- Resources allocated for processing the EPOC may be released.

Table 13: EPOC - IMPOSSIBILITY OF EXECUTION- INCOMPLETE DATA - MANIFEST ERRORS OR INSUFFICIENT INFORMATION - WITH NOTIFICATION

WF-011-EPOC - IMPOSSIBILITY OF EXECUTION
 - incomplete
 - manifest errors
 - insufficient information
 WITH NOTIFICATION

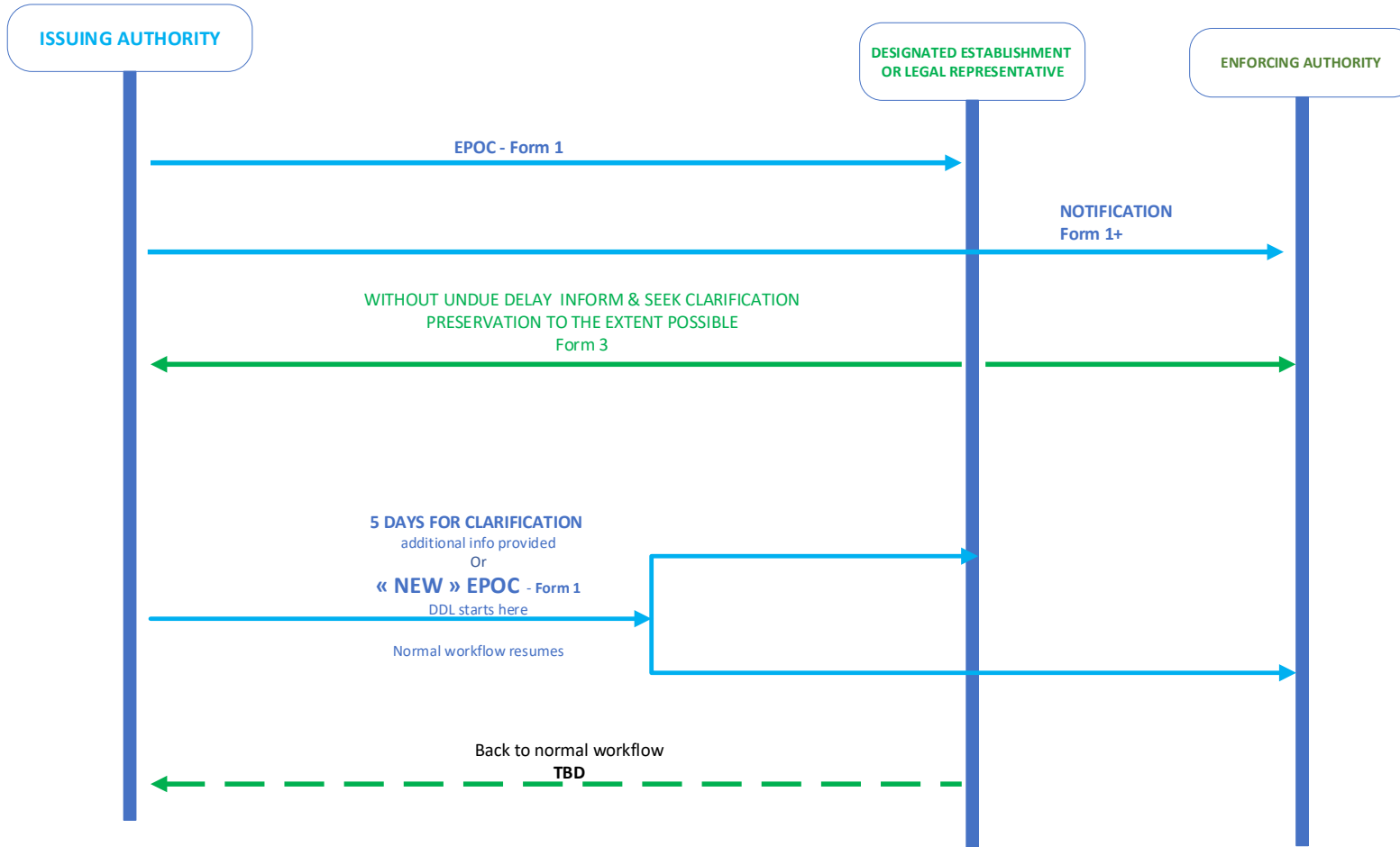


Figure 6-11: EPOC - IMPOSSIBILITY OF EXECUTION- INCOMPLETE DATA - MANIFEST ERRORS OR INSUFFICIENT INFORMATION - WITH NOTIFICATION

6.12 WF-012-EPOC - IMPOSSIBILITY OF EXECUTION- ANY OTHER REASON - NO NOTIFICATION

WF-012-EPOC	Impossibility Of Execution- Any Other Reason - No Notification
Legal Provision	Article 10 (8)
<p>Workflow Description:</p> <p>The SP cannot execute the EPOC due to any other reason.</p> <p>The SP must inform the IA about these reasons. The IA will assess these reasons and act accordingly.</p>	
<p>Involved Actors: Issuing Authority, Enforcing Authority, Designated Establishment or Legal Representative</p>	
<p>Forms Available: Form 1 and Form 3</p>	
<p>Workflow Steps:</p> <ul style="list-style-type: none"> • Issuing Authority (IA) initiates a EPOC (Form 1) for specific data, such as subscriber data, identification data, traffic data, or content data. • The EPOC typically includes details on the type and scope of data required. • The EPOC is transmitted to the relevant data source or service responsible (Service Provider or SP) for handling the specific data category. • The SP checks if the EPOC can be executed. • Upon assessment, the SP informs IA without undue delay by sending back Form 3, about the impossibility to execute the EPOC for any other reason. • While waiting for clarification from the IA, the SP must preserve the data to the maximum possible extent. • SP can also seek clarification by requesting additional information from IA. • Upon receipt of Form 3, IA assesses the information received. • IA can take 3 possible actions: <ul style="list-style-type: none"> ○ Provide clarifications to the SP. ○ Adapt/Issue a new EPOC. ○ Maintain the EPOC • Upon receipt of the information that the EPOC is maintained, additional information or the new EPOC, the SP retrieves the relevant data based on the parameters specified in the EPOC and the conversation held with IA. • Unless a new EPOC is issued or the IA sets a new deadline, the deadline for the SP is maintained. • The retrieved data is formatted into a structured response suitable for transmission. • A response package is generated, containing the requested data along with any additional metadata or status indicators. • The prepared response is transmitted back to the IA, originator of the EPOC. • The IA receives the response and extracts the necessary data for further processing or presentation. • Once the data is successfully delivered, the connection between the IA and the SP is closed. • Resources allocated for processing the EPOC may be released. 	

Table 14: EPOC - IMPOSSIBILITY OF EXECUTION- ANY OTHER REASON - NO NOTIFICATION

WF-012-EPOC- IMPOSSIBILITY OF EXECUTION
- Any other reasons for not providing data
NO NOTIFICATION



Figure 6-12: EPOC - IMPOSSIBILITY OF EXECUTION- ANY OTHER REASON - NO NOTIFICATION

6.13 WF-013-EPOC - IMPOSSIBILITY OF EXECUTION- ANY OTHER REASON - WITH NOTIFICATION

WF-013-EPOC	Impossibility Of Execution- Any Other Reason - With Notification
Legal Provision	Article 10 (8)
<p>Workflow Description</p> <p>The SP cannot execute the EPOC due to any other reason.</p> <p>The SP must inform the IA about these reasons. The IA will assess these reasons and act accordingly</p>	
<p>Involved Actors: Issuing Authority, Enforcing Authority, Designated Establishment or Legal Representative</p>	
<p>Forms Available: Form 1 and Form 3</p>	

Workflow Description:

- Issuing Authority (IA) initiates a EPOC (Form 1) for specific data, such as traffic data or content data.
- The EPOC typically includes details on the type and scope of data required.
- The EPOC is transmitted to the relevant data source or service responsible (Service Provider or SP) for handling the specific data category.
- If the conditions for notification are fulfilled, EA must be notified. A copy of Form 1, with an additional section filled (Section M) should also be transmitted to the Enforcing Authority (E.A) where the SP is declared or established.
- The SP checks if the EPOC can be executed.
- Upon assessment, the SP informs without undue delay IA by sending back Form 3 to both IA and EA, about the impossibility to execute the EPOC for any other reason.
- While waiting for clarification from the IA, the SP must preserve the data to the maximum possible extent.
- SP can also seek clarification by requesting additional information from IA.
- Upon receipt of Form 3, IA assesses the information received.
- IA can take 3 possible actions:
 - Provide clarifications to the SP and EA.
 - Adapt/Issue a new EPOC and send it back to SP and EA (for EA, an additional section needs to be filled in).
 - Maintain the EPOC.
- Upon receipt of the information that the EPOC is maintained, the additional information or the new EPOC, the SP retrieves the relevant data based on the parameters specified in the EPOC and the conversation held with IA.
- Unless a new EPOC is issued or the IA sets a new deadline, the deadline for the SP and the EA is maintained.
- The retrieved data is formatted into a structured response suitable for transmission.
- A response package is generated, containing the requested data along with any additional metadata or status indicators.
- In parallel, upon receipt of the EPOC, the EA checks and concludes:
 - It does not want to raise a ground for refusal, or
 - It wants to raise a ground for refusal (in particular on immunities and privileges but possibly also on other ground): EA contacts IA to discuss.
- The results of this discussion could be as follow:
 - IA adapts the EPOC (then a new workflow starts).
 - IA withdraws the EPOC (then the workflow ends).
 - IA maintains the EPOC.
- IA informs both SP and EA about their decision (adapt, withdraw or maintain).
- EA assesses the feedback of IA in case the original EPOC is maintained.
- EA has 10 days to reply with one of the following possibilities:
 - Refuse the EPOC fully.
 - Refuse the EPOC partially.
 - Specify condition to IA in order to execute the EPOC.
- If a ground for refusal is invoked on the whole EPOC, EA directly informs the SP not to provide any data.
- If the EPOC is refused totally, IA must withdraw it and inform both EA and SP.
- In the last two cases (partial refusal or conditions to execute), SP has to prepare a reply and send it back to IA.
- If IA adapts the EPOC or a new EPOC is issued, the SP has a new period of 10 days to reply.
- If there are conditions on the EPOC or a partial refusal but no new EPOC is issued, the SP needs to respond within the original 10-days period.
- If the EA replied without raising a ground for refusal, or the 10-days deadline has elapsed without response of the EA, the prepared response is transmitted back to the IA, originator of the EPOC.
- The IA receives the response and extracts the necessary data for further processing or presentation.
- Once the data is successfully delivered, the connection between the IA and the SP is closed.
- Resources allocated for processing the EPOC may be released.

Table 15: EPOC - IMPOSSIBILITY OF EXECUTION- ANY OTHER REASON - WITH NOTIFICATION

WF-013-EPOC - IMPOSSIBILITY OF EXECUTION
 - Any other reason
 WITH NOTIFICATION

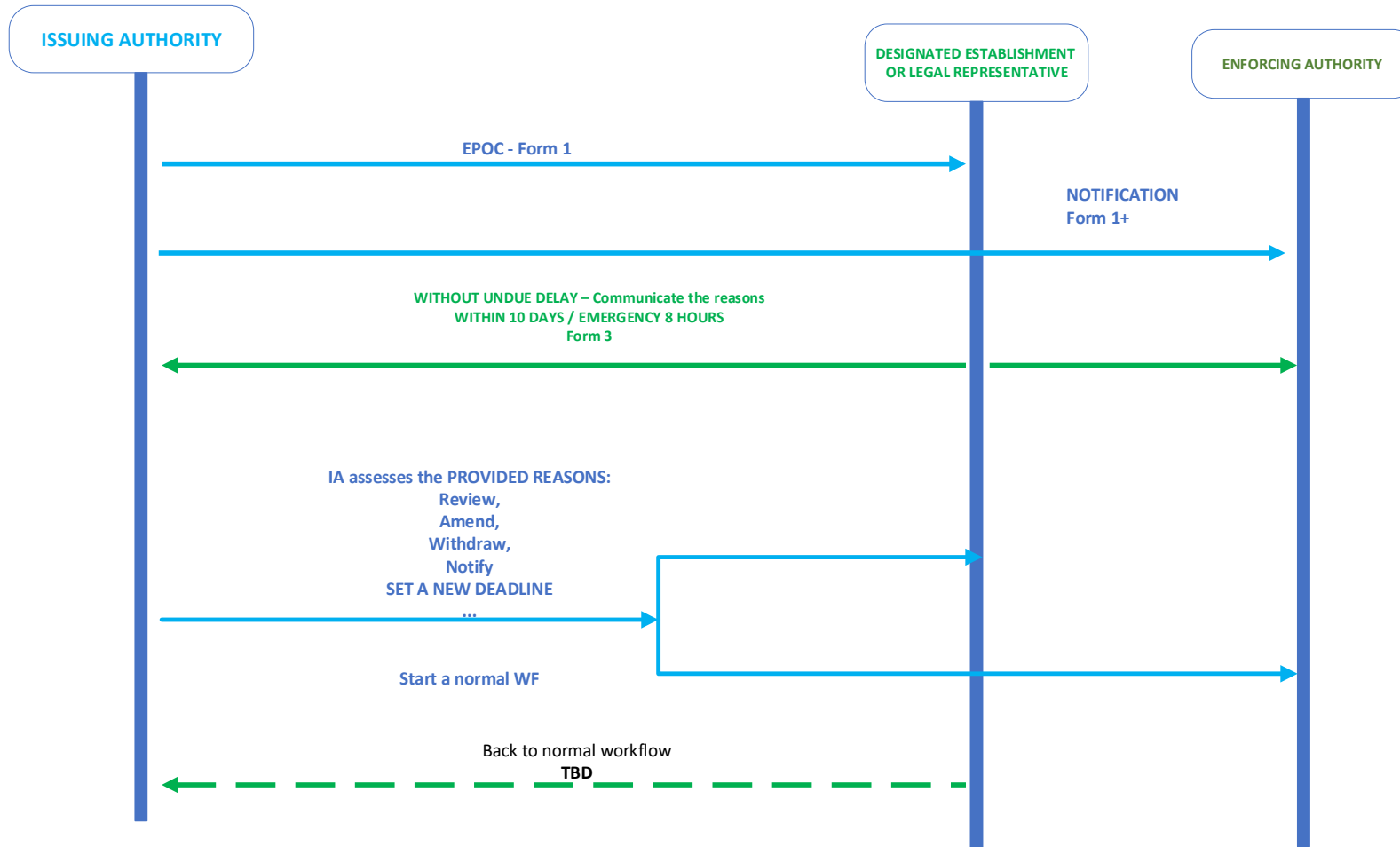


Figure 6-13: EPOC - IMPOSSIBILITY OF EXECUTION- ANY OTHER REASON - WITH NOTIFICATION

6.14 WF-014-EPOC - CONFLICT OF LAWS PROCEDURE

WF-014-EPOC	Conflict of Laws Procedure
Legal Provision	Article 17 (1-7)
<p>Workflow Description</p> <p>Procedure workflow where a Court in the Issuing State is consulted in order to assess and decide on an objection to execute raised by the SP.</p>	
<p>Involved Actors: Issuing Authority, Enforcing Authority, Designated Establishment or Legal Representative; Court in Issuing State</p>	
<p>Forms Available: Form 1 and Form 3</p>	
<p>Workflow Steps:</p> <ul style="list-style-type: none"> • Issuing Authority (IA) initiates a EPOC (Form 1) for specific data, such as subscriber data, identification data, traffic data, or content data. • The EPOC typically includes details on the type and scope of data required. • The EPOC is transmitted to the relevant data source or service responsible (Service Provider or SP) for handling the specific data category. • If the conditions for notification are fulfilled, EA must be notified. A copy of Form 1, with an additional section filled (Section M) should also be transmitted to the Enforcing Authority (EA) where the SP is declared or established. • The SP checks if the EPOC can be executed. • Upon assessment, the SP must send back the reasoned objection within maximum 10 days to IA and, if a notification took place, to EA, using Form 3. • While waiting for decision from the Issuing State, the SP must preserve the data. • EA can also provide input to the IA. In parallel, EA assesses grounds for refusals. • Upon receipt of Form 3, IA assesses the information received. • IA can take 2 possible actions: <ul style="list-style-type: none"> ○ Agrees with the reasons provided by the SP, in which case IA either withdraws or adapt the EPOC. ○ Disagrees, maintains the EPOC and goes to a Court to decide on the matter. • The Court assesses the EPOC and the objections from the SP for not providing data and can take 3 actions: <ul style="list-style-type: none"> ○ Uphold the EPOC and inform both IA and SP about this decision. ○ Lift the EPOC and inform both IA and SP about this decision. ○ Request information from the 3rd state to decide on upholding or lifting the request. • It is up to IA to inform the EA about the Court decision. • If the EPOC is upheld and the EA did not raise a ground for refusal, the SP must retrieve the data and provide it into a structured response suitable for transmission. • A response package is generated, containing the requested data along with any additional metadata or status indicators. • The prepared response is transmitted back to the IA, originator of the EPOC. • The IA receives the response and extracts the necessary data for further processing or presentation. • Once the data is successfully delivered, the connection between the IA and the SP is closed. • Resources allocated for processing the EPOC may be released. 	

Table 16: EPOC - CONFLICT OF LAWS PROCEDURE

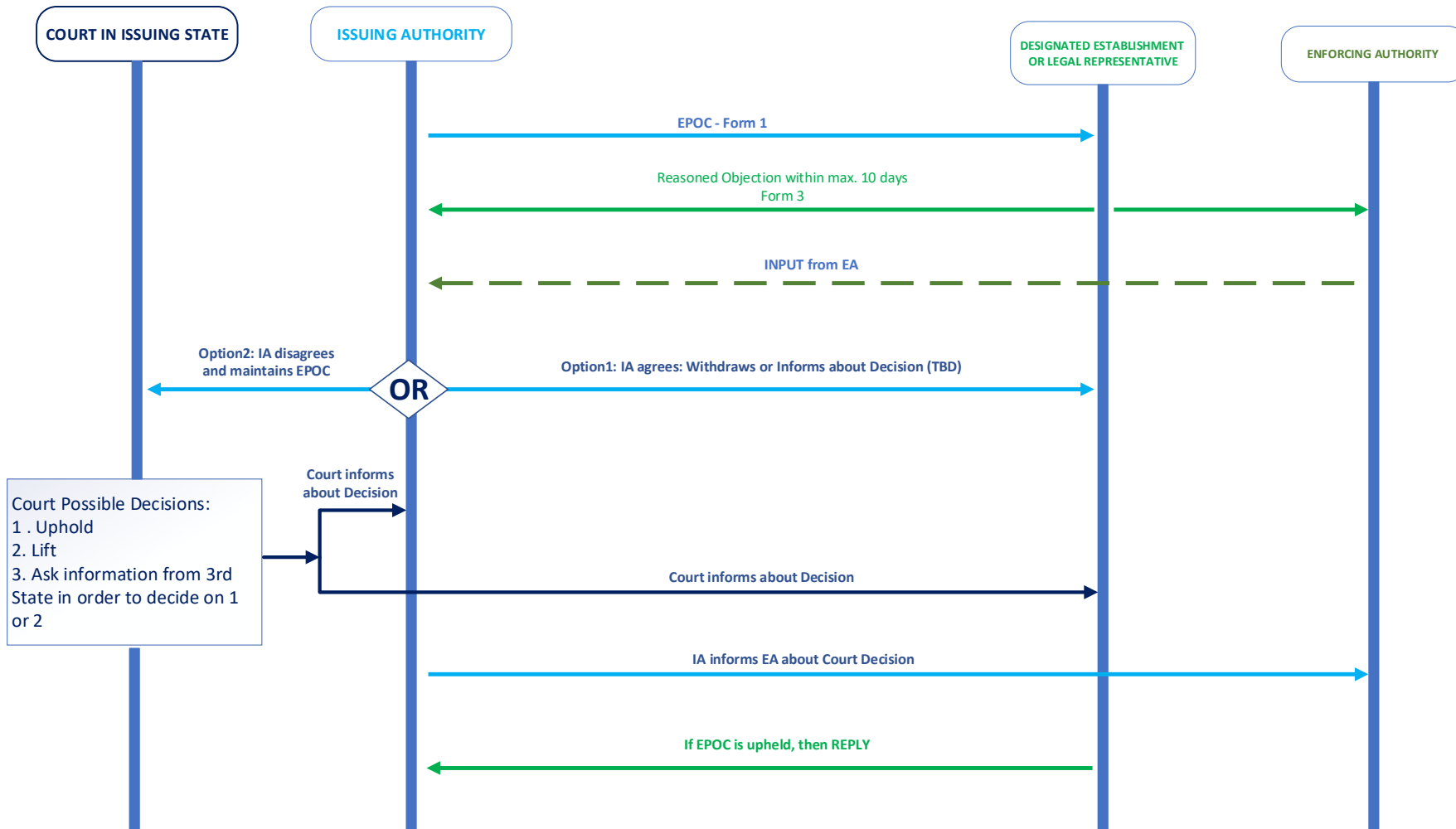


Figure 6-14: EPOC - CONFLICT OF LAWS PROCEDURE

6.15 WF-015 – EPOC – EUROJUST – ISSUE AND TRANSMIT PRODUCTION ORDER CERTIFICATE

WF-015-EPOC	Eurojust - Issue and Transmit Production Order Certificate
Legal Provision	Article 8(3) and 8(4) of the Eurojust Regulation
Workflow Description	
The EJNM sends Form 1 to the relevant Service Provider and, whenever applicable, to the Enforcing Authority	
Involved Actors: Eurojust National Member, Eurojust Competent National Authority, Validating Authority, Enforcing Authority, Designated Establishment or Legal Representative	
Deadlines	
N/A	
Forms Available: Form 1	
Workflow Steps:	
<ul style="list-style-type: none"> • EJNM completes European Production Order Certificate • Where applicable (e.g. the EJNM being a prosecutor, issuing an EPOC for traffic data), the EPOC is then forwarded for validation to a VA of the EJNM's Member State. The VA can: <ul style="list-style-type: none"> ○ Validate (Accepted); ○ Send back for amendments; ○ Reject. • Where agreement from a competent national authority (CNCA) on the issuance of the EPOC is required, EJNM forwards the EPOC to the CNCA for agreement. • The CNCA can: <ul style="list-style-type: none"> ○ Seek further information from the EJNM or request amendments; ○ Agree with the Issuance of the EPOC; ○ Disagree with the issuance of the EPOC. • When the CNCA disagrees with the issuance of the EPOC, they communicate it to the EJNM and the process ends. • If the CNCA agrees with the issuance of the EPOC, the EJNM signs the EPOC, translates the certificate (external process) and upload supporting documentation if needed. <ul style="list-style-type: none"> ○ EJNM transmits the EPOC directly to the addressee and, whenever applicable, the Enforcing authority. 	

