

Criminal Justice (International Cooperation on Electronic Evidence and Other Matters) Bill 2026

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15 June 2026

Bill Digest: Bill No. 59 of 2026

Abstract

This Bill Digest provides an overview of the provisions in the Criminal Justice (International Cooperation on Electronic Evidence and Other Matters) Bill 2026. The Bill proposes to transpose Directive (EU) 2023/1544 by establishing the Office of Director of Criminal Justice International Cooperation, designated as the enforcing authority and central authority under the e-Evidence Regulation (EU) 2023/1543, the central authority under the e-Evidence Directive (EU) 2023/1544, and the competent authority under the Terrorist Content Online Regulation (EU) 2021/784. The Bill also provides for an enforcement regime, including adjudication procedures, financial penalties and the creation of 14 new criminal offences.



Library & Research Service

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This L&RS publication may be cited as:

Oireachtas Library & Research Service, 2026. Bill Digest: Bill No. 59 of 2026: Criminal Justice (International Cooperation on Electronic Evidence and Other Matters) Bill 2026.

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Executive Summary

The Criminal Justice (International Cooperation on Electronic Evidence and Other Matters) Bill 2026 ([‘the Bill’](#)) was published on 4 June 2026 and is scheduled for Second Stage debate on 16 June 2026 in Dáil Éireann with Committee and Report Stages following on 17 June 2026. The [General Scheme of the Criminal Justice \(International Cooperation Office\) Bill](#) (dated 3 June 2025) was published on gov.ie on 11 June 2025 and pre-legislative scrutiny took place on 9 December 2025. The Joint Oireachtas Committee on Justice published its [report](#) on 17 December 2025.

This Bill Digest should be read alongside the [Policy and Legislative Briefing Paper on International cooperation on electronic evidence in criminal proceedings: Implications of the EU e-Evidence Package](#), which provides detailed legal and policy context, including an overview of the EU’s e-Evidence package (consisting of [Regulation \(EU\) 2023/1543](#) and [Directive \(EU\) 2023/1544](#)). The EU’s e-Evidence package will allow for authorities in one EU Member State to issue orders requiring either the production or preservation of data held by service providers in another EU Member State without needing prior approval from the enforcing state, in most circumstances. This procedure has been developed to speed up the existing mutual assistance process given the fluid nature of electronic data.

The Bill contains 70 sections, divided into 5 Parts, providing for the establishment of the Office of Director of Criminal Justice International Cooperation ([‘the Office of the Director’](#) or [‘the Director’](#)), which is to be designated as the enforcing authority and the central authority for the purposes of the [e-Evidence Regulation](#), the central authority for the purposes of the [e-Evidence Directive](#) and the competent authority for the specific purposes of Article 12(1)(b) of the [Terrorist Content Online Regulation](#).

Chapter 3 of Part 4 of the Bill transposes the elements of the [e-Evidence Directive](#), which place obligations on certain service providers. For example, service providers are required to designate one or more designated establishments and legal representatives for the purpose of receiving, complying with, and, the enforcement of, decisions and orders.

The majority of the provisions in the Bill are found in Part 5 (enforcement). Chapter 2 of this Part provides ‘authorised officers’ with certain powers, including search and inspection powers, in respect of investigations into potential breaches of service provider obligations. Chapter 5 sets out the procedure for an adjudication process, which is to be undertaken by adjudication officers who will make decisions as to the contravention of certain obligations and the imposition of a financial penalty. In accordance with the [e-Evidence Regulation](#), the maximum financial penalty that may be awarded is up to 2 per cent of the service provider’s total worldwide annual turnover in the preceding financial year. This decision-making adjudication process will be undertaken independently of the Office of the Director.

The Bill also provides for the introduction of 14 new criminal offences and provides the Director with the power to prosecute summary offences.

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Introduction

The Criminal Justice (International Cooperation on Electronic Evidence and Other Matters) Bill 2026 ([‘the Bill’](#)) was published on 4 June 2026 and is scheduled for Second Stage debate on 16 June 2026 in Dáil Éireann with Committee and Report Stages following on 17 June 2026.

According to the [Explanatory and Financial Memorandum to the Bill](#):

The Programme for Government committed to prioritising the implementation of the e-Evidence package, including by establishing a new criminal justice entity. The primary purposes of the Bill are to transpose Directive (EU) 2023/1544 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 (the “e-Evidence Directive”) and to give further effect to Regulation (EU) 2023/1543 on European Production Orders and European Preservation Orders for electronic evidence in criminal proceedings and for the execution of custodial sentences following criminal proceedings (the “e-Evidence Regulation”).

This *Bill Digest* will discuss the following:

- Policy and legal context
- Principal provisions of the Bill
- Financial implications
- Pre-legislative scrutiny

This Bill Digest should be read alongside the [Policy and Legislative Briefing Paper on International cooperation on electronic evidence in criminal proceedings: Implications of the EU e-Evidence Package](#) (‘the Briefing Paper’), which was published on 25 May 2026 and provides detailed legal and policy context related to this legislation.

Related Library and Research publications and resources:

- [Bill Resource Page](#) Criminal Justice (International Cooperation on Electronic Evidence and Other Matters) Bill 2026 [internal only]
- [Bill Resource Page](#) Criminal Justice (Protection, Preservation of and Access to Data on Information Systems) Bill [internal only]
- [Policy and Legislative Briefing Paper on International cooperation on electronic evidence in criminal proceedings: Implications of the EU e-Evidence Package](#), published 25 May 2026
- L&RS Blog [internal only] [EU Digital Omnibus Package | Resources for Members](#), published 24 November 2025
- L&RS Bill Digest on the [Communications \(Retention of Data\) \(Amendment\) Act 2022](#).

Policy and legal context

The Criminal Justice (International Cooperation on Electronic Evidence and Other Matters) Bill 2026 ('the Bill') was published on 4 June 2026 and proposes to give effect to the EU's e-Evidence package (consisting of [Regulation \(EU\) 2023/1543](#) and [Directive \(EU\) 2023/1544](#)).

The background to the EU's e-Evidence package and related domestic and international legislation is set out in more detail in previous L&RS publications.¹ It is recommended that the [Briefing Paper](#) be read alongside this Bill Digest for a deeper understanding of the policy and legal background to this legislative proposal. The Briefing Paper also discusses the [General Scheme of the Criminal Justice \(International Cooperation Office\) Bill](#) (dated 3 June 2025), which was published on 11 June 2025, and which was the subject of pre-legislative scrutiny by the Joint Oireachtas Committee on Justice, Home Affairs and Migration.

This section of the *Digest* will provide a brief overview of the EU instruments referenced in the Bill and will refer to forthcoming legislation related to the Bill.

