



EPHESUS

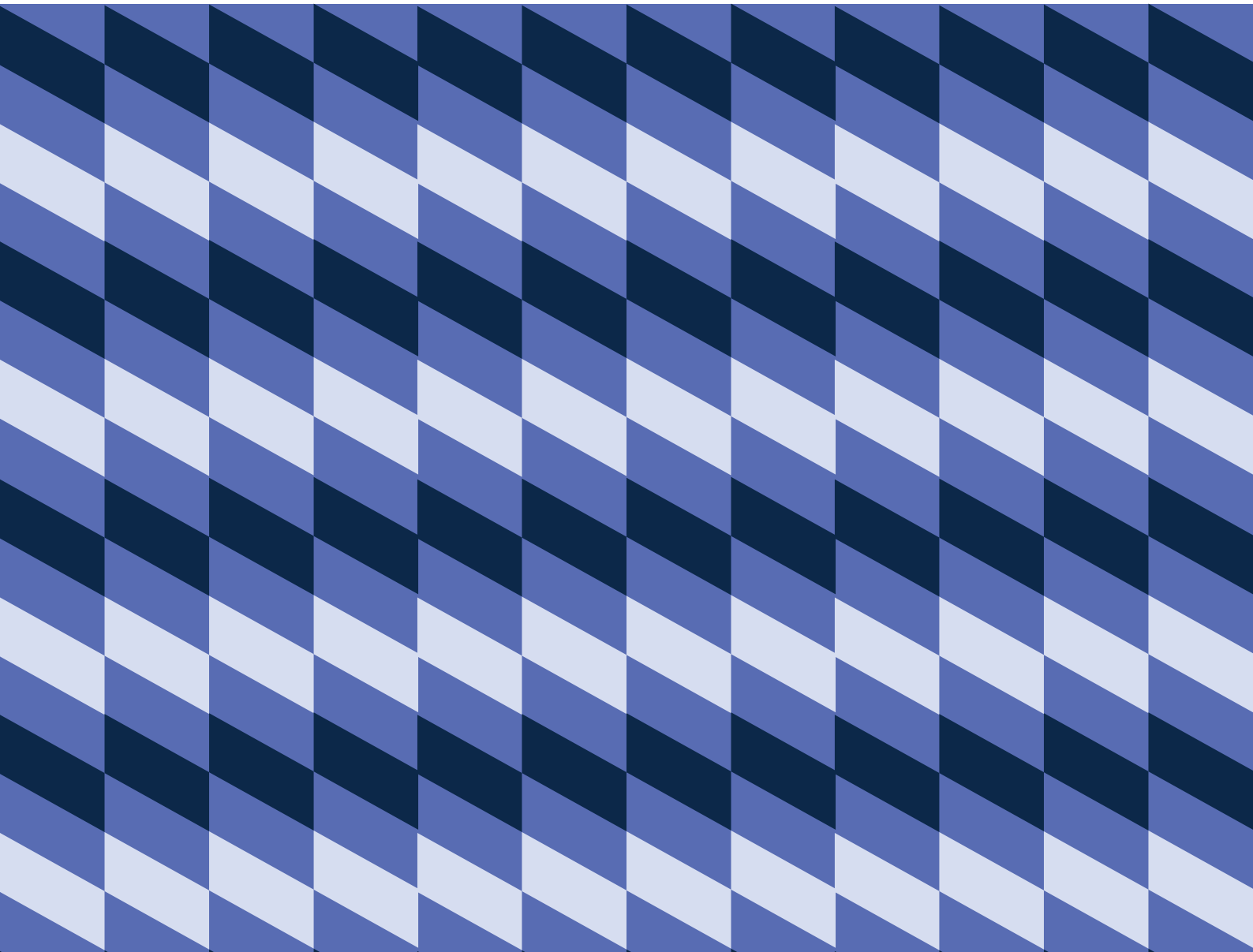
Promoting fundamental rights in (post)
pandemic times in cross-border proceedings

3rd issue

EPHESUS Insights

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The EPHESUS project

The project EPHESUS - Promoting fundamental rights in (post) pandemic times in cross border proceedings seeks to strengthen judicial cooperation across the European Union by promoting a fairer and more proportionate use of mutual recognition instruments in criminal matters.