Table 17: EUROJUST – ISSUE AND TRANSMIT PRODUCTION ORDER CERTIFICATE

WF-015-EJ-EPOC – Issue and Transmit Production Certificate

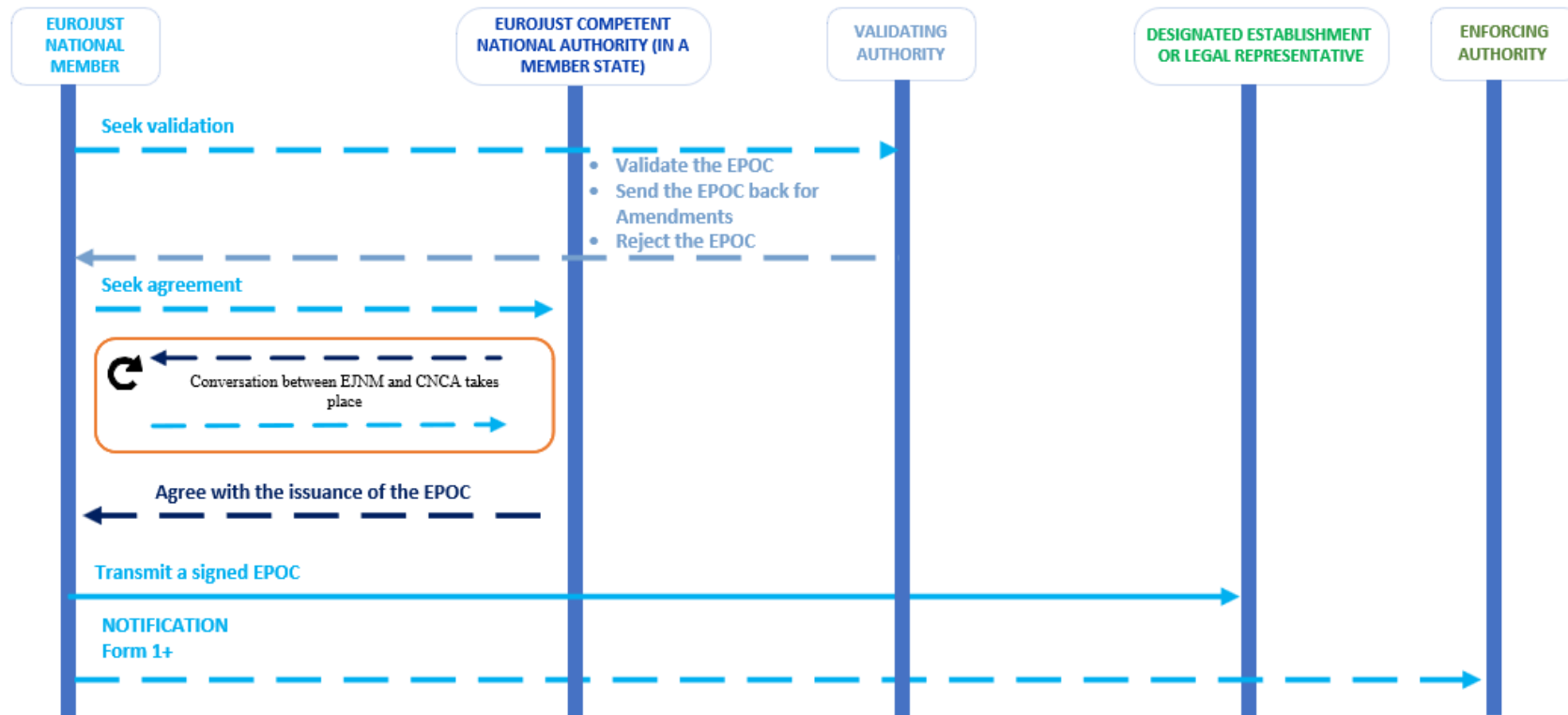


Figure 6-15: EUROJUST – ISSUE AND TRANSMIT PRODUCTION ORDER CERTIFICATE

6.16 WF-016 – EPOC – EUROJUST – ISSUE AND TRANSMIT PRODUCTION ORDER CERTIFICATE – EMERGENCY CASE

WF-016-EPOC	Eurojust - Issue and Transmit Production Order Certificate – Emergency Case
Legal Provision	Article 8(3) and 8(4) of the Eurojust Regulation
Workflow Description	
The EJNM sends Form 1 to the relevant Service Provider, and Enforcing Authority whenever required, in an emergency case.	
Involved Actors: Eurojust National Member, Eurojust Competent National Authority, Designated Establishment or Legal Representative, Enforcing Authority	
Deadlines	
N/A	
Forms Available: Form 1	
Workflow Steps:	
<ul style="list-style-type: none"> • EJNM completes European Production Order Certificate • In the urgency situation, the EJNM signs the EPOC, translates the certificate (external process) and upload supporting documentation if needed. <ul style="list-style-type: none"> ○ EJNM transmits the EPOC directly to the addressee and, whenever applicable, the Enforcing Authority. • EJNM informs the competent national authority (CNCA) on the issuance of the EPOC, and forwards the issued EPOC to the CNCA. 	

Table 18: Eurojust - Issue and Transmit Production Order Certificate – Emergency Case

WF-016-EJ-EPOC – Issue and Transmit Production Certificate – Emergency Case

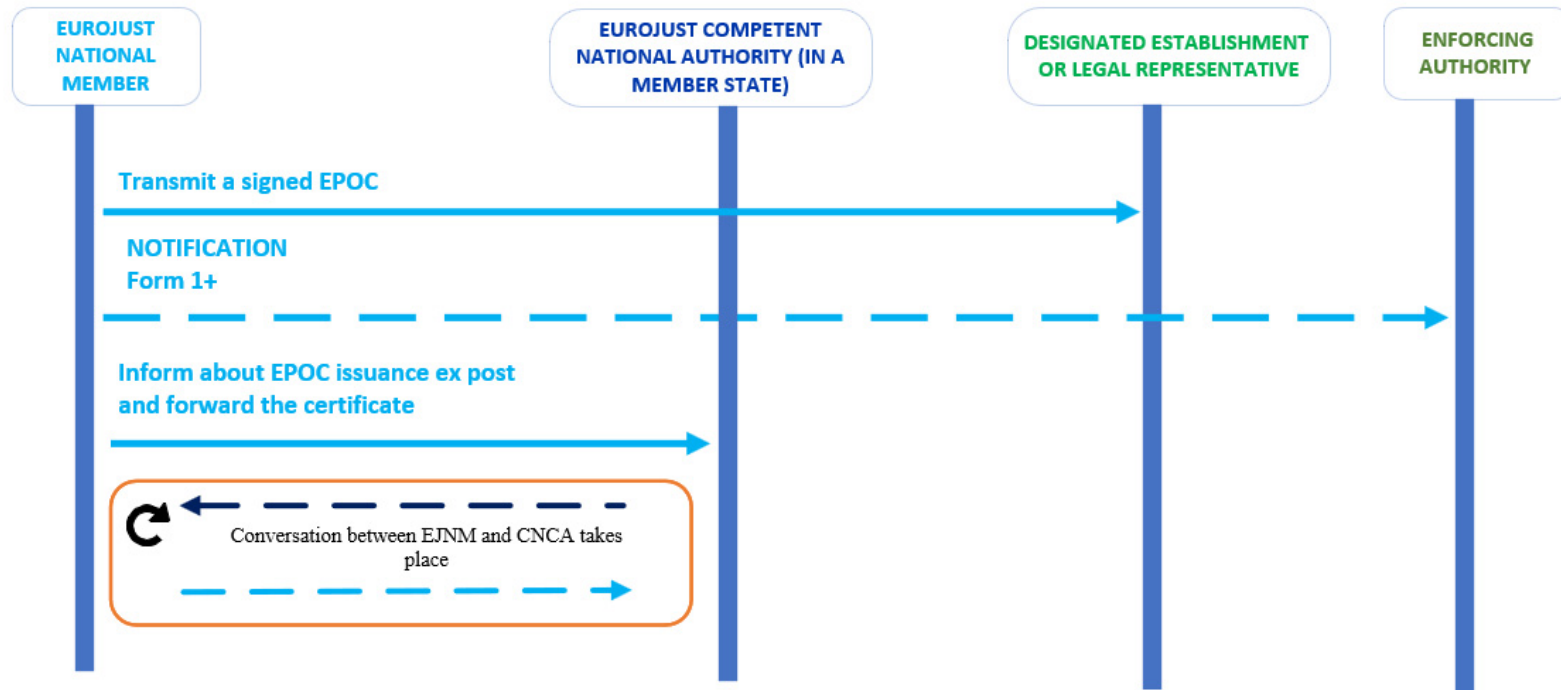


Figure 6-16: Eurojust - Issue and Transmit Production Order Certificate – Emergency Case

7 EUROPEAN PRESERVATION ORDER – EPOC-PR

7.1 WF-001-EPOC-PR – BASIC WORKFLOW

WF-001-EPOC-PR	Basic Workflow
Legal Provision	Article 7 (1), Article 11 (1-3)
Workflow Description Basic request- workflow, without notification for obtaining subscriber data, identification data, traffic data and /or content data.	
Involved Actors: Issuing Authority, Designated Establishment or Legal Representative	
Deadlines: 60 days; extended in special cases	
Forms Available: Form 2, Form 5 and Form 6	
Workflow Steps: <ul style="list-style-type: none"> • Issuing Authority (IA) initiates an EPOC-PR (Form 2) to preserve specific data, such as subscriber data, identification data, traffic data, or content data. • The EPOC-PR typically includes details on the type and scope of data to preserve. • The EPOC-PR is transmitted to the relevant data source or service responsible (Service Provider or SP) for handling the specific data category. • The SP checks if the EPOC-PR can be executed. • Upon successful check, the SP processes the query to preserve the requested data. • The SP informs the IA the data has been preserved. • The SP preserves the relevant data based on the parameters specified in the EPOC-PR for a maximum of 60 days. • During this 60-days period, the IA can follow up with either one of the following actions: <ul style="list-style-type: none"> ○ Notify the SP using Form 5 that this EPOC-PR will be followed by a production order (EPOC). ○ Or request a single extension of the preservation using Form 6 for an additional period of maximum 30 days. • In the case where IA does not need the data anymore, it must inform the SP without undue delay that there is no longer need to preserve the data. • Resources allocated for processing the EPOC-PR may be released. 	

Table 19: EPOC-PR – BASIC WORKFLOW

WF-001-EPOC-PR - BASIC SCENARIO



Figure 7-1: EPOC-PR – BASIC WORKFLOW

7.2 WF-002-EPOC-PR – INTERFERENCE WITH IMMUNITIES OR PRIVILEGES INTERFERENCE WITH FREEDOM OF PRESS OR FREEDOM OF EXPRESSION

WF-002-EPOC-PR	Interference With Immunities Or Privileges Interference With Freedom Of Press Or Freedom Of Expression
Legal Provision	Article 11 (4), Subparagraph 1 and 2
Workflow Description	
The SP cannot execute the order due to interference with Immunities, Privileges, Freedom Of Press or Freedom Of Expression.	
Involved Actors: Issuing Authority, Designated Establishment or Legal Representative Enforcing Authority	
Forms Available: Form 2, Form 3	
Workflow Steps:	
<ul style="list-style-type: none"> • Issuing Authority (IA) initiates an EPOC-PR (Form 2) to preserve specific data, such as subscriber data, identification data, traffic data, or content data. • The EPOC-PR typically includes details on the type and scope of data to preserve. • The EPOC-PR is transmitted to the relevant data source or service responsible (Service Provider or SP) for handling the specific data category. • The SP checks if the EPOC-PR can be executed. • Upon assessment, the SP informs without undue delay by sending back Form 3, both IA and EA about the existence of interference with immunities, privileges, freedom of press or freedom of expression. • Upon receipt of Form 3, EA may contact directly IA and requests to withdraw, to adapt or to maintain the original EPOC-PR. • After review of all information received, IA can take 3 possible actions: <ul style="list-style-type: none"> ○ Withdraw the EPOC-PR. ○ Adapt the EPOC-PR. ○ Maintain the EPOC-PR • If IA withdraws the EPOC-PR, it should inform directly the SP. • In case IA adapts the original EPOC-PR, it should send a modified EPOC-PR (using a new Form 2?) to SP. • In case IA maintains the original EPOC-PR, it should inform the SP. • Upon receipt of the adapted EPOC-PR or the information that it is maintained, the SP preserves the relevant data based on the parameters specified in the EPOC-PR; for a maximum of 60 days. • During this 60-days period, the IA can follow up with either one of the following actions: <ul style="list-style-type: none"> ○ Notify the SP using Form 5 that this EPOC-PR will be followed by a production order (EPOC). ○ Or request an extension of the preservation using Form 6 for an additional period of maximum 30 days. • In the case where IA does not need the data anymore, it must inform the SP without undue delay that there is no longer need to preserve the data. • Resources allocated for processing the EPOC-PR may be released. 	

Table 20: EPOC-PR – INTERFERENCE WITH IMMUNITIES OR PRIVILEGES INTERFERENCE WITH FREEDOM OF PRESS OR FREEDOM OF EXPRESSION

**WF-002-EPOC-PR - interference with immunities or privileges or
- interference with freedom of press or freedom of expression**

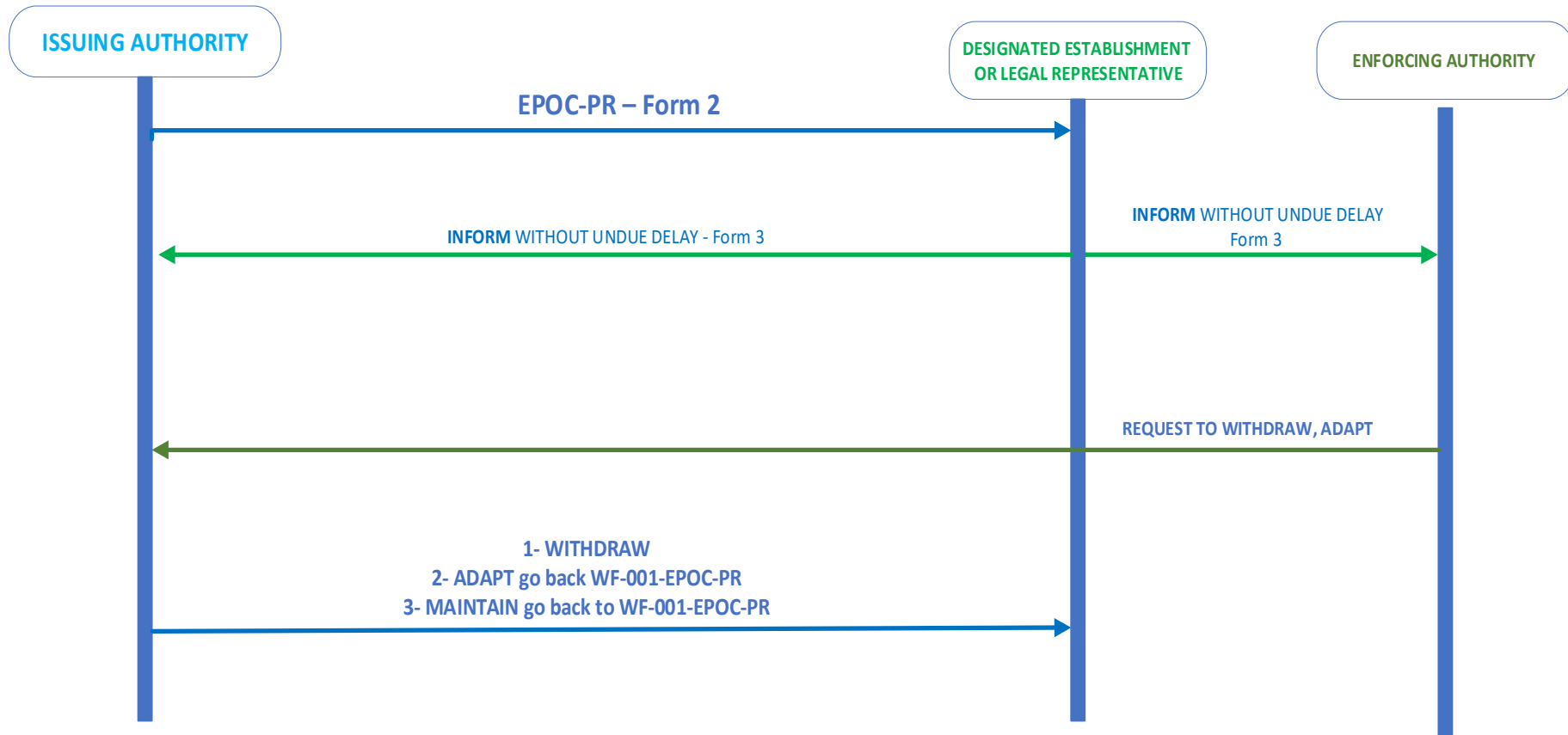


Figure 7-2: EPOC-PR – INTERFERENCE WITH IMMUNITIES OR PRIVILEGES INTERFERENCE WITH FREEDOM OF PRESS OR FREEDOM OF EXPRESSION

7.3 WF-003-EPOC-PR - IMPOSSIBILITY OF EXECUTION - DE FACTO IMPOSSIBILITY - CIRCUMSTANCES OUTSIDE ADDRESSEE

WF-003-EPOC-PR	Impossibility Of Execution - De Facto Impossibility - Circumstances Outside Addressee
Legal Provision	Article 11 (6),
Workflow Description	
The order cannot be executed by the SP due to “de facto” impossibility	
Involved Actors: Issuing Authority, Designated Establishment or Legal Representative	
Forms Available: Form 2, Form 3	
<p>Workflow Description:</p> <ul style="list-style-type: none"> • Issuing Authority (IA) initiates an EPOC-PR (Form 2) for preserving specific data, such as subscriber data, identification data, traffic data, or content data. • The EPOC-PR typically includes details on the type and scope of data required. • The EPOC-PR is transmitted to the relevant data source or service responsible (Service Provider or SP) for handling the specific data category. • The SP checks if the EPOC-PR can be executed. • Upon assessment, the SP informs without undue delay IA by sending back Form 3, about the impossibility to execute the EPOC-PR due to circumstances outside the addressee. • Upon receipt of Form 3, IA assesses the information received. • IA can take 2 possible actions: <ul style="list-style-type: none"> ○ Accept the reasons laid down by the SP. ○ Maintain the EPOC • If IA accepts the “De Facto impossibility to execute”, it informs the SP. This closes the process on both side and no additional action is needed. • In case IA maintains the original EPOC-PR, it should inform the SP. • Upon receipt of the information that it is maintained, SP can contact IA to discuss or explain. • If and whenever possible, the SP preserves the relevant data based on the parameters specified in the EPOC-PR and the conversation held with IA. • During this 60-days period, the IA can follow up with either one of the following actions: <ul style="list-style-type: none"> ○ Notify the SP using Form 5 that this EPOC-PR will be followed by a production order (EPOC). ○ Or request an extension of the preservation using Form 6 for an additional period of maximum 30 days. • In the case where IA does not need the data anymore, it must inform the SP without undue delay that there is no longer need to preserve the data. • Resources allocated for processing the EPOC-PR may be released. 	

