Eclan European Criminal Law Academic Network
Réseau académique de droit pénal européen

Newsletter

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News from the EU

Legislative Instruments

New negotiations

Approximation of procedural criminal law

Proposal for a Directive of the European Parliament and of the Council on provisional legal aid for suspects or accused persons deprived of liberty and legal aid in European arrest warrant proceedings

On 27 November 2013, the European Commission submitted to the European Parliament and the Council a proposal for a Directive on provisional legal aid for suspects or accused persons deprived of liberty and legal aid in European arrest warrant proceedings (COM(2013)824). This proposal will complement the existing right to access to a lawyer by guaranteeing provisional legal aid (from the deprivation of liberty, i.e. the moment one is taken into police custody or similar custody). It will also guarantee legal aid for people requested in European arrest warrant proceedings.

However, the proposal reflects the limited ambition of the Commission. The criteria of access to legal aid (means and merits tests), key elements of its effectiveness, are set into a separate instrument, the recommendation on the right to legal aid for suspects or accused persons in criminal proceedings.

Proposal for a Directive of the European Parliament and of the Council on the strengthening of certain aspects of the presumption of innocence and of the right to be present at trial in criminal proceedings

On 27 November 2013, the European Commission submitted to the European Parliament and the Council another proposal for a Directive on the strengthening of certain aspects of the presumption of innocence and of the right to be present at trial in criminal proceedings (COM(2013)821). The proposal only applies to natural persons suspected in criminal proceedings (Art. 2). It requires Member States to ensure that, before a final conviction, public authorities refrain from public statements that could damage the person's reputation or influence the jury or the court's final decision (Art. 4). The proposal lays down the principle that everyone has the right to remain silent as regards the facts he/she is accused of and obliges Member States to give sufficient information on the content of this right as well as the consequences of renouncing or invoking it (Art. 7). Finally, it provides that suspects or accused persons have the right to be present at their trial (Art. 8). The possibility to decide on the issue of guilt in their absence is nevertheless possible, under similar conditions to those provided for in the *in absentia* Framework Decision.

On 7 April 2014, the European Parliament's JURI Committee supported the Commission's proposal to guarantee respect for the presumption of innocence.

Proposal for a Directive of the European Parliament and of the Council on procedural safeguards for children suspected or accused in criminal proceedings

On 27 November 2013, the European Commission submitted to the European Parliament and the Council a proposal for a Directive on procedural safeguards for children suspected or accused in criminal proceedings (COM(2013)822). This proposal sets out specific minimum rules concerning the rights of suspected or accused children in criminal proceedings to ensure that they are able to understand and follow criminal proceedings, including by having mandatory access to a lawyer at all stages. Therefore children cannot waive their right to be assisted by a lawyer, as there is a high risk that they would not understand the consequence of their actions. The proposal also sets out other safeguards such as being promptly informed of their rights, being assisted by their parents (or other appropriate persons), not being questioned in public hearings and the right to receive medical examination if deprived of liberty. These measures should facilitate the reintegration of children into society after being confronted with the criminal justice system. The sensitive question concerning the age of criminal liability is not covered by the proposal.

Work on the proposed directive has begun in the Council and should start in the European Parliament after the election of the new assembly.

Ongoing negotiations

EU agencies

Proposal for a Council Regulation on the establishment of the European Public Prosecutor's Office

The proposal (COM(2013)534) aims at establishing the European Public Prosecutor's Office (EPPO). It details its scope of competences and the procedure applicable to its investigations.

Using the Early Warning System as provided for in Article 7 of Protocol n°2, 13 national Parliaments issued a Yellow Card against the proposal, which obliged the Commission to reassess it. Nevertheless, it considered that a withdrawal or an amendment of the proposal was not necessary, and thus decided to maintain it (COM(2013)851).

On 12 March 2014, the European Parliament voted in favour of the proposal but proposed several amendments, including a limitation of the European Public Prosecutor's discretion in the choice of forum through binding criteria, or of the competence of the EPPO concerning ancillary offences. However, no mention is made of the structure of the central body.