The COVID-19 pandemic created unprecedented challenges for justice systems, accelerating the adoption of digital technologies while exposing vulnerabilities in protecting the fundamental and procedural rights of suspects and accused persons. In this context, concerns about the disproportionate use of the European Arrest Warrant (EAW) became more pressing, particularly where less intrusive alternatives could have been applied.

EPHESUS aims to optimise the use of the EAW, especially in remote judicial settings, while advocating for the wider use of alternative instruments such as the European Investigation Order (EIO), the European Supervision Order (ESO), and the European Probation Order (EPO). By promoting these tools, the project contributes to a more balanced, rights-based system of judicial cooperation across Member States.

Among its expected outcomes, EPHESUS will deliver practical resources, including informative materials and the ESO Database, foster stronger mutual trust and cooperation among judicial authorities, and enhance the protection of fundamental rights in cross-border proceedings.

The project brings together partners from five EU Member States:

➤ **Centre for European Constitutional Law (CECL)**

Greece (coordinator)

➤ **University of Seville (USE)**

Spain

➤ **IPS_Innovative Prison Systems (IPS)**

Portugal

➤ **Center for the Study of Democracy (CSD)**

Bulgaria

➤ **European Strategies Consulting (ESC)**

Romania

Informative Materials:

Understanding alternative mutual recognition instruments

A central approach of the EPHESUS Project is to enhance awareness and strengthen the knowledge and practical competencies of legal practitioners across the European Union.

A principal objective is to deepen the understanding of mutual recognition instruments that can alternatives to the issuing of European Arrest Warrants, thereby assisting professionals in fully utilising tools that promote judicial cooperation and foster more efficient and proportional cross-border justice.

To support this objective, the Consortium has developed **six Factsheets** addressing key mutual recognition instruments in criminal matters, including:

- European Supervision Order (ESO)
- European Investigation Order (EIO)
- European Probation Order (EPO)
- Framework Decision 2008/909 on the Transfer of Prison Sentences
- Mutual Assistance in Criminal Matters between EU countries
- Freezing Orders and Confiscation Orders

Each Factsheet follows a common structure, designed to provide concise and practical guidance on the legal framework, objectives, and operation of these instruments and outlining a structured overview of an instruments' legal basis, scope, and governing principles. Additionally, it concisely outlines the required procedures, timelines, competent authorities, and standardised forms. The document also details the specific measures available, grounds for refusal, essential safeguards, and practical insights into benefits and common challenges.

In addition to these six Factsheets, the Consortium has also developed a **Glossary** for the **European Investigation Order (EIO)**. This Glossary serves as a structured reference tool for legal practitioners, systematically elucidating the key principles and legal provisions that underpin this instrument. The Glossary is organised to provide a logical progression through the subject matter, starting with the foundational elements of the EIO and advancing to its practical operation and relationship with other legal tools.

The Factsheets and Glossary are available on the EPHESUS [website](#), in English, Greek, Spanish, Portuguese, Bulgarian, and Romanian.

To learn more about the development of these resources, we spoke with **Natasha Alexopoulou**, Project Manager at the **Centre for European Constitutional Law (CECL)**, who led the development of these informative materials.

01

The European Arrest Warrant often overshadows other mutual recognition tools. What gaps or practitioner needs led the EPHESUS project to develop factsheets and a glossary on alternative instruments, including the ESO, EIO, and EPO?

The European Arrest Warrant (EAW) has indeed received considerable attention due to its widespread use. However, this focus has often overshadowed other mutual recognition instruments, such as the European Supervision Order (ESO), the European Investigation Order (EIO), and the European Protection Order (EPO).