Table 21: EPOC-PR - IMPOSSIBILITY OF EXECUTION - DE FACTO IMPOSSIBILITY - CIRCUMSTANCES OUTSIDE ADDRESSEE

WF-003-EPOC-PR - IMPOSSIBILITY OF EXECUTION
- de facto impossibility - circumstances outside addressee

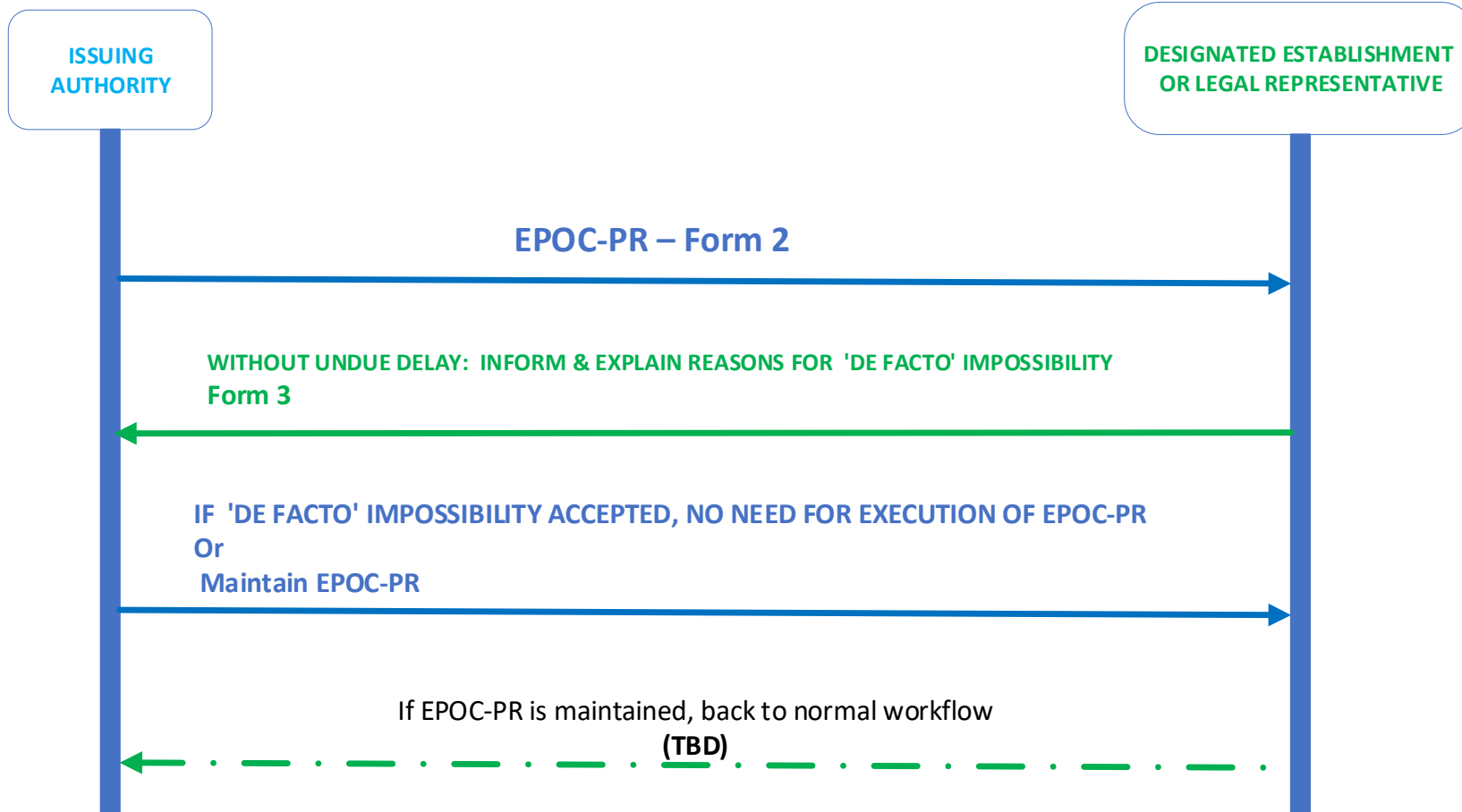


Figure 7-3: EPOC-PR - IMPOSSIBILITY OF EXECUTION - DE FACTO IMPOSSIBILITY - CIRCUMSTANCES OUTSIDE ADDRESSEE

7.4 WF-004-EPOC-PR - IMPOSSIBILITY OF EXECUTION- INCOMPLETE DATA - MANIFEST ERRORS OR INSUFFICIENT INFORMATION

WF-004-EPOC-PR	Impossibility Of Execution- Incomplete data - Manifest Errors or Insufficient Information
Legal Provision	Article 11 (5), Subparagraph 1 and 2
<p>Workflow Description</p> <p>The order cannot be executed by the SP due to incomplete or insufficient data, or to the presence of errors in the request</p>	
<p>Involved Actors: Issuing Authority, Designated Establishment or Legal Representative</p>	
<p>Forms Available: Form 2, Form 3</p>	
<p>Workflow Steps:</p> <ul style="list-style-type: none"> • Issuing Authority (IA) initiates an EPOC-PR (Form 2) for preserving specific data, such as subscriber data, identification data, traffic data, or content data. • The EPOC-PR typically includes details on the type and scope of data required. • The EPOC-PR is transmitted to the relevant data source or service responsible (Service Provider or SP) for handling the specific data category. • The SP checks if the EPOC-PR can be executed. • Upon assessment, the SP informs without undue delay IA by sending back Form 3, about the impossibility to execute the EPOC-PR due incomplete information or manifest errors. • Upon receipt of Form 3, IA assesses the information received. • IA can take 2 possible actions: <ul style="list-style-type: none"> ○ Provide the needed clarification or corrections within maximum 5 days. ○ Issue a new EPOC-PR. • Upon receipt of the information that it is maintained, the SP preserves the relevant data based on the parameters specified in the EPOC-PR and the conversation held with IA. • If no clarification is provided by the IA to the SP within 5 days, then the EPOC-PR is considered as cancelled and that there is no need for preservation. • If a new EPOC-PR is issued, then new deadlines start. • During this 60-days period, the IA can follow up with either one of the following actions: <ul style="list-style-type: none"> ○ Notify the SP using Form 5 that this EPOC-PR will be followed by a production order (EPOC). ○ Or request an extension of the preservation using Form 6 for an additional period of maximum 30 days. • In the case where IA does not need the data anymore, it must inform the SP without undue delay that there is no longer need to preserve the data. • Resources allocated for processing the EPOC-PR may be released. 	

Table 22: EPOC-PR - IMPOSSIBILITY OF EXECUTION- INCOMPLETE DATA - MANIFEST ERRORS OR INSUFFICIENT INFORMATION

WF-004-EPOC-PR - IMPOSSIBILITY OF EXECUTION

- incomplete
- manifest errors
- not sufficient information

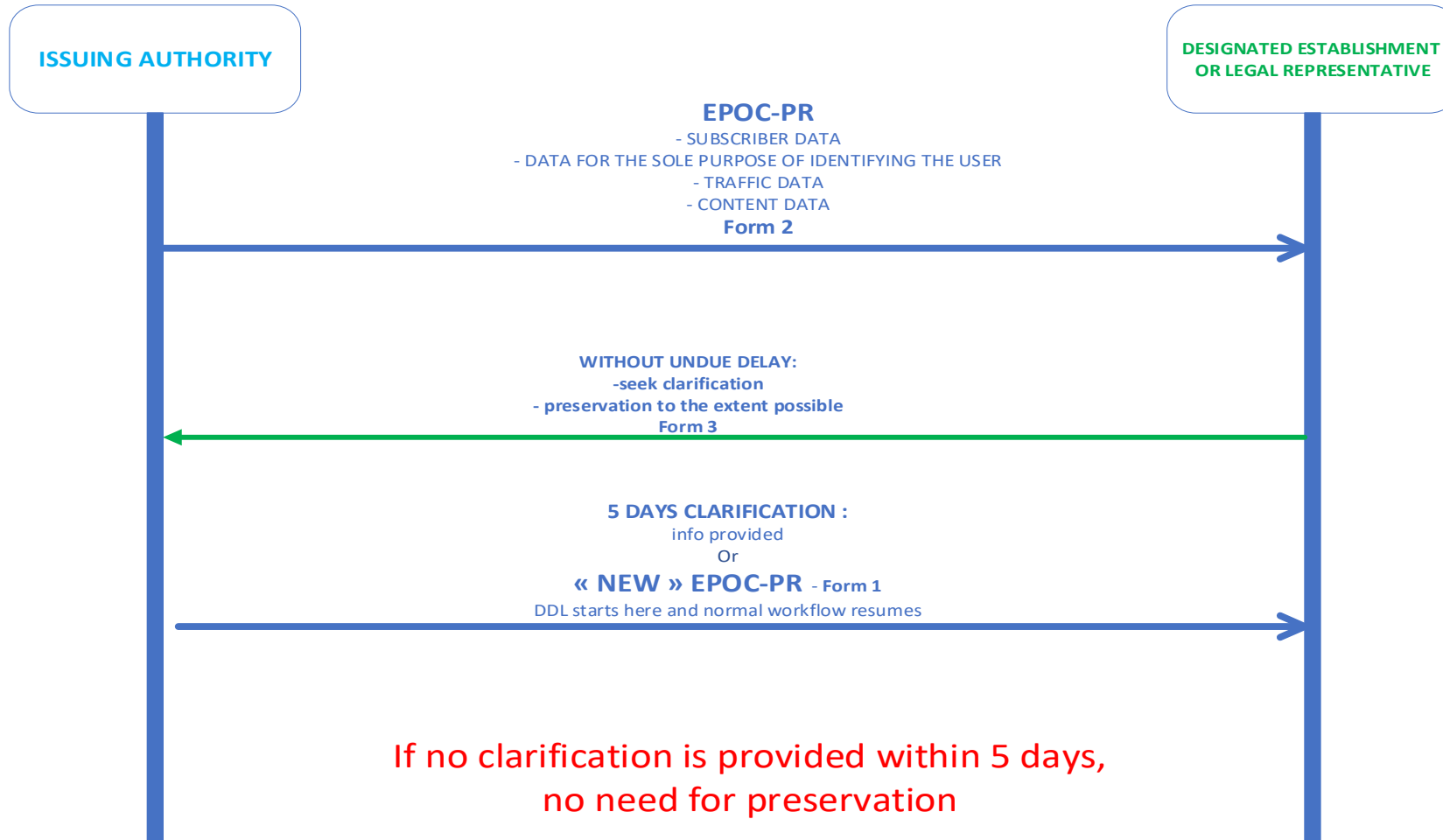


Figure 7-4: EPOC-PR - IMPOSSIBILITY OF EXECUTION- INCOMPLETE DATA - MANIFEST ERRORS OR INSUFFICIENT INFORMATION

7.5 WF-005-EPOC-PR - IMPOSSIBILITY OF EXECUTION- ANY OTHER REASON

WF-005-EPOC-PR	Impossibility Of Execution- Any Other Reason
Legal Provision	Article 11 (7)
Workflow Description	
The SP cannot execute the order for any other reasons than those set in the previous workflows	
Involved Actors: Issuing Authority, Designated Establishment or Legal Representative	
Forms Available: Form 2 and Form 3	
Workflow Steps:	
<ul style="list-style-type: none"> • Issuing Authority (IA) initiates an EPOC-PR (Form 2) for preserving specific data, such as subscriber data, identification data, traffic data, or content data. • The EPOC-PR typically includes details on the type and scope of data required. • The EPOC-PR is transmitted to the relevant data source or service responsible (Service Provider or SP) for handling the specific data category. • The SP checks if the EPOC-PR can be executed. • Upon assessment, the SP informs without undue delay IA by sending back Form 3, about the impossibility to execute the EPOC-PR due to any other reasons or circumstances. • Upon receipt of Form 3, IA assesses the information received. • IA can take 3 possible actions: <ul style="list-style-type: none"> ○ Adapt or issue a new the EPOC-PR. ○ Withdraw the EPOC-PR ○ Maintain the EPOC-PR • The SP preserves the relevant data based on the parameters specified in the EPOC-PR and the conversation held with IA. • If the EPOC-PR is adapted or if a new EPOC-PR is issued, then new deadlines start. • During this 60-days period, the IA can follow up with either one of the following actions: <ul style="list-style-type: none"> ○ Notify the SP using Form 5 that this EPOC-PR will be followed by a production order (EPOC). ○ Or request an extension of the preservation using Form 6 for an additional period of maximum 30 days. • In the case where IA does not need the data anymore, it must inform the SP without undue delay that there is no longer need to preserve the data. • Resources allocated for processing the EPOC-PR may be released. 	

Table 23: EPOC-PR - IMPOSSIBILITY OF EXECUTION- ANY OTHER REASON

WF-005-EPOC-PR- IMPOSSIBILITY OF EXECUTION
- all other reasons for not preserving data

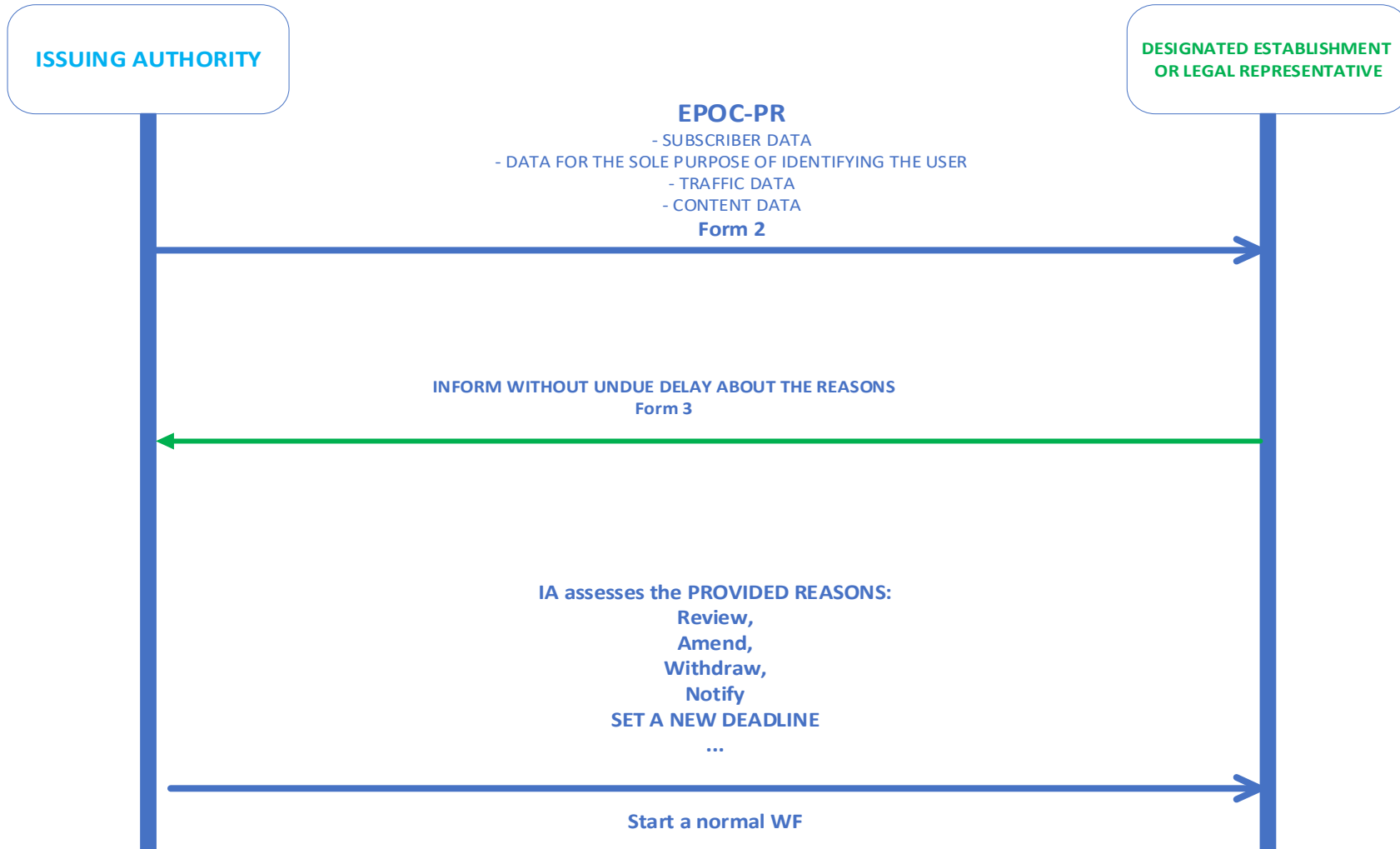


Figure 7-5: EPOC-PR - IMPOSSIBILITY OF EXECUTION- ANY OTHER REASON

7.6 WF-006 – EPOC-PR – EUROJUST – ISSUE AND TRANSMIT EUROPEAN PRESERVATION ORDER CERTIFICATE

WF-006-EPOC-PR	Eurojust - Issue and Transmit European Preservation Order Certificate
Legal Provision	Article 8(3) and 8(4) of the Eurojust Regulation
Workflow Description	
The EJNM sends Form 2 to the relevant addressee of the Service Provider	
Involved Actors: Eurojust National Member, Eurojust Competent National Authority	
Forms Available: Form 2	
Workflow Steps:	
<ul style="list-style-type: none"> • EJNM completes European Preservation Order Certificate • If the agreement from a competent national authority (CNCA) on the issuance of the EPOC-PR required, EJNM forwards the EPOC-PR to the CNCA. • The CNCA can: <ul style="list-style-type: none"> ○ Seek further information from the EJNM or request amendments; ○ Agree with the Issuance of the EPOC-PR; ○ Disagree with the issuance of the EPOC-PR. • When the CNCA disagrees with the issuance of the EPOC-PR, they communicate it to the EJNM and the process ends. • If the CNCA agrees with the issuance of the EPOC-PR, the EJNM signs the EPOC-PR, translates the certificate (external process) and upload supporting documentation if needed. • EJNM transmits the EPOC-PR directly to the addressee of the service provider. 	

Table 24: EPOC-PR – EUROJUST – ISSUE AND TRANSMIT EUROPEAN PRESERVATION ORDER CERTIFICATE

WF-06-EJ-EPOC-PR – Issue and Transmit European Preservation Order Certificate

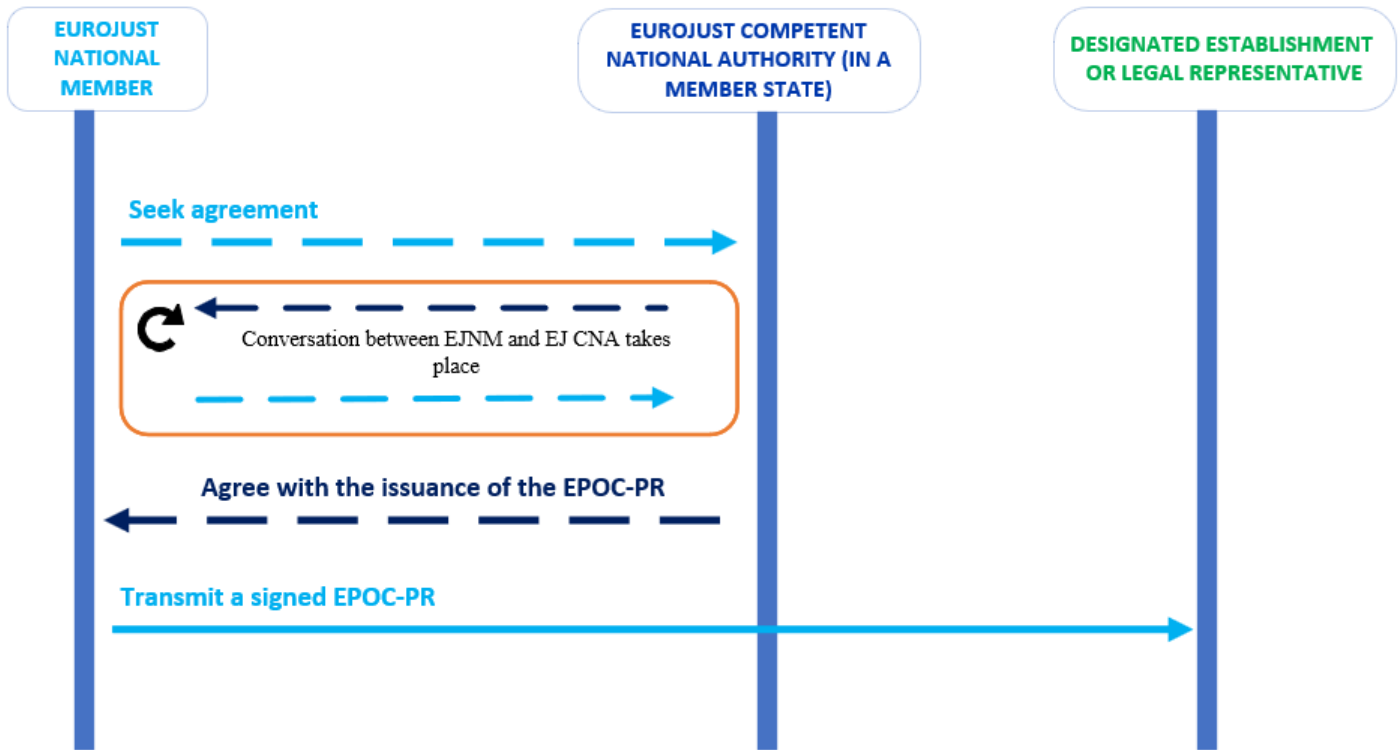


Figure 7-6: EPOC-PR – EUROJUST – ISSUE AND TRANSMIT EUROPEAN PRESERVATION ORDER CERTIFICATE

7.7 WF-007 – EPOC-PR – EUROJUST – ISSUE AND TRANSMIT EUROPEAN PRESERVATION ORDER CERTIFICATE – EMERGENCY CASE

WF-007-EPOC-PR	Eurojust - Issue and Transmit European Preservation Order Certificate – Emergency Case
Legal Provision	Article 8(3) and 8(4) of the Eurojust Regulation
Workflow Description The EJNM sends Form 2 to the relevant Service Provider in an emergency case.	
Involved Actors: Eurojust National Member, Eurojust Competent National Authority, Designated Establishment or Legal Representative	
Deadlines N/A	
Forms Available: Form 2	
Workflow Steps: <ul style="list-style-type: none"> • EJNM completes European Preservation Order Certificate. • In the urgency situation, the EJNM signs the EPOC-PR, translates the certificate (external process) and upload supporting documentation if needed. <ul style="list-style-type: none"> ○ EJNM transmits the EPOC-PR directly to the addressee. • EJNM informs the competent national authority (CNCA) on the issuance of the EPOC-PR, and forwards the issued EPOC-PR to the CNCA. 	