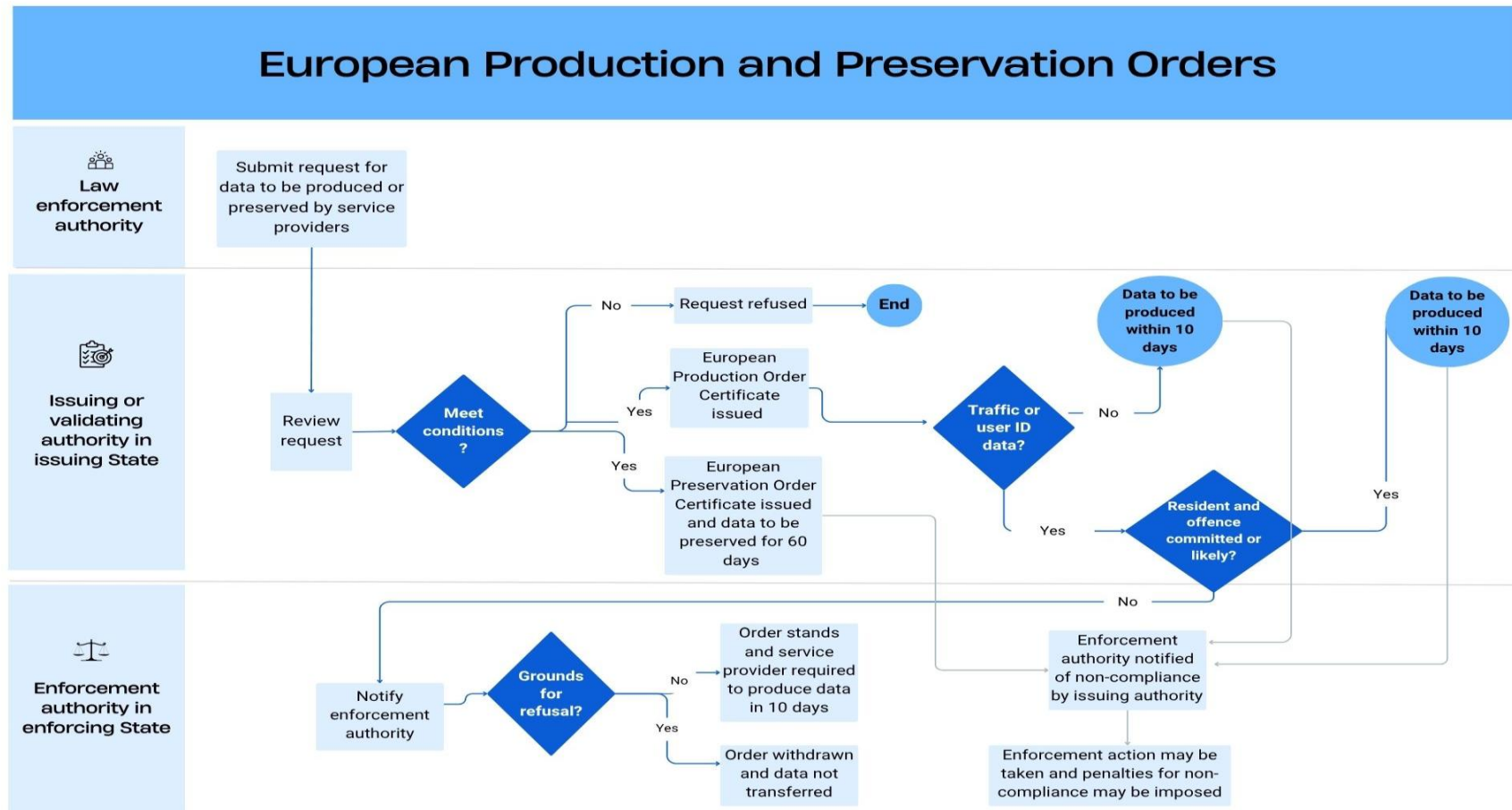
Overview of EU instruments referenced in the Bill

EU e-Evidence Package

The EU e-Evidence Package consists of two instruments – a [Regulation](#) which will apply from 18 August 2026 and a [Directive](#), which was required to be transposed into Irish law by 18 February 2026. The [Directive](#) requires Member States to develop rules for certain service providers to appoint legal representatives for the purpose of gathering electronic evidence in criminal proceedings.

The [Regulation](#) will allow for authorities in one EU Member State to issue orders requiring either the production or preservation of data held by service providers in another EU Member State without needing prior approval from the enforcing state, in most circumstances. These requests are processed by the issuing authority in the Member State where the request originates. The [Regulation](#) also requires an enforcement authority in the other Member State to ensure compliance with these orders and it may also refuse certain European Production Orders in certain circumstances. The process is set out in summary form in the infographic on the next page.

¹ L&RS (2022) Bill Digest on the [Communications \(Retention of Data\) \(Amendment\) Act 2022](#).



Source: PRS (2026), based on [Regulation \(EU\) 2023/1543](#)

Terrorist Content Online Regulation

On 7 June 2022, [Regulation \(EU\) 2021/784](#) on addressing the dissemination of terrorist content online [became applicable](#). The Terrorist Content Online Regulation (TCOR) requires hosting service providers to address the misuse of the hosting services they provide to disseminate terrorist content. EU Member States must appoint competent authorities to conduct certain tasks under the Regulation in their jurisdiction. Coimisiún na Meán has certain tasks, including the imposition of penalties on hosting service providers that contravene the Regulation.

In May 2023, An Garda Síochána was designated as Ireland's competent authority for the purposes of issuing terrorist content removal orders pursuant to the Regulation. Subsequently, on 24 July 2025, the Garda Commissioner was further designated as the competent authority for the purpose of scrutinising cross-border removal orders issued by other EU Member States.² In March 2026, An Garda Síochána issued its [TCOR Transparency Report 2025](#) which stated that:

An Garda Síochána issued one removal order in 2025. Following the issuing of the removal order, the content was taken down. No removal orders were scrutinised under Article 4.

Forthcoming legislation on international cooperation on electronic evidence

The [General Scheme of the Criminal Justice \(Protection, Preservation of and Access to Data\) Bill](#) was published on 8 February 2024 and is comprised of 13 Heads which are divided into four Parts covering: Part 1 – General, Part 2 – Budapest Convention, Part 3 – European Preservation and Production Orders and Part 4 – Terrorist Content Online. This Bill was listed as 'Priority for Publication' on the Summer Legislation Programme 2026.

The Minister for Justice, Home Affairs and Migration, Jim O'Callaghan TD also stated he has received agreement in principle from Government to opt in to the European Investigation Order Directive.³ The Houses of the Oireachtas will, however, have to pass a motion to opt-in to this measure. The European Investigation Order Bill was listed on the 'All Other Legislation' section of the Summer Legislation Programme 2026. These proposals are discussed in more detail in the [Policy and Legislative Briefing Paper on International cooperation on electronic evidence in criminal proceedings: Implications of the EU e-Evidence Package](#).

² S.I. No. 375/2025 - European Union (Online Dissemination of Terrorist Content) (Designation of the Commissioner of An Garda Síochána as a Competent Authority) Regulations 2025.

³ Directive 2014/41/EU of the European Parliament and of the Council of 3 April 2014 regarding the European Investigation Order in criminal matters. See also: [Strengthening Justice in the Digital Age: Ireland's Leadership under the EU e-Evidence Regulation](#).

Principal provisions of the Bill

The Criminal Justice (International Cooperation on Electronic Evidence and Other Matters) Bill 2026 (**‘the Bill’**) was published on 4 June 2026 and is scheduled for Second Stage debate on 16 June 2026 in Dáil Éireann.

The Criminal Justice (International Cooperation on Electronic Evidence and Other Matters) Bill 2026 contains 70 sections, divided into five Parts, covering the following:

- Part 1 – Preliminary and General
- Part 2 – Office of Director of Criminal Justice International Cooperation
- Part 3 – e-Evidence Regulation Enforcing Authority And Central Authority
- Part 4 – e-Evidence Directive
- Part 5 – Enforcement: Relevant Obligations and E-Evidence Regulation Obligations

The purpose of this section of the *Bill Digest* is to set out the key provisions in the Bill and is not a detailed explanation of each provision. Since the Bill gives effect to the EU e-Evidence Package, the L&RS **Briefing Paper** should be read alongside the Digest for a more detailed discussion of the e-Evidence Package and related domestic, EU and international law.

Office of Director of Criminal Justice International Cooperation (Parts 2-3 of the Bill)

Section 8 of the Bill provides for the establishment of Oifig an Stiúirthóra um Chomhar Idirnáisiúnta Ceartais Choiriúil (the Office of Director of Criminal Justice International Cooperation). The Schedule to the Bill provides that the Director will “be a corporation sole with perpetual succession”. This Office will be established upon enactment of the Bill.⁴

⁴ Section 1(2) of the Bill provides that sections 1 to 3, Part 2 and section 26 shall come into operation upon enactment.

Appointment and functions of the Director

The Bill sets out the conditions for appointment⁵, resignation and removal of the Director (section 12) as well as the appointment of a Deputy Director (section 14) and staff of the Office (section 13). The Director is to be appointed for a five-year term, which may be renewed once.⁶

The general functions of the Director are set out in section 17(1) as follows:

- (a) manage and control generally the staff, administration and business of the Director,
- (b) maintain appropriate financial records in relation to the exercise of his or her functions under this Act,
- (c) provide the Minister with any financial information required by the Minister for budgetary and accounting purposes,
- (d) monitor and enforce compliance by service providers with this Act and the e-Evidence Regulation,
- (e) take such enforcement measures, in accordance with Part 5, as are necessary in respect of relevant obligations and e-Evidence Regulation obligations, and
- (f) make representations to, or otherwise assist, a court or a public authority⁷ for purposes connected with the e-Evidence Regulation.

The Director may delegate any of these functions to a member of staff.⁸ The Director is required to be independent when exercising its functions and also provides for “all the powers necessary or expedient for the performance of his or her functions.”⁹ Section 22 of the Bill also proposes that the Director “may issue guidance notes to service providers to promote compliance with their obligations”.