As part of the EPHESUS research, the needs of practitioners were assessed, particularly in relation to their knowledge of the aforementioned instruments and their practical application. Legal professionals — including judges, prosecutors, and defence lawyers — frequently lacked accessible, practical guidance on how to effectively implement these tools. In many Member States, a clear knowledge gap was identified, especially concerning the procedural safeguards associated with their use.

For instance, in some countries, the ESO — designed to facilitate non-custodial measures across borders — remains unused simply because practitioners are either unfamiliar with its scope or hesitant to apply it due to procedural uncertainties.

To address these gaps, and based on the EPHESUS Common Framework for the Promotion of Alternatives, the Centre for European Constitutional Law has developed six factsheets and a glossary focused on EU instruments that can either serve as alternatives to the EAW or be used in conjunction with it, depending on whether the context involves investigation or sentence execution. These user-friendly tools aim to strengthen cross-border cooperation, promote better use of alternatives to detention, and enhance mutual trust among Member States.



02

How did the EPHESUS consortium ensure a balance between legal accuracy and practical accessibility to ensure the factsheets and glossary are both accurate and useful for practitioners across Member States?

To ensure both legal accuracy and practical accessibility, the EPHESUS consortium adopted a multidisciplinary and collaborative approach in developing the factsheets and glossary. Striking this balance was essential to make the tools truly usable by practitioners across different Member States.

The content was created through close cooperation with legal experts with direct experience in the application of mutual recognition instruments. The factsheets and glossary are fully aligned with the EPHESUS Common Framework for the Promotion of Alternatives, which provides an in-depth legal analysis of the relevant instruments, along with practical examples and case studies.

At the same time, great care was taken to ensure that the information is presented in a clear, concise, and user-friendly format. Best practices were included to demonstrate how each instrument functions in real-world contexts. A harmonised structure was applied across all factsheets to support easy navigation and facilitate comparison.

03

How can instruments like the ESO and EIO work in synergy to create a more proportionate and effective judicial cooperation? In what ways do you believe these informative materials can support practitioners in their daily work?

Instruments such as the European Supervision Order (ESO) and the European Investigation Order (EIO) can work in synergy to promote a more proportionate, efficient, and rights-respecting system of judicial cooperation within the EU.

The ESO enables individuals awaiting trial to be supervised in their home Member State, rather than being held in pre-trial detention abroad. In parallel, the EIO facilitates the cross-border gathering of evidence. These instruments allow suspects or accused persons to remain available for judicial proceedings while investigative measures continue efficiently in another Member State. This approach reduces the reliance on pre-trial detention, reinforces the presumption of innocence, and upholds the principle of proportionality.

The informative materials developed by the EPHESUS project—comprising factsheets and a glossary—can significantly support practitioners in unlocking the potential of these instruments. They offer clear guidance on the scope, procedures, and interaction between tools, helping legal professionals select the most appropriate measure for each case. By providing practical insights, these resources enhance informed decision-making and contribute to building mutual trust among Member States.

04

With the publication of these outputs, what are the next steps to encourage their uptake among national authorities and practitioners?

With the publication of the EPHESUS factsheets and glossary, the next crucial step is to ensure these tools are widely disseminated and actively used by national authorities and legal practitioners. Raising awareness and integrating these resources into everyday legal practice will be essential to achieving their long-term impact.

One key strategy is targeted dissemination. Sharing the materials directly with national judicial authorities, bar associations, judicial training institutes, and professional networks is vital. To enhance accessibility and relevance, the factsheets and glossary are available in English, Bulgarian, Portuguese, Spanish, Romanian, and Greek.

Engagement with key stakeholders is also critical. The factsheets, glossary, and other EPHESUS outputs will be promoted not only through dedicated EPHESUS awareness-raising events, but also at relevant events organised by ministries of justice, judicial authorities, and professional associations. These interactions can foster dialogue, encourage adoption, and highlight the practical value of the materials.