Table 25: Eurojust - Issue and Transmit European Preservation Order Certificate – Emergency Case

WF-007-EJ-EPOC-PR – Issue and Transmit European Preservation Order Certificate – Emergency Case

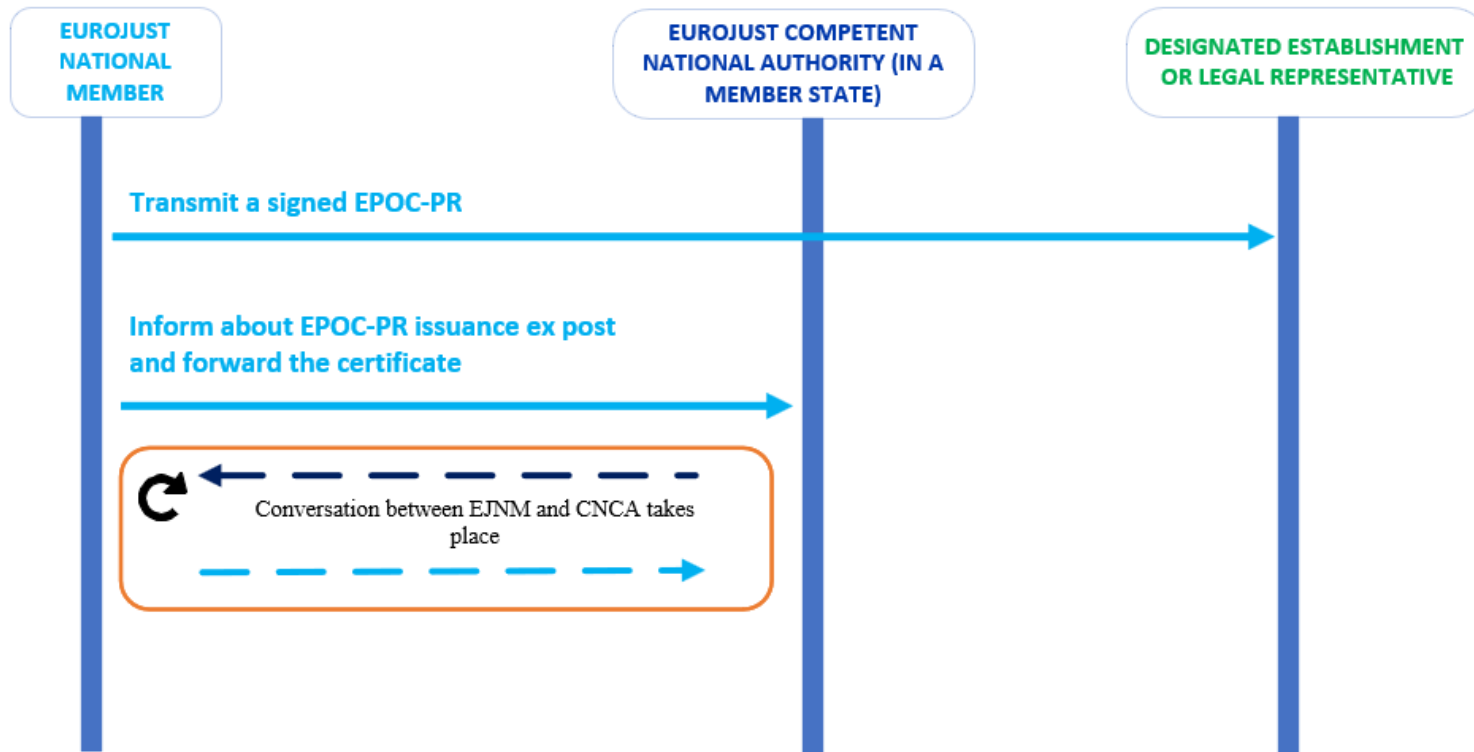


Figure 7-7: Eurojust - Issue and Transmit European Preservation Order Certificate – Emergency Case

8 PROCEDURE OF ENFORCEMENT – EPOC & EPOC-PR

8.1 WF-001-ENF – NON-COMPLIANCE WITHIN DEADLINE – NO GROUND FOR REFUSAL INVOKED

WF-001-ENF	Non-Compliance within Deadline – No Ground for Refusal Invoked
Legal Provision	Article 16 (1-2)
Workflow Description	
Enforcement workflow for non-compliance within the deadline.	
Involved Actors: Issuing Authority, Enforcing Authority, Designated Establishment or Legal Representative	
Forms Available: Form 1 and Form 3	
Prerequisite:	
No reply from the SP is received within the deadline.	
In this workflow, it is assumed that:	
<ul style="list-style-type: none"> • No grounds for refusal have been invoked by EA. • The SP does not comply within the deadline with an EPOC without providing sufficient or valid reasons. • The SP does not execute an EPOC-PR without providing sufficient or valid reasons. 	
Workflow Steps:	
<ul style="list-style-type: none"> • IA triggers an Enforcement Procedure by sending a request to the EA where the SP is designated or established. • IA supplements its request with all the necessary justification: Form 1, Form 3 received back from the SP and any other relevant documentation that supports the enforcement request. • IA must ensure that information under Section M in Form 1 is provided to EA it was not done in the original EPOC. • The IA may also inform the SP that an enforcement procedure has been triggered. • EA assesses the request from IA and takes a decision within 5 days. • EA can: <ul style="list-style-type: none"> ○ Either recognise the order. ○ Or does not recognise the order. • If EA plans not to recognise or not to enforce the order, it must consult IA for discussion or clarification before issuing this decision. • If EA recognises the order, it informs the SP that they must comply with it. • If EA does not recognise the order, it informs IA about the decision. • If EA does not recognise the order, then the process is closed on all sides (IA, EA and SP) and all resources allocated to it may be released. 	

Table 26: ENF – NON-COMPLIANCE WITHIN DEADLINE – NO GROUND FOR REFUSAL INVOKED

WF-001-ENF:

ADDRESSEE DID NOT COMPLY:

- WITH EPOC WITHIN DEADLINE
- WITH EPOC-PR WITHOUT REASON
- NO GROUNDS FOR REFUSAL INVOKED

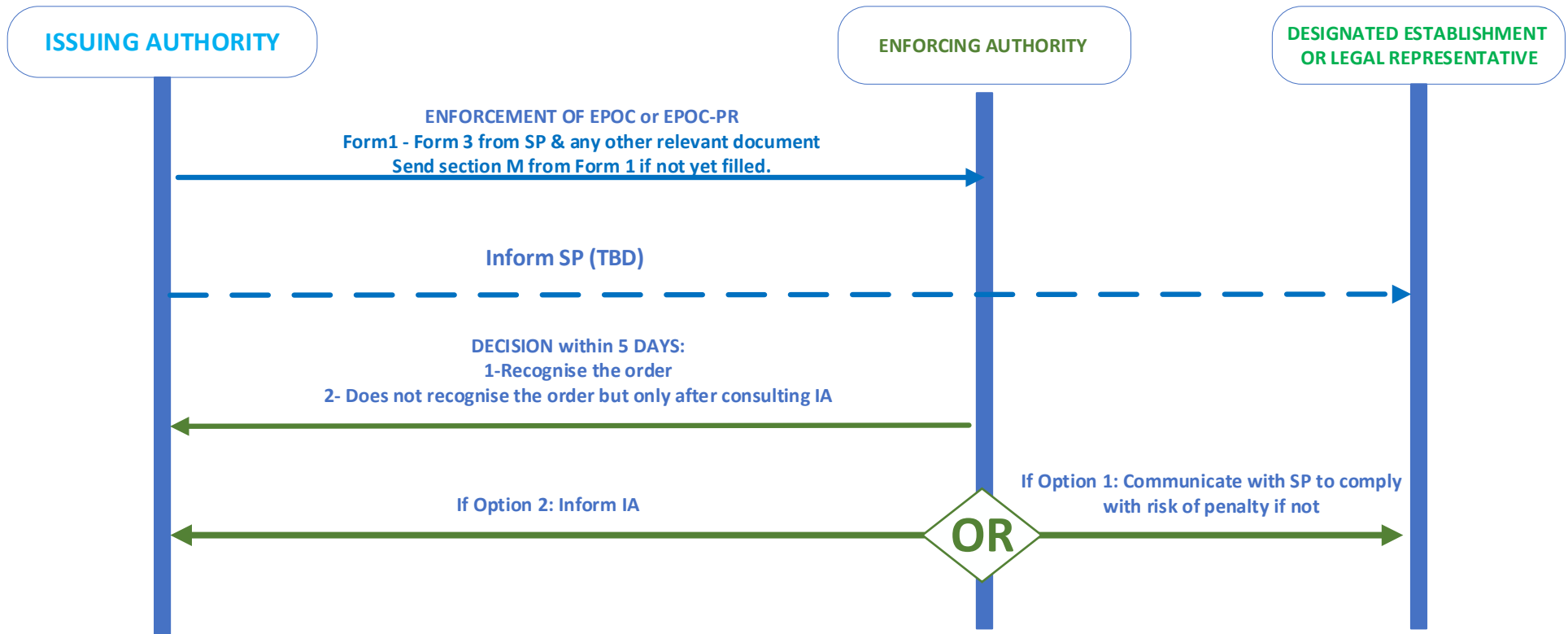


Figure 8-1: ENF – NON-COMPLIANCE WITHIN DEADLINE – NO GROUND FOR REFUSAL INVOKED

8.2 WF-002-ENF – NON-COMPLIANCE WITHIN DEADLINE – OBJECTION FROM SP

WF-002-ENF	Non-Compliance within Deadline – Objection from SP
Legal Provision	Article 16 (6-7)
<p>Workflow Description</p> <p>Enforcement workflow for non-compliance with objection from SP.</p>	
<p>Involved Actors: Issuing Authority, Enforcing Authority, Designated Establishment or Legal Representative</p>	
<p>Prerequisite:</p> <p>In this workflow, it is assumed that:</p> <ul style="list-style-type: none"> • No grounds for refusal have been invoked by EA. • EA agrees with the request of IA and enforces the order. <p>Workflow Steps:</p> <ul style="list-style-type: none"> • EA informs formally the SP that it must comply with the EPOC or the EPOC-PR under discussion. • EA must also inform the SP of the possibility of objection, possible penalties and also about the allocated period to comply or object to the order. • If the SP still objects to the order, it must inform EA without delay. • If the SP raises an objection, EA can take the following actions: <ul style="list-style-type: none"> ○ EA agrees with SP, but in this case, it must consult IA before issuing its decision. ○ EA does not agree with SP; in this case it enforces the order but may request additional information from IA before finalising its decision. ○ In both cases, and where additional information is requested from IA, IA must provide any clarification to EA within 5 days. • If the order is enforced, the SP must provide the requested information or preserve it as per the EPOC or the EPOC-PR. • If the SP still does not comply, then penalties may apply. • If EA does not enforce the order, then the process is closed on all sides (IA, EA and SP) and all resources allocated to it may be released. 	

Table 27: ENF – NON-COMPLIANCE WITHIN DEADLINE – OBJECTION FROM SP

WF-002-ENF:

ADDRESSEE DID NOT COMPLY:

- WITH EPOC WITHIN DEADLINE
- WITH EPOC-PR WITHOUT REASON
- NO GROUNDS FOR REFUSAL INVOKED

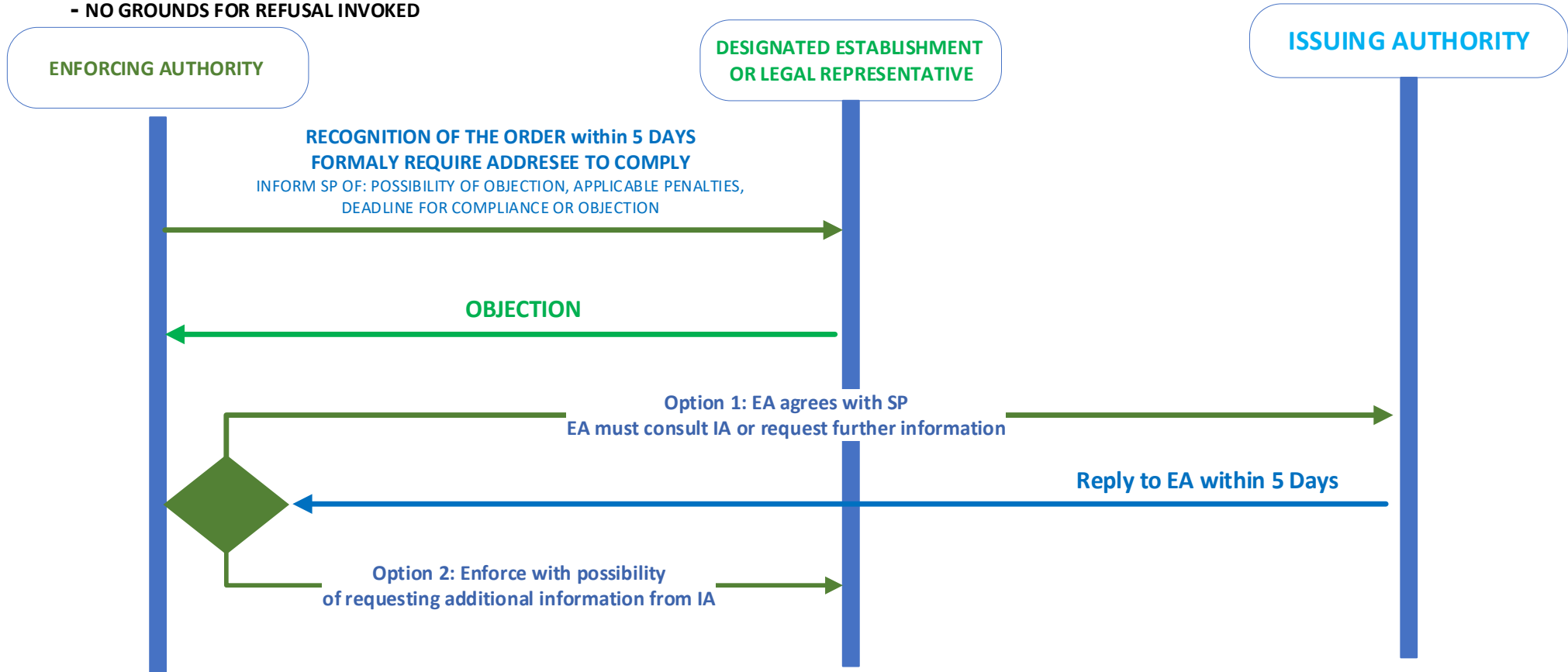


Figure 8-2: ENF – NON-COMPLIANCE WITHIN DEADLINE – OBJECTION FROM SP

8.3 WF-003-ENF – NON-COMPLIANCE WITHIN DEADLINE

WF-003-ENF	Non-Compliance within Deadline
Legal Provision	Article 16 (8), Article 16 (10)
<p>Workflow Description Enforcement workflow for non-compliance.</p>	
<p>Involved Actors: Enforcing Authority, Designated Establishment or Legal Representative</p>	
<p>Prerequisite: The EA agrees with IA, recognises the order and enforces it. In this workflow, it is assumed that:</p> <ul style="list-style-type: none"> • No grounds for refusal have been invoked by EA. • EA agrees with the request of IA and enforces the order. <p>Workflow Steps:</p> <ul style="list-style-type: none"> • EA confirms immediately to the SP that it must comply with the EPOC or the EPOC-PR under discussion. • The SP must provide the requested information or preserve it as per the EPOC or the EPOC-PR. • In case of an EPOC, the SP could also send back the requested data to EA. • In that case, EA hands over the provided data to IA • Resources allocated for processing the EPOC-PR may be released. 	

Table 28: ENF – NON-COMPLIANCE WITHIN DEADLINE

9 EUROJUST FACILITATION BUSINESS PROCESSES

9.1 EUROJUST FACILITATION

WF	Eurojust Facilitation
Legal Provision	Article 8(1) of the Eurojust Regulation
<p>Workflow Description</p> <p>This process generically addresses the Eurojust facilitation needs within the context of the EPOC and EPOC-PR procedures. Any authority involved in e-evidence processes may identify a need for facilitation at any stage. The process focuses on consultation, coordination, and support needs.</p>	
<p>Involved Actors:</p> <p>Sending Authority – the authority that initiates the facilitation request. It may be a CA, IA, VA, or EA.</p> <p>Requested EJNM – the EJNM of the State to which the Sending Authority belongs.</p> <p>Consulted EJNM – the EJNM of the State whose assistance may be sought in the context of the facilitation request.</p> <p>Consulted MS Authority – if the Consulted EJNM needs to involve or obtain feedback from another authority within its State, it may contact the relevant CA, IA, VA, or EA.</p>	

Workflow Steps:

- The Sending Authority recognises the need to seek support from their EJNM and completes a request for facilitation.
- The Sending Authority sends the request for facilitation to their EJNM.
- If the Requested EJNM needs more information from the Sending Authority, the Requested EJNM sends a request for information to the Sending Authority.
- If the Requested EJNM needs more information from the EJNM of another Member State (Consulted EJNM), the Requested EJNM sends a request for information to the Consulted EJNM.

N.B. This communication takes places outside of JUDEX, in Eurojust's CMS.

- The Consulted EJNM receives the facilitation request from the Requested EJNM and determines whether they need to consult another authority in their Member State.

N.B. This communication takes places outside of JUDEX, in Eurojust's CMS.

- The Consulted EJNM determines whether an authority in their Member State (still) needs to be consulted.
 - If 'yes', the Consulted EJNM sends a request for information to the Consulted MS Authority.
- The Consulted MS Authority responds to the request for information of the Consulted EJNM.
- The Consulted EJNM provides a response to the Consulting EJNM.

N.B. This communication takes places outside of JUDEX, in Eurojust's CMS.

- The Requested EJNM sends the response to the request for facilitation to the Sending Authority.

Alternative flow

- The Sending Authority (Issuing/ Validating Authority) recognises the need to seek support from their EJNM in filling in a draft EPOC / EPOC-PR.
- The Sending Authority sends the draft EPOC/EPOC-PR to their EJNM.
- The Requested EJNM completes the form.
- The Requested EJNM sends EPOC/EPOC-PR draft back to the Sending Authority.

Table 29: EUROJUST FACILITATION

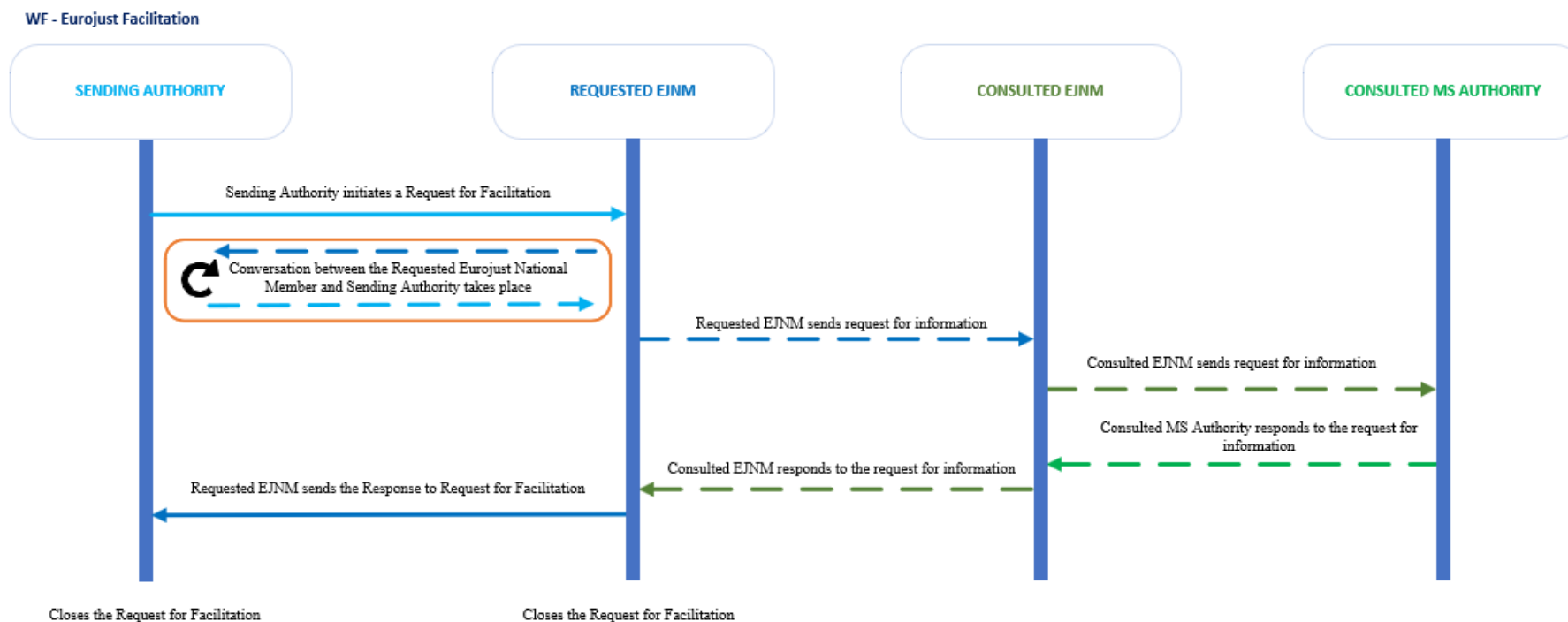


Figure 9-1: EUROJUST FACILITATION

WF - Eurojust Facilitation – Alternative flow

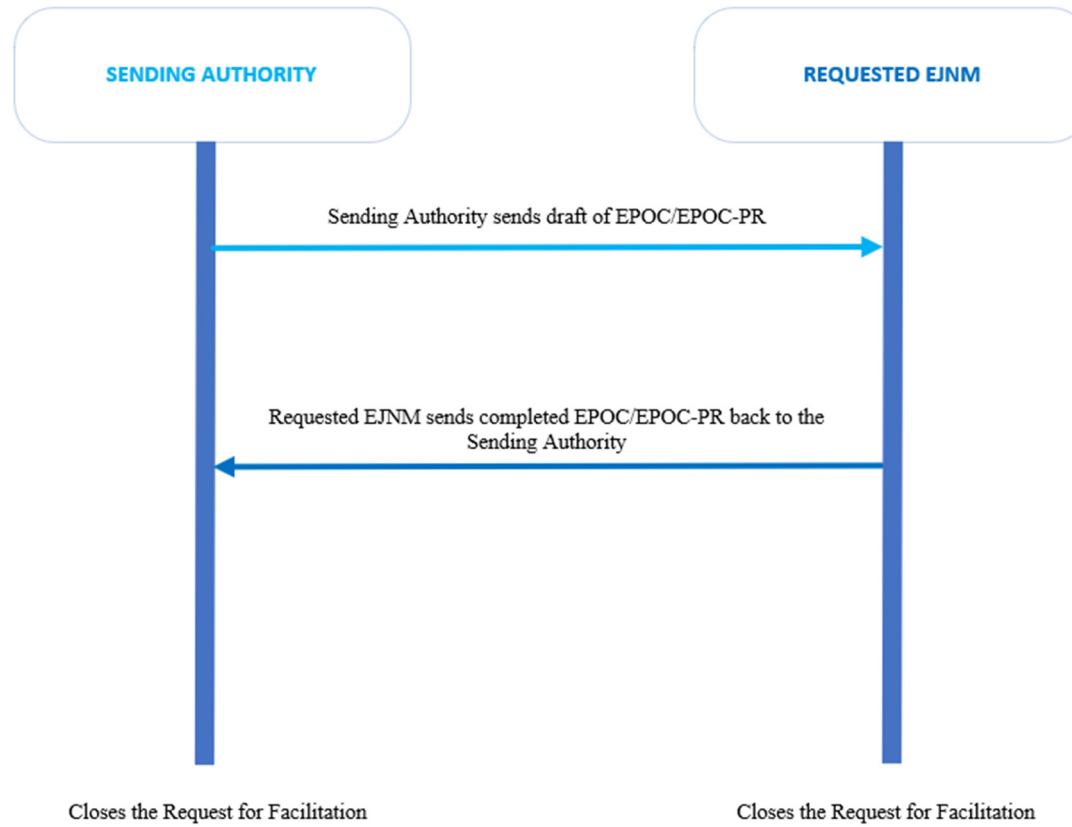


Figure 9-2: EUROJUST FACILITATION - Alternative flow

10 MESSAGES

The tables below provide a comprehensive view of all messages that can be exchanged within the context of e-evidence Regulation.