The Bill sets out a number of reporting obligations. For example, the Director is obliged to submit an annual report to the Minister which must then be laid by the Minister before the

⁵ Sections 9-11 of the Bill. Section 10 provides that a person will be ineligible for appointment if he/she is bankrupt, is subject to a composition or arrangement with creditors, is convicted on indictment of an offence, is convicted of an offence involving fraud or dishonesty or has had declarations or disqualifications made against them under the Companies Act 2014. Section 11 also prohibits members of either House of the Oireachtas, European Parliament or a local authority from being appointed as the Director.

⁶ Section 9(6)-(8) of the Bill.

⁷ According to section 17(4) a ‘public authority’ means: the Competition and Consumer Protection Commission, Coimisiún na Meán, the Corporate Enforcement Authority, Fiosrú, An Garda Síochána, the Revenue Commissioners.

⁸ Section 18 of the Bill.

⁹ Section 17 of the Bill.

Houses of the Oireachtas.¹⁰ The Director is also obliged to maintain records¹¹ in relation to the following:

- the number of notifications to enforcing authorities where a European Production Order is issued to obtain traffic or content data. This must include the number of European Production Order Certificates (EPOCs) that were refused, by the type of data requested, the addressees, the situation (emergency case or not) and the ground for refusal raised¹²
- 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 fulfilled¹³
- service providers that are not complying with the EU e-Evidence package, relevant enforcement action taken against them and the penalties imposed¹⁴
- information on cross-border removal orders made under the [Terrorist Content Online Regulation](#) including:
 - (a) the number of removal orders issued and the number of items of terrorist content which have been removed or access to which has been disabled and the speed of the removal or disabling;
 - (b) the specific measures taken pursuant to Article 5, including the number of items of terrorist content which have been removed or access to which has been disabled and the speed of the removal or disabling;
 - (c) the number of access requests issued by competent authorities regarding content preserved by hosting service providers pursuant to Article 6;
 - (d) the number of complaint procedures initiated and actions taken by the hosting service providers pursuant to Article 10;
 - (e) the number of administrative or judicial review proceedings initiated and decisions taken by the competent authority in accordance with national law.¹⁵

Section 19 of the Bill also provides that the Director may enter into an information sharing agreement with the Competition and Consumer Protection Commission, Coimisiún na Meán, the Corporate Enforcement Authority, Fiosrú, An Garda Síochána, or the Revenue Commissioners.

¹⁰ Section 20 of the Bill.

¹¹ Section 21 of the Bill.

¹² Article 28(2)(d) of the e-Evidence Regulation ([Regulation \(EU\) 2023/1543](#)).

¹³ Article 28(2)(g) of the e-Evidence Regulation ([Regulation \(EU\) 2023/1543](#)).

¹⁴ Article 5 of the e-Evidence Directive.

¹⁵ Article 21 of the [Terrorist Content Online Regulation](#).

Designated body under EU instruments

In addition to the general functions of the Director listed above, the Bill proposes that the Director will have specific obligations arising from three EU instruments. The Minister for Justice, Home Affairs and Migration has previously indicated that other functions may be assigned to the Director, including functions related to European Investigation Orders, mutual legal assistance, European Arrest Warrants, and any future EU-US Cloud Act Agreement, should Ireland opt in.¹⁶

The Bill proposes that the Office of Director of Criminal Justice International Cooperation is to be designated as the:

- enforcing authority for the purposes of the [e-Evidence Regulation](#)¹⁷
- central authority for the purposes of the [e-Evidence Regulation](#)¹⁸
- central authority for the purposes of [e-Evidence Directive](#)¹⁹
- competent authority for the purpose of scrutinising cross-border removal orders made under the [Terrorist Content Online Regulation](#)²⁰.

The roles under the EU e-Evidence package are discussed further in the L&RS [Briefing Paper](#). The competent authority for the purpose of scrutinising cross-border removal orders made under the [Terrorist Content Online Regulation](#) was previously fulfilled by the Commissioner of An Garda Síochána.²¹ Section 5 of the Bill proposes to revoke the statutory instrument that designated the Garda Commissioner as the competent authority.

¹⁶ [Strengthening Justice in the Digital Age: Ireland's Leadership under the EU e-Evidence Regulation](#).

¹⁷ Section 23 of the Bill. Article 3(17) of the [e-Evidence Regulation \(Regulation \(EU\) 2023/1543\)](#) defines an enforcing authority as: "the authority in the enforcing State, which, in accordance with the national law of that State, is competent to receive a European Production Order and an EPOC or a European Preservation Order and an EPOC-PR transmitted by the issuing authority for notification or for enforcement in accordance with this Regulation".

¹⁸ Section 24 of the Bill. According to Article 4(6) of the [e-Evidence Regulation \(Regulation \(EU\) 2023/1543\)](#): "Each Member State may designate one or more central authorities to be 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".

¹⁹ Section 26 of the Bill. Article 6 of the [e-Evidence Directive](#) requires Member States to designate a central authority to "ensure that this Directive is applied in a consistent and proportionate manner". Section 26(2) of the Bill also requires the Director to cooperate and coordinate with other central authorities and to inform them of enforcement actions taken in respect of the e-Evidence Package.

²⁰ Section 4 of the Bill. Article 12(1)(b) of the [Terrorist Content Online Regulation](#) requires a competent authority to scrutinise cross-border removal orders pursuant to Article 4 of that Regulation.

²¹ European Union (Online Dissemination of Terrorist Content) (Designation of the Commissioner of An Garda Síochána as a Competent Authority) Regulations 2025 (S.I. No. 375 of 2025).

Obligations of Service Providers (Part 4: Chapter 3 of the Bill)

The key purpose of the EU e-Evidence Directive ([Directive \(EU\) 2023/1544](#)) is to:

“lay down rules on the designation of designated establishments and the appointment of legal representatives of certain service providers that offer services in the Union, for the receipt of, compliance with and enforcement of decisions and orders issued by competent authorities of the Member States, for the purposes of gathering electronic evidence in criminal proceedings.”

The definition of service providers is set out in Box 1 below.

Box 1: Definition of ‘Service Providers’ in the EU e-Evidence Package

‘Service providers’ are defined in the EU e-Evidence Package¹ as individuals or ‘legal persons’, such as companies, providing one or more of the following services in a Member State or in the European Union:

- ‘electronic communications services’¹, including¹:
 - ‘internet access service’¹
 - interpersonal communications service; and
 - services relating to the transmission of signals, e.g. broadcasting;
- internet domain name and IP numbering services, such as IP address assignment, domain name registry, domain name registrar and domain name-related privacy and proxy services;
- ‘information society services’¹ that:
 - enable their users to communicate with each other; or
 - make it possible to store or otherwise process data on behalf of the users to whom the service is provided, provided that the storage of data is a defining component of the service provided to the user;

Financial service providers, such as banking, credit, insurance and re-insurance, occupational or personal pensions, securities, investment funds, payment and investment advice¹, are exempt from this definition.¹

[Regulation \(EU\) 2023/1543](#) and [Directive \(EU\) 2023/1544](#) require service providers to designate or appoint at least one “addressee” for the receipt of, compliance with and enforcement of decisions and orders for the purpose of gathering electronic evidence. This is a core requirement of the EU e-Evidence package which allows for European Production Order

and European Preservation Orders to be addressed directly to service providers²² rather than having to go through court processes, which is the case with other mutual assistance mechanisms.

Chapter 3 of Part 4 of the Bill (sections 27-30) transposes obligations set out in the e-Evidence Directive, which are set out in summary form below:

- Section 27 provides that service providers established in the State and offering services in the State or in another EU Member State must designate one or more 'designated establishments', and non-EU established providers offering services in the State to appoint a 'legal representative', for the purpose of receiving, complying with and the enforcement of decisions and orders.
- Section 28 provides that service providers must ensure that designated establishments or legal representatives have the necessary powers and resources to comply with, and enforce, decisions and orders.
- Section 29 provides that service providers must notify the Director of the addresses and contact details of their designated establishments and legal representatives. Such notification should reference the languages in which the designated establishment or the legal representative may be addressed.
- Section 30 provides that service providers and their designated establishments and legal representatives shall be jointly and severally liable for compliance with obligations imposed on them in relation to decisions and orders.

²² Article 7 of [Regulation \(EU\) 2023/1543](#).