Additionally, making the resources easily accessible online will support their regular use. Hosting them on the EPHESUS website, the websites of partner organisations, and across social media channels can boost visibility. Targeting centralised EU legal cooperation platforms will also help ensure that practitioners can refer to these tools when needed.

Ultimately, the successful uptake of these materials depends on visibility, accessibility, and their integration into the daily workflows of legal practitioners.



05

Looking to the future of judicial cooperation within the EU, which alternative instrument offers the greatest untapped potential to strengthen judicial cooperation, and what further policy or political action is needed to unlock it?

Looking ahead to the future of judicial cooperation in the EU, the European Supervision Order (ESO) arguably holds the greatest untapped potential. Designed to provide a non-custodial alternative to pre-trial detention in cross-border cases, the ESO promotes fundamental EU values such as proportionality and the presumption of innocence. Yet, despite its promise, the instrument remains severely underutilised across Member States.

If implemented more widely, the ESO could play a significant role in reducing the overuse of pre-trial detention, lowering associated costs, and improving reintegration prospects for accused individuals. It also offers a valuable opportunity to strengthen mutual recognition by showing that effective cross-border cooperation does not always require intrusive or punitive measures. However, several barriers continue to hinder its practical application.

One major obstacle is the lack of awareness and training. Many legal practitioners are either unfamiliar with the ESO or unsure how to implement it in practice. Integration of the ESO into judicial training is essential to bridge this gap.

Clearer guidelines and practical case examples are also needed. Standardised procedures and the sharing of best practices across Member States could reduce uncertainty, encourage more consistent use, and help build practitioner confidence in the instrument.

Moreover, greater political will and commitment at both EU and national levels are necessary to support the broader use of alternatives to detention.

Finally, improved monitoring and data collection are crucial. Reliable information on the use—or non-use—of the ESO would help identify practical and systemic gaps, guiding evidence-based reforms and supporting more effective implementation across the EU.



Spotlight on the **EPHESUS** ESO Database

To further highlight the use of alternative instruments to the EAW, the EPHESUS project has also developed the ESO Database, a dedicated online resource that compiles detailed national country sheets on supervision measures that fall under the scope of the European Supervision Order (ESO).

This tool is designed to support judges, prosecutors, lawyers, and other justice professionals by providing up-to-date comparative data on how different Member States have implemented the ESO, what supervision measures are available locally, and how the legal and procedural frameworks vary.

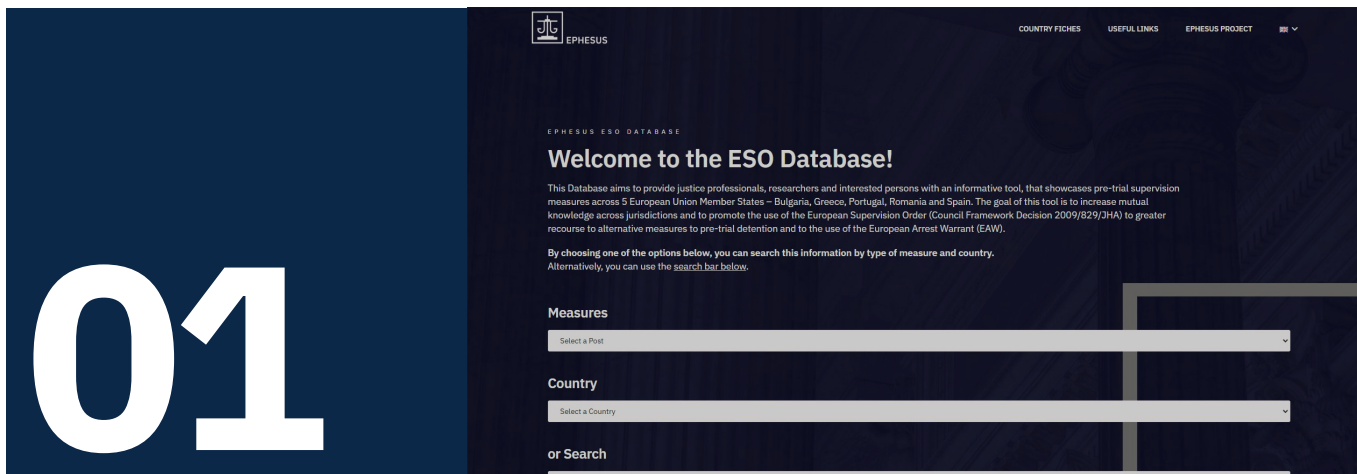
The primary purpose of the database is to facilitate informed decision-making, promote harmonisation of practices, and help legal practitioners better understand the opportunities and challenges of using the ESO as an alternative to pre-trial detention.