10.1 EPOC FUNCTIONAL MESSAGES

Message Name	Sender (From)	Recipient(s) (To)	Description
Statutory Forms			
Form 1	Issuing Authority	Service Provider; Enforcing Authority	Annex I - European Production Order Certificate (EPOC) for the Production of Electronic Evidence
Form 3	Service Provider	Issuing Authority; Enforcing Authority; Other authority (as applicable)	Annex III – Information on the Impossibility of Executing an EPOC / EPOC-PR
Predefined Messages			
Court Decision	Court in Issuing State	Issuing Authority; Service Provider; Other authority (as applicable)	The decision of the Court in issuing State after assessing the EPOC and the objections from the SP for not providing data. It is up to IA to inform the Enforcing Authority about the Court Decision
Enforcement Decision	Enforcing Authority	Service Provider; Issuing Authority; Other authority (as applicable)	Upon receipt of the 'Request to Enforce the Order' message, the Enforcing Authority decides whether they recognise or do not recognise the order and communicate their decision
Go to Court to Decide	Issuing Authority	Court in Issuing State	Issuing Authority asks the Court in issuing State to review the EPOC and the objections raised by the Service Provider. The Court may uphold, lift, or request additional information to inform its decision
Grounds For Refusal	Enforcing Authority	Issuing Authority; Service Provider; Other authority (as applicable)	The message enables the Enforcing Authority to communicate whether it raises grounds for refusal
Manifest for External Transmission of Data	Service Provider	Issuing Authority; Enforcing Authority; Other authority (as applicable)	If the requested data exceeds the 25MB threshold per message, the Service Provider provides instructions on how to access the requested data, which have been

			made available outside the decentralised IT system
Outcome	Service Provider	Issuing Authority; Other authority (as applicable)	The message allows the Service Provider to send the requested data to the respective authority in the issuing State (or Enforcing Authority, if applicable). Outcome can be sent in several parts whenever needed. The message cannot exceed 25MB
Request for Additional Information	Enforcing Authority; Issuing Authority; Service Provider; Other authority (as applicable)	Issuing Authority; Enforcing Authority; Service Provider; Other authority (as applicable)	Initiation of consultation process
Request to Enforce the Order	Issuing Authority	Enforcing Authority; Service Provider; Other authority (as applicable)	The message allows the Issuing Authority to initiate enforcement procedure if the Service Provider fails to comply with an EPOC or EPOC-PR
Set New Deadline	Issuing Authority	Enforcing Authority; Service Provider; Other authority (as applicable)	The purpose of the message is to set a new deadline for the Service Provider to deliver the requested data
Free Text Messages			
Agree with Objection	Enforcing Authority	Issuing Authority; Service Provider; Other authority (as applicable)	Enforcing Authority communicates that they agree with the objection Service Provider had raised to the recognition decision. The process is closed on all sides (IA, EA and SP) and all resources allocated to it may be released
Confirmation about the end of the transaction	Service Provider; Enforcing Authority	Issuing Authority	Confirmation of Withdrawal
Disagree with Objection	Enforcing Authority	Issuing Authority; Service Provider; Other authority (as applicable)	The Enforcing Authority informs that they do not agree with the objection raised by Service Provider upon the receipt of Enforcement Decision message. The Service Provider must produce the requested data
Inform about Going to Court	Issuing Authority	Enforcing Authority; Service Provider; Other authority (as applicable)	The message notifies that the Issuing Authority disagrees with the reasons given in Annex III by the Service Provider, maintains the EPOC and refers the matter to a Court for a judicial decision

Objection	Service Provider	Enforcing Authority	This message notifies that the Service Provider objects to comply with the order upon receiving "Enforcement Decision" from the Enforcing Authority
Reply to Form 3	Issuing Authority; Enforcing Authority; Other authority (as applicable)	Issuing Authority; Service Provider; Enforcing Authority; Other authority (as applicable)	Reply to the received Form 3
Reply to Request for Additional Information	Issuing Authority; Service Provider; Enforcing Authority; Other authority (as applicable)	Issuing Authority; Service Provider; Enforcing Authority; Other authority (as applicable)	Reply to the received Request for Additional Information
Send Other Information	Issuing Authority; Enforcing Authority; Service Provider; Other authority (as applicable)	Issuing Authority; Enforcing Authority; Service Provider; Other authority (as applicable)	A free text message initiating a consultation process which can be sent at any time of case processing once an e-Form is issued
Withdrawal	Issuing Authority	Enforcing Authority; Service Provider	Issuing Authority informs that the case is being withdrawn

Figure 10-1: EPOC Functional messages

10.2 EPOC-PR FUNCTIONAL MESSAGES

Message Name	Sender (From)	Recipient(s) (To)	Description
Statutory Forms			
Form 2	Issuing Authority	Service Provider	Annex II – European Preservation Order Certificate (EPOC-PR) for the Preservation of Electronic Evidence
Form 3	Service Provider	Issuing Authority; Enforcing Authority; Other authority (as applicable)	Annex III – Information on the Impossibility of Executing an EPOC / EPOC-PR
Form 5	Issuing Authority	Service Provider	Annex V – Confirmation of Issuance of a Request for Production Following a European Preservation Order
Form 6	Issuing Authority	Service Provider	Annex VI – Extension of the Preservation of Electronic Evidence

Predefined Messages			
Confirmation of the Preservation	Service Provider	Issuing Authority; Other authority (as applicable)	The Service Provider sends confirmation about preserving the requested data to the Issuing Authority
Enforcement Decision	Enforcing Authority	Service Provider; Issuing Authority; Other authority (as applicable)	Upon receipt of the 'Request to Enforce the Order' message, the Enforcing Authority decides whether they recognise or do not recognise the order and communicate their decision
Request for Additional Information	Enforcing Authority; Service Provider; Issuing Authority; Other authority (as applicable)	Issuing Authority; Enforcing Authority; Service Provider; Other authority (as applicable)	Initiation of consultation process
Request to Enforce the Order	Issuing Authority	Enforcing Authority; Service Provider; Other authority (as applicable)	The message allows the Issuing Authority to initiate enforcement procedure if the Service Provider fails to comply with an EPOC or EPOC-PR
Free Text Messages			
Agree with Objection	Enforcing Authority	Issuing Authority; Service Provider; Other authority (as applicable)	The Enforcing Authority communicates that they agree with the objection Service Provider had raised to the recognition decision. The process is closed on all sides, and all resources allocated to it may be released
Confirmation about the end of the transaction	Service Provider	Issuing Authority	Confirmation of Withdrawal
Disagree with Objection	Enforcing Authority	Issuing Authority; Service Provider; Other authority (as applicable)	The Enforcing Authority informs that they do not agree with the objection raised by Service Provider upon the receipt of Enforcement Decision message. The Service Provider must produce the requested data
No Longer Need to Preserve Data	Issuing Authority	Service Provider; Other authority (as applicable)	The message notifies the Service Provider that data preservation is no longer required, ending the preservation obligation
Objection	Service Provider	Enforcing Authority	The message notifies that the Service Provider objects to comply with the order upon receiving

			"Enforcement Decision" from the Enforcing Authority
Reply to Form 3	Issuing Authority; Enforcing Authority; Other authority (as applicable)	Issuing Authority; Service Provider; Enforcing Authority; Other authority (as applicable)	Reply to the received Form 3
Reply to Request for Additional Information	Issuing Authority; Service Provider; Enforcing Authority; Other authority (as applicable)	Issuing Authority; Enforcing Authority; Service Provider; Other authority (as applicable)	Reply to the received Request for Additional Information
Send Other Information	Issuing Authority; Enforcing Authority; Service Provider; Other authority (as applicable)	Issuing Authority; Enforcing Authority; Service Provider; Other authority (as applicable)	A service message initiating a consultation process which can be sent at any time of case processing once an e-Form is issued
Withdrawal	Issuing Authority	Service Provider	The Service Provider is informed that the case has been withdrawn

