

People's lives in the 21st century are heavily influenced and shaped by the widespread development of technology. As a result thousands of electronic items, which may turn into evidence in criminal proceedings, are every day produced by people throughout the world. Law enforcement agents are also confronted with new, sophisticated forms of evidence in electronic form. Legal issues are also triggered up by forensic aspects concerning electronic evidence such its capturing, handling, authenticity.

Electronic evidence constitute a complex issue when it comes to EU-cross border cooperation. Firstly, member states in increasing numbers of cases are confronted with electronic evidence coming from abroad (e.g. electronic device) or with legal means to share or gather information gained through electronic investigative methods (e.g. search of computers, interception of electronic communication). Secondly, data in the clouds are constantly shifted from one server to the next and data are thus located in different jurisdictions at the same time, what hamper its gathering.

At the same time the EU lacks any approach to mutual recognition of evidence, including electronic evidence. A legal basis to introduce such an approach is art. 82.2 of the Treaty on the Functioning of the European Union (hereafter: TFEU) which opens the possibility to adopt minimum rules concerning, among other things, the mutual admissibility of evidence. Despite art. 82.2 TFEU has the potential to finally shape the so far non existent concept of mutual recognition of evidence in the EU, thus far the the EU has neither implemented nor elaborated any standards based on this article.

Therefore, the aim of this research is to elaborate on the basis of art. 82.2 TFEU, common EU minimum rules for gathering of electronic evidence in view of enhancing its mutual admissibility.

The research will encompass European and domestic level of analysis and combine the following research methods:

- desktop analysis;
- EU-wide comparative study *via* online questionnaire;
- expert consultations *via* Delphi method;
- focus group meeting.

The outcome of the study would contribute to developing future EU policy line and its implementation into domestic legislations, as well as would increase the legal protection of European citizens by making criminal justice more effective.