



Background note to the SIRIUS Guidelines for completing the European Production Order Certificate (EPOC) and the European Preservation Order Certificate (EPOC-PR)

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Background note

1. Purpose of the background note

This note accompanies and complements the [SIRIUS guidelines for completing the European Production Order Certificate \(EPOC\)](#) and the [SIRIUS guidelines for completing the European Preservation Order Certificate \(EPOC-PR\)](#).

Its purpose is to provide background information, context and explanations necessary for understanding the scope and rationale of the guidelines. It is intended to assist competent authorities in the effective use of the guidelines when completing the European Production Order Certificate (EPOC) and the European Preservation Order Certificate (EPOC-PR) in accordance with [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).

2. Purpose and scope of the guidelines

The guidelines provide practical, step-by-step guidance for completing the EPOC and the EPOC-PR (as set out in the annexes to the e-Evidence Regulation), including the use of a decentralised IT system (justice digital exchange system). They aim to:

- improve the quality, clarity and completeness of the certificates;
- prevent delays and refusals in the execution of orders;
- facilitate efficient and timely cooperation with service providers;
- promote the consistent application of the e-Evidence Regulation across EU Member States.

The guidelines do not modify the content of the certificates, which is an integral part of legislation and cannot be changed. The use and acceptance of the guidelines is voluntary and does not affect the obligations arising under EU law.

3. Legal framework

The EU's electronic evidence (e-evidence) legislative package establishes a framework for the cross-border gathering of e-evidence in criminal proceedings ⁽¹⁾. It consists of:

- the e-Evidence Regulation;
- [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).

The e-Evidence Regulation enables competent authorities of one Member State, in criminal proceedings, to issue European production orders and European preservation orders directly to

⁽¹⁾ The [annual report on the EU's e-evidence legislative package](#), prepared as part of the [SIRIUS project](#), provides a comprehensive analysis of the package and its implications for the cross-border gathering of e-evidence in the EU.



service providers offering services in the EU and established or represented in another Member State, regardless of the location of the data. It will apply from 18 August 2026.

The e-Evidence Directive obliges Member States to ensure that service providers offering services in the EU designate an establishment or appoint a legal representative in at least one Member State for the receipt, execution and enforcement of production and preservation orders. It applies from 18 February 2026.

4. Standardised forms and obligations

4.1. European Production Order Certificate and European Preservation Order Certificate

The e-Evidence Regulation introduces standardised certificates to facilitate the transmission and execution of production and preservation orders:

- the EPOC, set out in Annex I;
- the EPOC-PR, set out in Annex II.

The issuing authority or, where applicable, the validating authority must complete the relevant certificate, sign it and verify that its content is accurate and correct.

An EPOC must contain at least the information listed in Article 5(5), points (a) to (h), of the e-Evidence Regulation, including sufficient information to allow the addressee to identify and contact the issuing authority and, where necessary, the enforcing authority. Where the enforcing authority needs to be notified, the EPOC transmitted to that authority must additionally contain the information listed in Article 5(5), points (i) and (j), of the regulation, including the grounds for necessity and proportionality and a summary of the case.

An EPOC-PR must contain at least the information specified in Article 6(4), points (a) to (f), of the e-Evidence Regulation, including sufficient information to allow the addressee to identify and contact the issuing authority.

4.2. Language and translation requirements

The EPOC and the EPOC-PR must be completed or translated into an official EU language accepted by the addressee, as specified by the service provider in accordance with the e-Evidence Directive. Where no language has been specified, the certificate must be completed or translated into an official language of the Member State in which the designated establishment or legal representative of the service provider is located.

Where the enforcing authority needs to be notified, the EPOC transmitted to that authority must be translated into an official language of the enforcing Member State or another official EU language accepted by that state.

5. Methodology and sources

The guidelines for completing the EPOC and the EPOC-PR were prepared as part of the [SIRIUS project](#), drawing on extensive practical experience in supporting law enforcement and judicial authorities in obtaining e-evidence from service providers across jurisdictions.



They reflect experience gained since 2018 in developing knowledge resources and practical tools to facilitate cooperation between authorities and service providers in the context of criminal investigations and proceedings, including through voluntary cooperation mechanisms.

In preparing the guidelines, the SIRIUS project team consulted a broad range of stakeholders and experts, including practitioners from judicial authorities, major service providers and the European Commission.

Particular attention was given to identifying the information necessary for the successful execution of orders, taking into account operational, technical and procedural aspects.

6. Use beyond the EPOC and the EPOC-PR

While the guidelines are designed to support the completion of the EPOC and the EPOC-PR, their practical value extends beyond these instruments.

The principles and best practices set out in the guidelines may also be relevant in other contexts involving requests for e-evidence, in particular:

- cooperation with service providers outside the scope of the e-Evidence Regulation;
- handling of voluntary data disclosure requests addressed to service providers;
- issuing of requests under mutual recognition or mutual legal assistance frameworks;
- other forms of cross-border cooperation in criminal matters.

In these contexts, the structured approach promoted by the guidelines – for example, ensuring the clarity and consistency of requests, precisely identifying data, limiting the scope and time, and providing complete and accurate contact information – can contribute to more efficient processing of requests and improved cooperation with service providers.

While applicable legal frameworks may differ, operational practices and technical and legal constraints related to data preservation and production are often similar. Applying the good practices set out in the guidelines may therefore facilitate communication, reduce delays and enhance the effectiveness of requests, including in cooperation with non-EU countries.

7. Future updates and developments

The guidelines are intended as a living document.

They may be complemented and, where appropriate, updated in light of practical experience gained once the e-Evidence Regulation becomes applicable, along with developments in operational practice, technology, legal interpretation and the use of the justice digital exchange system (JUDEX).

Additional best practices may be identified over time through continued engagement with practitioners, service providers and relevant stakeholders.

Users are encouraged to consult the most recent version available.



8. Disclaimer

The guidelines are neither legally binding nor exhaustive.

They are without prejudice to EU law and its future development. They are also without prejudice to the authoritative interpretation of EU law by the Court of Justice of the European Union.

The guidelines have no legislative effect and do not alter the content of the e-Evidence Regulation. Their use is on a voluntary basis.

Nevertheless, Member States are encouraged to promote the use of the guidelines in order to facilitate the efficient execution of orders and to reduce the administrative and operational burden associated with the cross-border gathering of e-evidence.