Figure 10-2: EPOC-PR Functional messages

11 ANNEXES

11.1 WF-001-EPOC - BASIC WORKFLOW – WITHOUT OR WITH EMERGENCY - NO NOTIFICATION

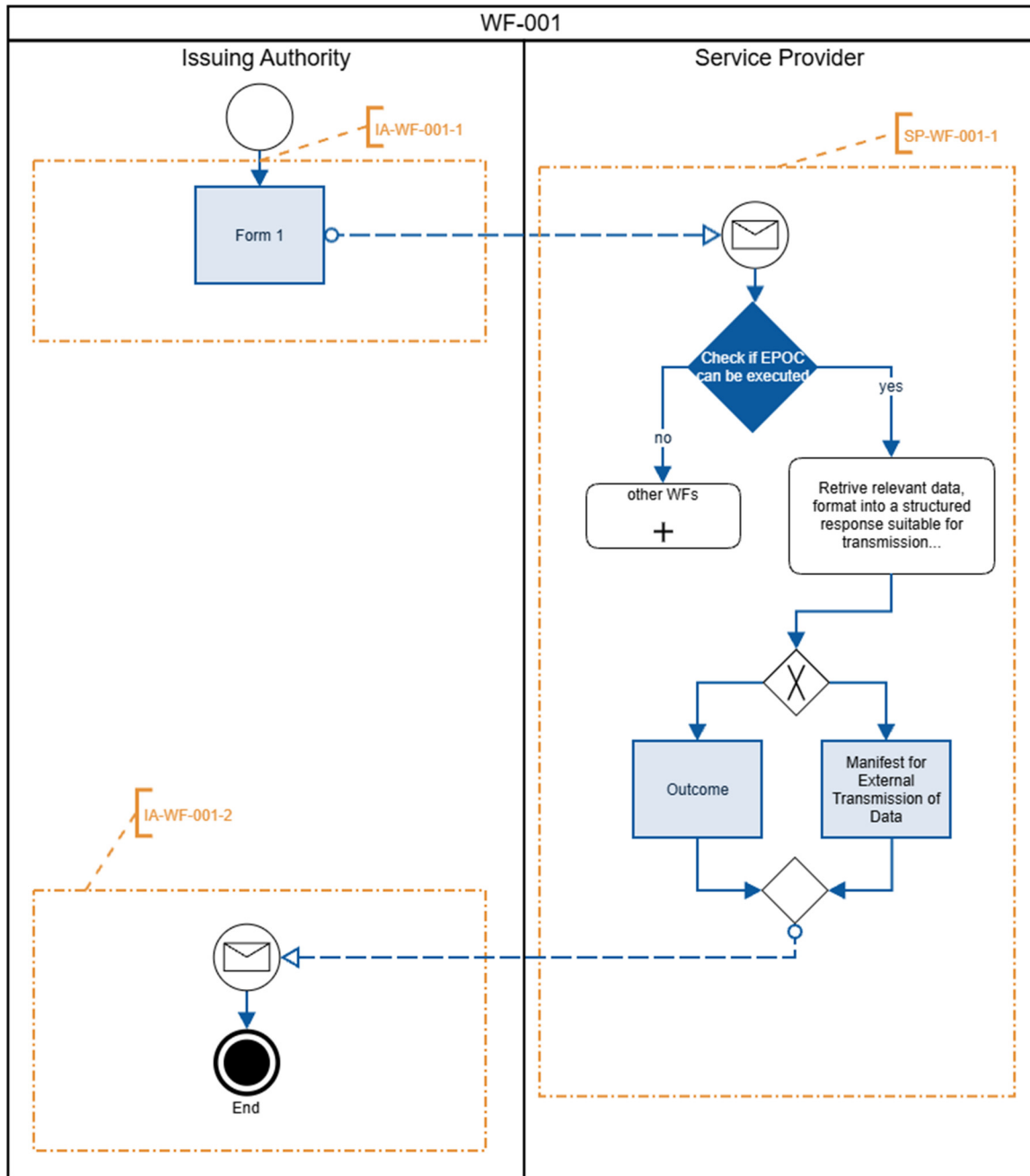


Figure 11-1: WF-001-EPOC Diagram

11.2 WF-002-EPOC - BASIC WORKFLOW - NO EMERGENCY - WITH NOTIFICATION

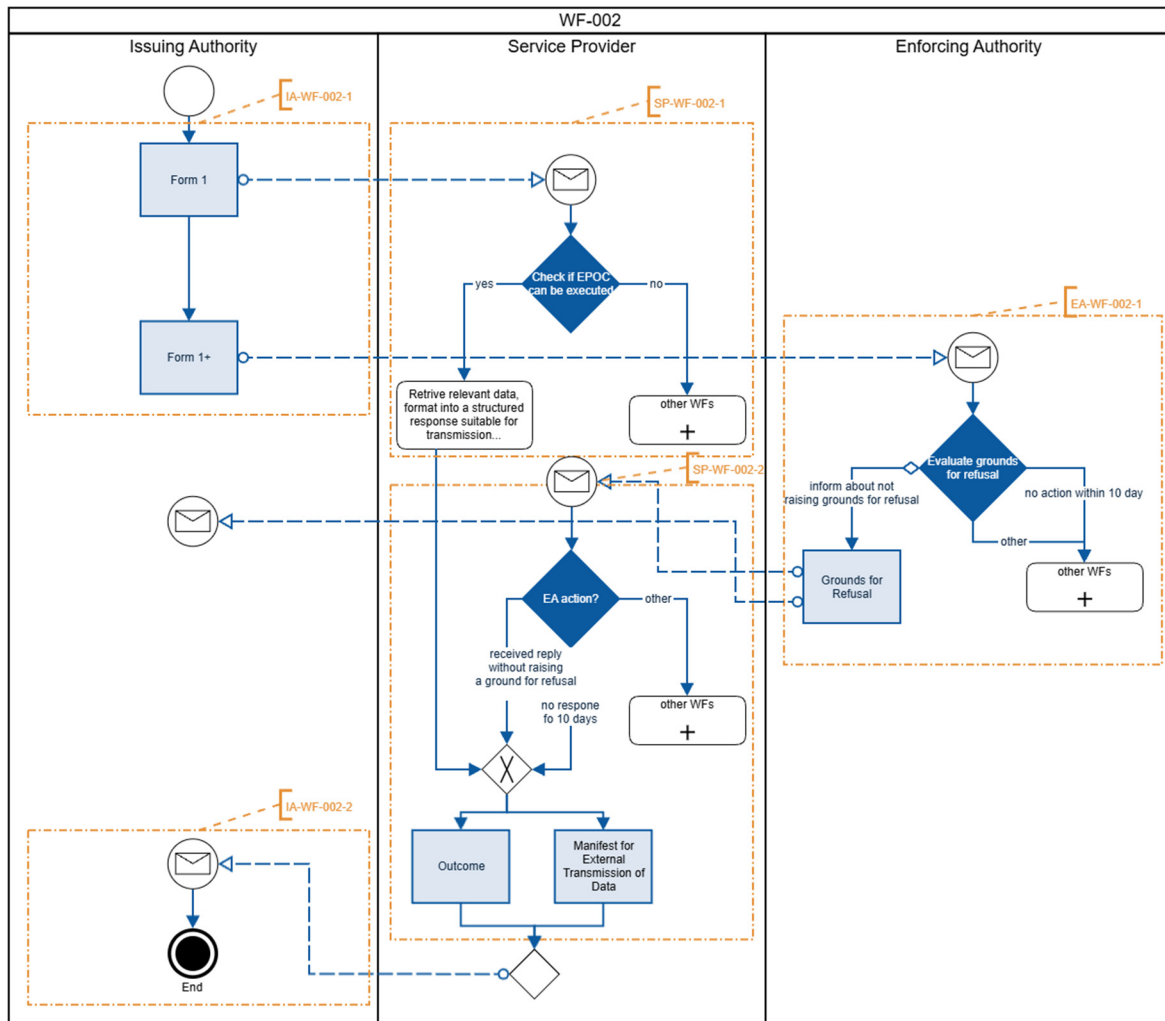


Figure 11-2: WF-002-EPOC Diagram

11.3 WF-003-EPOC - NOTIFICATION - GROUNDS FOR REFUSAL - NO EMERGENCY

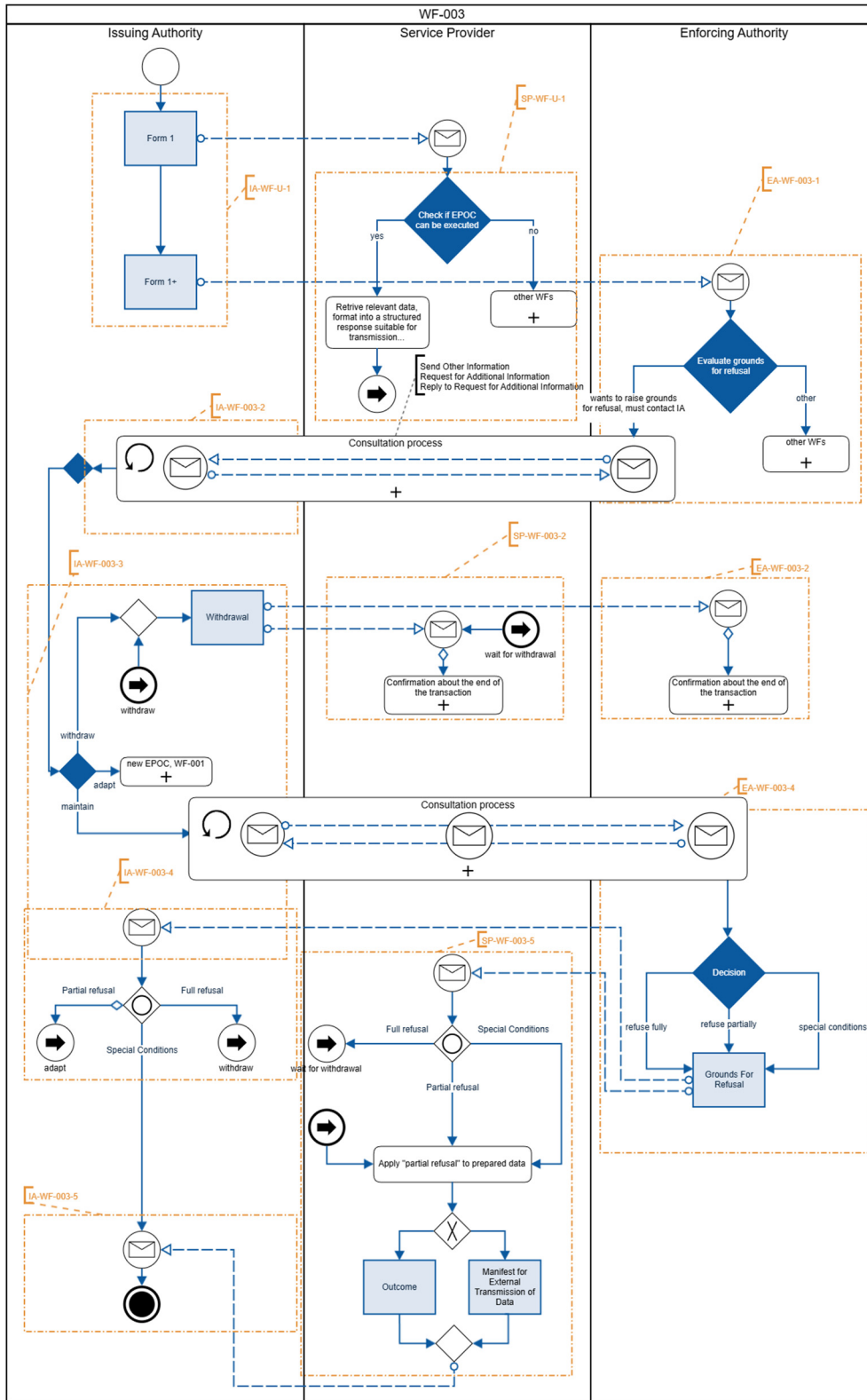


Figure 11-3: WF-003-EPOC Diagram

11.4 WF-004-EPOC – NOTIFICATION - NO GROUND FOR REFUSAL – EMERGENCY EPOC

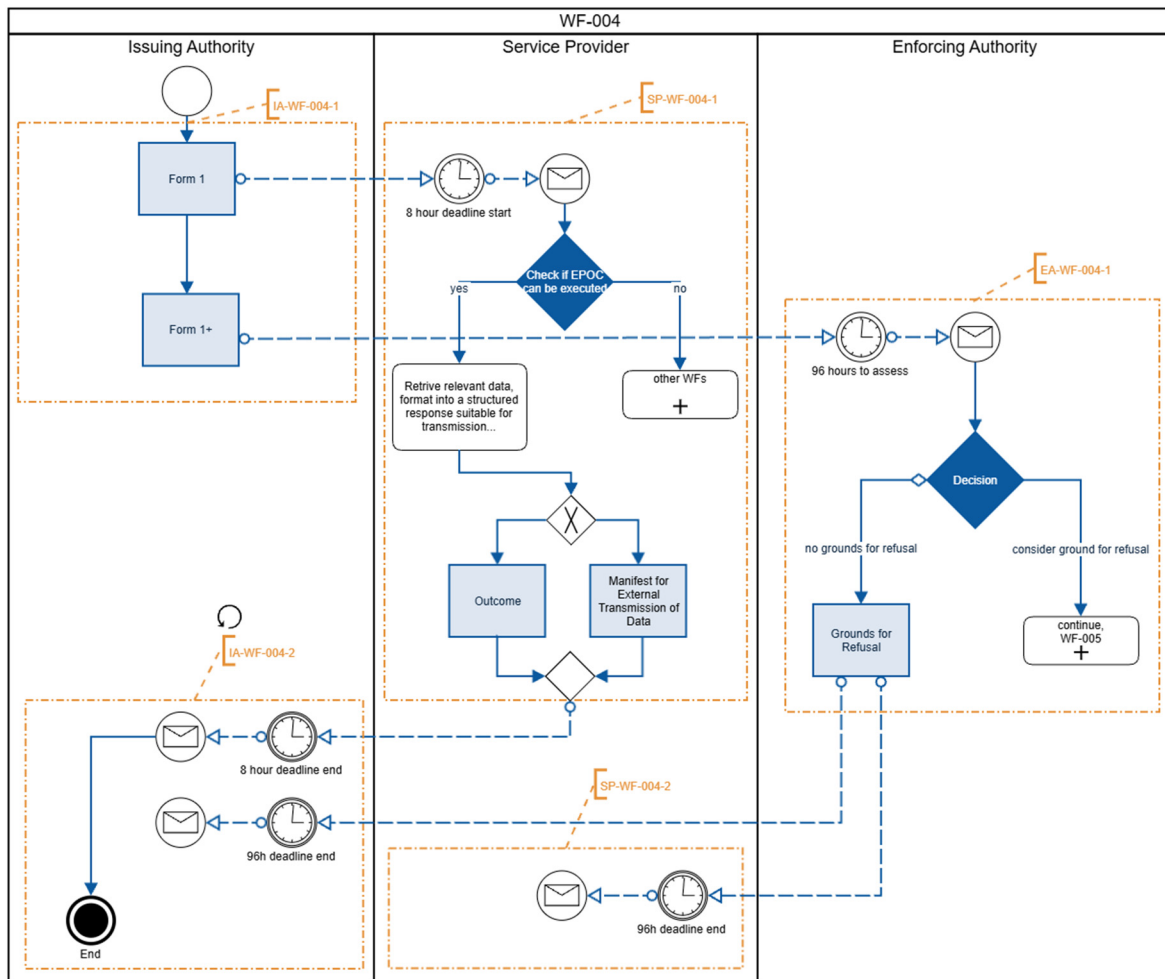


Figure 11-4: WF-004-EPOC Diagram

11.5 WF-005-EPOC – NOTIFICATION - GROUND FOR REFUSAL - EMERGENCY EPOC

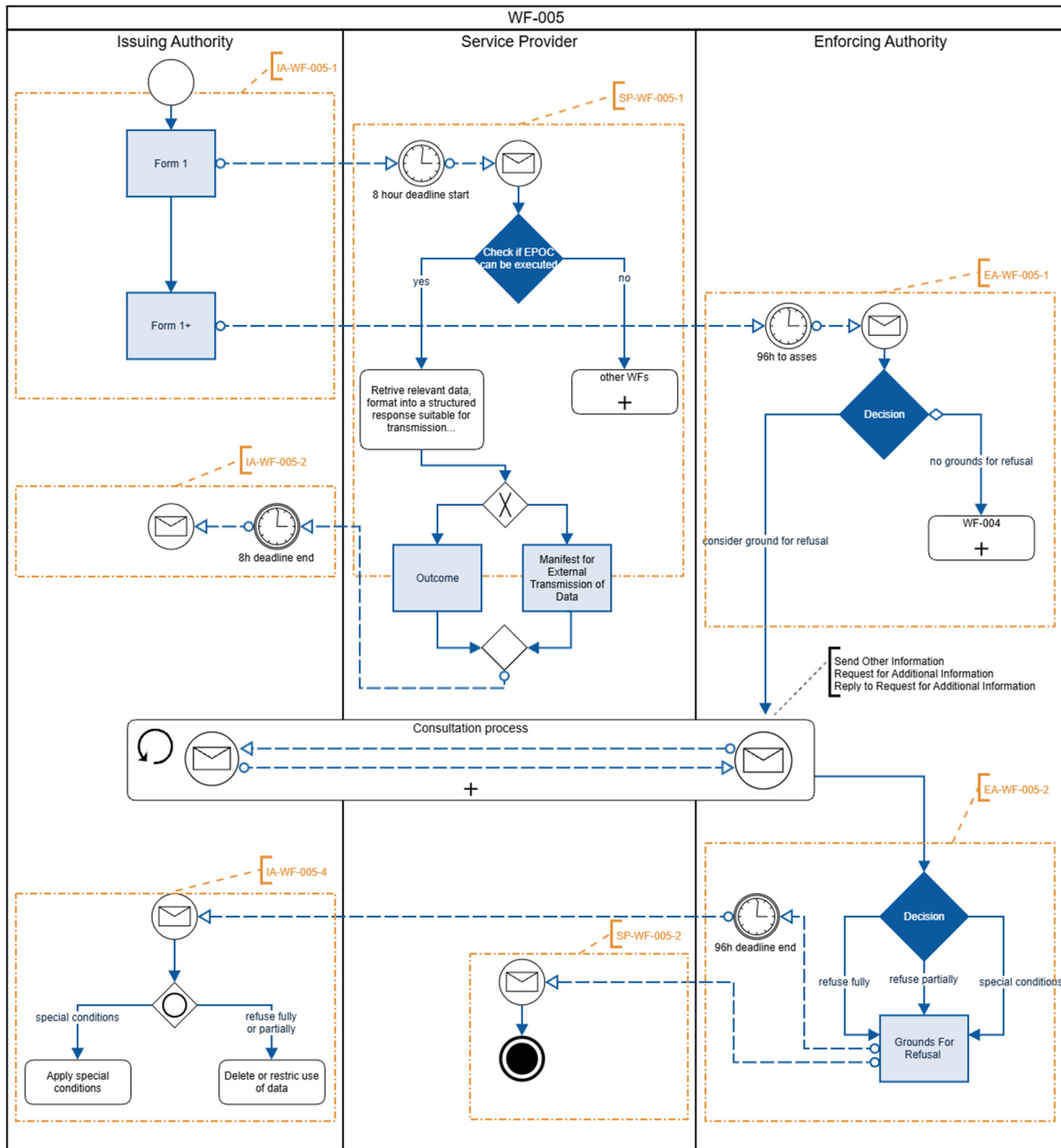


Figure 11-5: WF-005-EPOC Diagram

11.6 WF-006-EPOC - INTERFERENCE WITH IMMUNITIES OR PRIVILEGES INTERFERENCE WITH FREEDOM OF PRESS OR FREEDOM OF EXPRESSION - NO NOTIFICATION

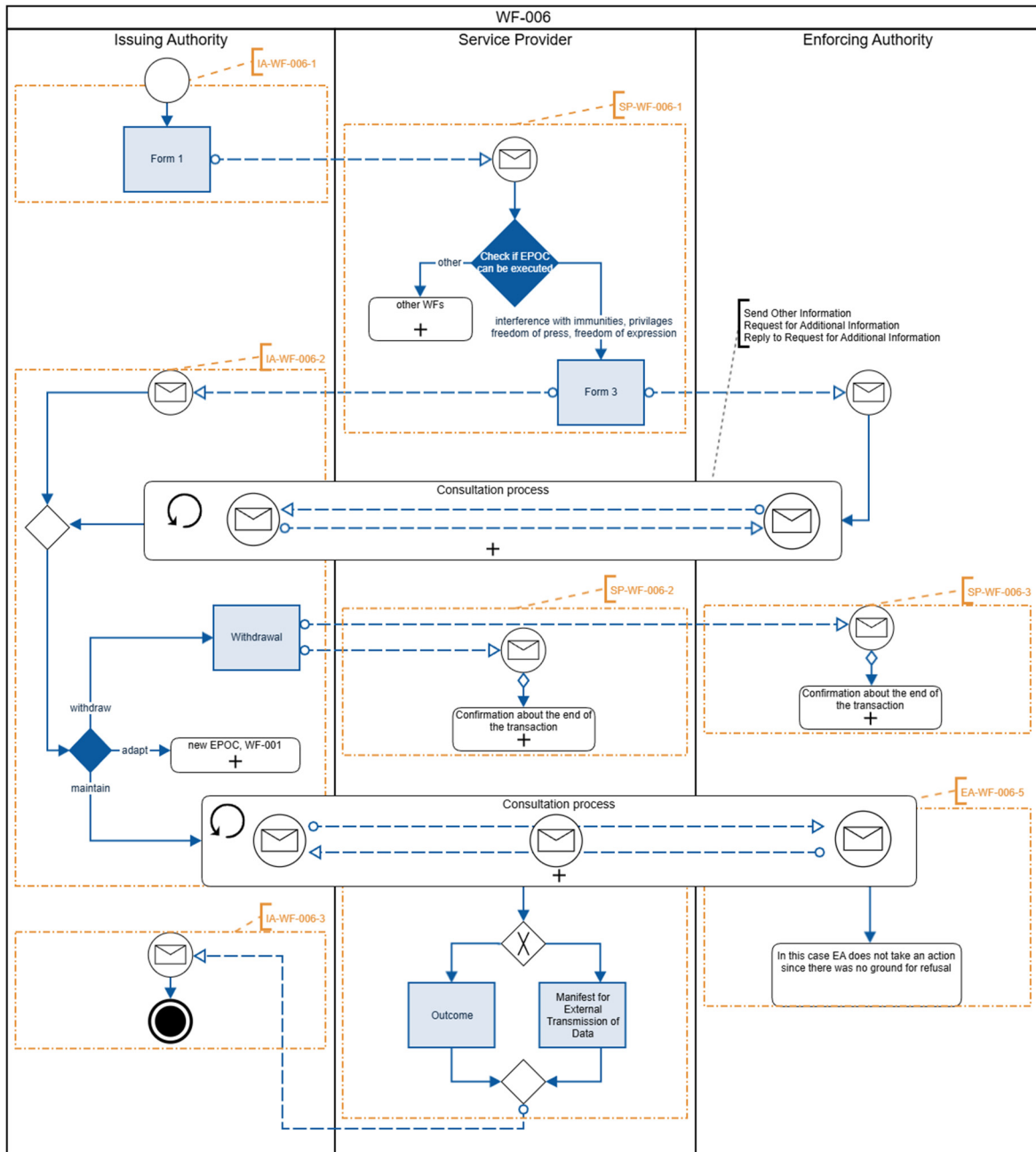


Figure 11-6: WF-006-EPOC Diagram

11.7 WF-007-EPOC - INTERFERENCE WITH IMMUNITIES OR PRIVILEGES, INTERFERENCE WITH FREEDOM OF PRESS OR FREEDOM OF EXPRESSION - WITH NOTIFICATION

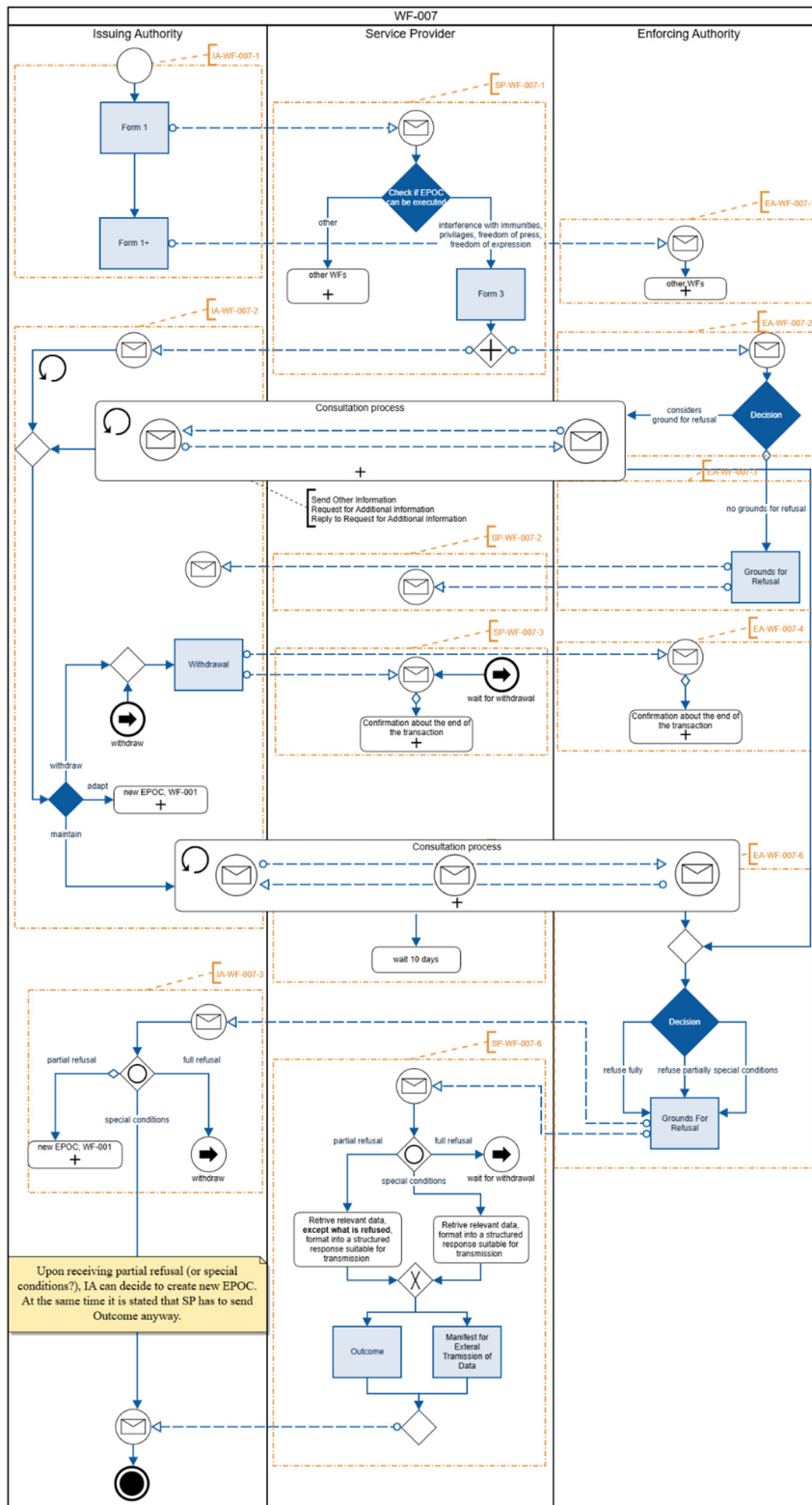


Figure 11-7: WF-007-EPOC Diagram

11.8 WF-008-EPOC - IMPOSSIBILITY OF EXECUTION - DE FACTO IMPOSSIBILITY - CIRCUMSTANCES OUTSIDE ADDRESSEE - NO NOTIFICATION

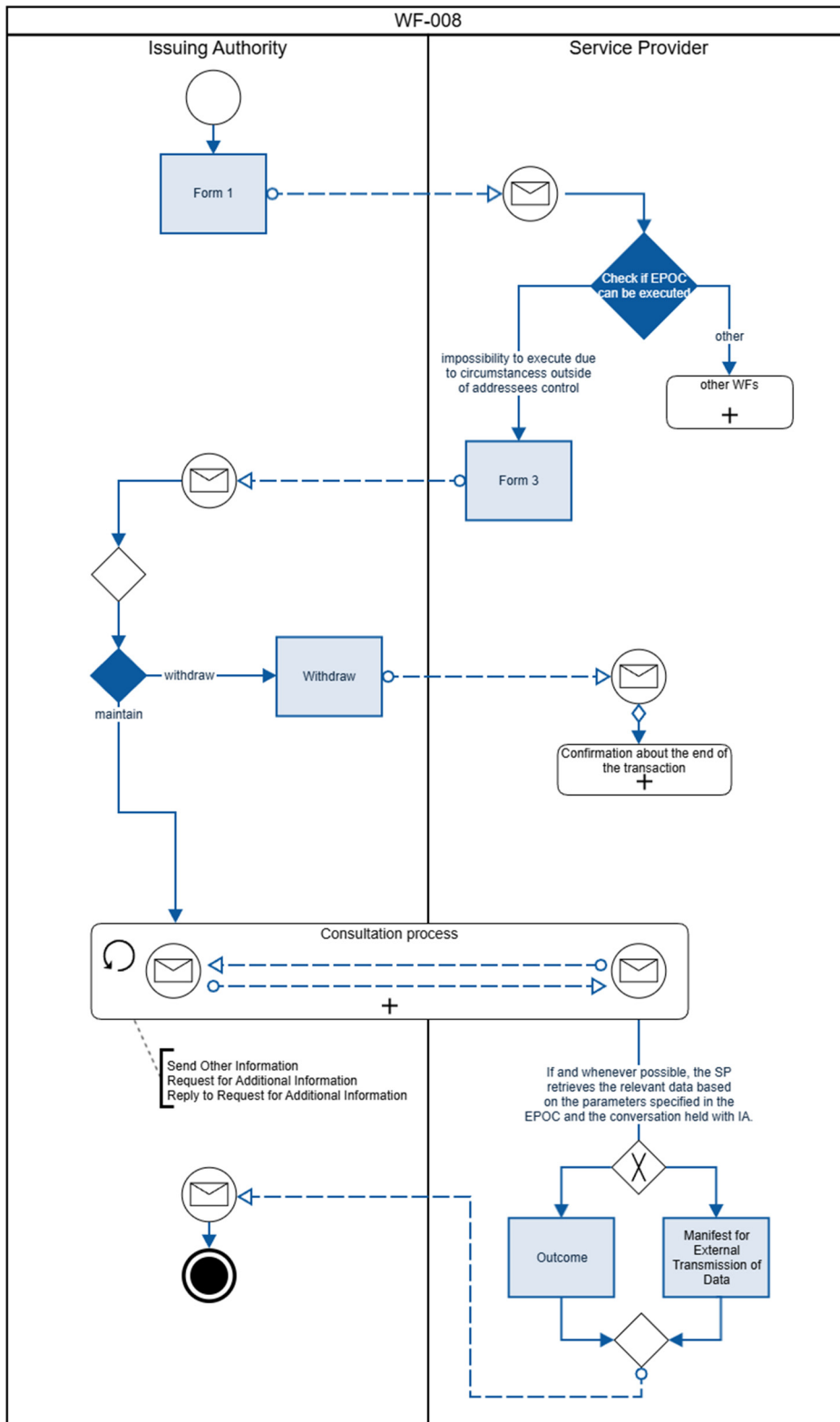


Figure 11-8: WF-008-EPOC Diagram

11.9 WF-009-EPOC - IMPOSSIBILITY OF EXECUTION - DE FACTO IMPOSSIBILITY - CIRCUMSTANCES OUTSIDE ADDRESSEE - WITH NOTIFICATION

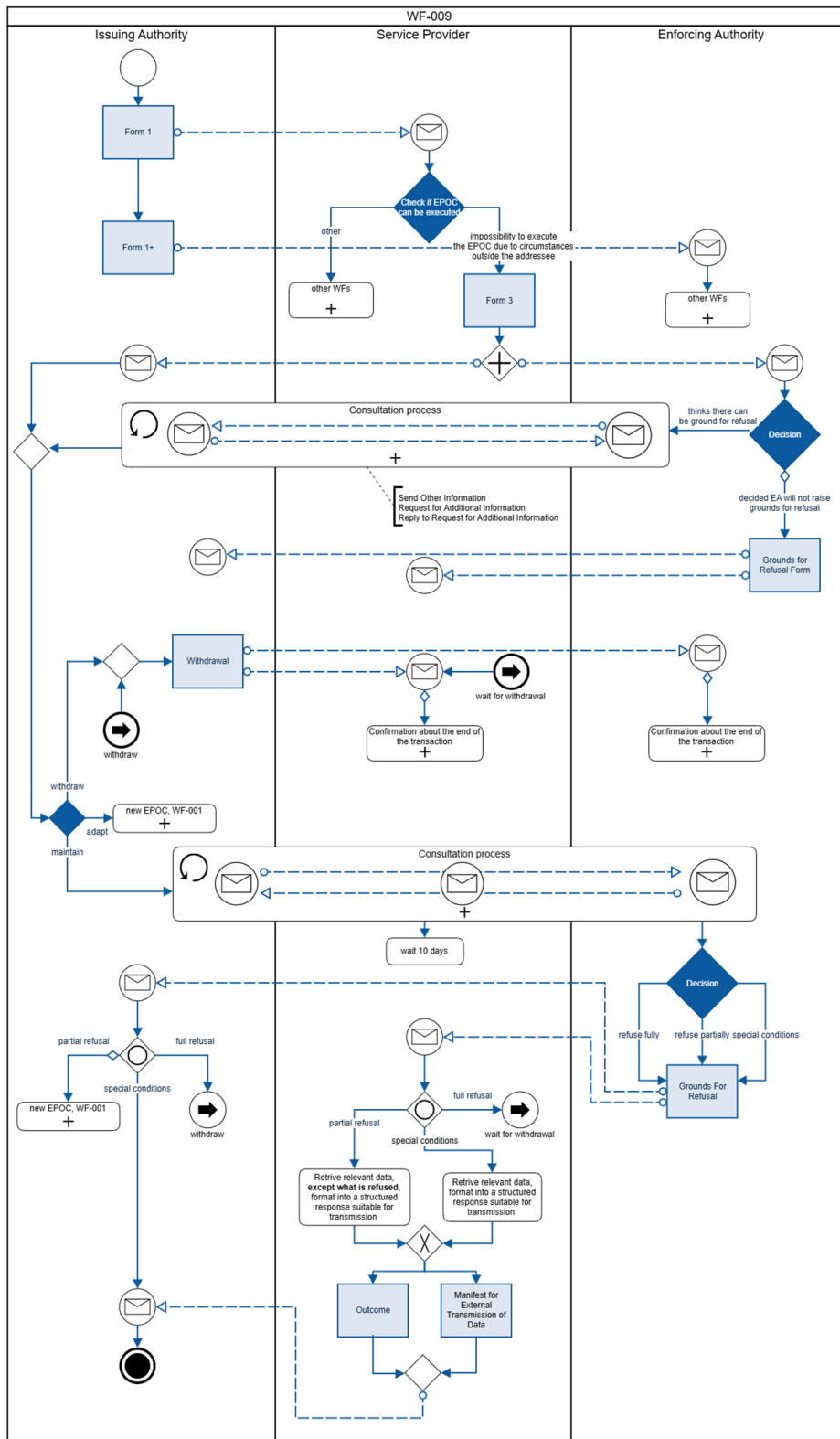


Figure 11-9: WF-009 EPOC Diagram

11.10 WF-010-EPOC - IMPOSSIBILITY OF EXECUTION- INCOMPLETE DATA - MANIFEST ERRORS OR INSUFFICIENT INFORMATION - NO NOTIFICATION