Simultaneously, in March 2014, due to many difficulties and disagreements, the Council decided to set up the Office around a collegial structure of European prosecutors coming from each Member State, while ensuring both the effectiveness and independence. The Council also discussed the scope of the EPPO's exclusive competence and the possibility to prosecute minor offences at national level to avoid the agency being overload with work.

It is worth mentioning that the Treaty expressly foresees the possibility of resorting to enhanced cooperation for establishing the EPPO, in case of lack of agreement among Member States.

Proposal for a Regulation of the European Parliament and of the Council on the European Union Agency for Criminal Justice Cooperation (Eurojust)

This proposal (COM(2013)535) aims at providing a single and renovated legal framework for Eurojust, streamlining its functioning and structure in line with the Lisbon Treaty. Several objectives are pursued, i.e. providing Eurojust with a new governance structure, ensuring homogeneous status and powers for national Members, or involving the European and national Parliaments in its evaluation. In line with the Common Approach on EU decentralised agencies, its partnership and cooperation with other EU bodies and agencies, and especially Europol, is reinforced, whilst respecting its special role regarding the coordination of criminal investigations. The proposal also ensures that Eurojust can operate closely with the EPPO, once it is established. However, the proposal does not fully implement the possibilities provided for in Article 85 TFEU as no binding operational powers are conferred to Eurojust, which keeps its role of mediator / facilitator (see in particular Art. 4 para 2). Little progress has been made in the negotiations in the Council and the European Parliament.

It must be stressed that the Commission accompanied this proposal with a Communication on the governance of the EU Anti-Fraud Office (OLAF), announcing a future proposal aiming at strengthening OLAF's governance, reinforcing the procedural guarantees under which it performs its investigations, in light of what is foreseen for the EPPO.

Proposal for a regulation of the European Parliament and of the Council on the European Union Agency for Law Enforcement Cooperation and Training (Europol)

The proposal aims at making Europol more effective at collecting and analysing information, as well as in sharing its analysis with the Member States. This will allow Europol to provide more concrete and targeted support to national law enforcement authorities involved in cross-border investigations.

The project of reinforcing the link between training and operational cooperation support, by merging the European Police College (Cepol) with Europol has been abandoned. Both the Council in June 2013 and the Parliament in February 2014 opposed to the idea. National experts were thus instructed to work on the proposal on the basis of the position adopted during the JHA Council of June 2013. Within the European Parliament, mentions to the merger have equally been deleted from the rapporteur's draft report.

The Greek Presidency announced its intention to reach a general approach during the JHA Council in June 2014.

Processing of personal data for law enforcement purposes

Directive on the protection of individuals with regard to the processing of personal data by competent authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and the free movement of such data

The Commission proposed a new framework for data protection in the EU including two legislative proposals: the first being a proposal for a regulation, setting out a general EU framework for data protection, and repealing the Directive 95/46/EC; and the second a proposal for a Directive on protecting personal data processed for law enforcement purposes, currently organised under Framework Decision 2008/977/JHA. The Directive would apply to the processing of personal data by competent authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties. Its scope would be broader than that of the current Framework Decision, limited to "cross-border" data.

In October 2013 the two co-legislators discussed the package. In early October, the JHA Council held an in-depth discussion on the regulation proposed. On 21 October 2013, the Civil Liberties Committee voted new amendments providing for stronger safeguards especially for data transfer to non-EU countries. MEPs also inserted an explicit consent requirement, a right to erasure and bigger fines for firms that break the rules. The Parliament's negotiating mandate, both for the regulation and the directive, have been adopted.

Since the European Parliament's resolution on mass surveillance of 12 March 2014, calling on Member States to accelerate their work on the Data Protection Package, little progress has been made in the negotiation of either of the proposals.