Enforcement of obligations under the e-Evidence Package (Part 5 of the Bill)

Part 5 of the Bill relates to the enforcement of certain obligations under the e-Evidence package. This Part is comprised of 39 sections, divided into the following seven chapters:

- Chapter 1: Definitions, privileged legal material, non-disclosure of confidential information, false or misleading information, documentation or evidence
- Chapter 2: Authorised officers: relevant obligations
- Chapter 3: Power of the Director to provide compliance reports and other information from service providers
- Chapter 4: Power of the Director to investigate non-compliance
- Chapter 5: Decision-making and imposition of financial penalties
- Chapter 6: Adjudication officers
- Chapter 7: Offences

Chapter 2 relates to “relevant obligations” of service providers. These obligations derive from Articles 3-4 of the [e-Evidence Directive](#). Chapter 3 of the Bill proposes to transpose these obligations. While Article 5 of the Directive requires the imposition of penalties for a breach of Articles 3-4, it does not prescribe the procedure for enforcement. On the other hand, Article 16 of the [e-Evidence Regulation](#) sets out the procedure for enforcement. The enforcement model proposed in the Bill will be discussed in more detail below.

Investigation into an alleged breach of service provider obligations

The Director may direct an investigation²³ where he/she is of the opinion²⁴ that a service provider has contravened a relevant obligation, namely an obligation deriving from the [e-Evidence Directive](#) to:

- (a) designate a designated establishment in accordance with section 27(1) of the Bill,
- (b) appoint a legal representative in accordance with section 27(2) of the Bill,
- (c) provide a relevant addressee with the necessary powers and resources in accordance with section 28(1) of the Bill or comply with a notice referred to in section 28(3) of the Bill, or

²³ Section 42(1) of the Bill.

²⁴ Section 39(1)(b) of the Bill.

(d) notice of the addressee's residence in accordance with section 29(1) and/or 29(5) of the Bill.

In determining whether to direct an investigation, the Director is required to have regard to the following factors:

- (a) the nature and gravity of the alleged contravention;
- (b) the duration of the alleged contravention;
- (c) any financial penalty imposed on the service provider previously under Chapter 5 in respect of a contravention of a relevant obligation and any conviction of the service provider for an offence under this Act.²⁵

Such an investigation may be carried out by an authorised officer²⁶. The Director may appoint authorised officers, who may be staff of the Director.²⁷ Such officers will be provided with warrants of appointment, which they are required to produce. It is also proposed that they will have a range of powers²⁸ including search and inspection powers. Where an authorised officer has reasonable grounds for suspecting that records²⁹ required for the performance of his/her functions are held, he/she may apply to the District Court for a search warrant.³⁰

The authorised officer is required to submit a draft report to the service provider and a written notice inviting submissions on the report, not later than 28 days from the date of the notice.³¹ The authorised officer is prohibited from expressing a view as to whether a financial penalty should be imposed on the service provider.³² This process is similar to that set out in the [General Scheme of the Bill](#). According to the notes accompanying Head 4.2 of the [General Scheme](#):

²⁵ Section 39(2) of the Bill.

²⁶ Section 42(1) of the Bill.

²⁷ Section 35 of the Bill sets out the conditions upon which an authorised officer may be appointed.

²⁸ Section 36 of the Bill.

²⁹ According to section 31 of the Bill a "record" includes a document, statement and other information (whether in paper or electronic form, or both).

³⁰ Section 37 of the Bill.

³¹ Section 43(2) of the Bill.

³² Section 43(5) of the Bill.

Unlike the EPO Regulation, the Directive does not regulate the process required to impose a penalty. The standard approach in this jurisdiction (Data Protection Act and the Consolidated Broadcasting Act 2009) is that an authorised officer is given powers to conduct an investigation. That investigation is used by the Director/Commission to determine a finding and impose a pecuniary penalty. It should be noted that this Head provides for a simplified procedure for the investigative phase as the matters to be determined Head 4.1 are relatively straightforward.

Once the Director has received an investigation report (including the submissions from the service provider) he/she may:

- Direct an authorised officer to conduct further investigation,
- refer the investigation report to the chief adjudication officer for the purposes of conducting an adjudication,
- Enter into an agreement with the service provider³³, which sets out “the steps that the service provider agrees to take, and the period within which those steps shall be taken, to comply with a relevant obligation”.³⁴ Where a service provider fails to comply with such an agreement, the Director may make an application to the Circuit Court for an order directing the service provider to comply with the agreement.³⁵
- Take no further action.³⁶

The Director must notify the service provider and either the authorised officer or the chief adjudication officer of his/her course of action.

Adjudications as to contraventions of certain obligations

As mentioned above, the Director may refer an investigation report to the chief adjudication officer.³⁷ The Director may also refer an alleged contravention of an e-Evidence Regulation obligation to the chief adjudication officer³⁸ namely an obligation in relation to:

- the execution of a European Production Order Certificate (EPOC) (Article 10),
- the execution of a European Preservation Order Certificate (EPOC-PR) (Article 11),

³³ Section 40(1) provides the Director with the power to enter into such an agreement.

³⁴ Section 40(1) of the Bill.

³⁵ Section 40(2) of the Bill.

³⁶ Section 44(1) of the Bill.

³⁷ Section 44(1)(b) of the Bill.

³⁸ Section 46(1)(b) of the Bill.

- or a breach of confidentiality, secrecy or integrity of those certificates and of the data produced or preserved (Article 13(4)).³⁹

Adjudication officers are to be appointed by the Minister for Justice, Home Affairs and Migration further to a nomination from the Office of the Director⁴⁰. Certain individuals are ineligible for appointment, including an authorised officer and staff of the Director.⁴¹ An adjudication officer is required to be “independent in the performance of his or her functions”⁴² and the Minister is required to make regulations to ensure “the independence of adjudication officers in the performance of their functions”.⁴³

This is a departure from the General Scheme, which proposed that the Director follow the procedure for enforcement set out in Article 16 of the Regulation. Article 16 of the Regulation requires the enforcing authority to “formally require the addressee to comply with their relevant obligations” and in the event of non-compliance it obliges the authority to “impose a pecuniary penalty in accordance with Article 15”. The Bill proposes that adjudication officers are responsible for both making decisions as to contraventions of relevant obligations and for the imposition of pecuniary penalties.⁴⁴

According to the Department of Justice, Home Affairs and Migration:

This was included on the advice of the Attorney General and mirrors existing legislative provisions, including under Chapter 6 of the Gambling Regulation Act 2024⁴⁵ and Chapter 4 of Part 3 of the Digital Services Act 2024⁴⁶. The core feature is that a person (“the adjudicator”) independent of the person enforcing the obligations (“the Director”) is appointed to run an independent adjudication to determine whether there has been a contravention of an e-Evidence Directive or an e-Evidence Regulation obligation, whether a fine should be imposed in the case of such a contravention, and the amount of the fine, if any.⁴⁷

³⁹ Section 31 of the Bill.

⁴⁰ Sections 60-63 of the Bill. The appointment of adjudication officers is subject to certain requirements set out in Chapter 6 of Part 5 of the Bill.

⁴¹ Section 62(2) of the Bill. See also sections 60-61 of the Bill.

⁴² Section 64 of the Bill.

⁴³ Section 65 of the Bill.

⁴⁴ For further background on the imposition of financial sanctions by regulators see L&RS (2019) [Spotlight on administrative financial sanctions](#).

⁴⁵ See L&RS (2022) [Bill Digest on the Gambling Regulation Bill 2022](#).

⁴⁶ See L&RS (2023) [Bill Digest: Digital Services Bill](#).

⁴⁷ Information provided by the Department of Justice, Home Affairs and Migration further to a request from the Library and Research Service.

Adjudication process

Once a referral has been made to the chief adjudication officer, he/she must assign an adjudication officer to conduct an adjudication, or direct that adjudication officers sit as a panel in an uneven number of 3 or more.⁴⁸

Following assignment, the adjudication officer must send the service provider a written notice stating that the service provider may provide written submissions and has the right to request an oral hearing.⁴⁹

Where an adjudication officer considers it necessary or appropriate for the purposes of resolving an issue of fact or otherwise enabling him/her to make a decision, he/she may also do any of the following:

- (a) request the Director or the service provider, or both, by notice in writing, to provide such information or documentation, or both, as is specified in the notice to be provided within such period as is specified in the notice;
- (b) request any other person (not being the Director or the service provider), by notice in writing, to provide such information or documentation, or both, as is specified in the notice within such period as is specified in the notice;⁵⁰
- (c) either on foot of a request from the service provider under subsection (1)(b)(ii) or of his or her own volition, conduct an oral hearing in accordance with section 55.⁵¹

An adjudication officer may, at any time before making a decision as to contravention, or before the imposition of a financial penalty, refer any question of law to the High Court.⁵²

When making a decision, the adjudication officer must consider the following:

- (a) any information or documentation provided by the Director or the service provider pursuant to a request under subsection (3)(a) of section 48,
- (b) any information or documentation provided by a person pursuant to a request under subsection (3)(b) of section 48 and any submissions made by the Director or the service provider in accordance with subsection (7) of that section,
- (c) any submissions, records or other evidence provided in proceedings before the adjudication officer, and

⁴⁸ Section 46(1)-(2) of the Bill. Section 46(3) provides that “the chief adjudication officer shall determine the procedures to apply where a panel of adjudication officers is conducting an adjudication”.