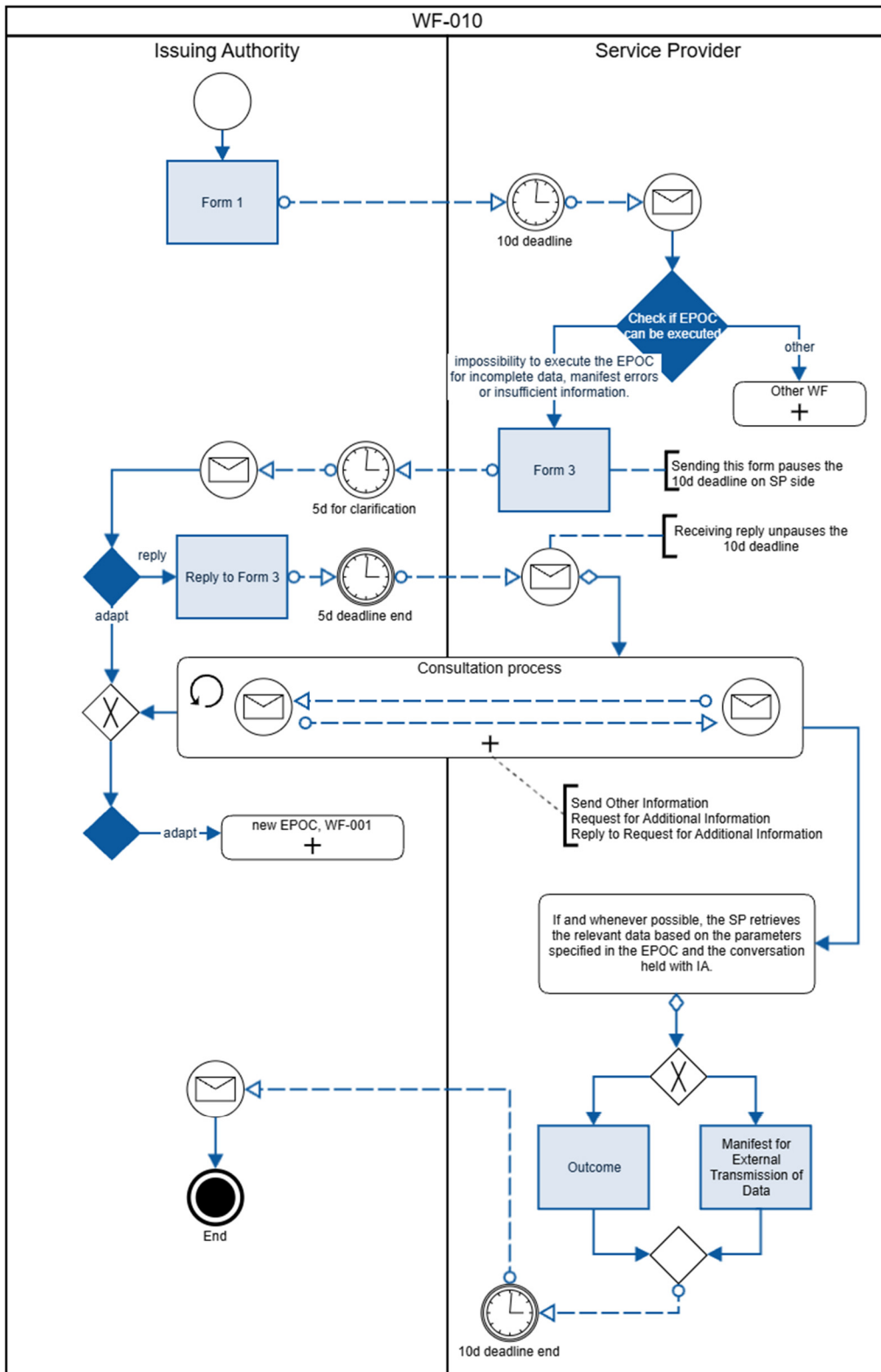


Figure 11-10: WF-010 EPOC Diagram

11.11 WF-011-EPOC - IMPOSSIBILITY OF EXECUTION- INCOMPLETE DATA - MANIFEST ERRORS OR INSUFFICIENT INFORMATION - WITH NOTIFICATION

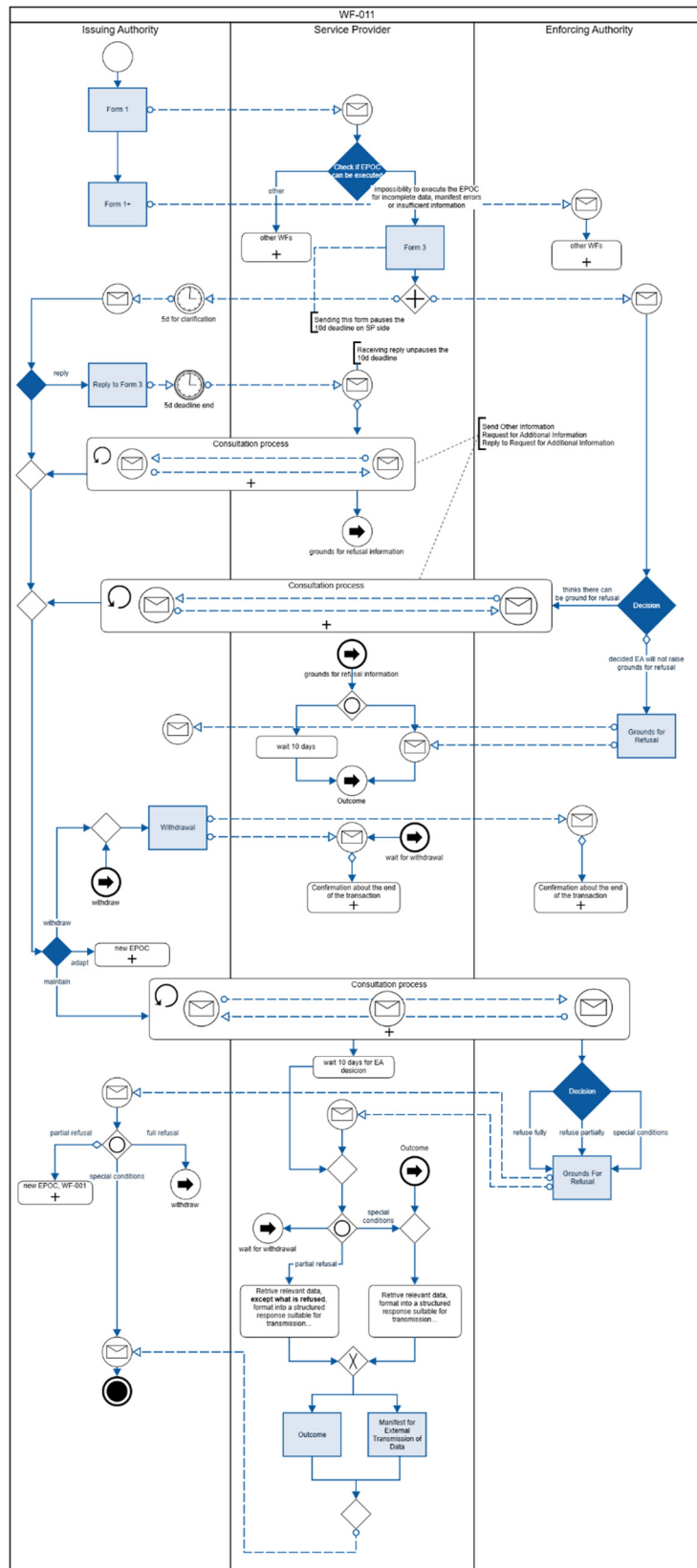


Figure 11-11: WF-011 EPOC Diagram

11.12WF-012-EPOC - IMPOSSIBILITY OF EXECUTION- ANY OTHER REASON - No NOTIFICATION

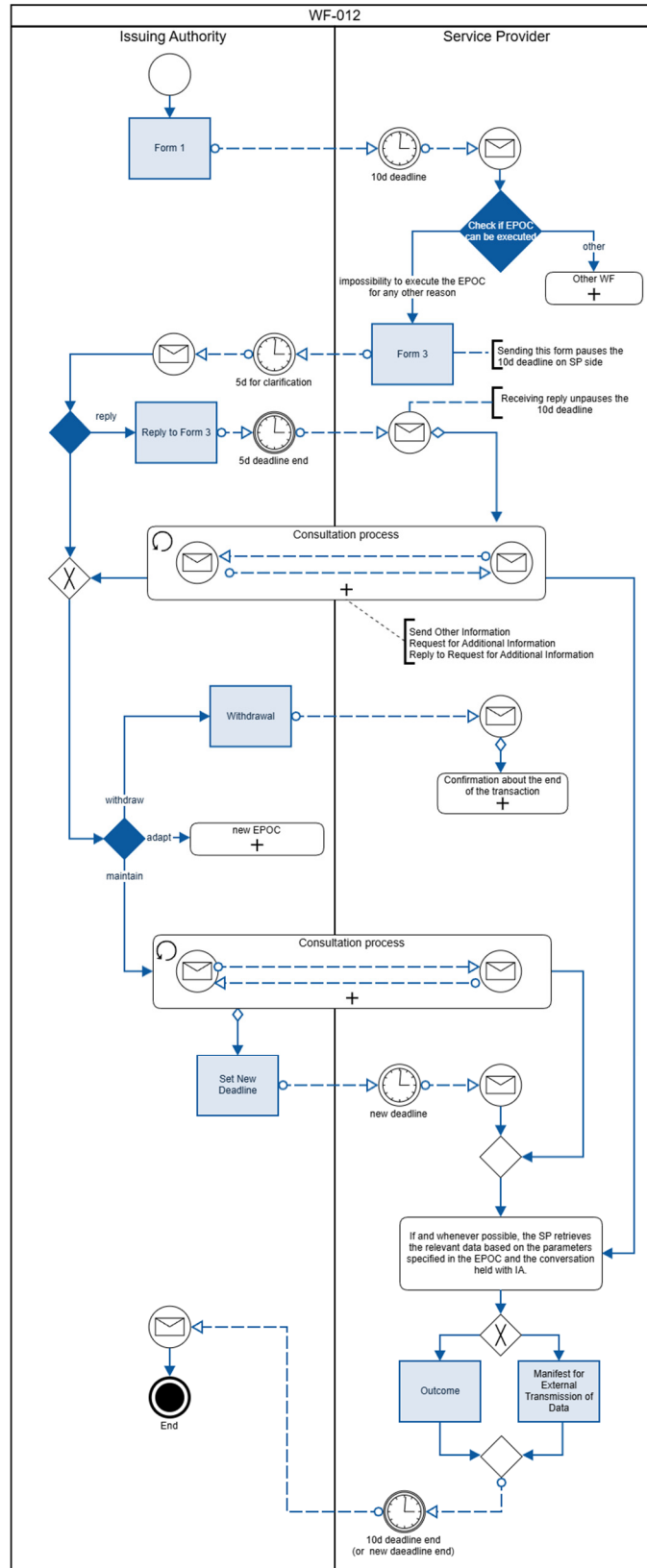


Figure 11-12: WF-012 EPOC Diagram

11.13WF-013-EPOC - IMPOSSIBILITY OF EXECUTION- ANY OTHER REASON - WITH NOTIFICATION

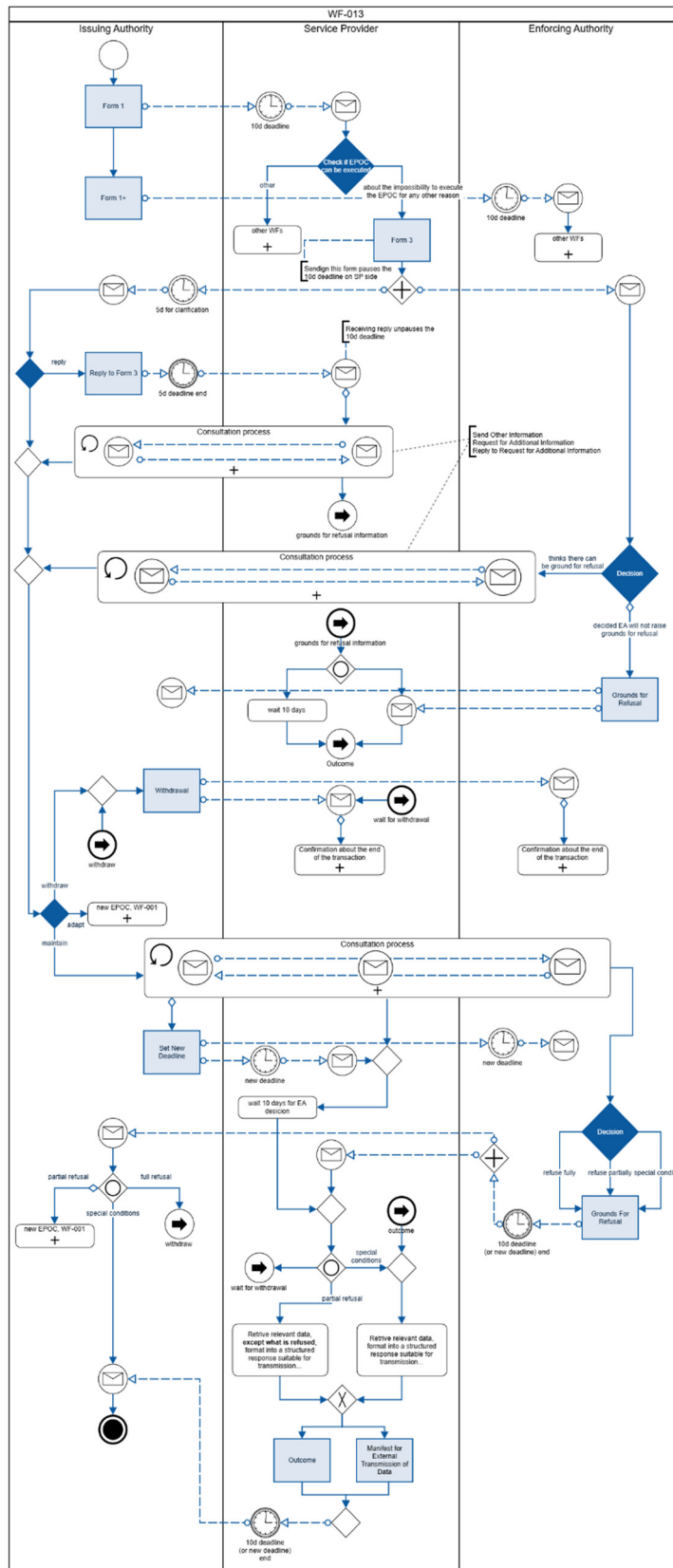


Figure 11-13: WF-013 EPOC Diagram

11.14 WF-014-EPOC - CONFLICT OF LAWS PROCEDURE

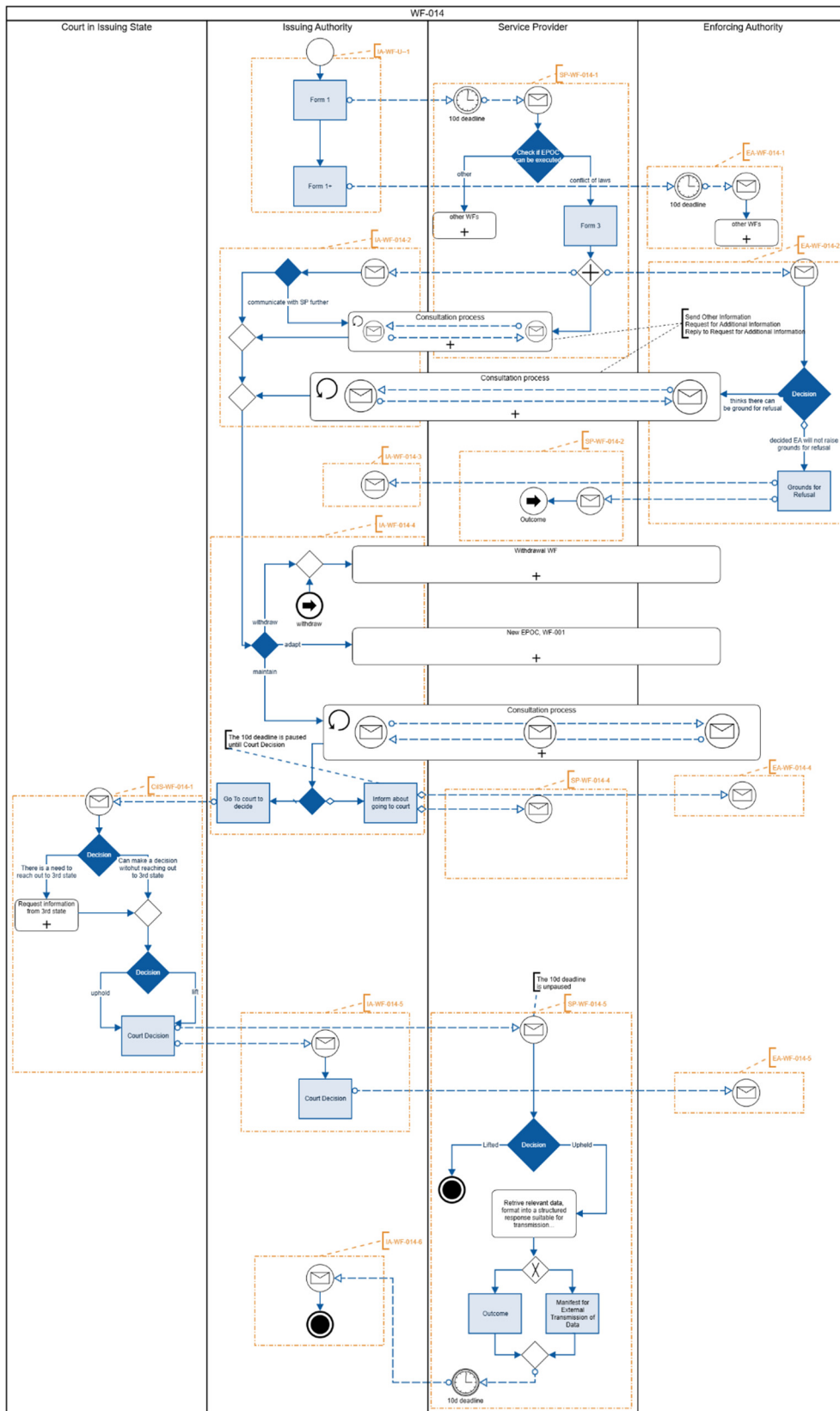


Figure 11-14: WF-014 EPOC Diagram

11.15WF-001-EPOC-PR – BASIC WORKFLOW

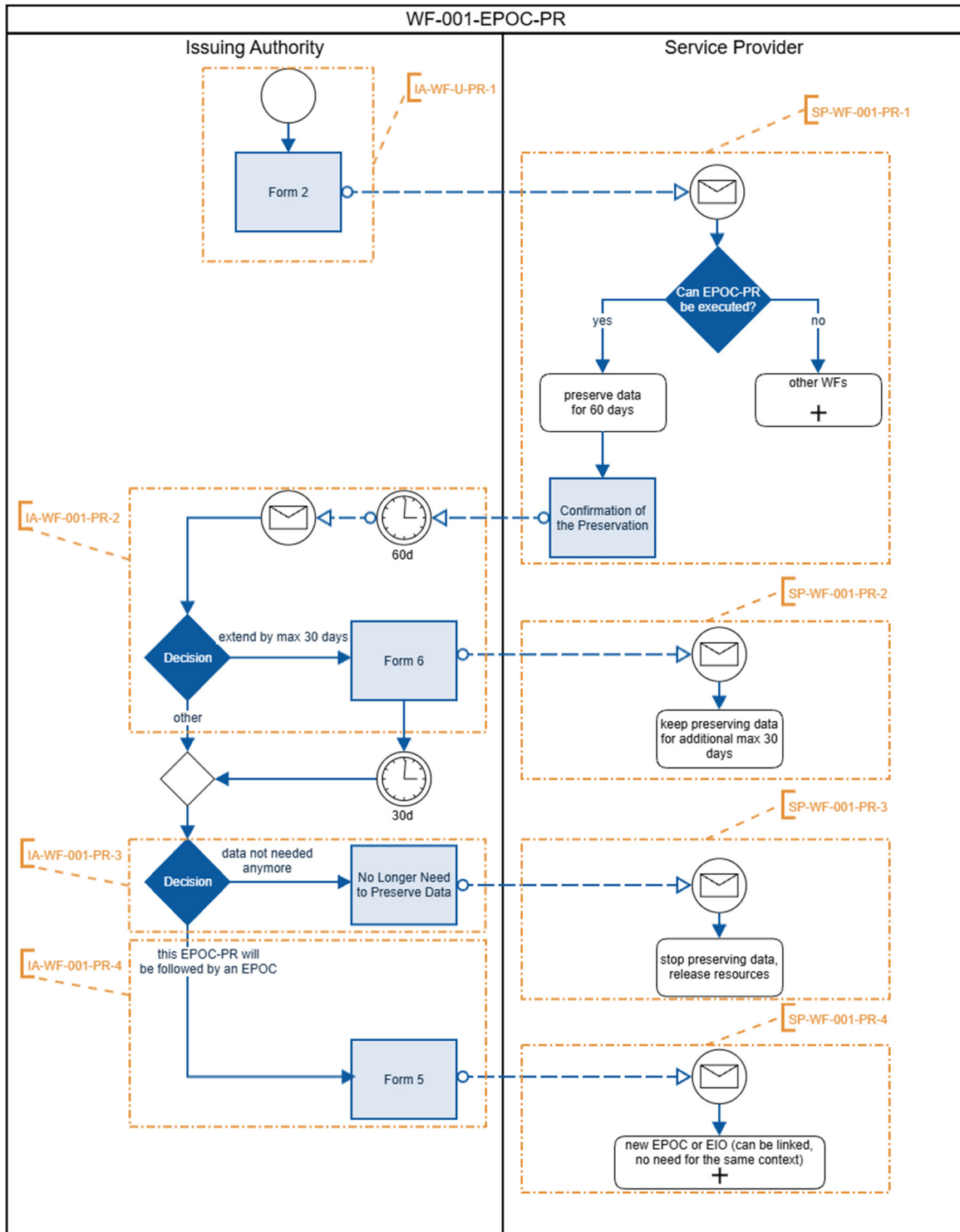


Figure 11-15: WF-001 EPOC-PR Diagram

11.16 WF-002-EPOC-PR – INTERFERENCE WITH IMMUNITIES OR PRIVILEGES INTERFERENCE WITH FREEDOM OF PRESS OR FREEDOM OF EXPRESSION