Approximation of substantive criminal law

Directive on the protection of the euro and other currencies against counterfeiting by criminal law, replacing Council Framework Decision 2000/383/JHA

This proposal (2013/0023) of 5 February 2013 provides a definition of the offences which have to be investigated, but also introduces a minimum level of sanctions for those who counterfeit the euro. The directive will replace Council Framework Decision 2000/38/JHA on increasing protection by criminal penalties and other sanctions against counterfeiting in connection with the introduction of the euro.

A political agreement was reached between the Parliament and the Council in the trilogue of 12 February 2014. Following that agreement, the European Parliament voted the Directive on 16 April 2014, and the Council did the same the 6 May 2014.

After publication of the Directive in the Official Journal, expected in June 2014, Member States will have two years to implement the Directive into national law.

Directive in the fight against fraud to the Union's financial interests by means of criminal law

The proposal for a Directive on the protection of the financial interests of the EU (COM(2012)363) would replace the Convention on the protection of the European Communities' financial interests of 26 July 1995, including its Protocols of 27 September 1996, 29 November 1996 and 19 June 1997.

It provides for the obligation to criminalise the behaviours described in the proposal and contains rules on imprisonment thresholds, types of sanctions, liability of legal persons, freezing and confiscation, jurisdiction, etc. Whereas the proposal was initially based on Article 325(4) TFEU (prevention of and fight against fraud affecting the financial interests of the Union), the Council changed it last June for Article 83 (2) TFEU, which entails the application of specific rules regarding instruments of judicial cooperation in criminal matters (possibility for UK and Ireland to opt-out). The Council general approach is only valid under this assumption.

On 16 April 2014, the Parliament supported the change of legal basis. Concerning the substance of the proposal, the MEPs supported the main elements of the Commission's proposal with the exception of the proposed minimum imprisonment sanctions.

Directive on criminal sanctions for insider dealing and market manipulation

This Directive is part of a broader package of measures, including a Regulation on insider dealing and market manipulation - "MAR" (***16010/11***), setting up a common regulatory framework on market abuse. The Directive establishes a common regulatory framework on insider dealing, misuse of inside information and market manipulation as well as measures to prevent market abuse to ensure the integrity of financial markets in the Union and to enhance investor's protection and confidence. Negotiations on the text concluded in an agreement at first reading on 10 December 2013.

On 4 February 2014, the European Parliament approved the Directive. The European Parliament has succeeded in ensuring provisions on maximum term of imprisonment of at least four years for severe cases of insider trading and market manipulation, and at least two years for improper disclosure of privileged information. Ireland participates in the adoption of this directive. The United Kingdom and Denmark are not taking part.

The Council adopted the Directive on 14 April 2014, its publication in the Official Journal is pending.

Adopted texts

Approximation of criminal law

Directive 2014/42/EU of the European Parliament and of the Council of 3 April 2014 on the freezing and confiscation of proceeds of crime in the European Union

The Directive on the freezing and confiscation of proceeds of crime in the EU has been adopted. This instrument aims at making it easier for Member States' authorities to confiscate and recover the profits that criminals make from cross-border serious and organised crime. It lays down minimum rules with respect to freezing and confiscation of criminal assets through direct confiscation, value confiscation, extended confiscation, non-conviction based confiscation (in restricted circumstances) and third-party confiscation. It partially replaces Joint Action 98/699/JHA and Framework Decisions 2001/500/JHA and 2005/212/JHA. Member States will have two and a half years after the entry into force of the directive to implement it into national law. Ireland participates in the adoption of this directive, whilst the United Kingdom and Denmark are not taking part.

Mutual recognition

Directive 2014/41/EU of the European Parliament and of the Council of 3 April 2014 regarding the European Investigation Order in criminal matters

The Directive establishes a comprehensive instrument for gathering all types of evidence on the basis of the principle of mutual recognition. Two conditions are established for issuing an EIO. An EIO can only be issued if the evidence sought is necessary and proportionate for the purpose of criminal proceedings and when the evidence could have been obtained in the issuing state in a similar case under national law.