⁴⁹ Section 48(1) of the Bill.

⁵⁰ In such cases the adjudication officer must have “due regard for commercial confidentiality”.

⁵¹ Section 48(3) of the Bill.

⁵² Section 56 of the Bill.

(d) where the decision relates to a contravention of a relevant obligation, the investigation report and submissions (if any) considered by an authorised officer pursuant to section 43(4).⁵³

If the adjudication officer decides that a service provider has not or is not committing a relevant contravention, he/she must send a copy of that decision to the Director “as soon as practicable after making the decision”.⁵⁴ The Director is then obliged to give written notice of the adjudicator’s decision to the service provider, in accordance with section 49(4) of the Bill.

Decision as to contravention and the imposition of a financial penalty

If the adjudication officer decides that a service provider has or is committing a relevant contravention, he/she must then decide whether to impose a financial penalty. If he/she decides not to impose a financial penalty, the adjudicator officer must provide the Director with a written notice, which includes reasons for making the decision.⁵⁵ The Director is then obliged to send a copy of this notice and a written notice to the service provider within 7 days requiring compliance with the relevant obligation and informing the service provider of their right to appeal.⁵⁶

Where an adjudication officer proposes to impose a financial penalty, he/she must provide a written notice to both the Director and the service provider outlining the amount of financial penalty proposed and inviting written submissions in relation to this.⁵⁷

Section 50 of the Bill proposes to place certain limitations on the amount of financial penalty that may be imposed for a relevant contravention. Firstly, it limits the amount that may be imposed to “2 per cent of the total world annual turnover of the service provider in the financial year preceding the date of the decision as to contravention.”⁵⁸ This is derived from the [EU e-Evidence Regulation](#) which requires Member States to provide enforcement authorities with the power to impose pecuniary penalties⁵⁹ in respect of non-compliance with European Production Order⁶⁰, European Preservation Order⁶¹ or a breach of confidentiality,

⁵³ Section 49(2) of the Bill.

⁵⁴ Section 49(3) of the Bill.

⁵⁵ Section 49(5)(a) of the Bill.

⁵⁶ Section 49(6) of the Bill.

⁵⁷ Section 49(8) of the Bill.

⁵⁸ Section 50(1) of the Bill.

⁵⁹ Article 15 of [EU e-Evidence Regulation \(\(EU\) 2023/1543\)](#).

⁶⁰ Article 10 of [EU e-Evidence Regulation \(\(EU\) 2023/1543\)](#).

⁶¹ Article 11 of [EU e-Evidence Regulation \(\(EU\) 2023/1543\)](#).

secrecy and integrity connected with those orders⁶². Such penalties should be up to 2 per cent of the service provider's total worldwide annual turnover in the preceding financial year.⁶³

Secondly, section 50 of the Bill requires the adjudication officer to take certain factors into account. The factors which are to be applied are dependent on which type of obligation has been breached, namely an obligation under the e-Evidence Directive or an obligation under the e-Evidence Regulation. For example, in relation to a contravention of a relevant obligation, i.e. the breach of an e-Evidence Directive obligation, the adjudication officer must have regard to the following factors when determining the amount of the financial penalty to be imposed on a service provider:

- (a) the nature, gravity and duration of the contravention;
- (b) whether the contravention was intentional or negligent;
- (c) previous contraventions of relevant obligations by the service provider;
- (d) the financial strength of the service provider;
- (e) the level of cooperation by the service provider or relevant addressee with competent authorities designated for the purposes of Article 6(1) of the e-Evidence Directive;
- (f) the nature and size of the service provider, in particular whether it is a micro, small or medium-sized enterprise;
- (g) the degree of harm caused as a result of the contravention;
- (h) the need to ensure that the penalty shall not be of an amount likely to cause the service provider to cease trading.⁶⁴

In relation to the contravention of an e-Evidence Regulation obligation, the adjudication officer must take the following factors into account in determining the amount of the financial penalty to be imposed on a service provider:

⁶² Article 13(4) of [EU e-Evidence Regulation \(\(EU\) 2023/1543\)](#).

⁶³ Article 15 of [EU e-Evidence Regulation \(\(EU\) 2023/1543\)](#).

⁶⁴ Section 50(2) of the Bill.

- (a) the nature, gravity and duration of the contravention;
- (b) whether the contravention was intentional or through negligence;
- (c) previous contraventions of e-Evidence Regulation obligations by the service provider;
- (d) the financial strength of the service provider.⁶⁵

The service provider may make an appeal to the Circuit Court if the financial penalty does not exceed €75,000 or to the High Court if the proposed penalty exceeds that amount in accordance with section 53 of the Bill.

The Director will be required to make an application to the Circuit Court to confirm the decision as to contravention and financial penalty in accordance with section 54 of the Bill.

Evidential and procedural matters

The Bill sets out a range of evidential and procedural matters in respect of the adjudication process, some of which will be listed below in summary form:

- Section 32 of the Bill provides for the protection of legal privilege during an adjudication process as well as other enforcement proceedings under the Bill.
- The civil burden of proof applies to an adjudication, i.e. “an adjudication officer shall decide whether, on the balance of probabilities, a service provider has committed, or is committing, a contravention”.⁶⁶
- Oral hearings will be conducted in accordance with section 55 of the Bill. In general, oral hearings will be held in public and may include remote hearings.
- In general, no order as to costs shall be made in proceedings before an adjudication officer. However, an adjudication officer may award costs against a service provider or the Director where one party has engaged in improper, irregular, unfair or unsatisfactory conduct.⁶⁷
- Section 58 of the Bill provides the Minister with the power to make regulations in respect of “the conduct of proceedings before an adjudication officer, having regard to the need for efficiency and the rights of service providers”.
- A payment made by a service provider to the Director in respect of a financial penalty must be paid into, or disposed of for the benefit of, the Exchequer, in such manner as the Minister for Finance may direct.⁶⁸

⁶⁵ Section 50(3) of the Bill.

⁶⁶ Section 49(1) of the Bill.

⁶⁷ Section 57 of the Bill.

⁶⁸ Section 59 of the Bill.

Offences and power of the Director to prosecute

The Bill proposes to create 14 new criminal offences, which are set out alongside the applicable penalties in Table 1 below. Section 67 of the Bill also proposes to provide the Director with the power to prosecute summary offences. The proposed limitation period for bringing actions is 2 years.⁶⁹ The Bill also provides that corporate bodies may be guilty of an offence⁷⁰ and that, upon conviction, a court must order the costs and expenses in relation to the investigation, detection and prosecution of the offence to be paid to the Director, unless there is a special and substantial reason for not doing so.

Table 1: Offences and penalties provided for in the Bill

Section of Bill	Offence	Penalty
Non-disclosure of confidential information		
S. 33(1) and 33(3)	Unauthorised disclosure of confidential information ⁷¹ by staff of the Director, authorised officer or consultant/advisor/other person engaged by Director	Summary conviction: Fine not exceeding €5,000 or a term of up to 12 months imprisonment or both
S. 33(2) and 33(3)	Unauthorised disclosure of confidential information by adjudication officer	Summary conviction: Fine not exceeding €5,000 or a term of up to 12 months imprisonment or both
False or misleading information, documentation or evidence		

⁶⁹ Section 68 of the Bill.

⁷⁰ Section 69 of the Bill.

⁷¹ Confidential information is defined in section 33(4) as including: “(a) information that is expressed to be confidential by the Director or the chief adjudication officer, as the case may be, either as regards particular information or as regards information of a particular class or description, and (b) proposals of a commercial nature or tenders submitted to the Director or the chief adjudication officer, as the case may be, by contractors, consultants or any other person.”