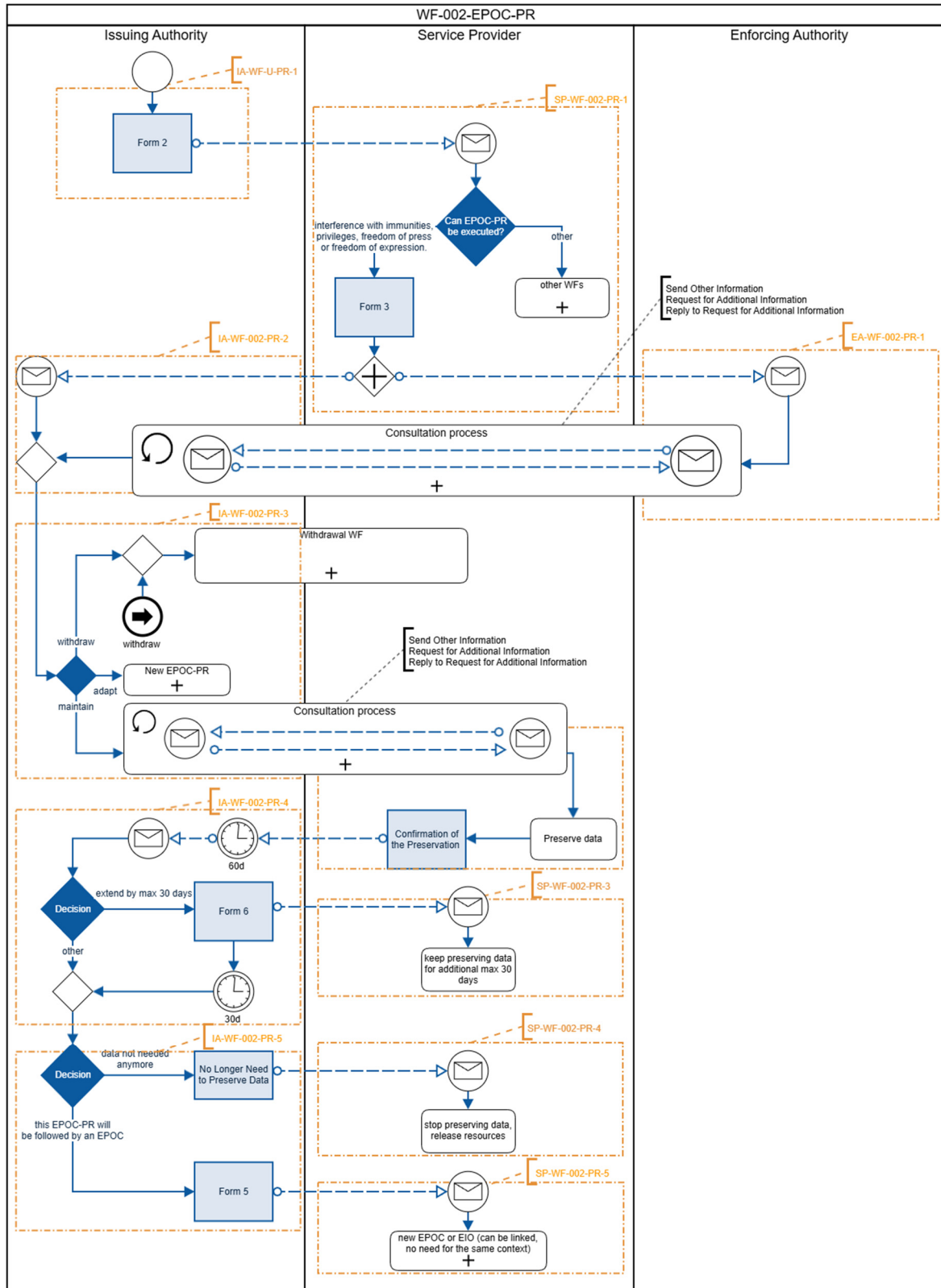


Figure 11-16: WF-002 EPOC-PR Diagram

11.17WF-003-EPOC-PR - IMPOSSIBILITY OF EXECUTION - DE FACTO IMPOSSIBILITY - CIRCUMSTANCES OUTSIDE ADDRESSEE

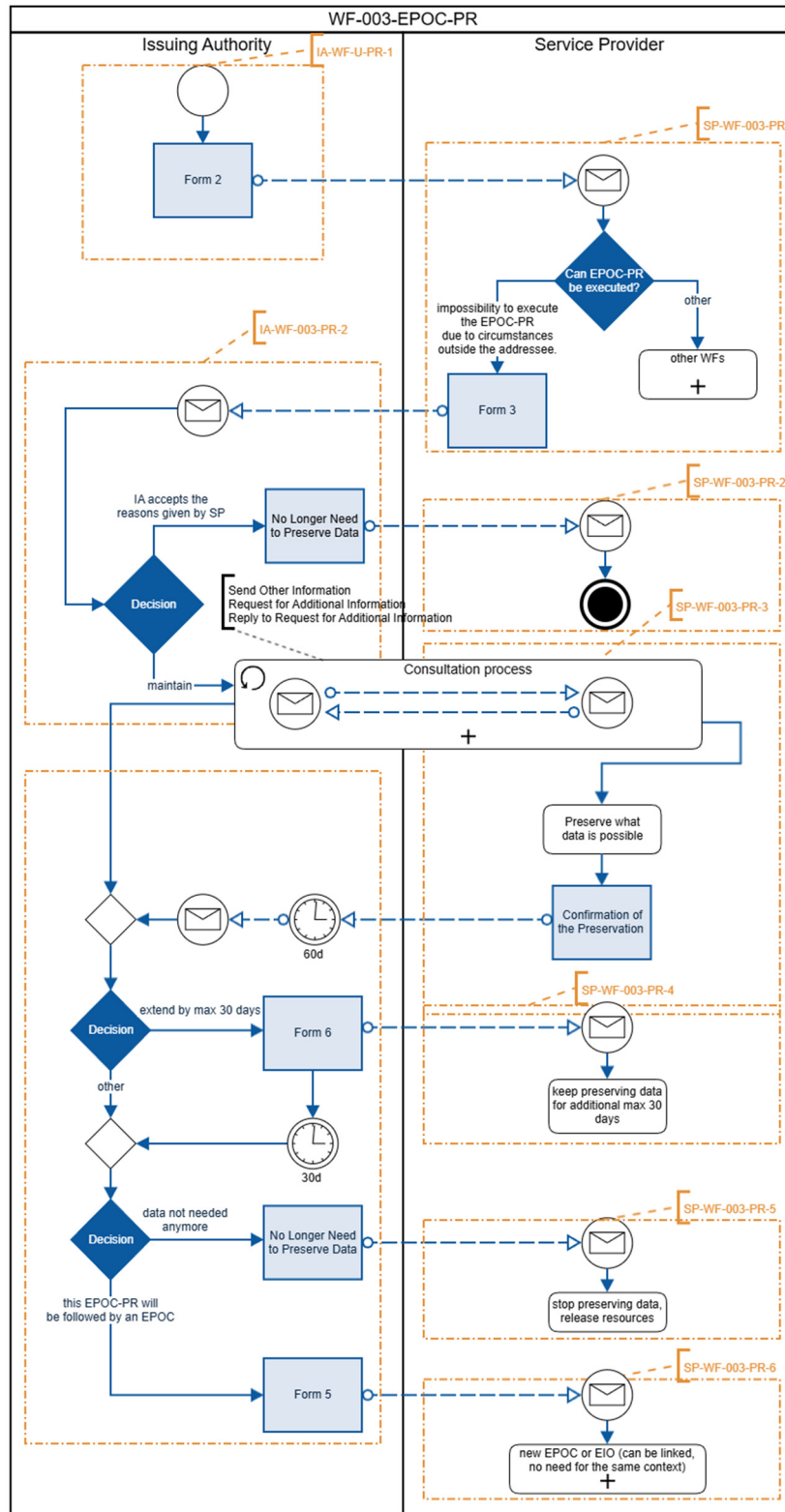


Figure 11-17: WF-003 EPOC-PR Diagram

11.18 WF-004-EPOC-PR - IMPOSSIBILITY OF EXECUTION- INCOMPLETE DATA - MANIFEST ERRORS OR INSUFFICIENT INFORMATION

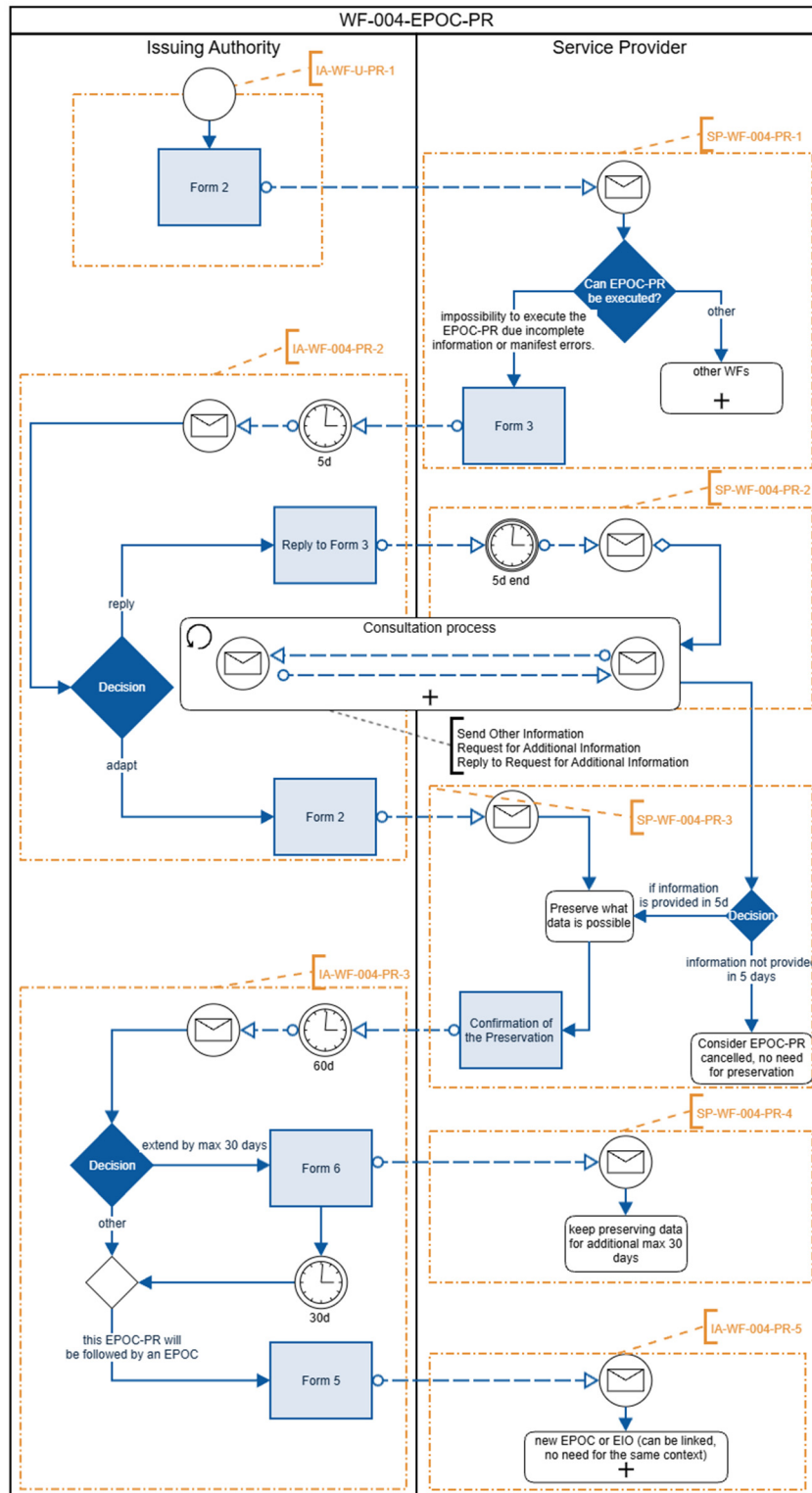


Figure 11-18: WF-004 EPOC-PR Diagram

11.19WF-005-EPOC-PR - IMPOSSIBILITY OF EXECUTION- ANY OTHER REASON

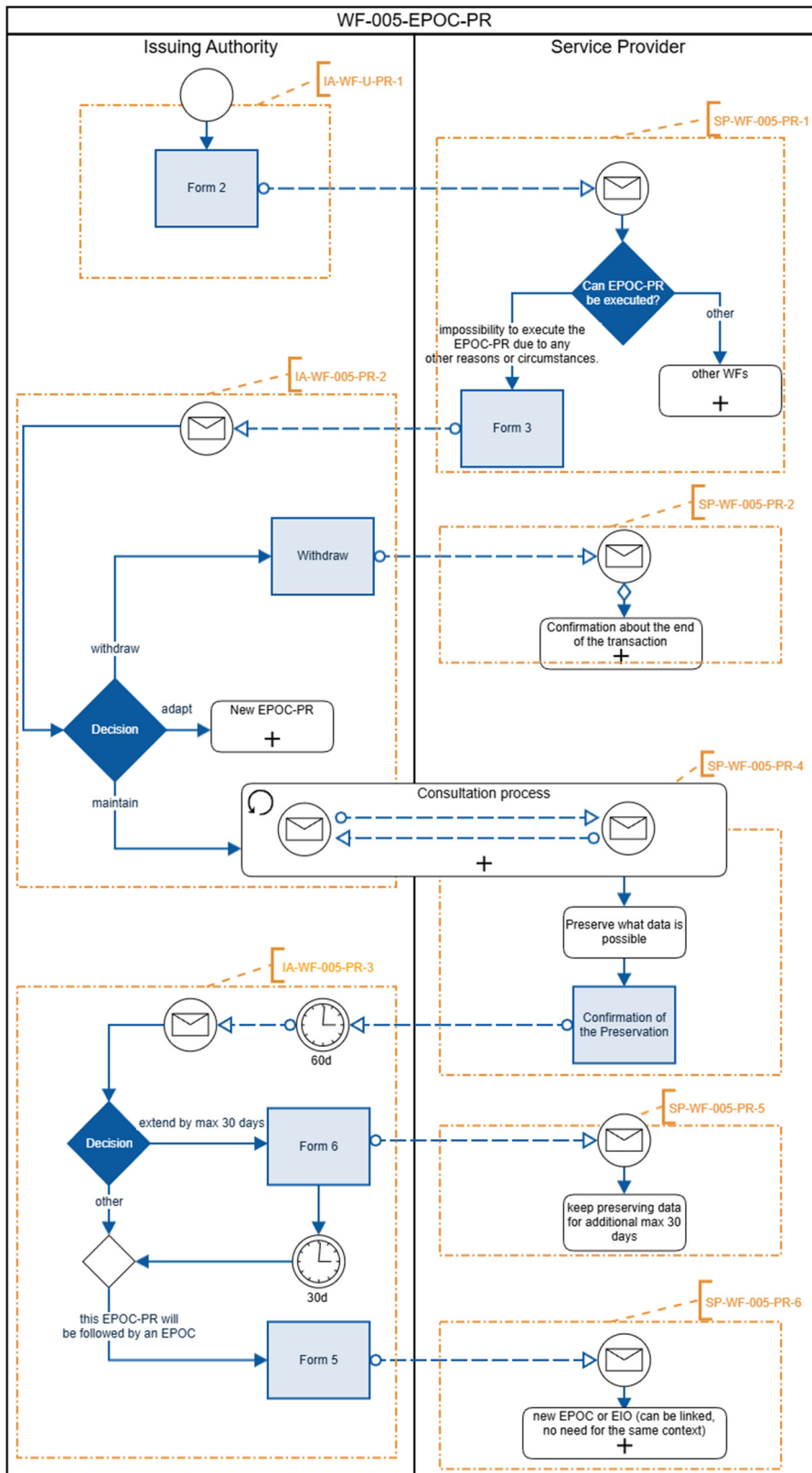


Figure 11-19: WF-005 EPOC-PR Diagram

11.20WF-001-ENF – NON-COMPLIANCE WITHIN DEADLINE – NO GROUND FOR REFUSAL INVOKED

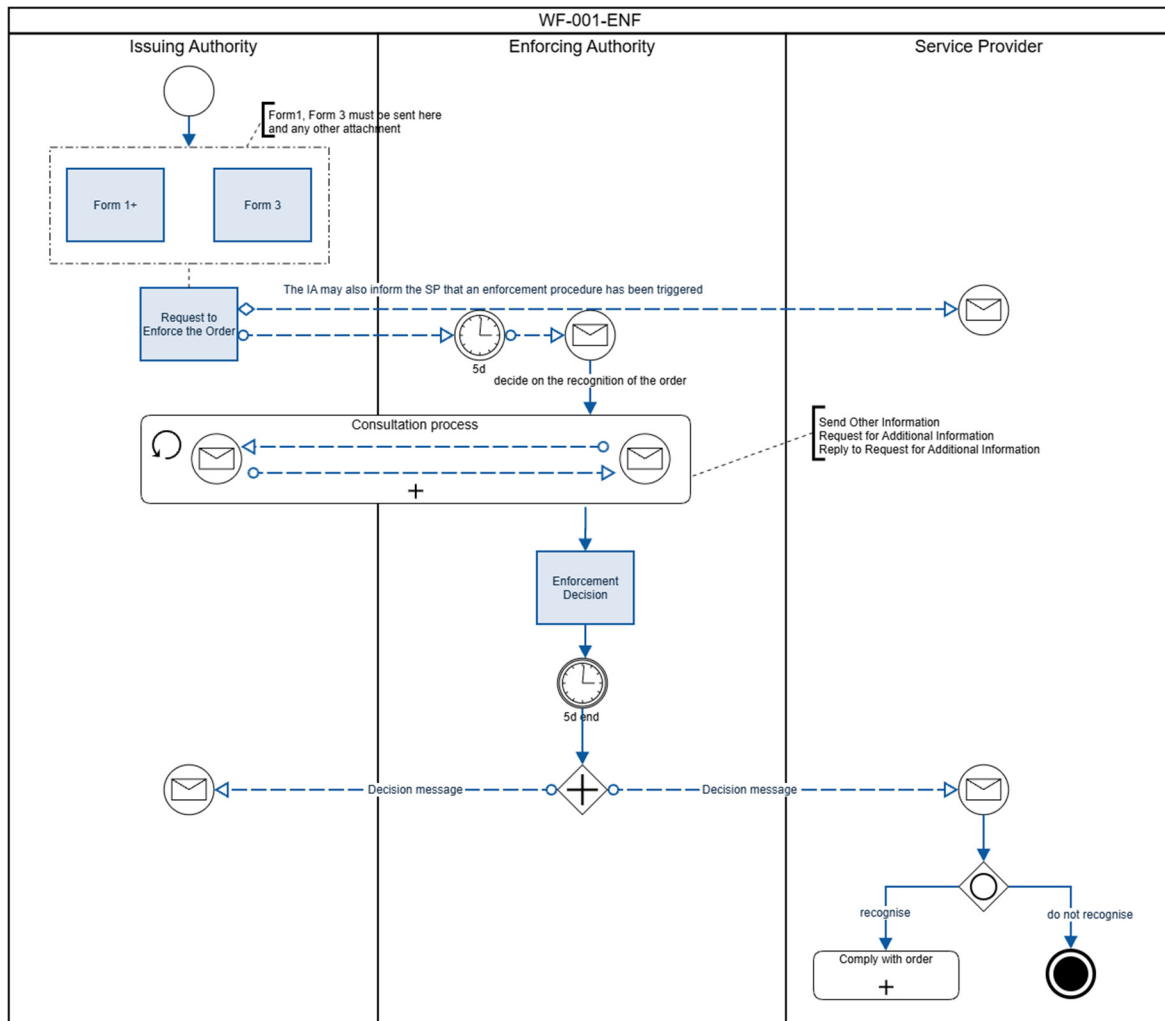


Figure 11-20: WF-001 Enforcement Diagram

11.21 WF-002-ENF – NON-COMPLIANCE WITHIN DEADLINE – OBJECTION FROM SP

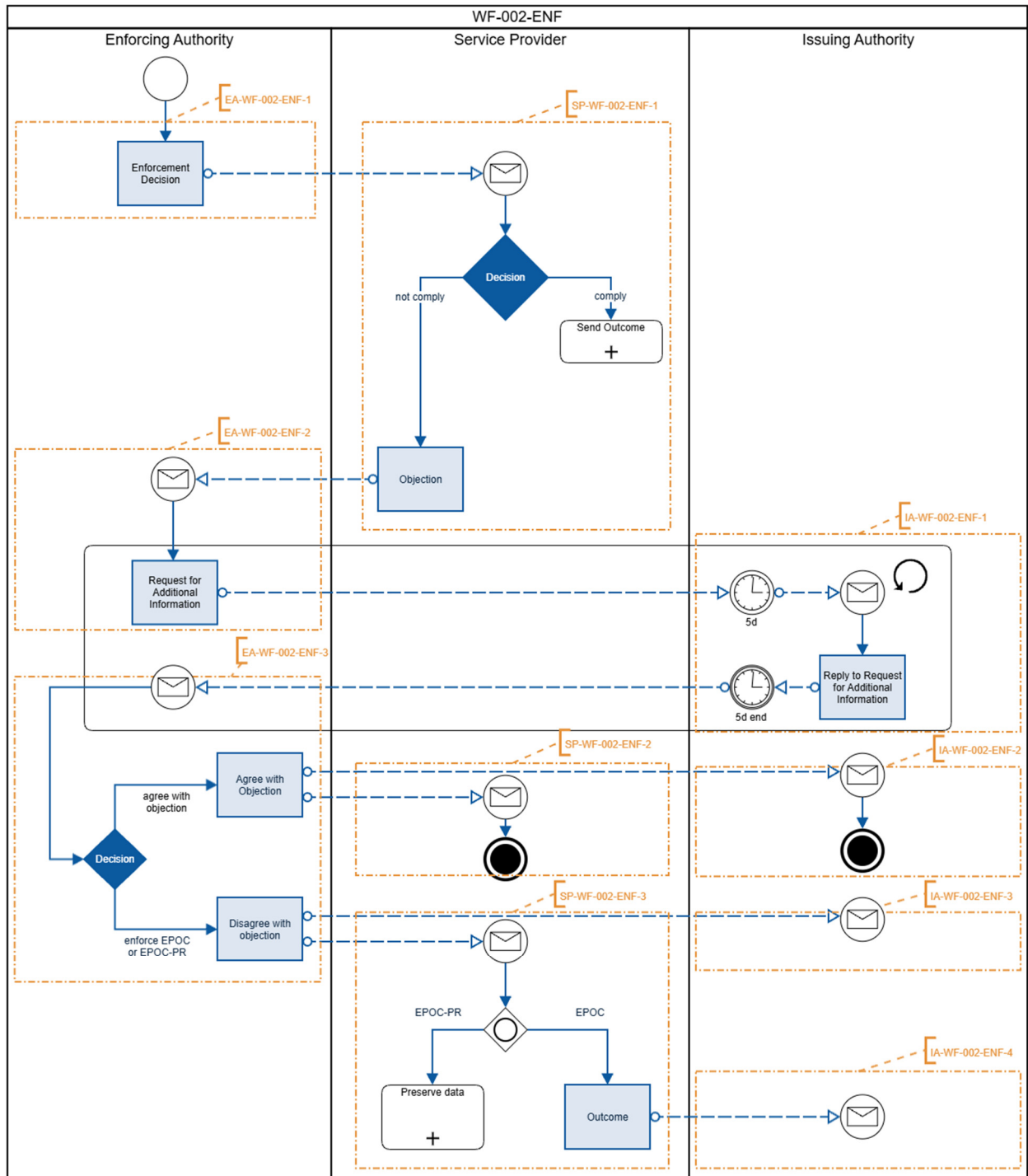


Figure 11-21: WF-002 Enforcement Diagram

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