The grounds for refusal have also been extended during the negotiations. An explicit ground of refusal based on the risk of infringement of fundamental rights has expressly been included (Art. 11 §1 f)).

The United Kingdom participates in this instrument, while Denmark does not taking part. The opt-in is under discussion in Ireland.

Case Law

ECJ, 14 November 2013, Judgement of the Court (Grand Chamber), Case C-60/12, Marián Baláž

By this request for a preliminary ruling from the *Vrchní soud v Praze* (Czech Republic), the Court is asked to interpret Article 1(a)(iii) of Framework Decision 2005/214/JHA, which extends the application of the principle of mutual recognition to financial penalties imposed by an authority of the issuing State other than a court in respect of acts which are punishable under the national law of the issuing State by virtue of being infringements of the rules of law, «provided that the person concerned has had an opportunity to have the case tried by a court having jurisdiction in particular in criminal matters».

Bearing in mind that the term 'court having jurisdiction in particular in criminal matters' plays a crucial role in determining the scope of the Framework Decision, and reasoning in accordance with the need to ensure a uniform application of Union law, the Court concludes that the term must be given an autonomous and uniform interpretation. With regard to the term 'court', the ECJ recalls its settled case-law on Article 267 TFEU (e.g. Miles and Others) and finds no difficulty in stating that the Austrian *Unabhängiger Verwaltungssenat* displays all the required characteristics of a court. As to the words 'jurisdiction in particular in criminal matters', the ECJ stresses that the classification of offences by the Member States is not conclusive. What is relevant is that it applies a procedure that satisfies the essential characteristics of criminal procedure. Since the *Unabhängiger Verwaltungssenat* applies procedural safeguards such as the principle *nulla poena sine lege*, the principle of culpability or the principle of proportionate penalties, the ECJ concludes that the Austrian administrative authority must be considered to be a 'court having jurisdiction in particular in criminal matters' within the meaning of Article 1(a)(iii) of the Framework Decision.

As to the meaning to be given to 'an opportunity to have the case tried', the Court rules that the Framework Decision allows to establish an obligation on the person concerned to comply with a pre-litigation administrative procedure prior to bringing his appeal, as long as access to that court is not subject to conditions which make such access impossible or excessively difficult. With regard to the scope and nature of the review carried out by the 'court having jurisdiction in particular in criminal matters', it must have full jurisdiction to examine the case, both on issues of law and of fact.

Opinion of AG Sharpston delivered on 6 February 2014, Case C-398/12, Procura della Repubblica v. M.

By the request from the *Tribunale di Fermo*, the Court is asked once more to pronounce itself on the interpretation of the *ne bis in idem* principle, as enshrined in Article 54 of the Convention Implementing the Schengen Agreement (CISA).

The case concerns M, an Italian citizen residing in Belgium, who has been subject to investigations in Belgium based on allegations of unlawful acts of a sexual nature against a minor. After police investigations, the pre-trial chamber adopted a finding of *non-lieu*, which was later upheld by a judgment of the Court of Cassation definitively concluding the criminal proceedings. Meanwhile, criminal proceedings against M were opened on the basis of the same facts in Italy. When heard by the *Tribunale di Fermo*, M submitted that he was entitled to rely on Art. 54 CISA. The *Tribunale* stayed the proceedings and made a preliminary ruling to the ECJ.

The question focuses on the interpretation of the phrase "finally disposed in" in Art. 54 CISA, and whether a decision of *non-lie*u finally disposes of the person's trial entailing the application of the *ne bis in idem* principle.

In her Opinion, after recalling the existing case law of the Court, as well as the relevant case law of the ECHR and Art. 50 of the Charter, AG Sharspton replies in two times. She firstly thoroughly analyses the chronology of events, as the parallel proceedings running in Italy and in Belgium may prevent the application of the *ne bis in idem* principle. However the hearing before the Italian tribunal took place precisely one week after the judgment of the Belgian Court of cassation. Therefore, at that time, the Belgian judgment must have the effect of precluding M from being tried in Italy after that date (§45).