Section of Bill	Offence	Penalty
s. 34	Provision of false or misleading information, documentation or evidence to the Director or an adjudication officer	Summary conviction: Fine not exceeding €5,000 or a term of up to 2 years imprisonment or both Conviction on indictment: a fine or a term of up to 5 years imprisonment or both
Non-compliance with powers of authorised officer		
s. 36(6)(a) and (7)	Obstructing or impeding an authorised officer	Summary conviction: Fine not exceeding €5,000 or a term of up to 12 months imprisonment or both Conviction on indictment: a fine or a term of up to 5 years imprisonment or both
s. 36(6)(b) and (7)	Failure/refusal to comply with a requirement of an authorised officer	Summary conviction: Fine not exceeding €5,000 or a term of up to 12 months imprisonment or both Conviction on indictment: a fine or a term of up to 5 years imprisonment or both
s. 36(6)(c) and (7)	Alteration, suppression or destruction of any records which the person concerned has been required by an authorised officer to produce	Summary conviction: Fine not exceeding €5,000 or a term of up to 12 months imprisonment or both Conviction on indictment: a fine or a term of up to 5 years imprisonment or both
s. 36(1)(d), 36(6)(d) and 36(7)	Knowingly supplies false or misleading information to an authorised officer	Summary conviction: Fine not exceeding €5,000 or a term of up to 12 months imprisonment or both Conviction on indictment: a fine or a term of up to 5 years imprisonment or both

Section of Bill	Offence	Penalty
Adjudication officer reports		
Sections 48(4), 48(8), 48(9)	Unauthorised disclosure (existence or content) of an investigation report	Summary conviction: Fine not exceeding €5,000 or a term of up to 12 months imprisonment or both
Oral hearing with adjudication officer		
Section 55(2)(a), 55(10)(a), 55(12)	Failure to comply with summons to attend an oral hearing	Summary conviction: Fine not exceeding €5,000 or a term of up to 12 months imprisonment or both Conviction on indictment: a fine or a term of up to 5 years imprisonment or both
Section 55(2)(a), 55(10)(b), 55(12)	Failure to produce records specified in summons	Summary conviction: Fine not exceeding €5,000 or a term of up to 12 months imprisonment or both Conviction on indictment: a fine or a term of up to 5 years imprisonment or both
Section 55(10)(c)(i), 55(12)	Failure to give evidence in manner required at oral hearing	Summary conviction: Fine not exceeding €5,000 or a term of up to 12 months imprisonment or both Conviction on indictment: a fine or a term of up to 5 years imprisonment or both
Section 55(10)(c)(ii), 55(12)	Failure to produce any record in possession or power to procure at oral hearing	Summary conviction: Fine not exceeding €5,000 or a term of up to 12 months imprisonment or both Conviction on indictment: a fine or a term of up to 5 years imprisonment or both

Section of Bill	Offence	Penalty
Section 55(10)(c)(iii), 55(12)	Failure to answer any question in manner required at oral hearing	Summary conviction: Fine not exceeding €5,000 or a term of up to 12 months imprisonment or both Conviction on indictment: a fine or a term of up to 5 years imprisonment or both
Section 55(2)(a)(ii), 55(11)-(12)	Destruction, disposal, falsification or concealment of record summonsed to produce	Summary conviction: Fine not exceeding €5,000 or a term of up to 12 months imprisonment or both Conviction on indictment: a fine or a term of up to 5 years imprisonment or both

Source: L&RS (2026) based on the Criminal Justice (International Cooperation on Electronic Evidence and Other Matters) Bill 2026

Financial implications

During pre-legislative scrutiny, a departmental official stated that a budget of €2.8 million was included in the Estimates for 2026.⁷² In its [Report on pre-Legislative Scrutiny of the General Scheme of the Criminal Justice International Cooperation Office Bill 2025](#), the Joint Oireachtas Committee on Justice, Home Affairs and Migration expressed concerns about:

Whether a budget of €2.8 million and 30 staff will be sufficient in terms of resourcing, and whether this will negatively impact existing staff levels within the Department of Justice;

During pre-legislative scrutiny, a departmental official stated that it was expected that the staff would be increased to 150 over time⁷³. This was echoed in the recruitment [advertisement](#) for the Director of the CJICO, where it was stated that “at full operation from 2028, it is anticipated that the office will comprise 150 staff working across its [four] divisions”.

According to the [Explanatory and Financial Memorandum to the Bill](#) “a budget of approximately €703,000 has been allocated for pay costs in 2026”.

The [Explanatory and Financial Memorandum to the Bill](#) also outlines the allocation of additional expenditure in relation to set up costs as follows:

Additional expenditure, from the total allocation of €2.3 million for 2026, will arise in respect of operational delivery required to set up the office. €3 million capital expenditure has also been allocated for the building of an IT system necessary to connect to the EU decentralised IT system, which is a requirement under the e-Evidence Regulation.

The [Explanatory and Financial Memorandum to the Bill](#) concludes by noting that “all future expenditure will be allocated through the annual Estimates process”.

⁷² Joint Committee on Justice, Home Affairs and Migration debate - General Scheme of the Criminal Justice (International Cooperation Office) Bill 2025: Department of Justice, Home Affairs and Migration, Tuesday, 9 Dec 2025.

⁷³ Joint Committee on Justice, Home Affairs and Migration debate - General Scheme of the Criminal Justice (International Cooperation Office) Bill 2025: Department of Justice, Home Affairs and Migration, Tuesday, 9 Dec 2025.

Pre-legislative scrutiny

The Criminal Justice (International Cooperation on Electronic Evidence and Other Matters) Bill 2026 (**‘the Bill’**) was published on 4 June 2026 and is scheduled for Second Stage debate on 16 June 2026 in Dáil Éireann with Committee and Report Stages following on 17 June 2026.

The **General Scheme of the Criminal Justice (International Cooperation Office) Bill** (dated 3 June 2025) was published on 11 June 2025. The Joint Oireachtas Committee on Justice, Home Affairs and Migration published its **Report on Pre-Legislative Scrutiny of the General Scheme of the Criminal Justice International Cooperation Office Bill 2025** on 17 December 2025. The Committee received a briefing from Department officials on 9 December 2025 as part of the pre-legislative scrutiny process and indicated its preference was to conduct further hearings but had to conclude its scrutiny due to the Minister’s intention to publish the Bill in early 2026.

The Committee’s Report consists of a letter to the Minister noting a number of concerns with the proposed legislation, highlighting particular concerns in relation to the resourcing of the proposed new criminal justice body as well as increased pressure on the courts. Written submissions, which had been requested by the Committee, from Dr TJ McIntyre and the Courts Service are appended to the letter. Given that this Committee Report outlined a range of concerns related to the proposed legislation rather than recommendations for the forthcoming Bill, a traffic light assessment of whether or not these concerns have been addressed in the Bill, as published, has not been undertaken. However, the Parliamentary Research Service requested commentary from the Department of Justice, Home Affairs and Migration in response to the concerns set out in the PLS report. The full list of concerns and the Department’s comments are set out in Table 2 below.

Table 2: Concerns listed in the Joint Committee Report on PLS and commentary from the Department of Justice, Home Affairs and Migration

Concerns as per Joint Committee Report on PLS	Comments from the Department of Justice, Home Affairs and Migration ⁷⁴
The Committee highlights the following concerns with the proposed legislation:	
What happens in cases where there are non-corresponding offences;	This, and the two concern immediately following, arose during the PLS oral briefing in the context of an European Production Order (EPO) from a

⁷⁴ These comments were received from the Department of Justice, Home Affairs and Migration on 11 June 2026 further to a request from the Parliamentary Research Service.