The Database provides an informative and practical resource for legal practitioners, showcasing pre-trial supervision measures across five EU Member States: Bulgaria, Greece, Portugal, Romania and Spain.

Ultimately, this tool aims to enhance mutual knowledge across jurisdictions and actively promote the use of the European Supervision Order. By doing so, it seeks to encourage greater resource to alternatives to pre-trial detention and to reduce reliance on the European Arrest Warrant (EAW), when appropriate.

The ESO Database is available [here](#), in English, Greek, Spanish, Portuguese, Bulgarian, and Romanian.

In the context of this activity, we spoke with **Beatriz Martins**, from **IPS_Innovative Prison Systems (IPS)**, who gave us insights about the development of the ESO Database.



01

The EPHESUS ESO Database was developed to support the practical use of the European Supervision Order. What need or gap did the consortium identify that made such a dedicated tool necessary?

The EPHESUS project identified a critical gap between the existence of EU legal frameworks on alternative mutual recognition instruments – including the European Supervision Order – and their practical application in EU Member States.

This was primarily due to a widespread lack of knowledge and practical experience with these instruments among legal practitioners across the EU. This lack of familiarity, combined with the complexity of identifying specific supervisory measures and the competent national authorities in different Member States, created a significant barrier. This often led to delays and a default preference for the European Arrest Warrant, even in cases where the ESO would have been a more proportionate and rights-respecting alternative.

The ESO database is a crucial tool to make the European Supervision Order a tangible, accessible, and practical option for daily use by legal practitioners across the EU.

02



How did the EPHESUS consortium ensure consistency and comparability of the national legal frameworks of the partner countries? How did project partners ensure the accuracy of the available information?

The EPHESUS consortium ensured consistency and comparability through a structured process led by European Strategies Consulting (ESC).

ESC created a standardised template for the national country fiches that all project partners used to collect and present information from their respective jurisdictions. This guaranteed that data on supervision measures, legal references, and competent authorities was structured identically across all partner countries, enabling direct comparison.

To ensure accuracy, partners moved beyond simple desk research, engaging in a validation process with national practitioners and stakeholders, who reviewed the draft country fiches to confirm that the information was not only legally correct but also reflected actual practice on the ground.

03



How did the Consortium ensure that each country fiche reflects not only the law in force but also real practice on the ground? Did they resort to cooperation with other actors?

Yes, the Consortium actively resorted to cooperation with other actors to ensure the country fiches reflected real practice.

The primary method was through direct engagement with the network of stakeholders and national legal practitioners – including judges, prosecutors, and lawyers – that was established during the project's stakeholder mapping and interview phases in Work Package 2. These professionals were involved in validating the information compiled in the country fiches for their own legal systems.

This cooperative validation step was crucial for capturing the practical nuances, operational challenges, and real-world application of supervision measures, ensuring the database's utility for its target audience.