Secondly, even though the Belgian government itself argued that the decision is not definitive because of the possibility to re-open the proceedings in the light of new facts and/or evidence, the AG, relying on the European Court of Human Rights' case law, considers that argument invalid. For her, even though new facts and/or evidence can always turn up and launch new prosecution, a finding of *non-lieu* confirmed by the highest court is a decision that finally disposes of the case and gives rise to the application of the *ne bis in idem* principle.

GC, 21 March 2014, Judgment of the General Court (Second Chamber), Case T-306/10, Hani El Sayyed Elsebai Yusef v. European Commmission and Council of the EU

The judgment of the General Court (GC) adds up to the already rich case law relating to the freezing of assets of persons associated with terrorism. It concerns a person, Hani Yusef, whose name had been included in 2005 in a UN Sanctions Committee list, and subsequently added to the EU list (Annex I to Regulation 1629/2005, hereafter the listing Regulation).

After failing to bring on time an action against the Listing Regulation before the ECJ, the applicant brought an action against the national UK measure freezing his funds, which led to its annulment in 2010. He then called upon the Commission to remove his name from the EU list, relying on the Kadi I case and the UK judgment. When the Commission failed to respond for one year, the applicant brought an action for failure to act before the GC.

The GC firstly rejects the claim of the Commission and the Council, who argue that this action is in essence an action in annulment, manifestly out of time and therefore inadmissible. The judges consider that new circumstances have arisen well after the adoption of the listing Regulation, and the absence of reaction of the Commission justified that the applicant brought an action for failure to act.

In substance, the applicant's claims were "based entirely on the consistent failure by the Commission to observe the principles stated by the ECJ in its Kadi I judgment" (§86).

The GC upholds them considering that "more than four years after the ruling in Kadi I the Commission is still not in a position to discharge its obligation to examine the applicant's case carefully and impartially" (§102), and "continues to regard itself as strictly bound by the Sanctions Committee" (§103). Therefore the way in which the Commission purports to remedy the procedural deficiencies and substantive irregularities affecting the freezing of the applicant's funds, similar to those found in the Kadi I judgment, is formal and artificial in nature (§104). The GC concludes that the Commission has thus failed to fulfill its obligations.

ECJ, 8 April 2014, Judgment of the Court (Grand Chamber), Joined Cases C-293/12 and C-594/12, Digital Rights Ireland and Seitlinger and Others

This judgment follows a request for a preliminary ruling from the Irish High Court and the Austrian Constitutional Court concerning the validity of the Data Retention Directive (Directive 2006/24) in the light of the fundamental right to private life and the fundamental right to the protection of personal data as enshrined in the Charter of Fundamental Rights. The directive requires that the providers of publicly available electronic communications services or of public communications networks retain traffic and location data as well as related data necessary to identify the subscriber or user in order to ensure that such data is available for the purpose of the prevention, investigation, detection and prosecution of serious crime.

The Court first seeks to determine whether the provisions of the directive amount to an interference with the fundamental right to private life and the fundamental right to the protection of personal data. It examines the nature of the data that must be retained pursuant to Articles 3 and 5 of the Directive, and concludes that those data may allow to draw very precise conclusions concerning the private lives of the persons concerned, thus affecting the fundamental right to privacy enshrined in Article 7 of the Charter. Furthermore, Articles 4 and 8 of the Directive, which lay down rules relating to the access of the competent national authorities to the data, also constitute an interference with the right to privacy. Likewise, Directive 2006/24 constitutes an interference with the fundamental right to the protection of personal data guaranteed by Article 8 of the Charter because it provides for the processing of personal data. The Court points out that the interference with those fundamental rights is wide-ranging, must be considered particularly serious, and is likely to generate in the minds of the persons concerned the feeling that their private lives are the subject of constant surveillance.

