

## News from the EU

### Legislative Instruments

#### New negotiations

##### *EU agencies and bodies*

#### [Proposal for a Regulation of the European Parliament and of the Council amending Regulation \(EU, Euratom\) n°883/201 as regards the establishment of a Controller of procedural guarantees](#)

On 11 June 2014, the European Commission submitted a proposal for a Regulation amending Regulation (EU, Euratom) as regards the establishment of a Controller of procedural guarantees. This proposal aims at further strengthening the procedural guarantees in place for all persons under investigation by the European Anti-Fraud Office and at taking into account the special way in which members of EU institutions were elected or appointed as well as their special responsibilities. For this purpose, the [Regulation 883/2013](#) on investigations by OLAF will be amended. In this respect, a Controller of procedural guarantees is proposed to: first, review complaints lodged by persons under investigation about violation of their procedural guarantees; second, authorise OLAF to conduct certain investigative measures in respect of members of EU institutions.

##### *Strategic guidelines*

#### [European Council, Conclusions, 26/27 June 2014](#)

On 26 and 27 June 2014, the European Council defined the strategic guidelines for legislative and operational planning for the coming years within the area of freedom, security and justice (AFSJ). Three main priorities were set for the next five years: (1) To better manage migration in all its aspects; (2) to prevent and combat crime and terrorism; and (3) to improve mutual trust and judicial cooperation among EU Member States. It also highlights, among other things, the necessity to reach a strong EU General Data Protection framework by 2015.

In general terms, accent is placed on improving the link between the EU's internal and external security policies. The overall priority is to consistently transpose, effectively implement and consolidate the legal instruments and policy measures of the AFSJ. A crucial role is moreover entrusted to the different EU agencies.

#### On-going 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 (EAW) proceedings (COM(2013)824). This proposal will complement the existing right to access to a lawyer by guaranteeing provisional legal aid. It will also guarantee legal aid for people requested in EAW 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 in a separate instrument, the [recommendation on the right to legal aid for suspects or accused persons in criminal proceedings](#). On 25 and 26 March 2014, the European Economic and Social Committee (EESC) adopted an [opinion](#) on the *Procedural Rights Package* welcoming the proposal but highlighting the fact that the rights need to be defined and framed more precisely..

The 26 November 2014 the LIBE committee of the European Parliament adopted its [draft report](#) on the proposal (Rapporteur: Dennis de Jong). Discussions within the Council's Working Party on Substantive Criminal Law are on-going.

### [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 25 and 26 March 2014, the European Economic and Social Committee (EESC) adopted an [opinion](#) on the *Procedural Rights Package*, welcoming the proposal. Two points have been highlighted: that the term 'criminal proceedings' is narrowly defined contrary to the ECtHR case law and that the Article 8 of the proposal concerning trials in absentia does not provide for the possibility for the proceedings to go ahead when the person concerned has no known place of residence and cannot therefore be summoned. On 7 April 2014, the European Parliament's JURI Committee supported the Commission's proposal to guarantee respect for the presumption of innocence. On 30 October 2014, a [revised version](#) of the draft Directive was released. The Italian Presidency aims at reaching a general approach on the text at the JHA in December 2014.

As regards the progress within the European Parliament, on 20 October 2014 the proposal was referred to the LIBE committee. In turn, the Council adopted its [General approach](#) the 4<sup>th</sup> December 2014.

### [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.

On 25 and 26 March 2014, the European Economic and Social Committee (EESC) adopted an [opinion](#) on the *Procedural Rights Package*, welcoming the proposal. Reference was made to the narrow definition of the term 'criminal proceedings', which is contrary to the ECtHR case law.

In June 2014, the JHA Council reached its [General approach](#). The 19 November 2014 the LIBE committee of the European Parliament adopted its [draft report](#) on the proposal (Rapporteur: Caterina Chinnici)..

### **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. Regarding its structure, the Parliament recommends, among others, that the EPPO ensures at central level the appropriate skills, experience and knowledge of the legal systems of the Member States.

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 overloaded 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.

On 6 June 2014, the Council welcomed a [revised draft](#) of the proposal integrating two concepts: the collegial structure of the Office and the concurrent competence of the Office and national prosecution services to investigate offences against the financial interests of the Union. Two main unsolved issues were highlighted in the Council's document: the supervision of the operational work of the Office in the Member States and the meaning of the concept of concurrent competence. On 11 July 2014, the Italian Presidency released a [revised draft](#) of the proposal touching upon issues that had not been examined by the Greek Presidency, in particular the termination of the investigation, prosecution powers, admissibility of evidence and judicial review. In the following months, the inclusion of procedural safeguards was scrutinised ([Council Document 12825/14](#)) as well as the concept of the single legal area, i.e., whether the EPPO will operate as a single Office, without having recourse to instruments of mutual legal assistance or mutual recognition when acting within the EU territory ([Council Document 13509/14](#)).