04



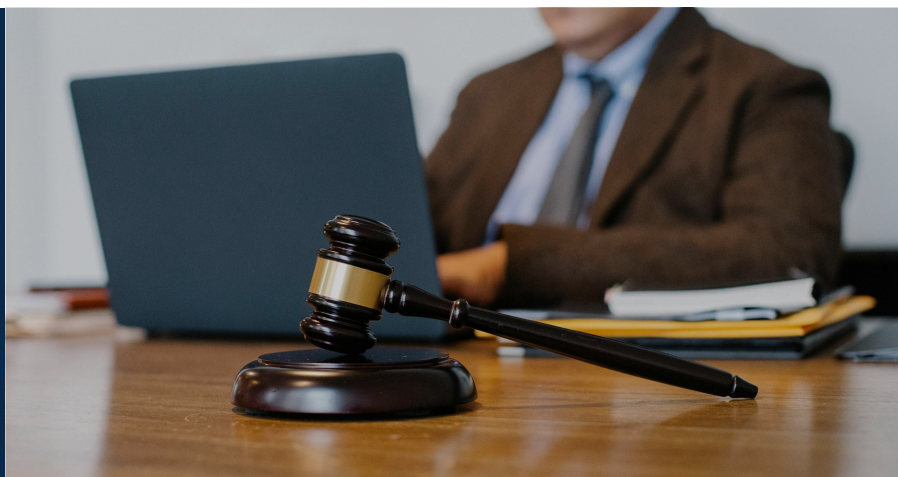
How do you expect the database to influence the actual use of the European Supervision Order, particularly as an alternative to pre-trial detention and the EAW?

The database is expected to significantly influence the use of the European Supervision Order by transforming it from a theoretical alternative into a practical tool.

It empowers legal practitioners by providing them with immediate, clear, and comparable information, thereby building the confidence needed to issue and execute ESOs. By making it easy to check for available alternatives to pre-trial detention in other Member States, the database directly encourages the application of the proportionality principle. This means that when an authority considers an EAW, they can efficiently determine if a less intrusive ESO is a viable option.

Furthermore, the transparency the database provides, by clarifying available measures and competent authorities, helps build mutual trust between judicial authorities and streamlines the cross-border process.

05



How do you see tools like the ESO Database contributing to the digital transformation of EU judicial cooperation?

Tools like the ESO Database are a cornerstone of the digital transformation of EU judicial cooperation.

The database aims to advance this digital transformation by centralising essential legal information that was previously dispersed across various digital sources into a single, user-friendly, and accessible online platform. This directly enhances the efficiency and speed of judicial processes by giving legal professionals instant access to the data they need for cross-border cases.

The Database also complements the resources developed by the European Judicial Network (EJN), such as the Fiches Belges, the Compendium, and the Judicial Library. These materials are referenced and integrated within the ESO Database, creating a coherent and interconnected digital environment for judicial cooperation.

Ultimately, by putting a practical digital resource directly into the hands of end-users, it empowers them to apply EU law more effectively and drives the practical implementation of the EU's digital justice agenda.



Latest Events

2nd Transnational Awareness-Raising Debate

Online | 11th - 12th June 2025

The 2nd Transnational Awareness-Raising Debate gathered participants from the partner countries to discuss the state of fundamental and procedural rights protection in EAW proceedings and the digitalisation of legal proceedings across EU Member States.

2nd EPHESUS Roundtable

Online | 17th September 2025

The 2nd EPHESUS Roundtable focused on the challenges vulnerable groups face in accessing justice in the context of cross-border criminal proceedings. Topics of discussion included access to legal representation and aid, interpretation services, communication with consular authorities during deprivation of liberty, and other critical aspects of fair trial rights.

3rd Transnational Awareness-Raising Debate

Sofia | 15th October 2025

The 3rd Transnational Awareness-Raising Debate gathered legal practitioners from the partner countries of the EPHESUS project. The event focused on raising awareness and knowledge of alternative mutual recognition instruments.



Upcoming Events



EPHESUS Podcast

Episodes 3 and 4

The EPHESUS Podcast features interviews with legal practitioners discussing the topics explored by the project. The 3rd episode features an interview with Antonio Gutiérrez Cardanete, a Spanish Court Registrar, while the 4th episode includes a conversation with Asya Mandzhukova, a Bulgarian Attorney-at-Law.





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