The Court then examines whether or not such interferences are justified in the light of Article 52(1) of the Charter. Although the retention of data required by the directive may be considered to be appropriate for attaining the material objective pursued (namely the fight against serious crime and, ultimately, public security), the directive is not sufficiently circumscribed to ensure that that interference is actually limited to what is strictly necessary. Firstly, the directive covers all individuals, all means of electronic communication and all traffic data without any differentiation, limitation or exception being made in the light of the objective of fighting against

serious crime. Secondly, the directive fails to lay down any objective criterion (i.e., any substantive or procedural condition) that ensures that the competent authorities have access to the data and can use them only for the purposes of prevention, detection or criminal prosecutions of sufficiently serious offences. Thirdly, the data retention period is set between a minimum of six months and a maximum of 24 months, but the directive makes no distinction between categories of data or its usefulness in relation to the objective pursued. The directive also fails to state the objective criteria on the basis of which the period of retention must be determined in order to ensure that it is limited to what is strictly necessary. Finally, the Court also finds that the directive fails to provide sufficient safeguards against the risk of abuse and against any unlawful access and use of the data.

In light of the above considerations the Court concludes that, by adopting Directive 2006/24, the EU legislature has exceeded the limits imposed by compliance with the principle of proportionality in the light of Articles 7, 8 and 52(1) of the Charter and thus declares the directive invalid, the declaration of invalidity taking effect from the date on which the directive entered into force.

CJUE, 6 May 2014, Judgment of the Court (Grand Chamber), Case C-43/12, European Commission v. European Parliament and Council of the EU

On 25 October 2011, a new directive concerning cross-border exchange of information on road safety related traffic offences was adopted. The Council and the Parliament departed from the Commission's proposal regarding the legal basis of the text. Article 87, para. 2, TFEU, on police cooperation, was considered more appropriate than Article 91, para. 1, c) on transport safety.

The Commission launched annulment proceedings, as it considered that the new legal basis was not appropriate.

AG Bot, in his conclusions, proposed to reject the Commission's interpretation. However in its judgment, the Court departed from his conclusions and upheld the Commission's arguments.

The judges considered that the main or predominant aim of the directive establishing a system for the cross-border exchange of information on road safety related offences is to improve road safety (§36 – 37). The content of the directive, i.e. measures to improve road safety, fall within the EU's transport policy (§42). Therefore the Court concludes that the directive should have been adopted on the basis of Article 91, para. 1, c) (§44 & 49).

The Directive is thus annulled, but the Court considers that important grounds of legal certainty justify maintaining its effects until the entry into force of a new directive based on the correct legal basis. This new text should be adopted within a reasonable period of time that may not exceed twelve months (§56).

Academic activities

Research Projects

"Study on minimum sanctions in the EU Member States" JUST/2013/JPEN/PR/0047/A4

ECLAN is involved in this project with Ecorys NL.

With a view to the new legal framework for criminal law legislation under the Lisbon Treaty, the objective of the study is to achieve a better understanding of the basic legislative structure and – based on statistics – of the practice of the national criminal law systems on minimum sanctions in the 28 Member States.
The result of the study will assist the EU legislator in ensuring added value and improving consistency and coherence whenever the adoption of minimum criminal sanctions will be considered.

Publications

Kristine Plouffe-Malette, *Protection des victimes de traite des êtres humains : Approches internationales et européennes*, Bruylant, September 2013, 224 pages for

Christine Janssens, *The Principle of Mutual Recognition in EU Law,* Oxford University Press, October 2013, 416 pages.

Diego Acosta Arcarazo, Cian C Murphy (Eds.), *EU Security and Justice Law After Lisbon and Stockholm,* Hart Publishing, October 2013, 224 pages.

Stefano Ruggeri (Ed.), *Transnational Inquiries and the*

Protection of Fundamental Rights in Criminal Proceedings - A Study in Memory of Vittorio Grevi and Giovanni Tranchina, Springer, 2013, 573 pages

Maria O'Neill, *The Evolving EU Counter-terrorism Legal Framework,* Routledge, October 2013, 328 pages

Maria Bergström, Anna Jonsson Cornell (Eds.), *European Police and Criminal Law Co-operation, Volume 5,* Hart Publishing, January 2014, 236 pages.