**[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.

On 5 March 2014, the EPDP released its [opinion](#) on the package of legislative measures reforming Eurojust and setting up the EPPO. While welcoming the proposal on Eurojust, he proposed several amendments concerning the provisions which are more relevant to data protection.

The European Parliament has yet to adopt its position on the proposal. In turn, the 27 November 2014, the Council's presidency prepared a revised text on Chapters I-III and V-IX with the exception of the provisions relating to the European Public Prosecutor's Office (EPPO) and Data Protection to form a Partial General Approach of the Council. Those issues will be further negotiated by COPEN in view of developments with the draft Regulations on Europol and EPPO as well as the data protection package.

It must be recalled 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 (see above the Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU, Euratom) n°883/201 as regards the establishment of a Controller of procedural guarantees).

**[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.

The plenary of the European Parliament adopted its [first reading position](#) the 25<sup>th</sup> February 2014, whereas the JHA Council adopted its [General approach](#) in its meeting on 5-6 June 2014. Among the differences between the two institutions' approaches is OLAF's access to Europol's databases, which the European Parliament has excluded in its first reading position.

### ***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 since domestic processing operations would also be covered and not only "cross-border" data.

The European Parliament adopted its [first reading position](#) on 12 March 2014. The amendments to the proposal go in the sense of providing stronger safeguards; for instance, an explicit right to erasure has been inserted. Particular protection is endorsed in relation to data transfer to non-EU countries.

Regarding the Council, the proposed Directive has been discussed in the Working Party on information exchange and data protection (DAPIX) under every Presidency since the first semester 2012. In June 2014 a [revised draft](#) of the text was released. In September 2014, the scope of the Directive was the subject of [discussion](#).

The last DAPIX meeting took place the [24 November 2014](#) under Italian Presidency. The main issue under discussion concerned the subject matter and objectives in Article 1(1) and how to delimit this in relation to the General data protection regulation. Linked to this is the question to which bodies the Directive should be applicable. Work on this issue will continue under the Latvian Presidency.

### ***Approximation of substantive criminal 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 of 10 June 2013](#) is only valid under this assumption.

On [16 April 2014](#) the plenary of the European Parliament endorsed in its first reading position the Council's change of legal basis. Nonetheless, there are some significant differences between the two texts which will have to be addressed in the course of interinstitutional negotiations, including the definition of "the Union's financial interests", whether or not VAT offences should be included in the scope of the proposal or the definition of public official, which according to the EP's first reading position is limited to "Members of bodies" and does not cover "institutions, offices and agencies".

### ***Adopted texts***

#### ***Approximation of substantive criminal law***

#### **[Directive 2014/57/EU of the European Parliament and of the Council of 16 April 2014 on criminal sanctions for market abuse \(market abuse directive\)](#)**



This Directive is part of a broader package of measures, including a Regulation on insider dealing and market manipulation - "MAR" 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. As amended by the European Parliament, Article 7 provides for a maximum term of imprisonment of at least four years for severe cases of insider dealing and market manipulation, and at least two years for unlawful disclosure of privileged information. The Directive was published in the Official Journal on the 12 June 2014.

[Directive 2014/62/EU of the European Parliament and of the Council of 15 May 2014 on the protection of the euro and other currencies against counterfeiting by criminal law, replacing Council Framework Decision 2000/383/JHA](#)

The Directive on the protection of the euro and other currencies against counterfeiting by criminal law provides for 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. After publication of the Directive in the Official Journal (21 May 2014), Member States have two years to implement the Directive into national law.

