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HR EXCELLENCE IN RESEARCH

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# Are the effective remedies really effective? (Not) a long way from the European Investigation Order to the European Preservation and Production Orders

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# Effective remedies

- clear concept?
- common minimum standards?
- definition?

## European Investigation Order

### Effective remedies

- functions?
- objectives?
- results?

## European Production and Preservation Orders

### Effective remedies

- the Regulation vs. the proposal
- the issuing State
- EIO vs. EPOs Regulation

# European Court of Human Rights

- effective both in law and in practice;
- not limited to the illusory protection, formally provided by law;
- can be applied and work in practice;
- accessibility to the potentially affected person;
- achievable for everyone;
- the costs of filing a complaint, the fear of incurring high costs if the infringement is not established, the taxes charged on the compensation obtained

# European Court of Human Rights

- prevention of future violations (e.g. provision of medical care, termination of the proceedings, removal of illegally collected data, return of illegally possessed documents),
- exclusion of evidence,
- opportunity to challenge the evidence in court proceedings,
- repetition of procedural actions,
- mitigation of the sentence,
- appeal proceedings,
- judicial review,
- supervision and verification of infringements by ex officio bodies,
- disciplinary sanctions,
- shifting the burden of proof,
- discontinuance of proceedings,
- redress/monetary compensation,
- constitutional complaint.

# Conclusions

- how to achieve common standards of the effective remedies at the EU level?
- evidentiary proceedings: what are the effective remedies?  
when they are really effective?
- exclusion of evidence? balancing test?