Concerns as per Joint Committee Report on PLS	Comments from the Department of Justice, Home Affairs and Migration ⁷⁴
	country investigating an act (e.g. an abortion) that would not constitute a criminal offence in Ireland. They relate to the e-Evidence package rather than the Bill. Ireland is bound by the Regulation as is and what follows is the Department's interpretation of the Regulation subject to any future rulings of the Irish court and the ECJ. Article 1(3) of the Regulation makes clear that nothing in the Regulation affects fundamental rights and legal principles as enshrined in the Charter of Fundamental Rights of the EU of 7 December 2000 and Article 6 of the TEU Article 6 (ex Article 6 TEU) states:: <i>“1. The Union recognises the rights, freedoms and principles set out in the Charter of Fundamental Rights of the European Union of 7 December 2000, as adapted at Strasbourg, on 12 December 2007, which shall have the same legal value as the Treaties.</i> <i>The provisions of the Charter shall not extend in any way the competences of the Union as defined in the Treaties.</i> <i>The rights, freedoms and principles in the Charter shall be interpreted in accordance with the general provisions in Title VII of the Charter governing its interpretation and application and with due regard to the explanations referred to in the Charter, that set out the sources of those provisions.</i> <i>2. The Union shall accede to the European Convention for the Protection of Human Rights and Fundamental Freedoms. Such accession shall not affect the Union's competences as defined in the Treaties.</i> <i>3. Fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms and as they</i>

Concerns as per Joint Committee Report on PLS	Comments from the Department of Justice, Home Affairs and Migration ⁷⁴
	<i>result from the constitutional traditions common to the Member States, shall constitute general principles of the Union's law."</i> However the Article 1(3) of the e-Evidence Regulation refers to "any obligations applicable to law enforcement authorities or judicial authorities". It makes no reference to the position of service providers. Article 12 of the e-Evidence Regulation sets out the grounds of refusal of European Production Orders which may be invoked by the enforcing authority and is without prejudice to Article 1(3). Article 12(1)(d) addresses the question of dual criminality. It allows an order to be refused by the enforcing authority if the conduct does not constitute an offence under the law of the enforcing state and does not fall within the scope of Annex IV. (All the offences listed in Annex IV are offences under Irish law.) However it has to be noted that under Article 8 of the e-Evidence Regulation, there is no obligation on the issuing authority to notify the enforcing authority of an EPO if it does not relate to traffic or content data or if, at the time of issuing the order, the issuing authority has reasonable grounds to believe that: <i>"(a) the offence has been committed, is being committed or is likely to be committed in the issuing State; and (b) the person whose data are requested resides in the issuing State."</i> In such cases the addressee/service provider must normally comply. The only circumstances where an addressee/service provider can raise an objection is under article 10(5) where there is a question of privilege/freedom of the press. However, there is a further protection. If an addressee/service provider does not comply the issuing state can seek enforcement and at that stage enforcement of an EPO can be denied under

Concerns as per Joint Committee Report on PLS	Comments from the Department of Justice, Home Affairs and Migration ⁷⁴
	Article 16(4)(g) if the execution of the EPO would constitute a manifest breach of a relevant fundamental right.
• The possibility of double-criminality, and whether Ireland will inadvertently contribute to poor human rights practices;	See above.
• Whether Ireland will be facilitating the prosecution of individuals who have committed an act or acts that here would not constitute a criminal offence;	See above.
• Whether AI be used to process applications;	It is not intended that AI will be used in the processing of notifications to the Office of the Director of Criminal Justice International Cooperation, sent pursuant to article 8 of the e-Evidence Regulation. The e-Evidence Regulation requires that the enforcing authority (in this case, the Director of Criminal Justice International Cooperation) assess the information set out in notifications from issuing authorities and, where appropriate, that they raise one or more grounds for refusal. These grounds include circumstances where the data requested are protected by immunities or privileges granted under the law of the enforcing State, or where the data requested are covered by rules on the determination or limitation of criminal liability that relate to freedom of the press or freedom of expression in other media. They also include circumstances where the conduct for which the order is issued does not constitute an offence under the law of the enforcing state. Under the Regulation, where the enforcing authority raises a ground for refusal, it is required to inform the addressee (the service provider's designated

Concerns as per Joint Committee Report on PLS	Comments from the Department of Justice, Home Affairs and Migration ⁷⁴
	establishment or legal representative) and the issuing authority. It is also required to contact the issuing authority by any appropriate means, in order to discuss the appropriate measures to take. As such, the Regulation provides safeguards which require specific actions to be taken by an enforcing authority. The day-to day operations of the office, including the use of technology, AI or other business tools to assist in the operational aspects of workload management, will be a matter for the Director of Criminal Justice International Cooperation. The Office of the Director of Criminal Justice International Cooperation will be guided by the principles set out in the Guidelines for the Responsible Use of AI in the Public Service.
The lack of transparency as to how the State and providers will handle requests for data;	Regulation 2023/1543 sets out the procedure for the issue of European Production Orders, the role of the enforcement authority in the receiving state and the obligations on service providers to respond to such orders. The Department does not have details on the internal procedures followed by the different service providers in processing production orders. Service providers must comply with EU data protection requirements as well as the provisions of the e-Evidence Regulation and Directive. The Office being established by the Bill has a role in ensuring service providers comply with their obligations under the Regulation and Directive. Subject to EU law (Data Protection, Digital Services Regulation 2022/2065 etc.), it is a matter for each member state to regulate the use of data obtained by European Production Orders. Article 10 (5) of the Digital Services Regulation provides that: <i>“At the latest when effect is given to the order, or, where applicable, at the time provided</i>

Concerns as per Joint Committee Report on PLS	Comments from the Department of Justice, Home Affairs and Migration ⁷⁴
	<i>by the issuing authority in its order, providers of intermediary services shall inform the recipient of the service concerned of the order received and the effect given to it. Such information provided to the recipient of the service shall include a statement of reasons and the possibilities for redress that exist, in accordance with paragraph 2."</i> But this is subject to paragraph 6 of Article 10, which states: <i>"The conditions and requirements laid down in this Article shall be without prejudice to national civil and criminal procedural law."</i> It is the practice in most member states that disclosure to the subject of a production order may be delayed if it necessary to protect the integrity of ongoing criminal investigations.
The requirement for a publicly accessible register, providing information on requests received from other member states, how they requests are processed and the outcomes;	Production Orders frequently contain matters that are confidential and disclosure would not be appropriate to ensure that criminal investigations are not prejudiced and that the privacy of the subjects is protected. Article 13 (4) of the e-Evidence Regulation specifically requires measures to be taken to ensure that the confidentiality, secrecy and integrity of European Production Orders and of data produced is maintained. It would not be appropriate for members of the public to have access to a register with details of individual orders. The European Production Order is an EU wide measure and the EU Commission is responsible under article 28 of the Regulation for monitoring and reporting. That article details the type of information that will be available. Furthermore, under Article 33 of the Regulation the Commission must carry out an evaluation of the Regulation's impact including the results that have been

Concerns as per Joint Committee Report on PLS	Comments from the Department of Justice, Home Affairs and Migration ⁷⁴
	achieved and its impact on fundamental rights. That evaluation will be made public.
The lack clarity and oversight regarding the role of the proposed office in reviewing data prior to its transfer;	The role of the proposed office is determined by the requirements of the e-Evidence Regulation. It is a matter for the judicial authority issuing a European Production Order to determine if an order is justified and complies with the requirements of the Regulation. In particular, it must be necessary and proportionate to the purpose of the proceedings taking into account the rights of the suspect (Article 5 (2)) and must not conflict with the fundamental rights and legal principles as enshrined in the Charter and in Article 6 of the Treaty on European Union (Article 1(3)). The role of the proposed office is not to review data prior to its transfer but, as appropriate, to determine whether one or more of the grounds for refusal set out in Article 12 of the Regulation apply. Oversight of the use of data received under a European Production Order falls to the judicial and other competent authorities of the issuing state. It is a matter for the competent judicial and other authorities to determine the application of data protection rights and fundamental rights. Service providers have a role under Article 10 (5) in raising the issue that the execution of an order might interfere with immunities or privileges, the freedom of the press or freedom of expression. Furthermore, Article 16 (4) sets out seven grounds under which the enforcement authority in the receiving state may refuse to take action against a service provider who has not complied with a European Production Order. These include cases where to enforce the order would entail a manifest breach of fundamental rights.

Concerns as per Joint Committee Report on PLS	Comments from the Department of Justice, Home Affairs and Migration ⁷⁴
The lack of safeguards and incentives for providers to consider data protection rights and fundamental rights; and	Service providers have a role under Article 10 (5) in raising the issue that the execution of an order might interfere with immunities or privileges, the freedom of the press or freedom of expression. Also see response immediately above.
The lack of clarity around the staff of the proposed office and whether they will be required to have relevant legal expertise and experience.	On 04 June 2025, the Minister for Justice, Home Affairs and Migrations secured Government approval to establish a new entity in the Justice Sector that will be designated as the Competent Authority for specified roles required under the e-Evidence Directive and Regulation. This Bill, the Criminal Justice (International Cooperation on Electronic Evidence and Other Matters) Bill 2026 will establish the Office of the Director of Criminal Justice International Cooperation for that purpose. The memo approved by Government at that time also set out plans for a phased stand up of the office over the years 2026 – 2028. At full operation from 2028, it is anticipated that the office will comprise 150 staff working across its various divisions. It is envisaged that the office will comprise four main divisions aligned with the competent authority roles arising under the e-Evidence Package and will also have Corporate Affairs and Legal Divisions to support these functions. Staff working in the office will act with delegated authority to carry out the functions of the Director of International Cooperation, as delegated by the Director. The office will require a mix of skillsets, including legal and regulatory experience, to carry out its statutory functions. For example, staff in the legal division will require legal qualifications. Staff working in the Enforcement Division would also benefit from legal or regulatory experience, noting the nature of the work in assessing notifications for