Roberto E. Kostoris (ed.), *Manuale di Procedura Penale Europea,* Giuffrè, 2014, 400 pages.

Sarah Summers, Christian Schwarzenegger, Gian Ege and Finlay Young, *The Emergence of Criminal Law, Cyber Crime and the Regulation of the Information Society*, Hart Publishing, awaited for August 2014, 372 pages.

K. Ligeti (ed), *Towards a Prosecutor for the European Union, Volume 2, Draft Rules of Procedure*, Hart Publishing, awaited for December 2014, 475 pages.

Upcoming Events

Seminar: *Organised crime in the EU: Cases, Trends and Tools,* ERA, 22-23 May 2014, Trier, Germany [for info click here]

Conference : *A Manifesto for European Criminal Procedure Law*, ECPI , 12 June 2014, Stockholm, Sweden.

Seminar: *Countering Trafficking in Human Beings in the Private Sector*, ERA, 12-13 June 2014, Trier, Germany [for info click here]

Summer School: *Summer course on European Criminal Justice,* ERA, 23–27 June 2014, Trier, Germany [for info click here]

Summer School: *The EU Area of Criminal Justice,* co-organised by ECLAN and IEE-ULB, 30 June – 4 *July* 2014, Brussels, Belgium [for info click here]

Conference: *What follow up to the Stockholm Programme?,* co-organised by ECLAN and IEE-ULB, 1 July 2014, Brussels, Belgium

Conference: *Annual Forum for Decision Makers,* SURVEILLE Project, 29-30 November 2014, Brussels, Belgium.

Vacancy - Contact Points for the Netherlands, Finland And Cyprus

In order to fulfil the Network's objectives, and considering its development and evolution, the ECLAN network is looking for new contacts points for the Netherlands, Finland and Cyprus.

Candidates are invited to send a CV as well as a motivation letter (of maximum one page) before **June 20th 2014** to the following email address: eclan@ulb.ac.be.

Description of the post

- Participation to the Annual Contact Points Meeting.
- Participation to the scientific and academic activities of the network (conferences, publications)
- Collaboration to other activities, e.g. participation and/or support to the Summer School, organisation of Annual PhD Seminar, draft of national reports in the framework of research projects, submissions of applications for EU-funded projects, etc.
- Act as intermediary between experts in national criminal law of the Member State represented and the network

Profile

- Expertise as academic or researcher in the field of EU criminal law
- Availability to take part in the network's activities
- Well-established position in the national academic/scientific environment of the MS represented.
- Good knowledge of English.

New Journal of European Criminal Law

The *New Journal of European Criminal law* is the leading international journal on European Criminal Law. It aims at analysing, discussing, defining, developing and improving criminal law in Europe and in particular criminal law as it is drawn up by the European Union and the Council of Europe. It embraces an encompassing approach as to the matter, which is not limited to what is traditionally considered as criminal law but it extends to and complements environmental law and competition law. As regards the latter it is the first ever legal journal to treat criminal and competition law disciplines related at their interface. Having two patrons ECLAN and ECBA it

serves as a forum for both legal practitioners and academics interested in issues related to European Criminal Law. Its editorial board comprises as wide a cross-section of the legal profession as possible

The Journal solicits contributions from all those involved in criminal law in its European dimension. It seeks a large variety of articles, ranging from short case notes with little or no comment, to opinionated comments on developments to long in-depth critiques of judgments and legislative measures with proposals for reform or change and to scientific publications on the theoretical developments of this specific branch of law

Contributions should be sent to: Irene.wieczorek@vub.ac.be. A blind peer review system will be carried to ensure the quality and the originality of the Journal

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The European Criminal Law Academic Network (ECLAN) aims to facilitate and strengthen academic research and education in the field of EU Criminal Law

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