Concerns as per Joint Committee Report on PLS	Comments from the Department of Justice, Home Affairs and Migration ⁷⁴
	relevant grounds for refusal under article 12 of the Regulation (such as where issues of fundamental rights or legal privilege occur). Generalist roles will also exist across the office, particularly in the corporate unit and support staff in the various divisions. The anticipated staffing requirements, including the particular skillsets required, have been scoped by the Implementation Team and plans are underway to begin recruitment at all levels for the office.
In addition, the Committee is particularly concerned with:	
• The ability to process a potential 300,000 cases per year (or 1,000 per day);	The Director of Criminal Justice International Cooperation will be designated as the competent authority for a number of roles under the e-Evidence Package. Specifically, it is intended that the Director will be designated as the authority which is competent to receive and assess notifications pursuant to Article 8 of the Regulation, and to enforce European Production Orders and European Preservation Orders on behalf of another Member State, in accordance with Article 16 of the Regulation. Notifications will be required when the issuing authority in another Member State is requesting content and/or traffic data about users from a service provider. Such notifications are not required in cases where the data requested is ‘subscriber data’, such as data about the identity of a subscriber or a customer, or for data requested for the sole purpose of identifying the user, such as IP addresses. Current estimates suggest that approximately 300,000 orders will be sent to service providers based in the State each year. This is based on the number of law enforcement requests currently received by the largest service providers based

Concerns as per Joint Committee Report on PLS	Comments from the Department of Justice, Home Affairs and Migration ⁷⁴
	here. However, as only certain types of data requests require a notification to be sent to the Enforcing Authority, the Office of the Director of Criminal Justice International Cooperation, it will receive only a subset of those orders for review. Current estimates suggest that the office could receive around 24,000 notifications each year. As the e-Evidence Package represents a new legal framework for obtaining electronic evidence across the EU, the exact number of orders that will be issued, and consequently the number of notifications sent to the office, will only be known once the Regulation comes into effect and competent authorities across the EU start to use it. The office will also fulfil other roles under the e-Evidence Package, such as managing the registration of addressees by service providers and taking enforcement actions when requested, in respect of non-compliance with e-Evidence orders. The office will be stood up on a phased basis and the Director, when appointed, will be responsible for staffing requirements. The Bill provides in section 13(1) that the Director may, subject to the approval of the Minister given with the consent of the Minister for Public Expenditure, Infrastructure, Public Service Reform and Digitalisation, appoint “such and so many persons to be members of staff of the Director as he or she may, from time to time, determine”. Staffing allocations will be dealt with in the normal manner, through the annual estimates process and will be informed by the volumes of work following the application of the e-Evidence System across the EU.
• The likely additional pressure on Courts;	The e-Evidence package is not likely in the first instance to result in any significant and immediate pressure on Irish courts.

Concerns as per Joint Committee Report on PLS	Comments from the Department of Justice, Home Affairs and Migration ⁷⁴
	The Irish Courts have no direct involvement in incoming European Production Orders. The measure may in fact reduce the number of mutual assistance requests from EU member states that are currently received and which have to be processed through the District Court. Outgoing Orders will have to be processed by the District Court but it is not clear how significant this may be and may just replace existing mutual assistance requests made to other member states. In cases where a conflict of laws arises, an additional load will be placed on Irish courts As with any proposal to create a new public body, there is a possibility that any decisions it makes may be subject to judicial review by the courts. In the context of the e-Evidence package, this is most likely in the context where the new body is imposing penalties. The indications to date are that service providers will be compliant with the requirements of the Regulation and Directive which should mean that the imposition of penalties and judicial review of same should not be a frequent occurrence.
Whether a budget of €2.8 million and 30 staff will be sufficient in terms of resourcing, and whether this will negatively impact existing staff levels within the Department of Justice;	The Minister for Justice, Home Affairs and Migration secured an allocation of €2.8 million in Budget 2026 to establish the new Office of the Director of Criminal Justice International Cooperation. The figure of €2.8 million reflects both pay and non-pay costs associated with standing up the office in 2026. This is a part-year cost. The office's budgetary allocation for the full year of 2027 will be dealt with through the estimates process in the normal manner. It is planned to stand up the office on a phased basis over the years 2026 – 2028, reaching 150 staff at full operation from 2028. This phased plan was approved as part of the memo submitted to

Concerns as per Joint Committee Report on PLS	Comments from the Department of Justice, Home Affairs and Migration ⁷⁴
	Government seeking approval to establish the office and reflected the intention to recruit approximately 30 staff in 2026. Recruitment of the Director is at an advanced stage and the process for the recruitment of Office staff is ongoing. It is anticipated that 20 will be onboarded by end of year. The recruitment process will continue on an ongoing basis to ensure that the office has the required number of staff in place to deliver its statutory functions. Section 13 of the Bill provides that the Director may, subject to the necessary approvals, appoint “such and so many persons to be members of staff of the Director as he or she may, from time to time, determine”. It is not envisaged that the establishment of the Office of the Director of Criminal Justice International Cooperation would impact existing staffing levels within the department, save for staff members who may wish to apply for roles within the office once advertised. This is considered part of the normal attrition in the department, and is no different to other staff moves more generally, such as through the civil service mobility scheme, promotion etc.
The Committee has a fear that there is a very large and unquantifiable potential cost associated with this legislation.	The State is obliged to implement the e-Evidence Directive (EU) 2023/1544 as an internal market measure that is inextricably linked to the e-Evidence Regulation (EU) 2023/1543, which Ireland opted into in 2018 and which creates a new EU legal regime for competent authorities to issue European Production Orders and European Preservation Orders to service providers during specific criminal proceedings. The Directive was applicable from 18 February 2026 and the European Commission initiated infringement proceedings (in a Letter of Formal Notice) against Ireland on 26 March 2026 for

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	failure to notify it of all national transposition measures. A response to that LFN issued on 22 May 2026 affirming that Ireland is fully and resolutely committed to ensuring complete compliance with the Directive and is proactively taking the necessary legislative steps to give effect to this commitment. The Criminal Justice (International Cooperation on Electronic Evidence and Other Matters) Bill 2026 will transpose the relevant obligations under the Directive and it will also designate the Director for certain roles required under the Regulation, including as the enforcing authority under Article 3, and as the central authority for the purposes of Article 4(6). The creation of the new office is a Programme for Government priority. The establishment of the office is intended to make it easier and faster for law enforcement and judicial authorities to obtain the electronic evidence they need to investigate and eventually prosecute criminals. It is envisaged that the office will ultimately be a hub for international cooperation under other instruments, such as the European Investigation Order Directive (should Ireland opt in to that measure), Mutual Legal Assistance, European Arrest Warrants and domestic production orders. This will streamline processes involving many national and international agencies, centralising administrative processes and expertise in a single office acting effectively as a ‘one-stop-shop’ for criminal justice cooperation. Implementation of the EU e-Evidence Package in Ireland is an obligation that the State must fulfil. The decision to establish the Office of Director of Criminal Justice International Cooperation presents significant opportunities for the State to enhance its reputation as a hub for digital

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	regulation, which is a key deliverable under the Digital Ireland Strategy. It will provide a cohesive approach to digital regulation in the criminal justice space by centralising the necessary skills and expertise, providing a single point of contact for cross-border judicial cooperation on e-Evidence, and ensuring a streamlined regulatory framework. This will lead to efficiencies in the long term as well as enhancing Ireland's ability to ensure effective access to digital evidence in tackling serious crime, benefiting law enforcement across the EU and An Garda Síochána. The establishment of this new Office will also have significant benefits for the service providers based in Ireland in terms of their ability to comply with the requirements of the EU e-Evidence Package and other international cooperation instruments. It will streamline international cooperation activities, ensuring procedural efficiency in how Ireland fulfils its obligations. The costs involved in running the Office of the Director of Criminal Justice International Cooperation have been estimated as part of the e-Evidence package implementation process, based on current knowledge of the numbers of law enforcement requests to the largest five service providers in the State. As is the case with all agencies under the remit of the Department of Justice, Home Affairs and Migration and other departments, future running costs will be determined by the volume and complexity of workload actually processed by the office. These will be subject to the usual budgetary processes and oversights when the office is established.

Source: PLS Report and information supplied by the Department of Justice, Home Affairs and Migration.