***Institutional developments***

[Council and Commission's decisions concerning the UK's partial re-opt-in to the ex-third pillar acquis](#)

Making use of the specific provisions of Article 10 of Protocol 36 attached to the Treaty, [in July 2013 the UK decided to use its right to exercise a block 'opt-out'](#), as of 1 December 2014, from all EU acts adopted under the former third pillar which had not been amended since the entry into force of the Lisbon Treaty. Protocol 36 allows however the UK to request to participate again in some of these acts. [In November 2014, the UK notified its wish to opt back into 35 ex-third pillar measures.](#)

The Council, acting unanimously, decides on the re-participation of the UK to ex-third pillar measures related to the Schengen acquis, while the Commission decides on the UK's re-participation in the non-Schengen ex-third

pillar acts. Six of the UK's 35 opt-in measures concern the Schengen acquis. They include the chapters of the Schengen Convention on police and judicial cooperation in criminal matters and the Schengen Information System (SIS II, which is the police/justice part of the Schengen data base). The remaining 29 non-Schengen measures include the European Arrest Warrant, Europol and Eurojust. Both re-opt-in decisions (Schengen and non-Schengen) were adopted by the Council and the Commission the 1<sup>st</sup> December 2014, immediately entering into force.

In order to clarify the situation, a list of the ex-third pillar acquis which ceases to apply to the UK as of 1 December as well as a list of ex-third pillar acquis which has been "Lisbonised" (i.e. amended post-Lisbon by an act by which the UK is bound) have been published in the [Official Journal](#).

Note that the Commission had presented a proposal for a Council Decision determining certain direct financial consequences incurred as a result of the cessation of the participation of the United Kingdom of Great Britain and Northern Ireland in certain acts of the Union in the field of police cooperation and judicial cooperation in criminal matters adopted before the entry into force of the Treaty of Lisbon, which mainly addresses the UK's possible opt in to the Prüm Decisions (i.e. Decisions 2008/615/JHA, 2008/616/JHA and Framework Decision 2009/905/JHA).

**Case Law**

[ECJ, 27 May 2014, judgment of the Court \(Grand Chamber\), Case C-129/14 PPU Zoran Spasic, and view of Advocate General Jääskinen delivered on 2nd May 2014](#)

By this request for a preliminary ruling from the Oberlandesgericht Nürnberg (Germany), the Court is asked to interpret Article 54 of the Convention Implementing the Schengen Agreement, in relation to the application of the ne bis in idem principle, and the compatibility of that provision with Article 50 of the Charter of Fundamental Rights of the European Union ('the Charter').

Mr Spasic, a Serbian national, is being prosecuted in Germany for fraud committed in Milan. In parallel, Mr Spasic was convicted in Italy for the same offence and sentenced to a one-year custodial sentence and a fine. Mr Spasic paid the fine but did not serve his custodial

sentence.

Following a European arrest warrant, he was surrendered to Germany. Taking the view that his prosecution was contrary to the *ne bis in idem* principle, Mr. Spasic brought an action challenging the decision ordering his detention. He claims, in essence, that the enforcement condition of Article 54 CISA cannot lawfully restrict the scope of Article 50 of the Charter and that, since he has paid the fine, he should be released.

The Oberlandesgericht Nürnberg stayed proceedings and made a preliminary ruling to the ECJ. In its first question it asked whether Article 54 CISA, which subjects the application of the *ne bis in idem* principle to the condition that, if a penalty has been imposed, it has been enforced, is in the process of being enforced or can no longer be enforced under the laws of the sentencing State, is compatible with Article 50 of the Charter. Secondly, the German Court asks whether or not the abovementioned condition can be satisfied if only one part of two independent parts of the penalty imposed in the sentencing State has been enforced.

To the first question, Advocate General Jääskinen concluded that the application of the execution condition laid down in Article 54 CISA constitutes a proportional and therefore justified — for the purpose of Article 52 of the Charter — interference with the fundamental right not to be tried or punished twice in criminal proceedings for the same criminal offence enshrined in Article 50 of the Charter. Similarly, the Court, considering that the execution condition of article 54 CISA is a limitation to the *ne bis in idem* principle, examines whether the conditions laid down in Article 52 of the Charter are met. Since it arises from 54 CISA, it is undisputed that the limitation is provided by law. Secondly, the Court points out that 54 CISA aims to prevent, in the area of freedom, security and justice, the impunity of persons definitively convicted and sentenced in an EU Member State. Consequently, the Court answers to the first question that Article 54 CISA is compatible with Article 50 of the Charter.

As regard the second question, both the Advocate General and the Court conclude that the condition laid down in Article 54 CISA is not fulfilled where the accused has been sentenced to a penalty composed of two independent parts and only one of them has been enforced.

[ECJ, 5 June 2014, judgment of the Court \(fourth Chamber\), Case C-398/12, Procura della Repubblica c. M.](#)

By a request from the Tribunale di Fermo, the Court is

asked once again 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, inquiring whether a decision of non-lieu ‘finally disposes of the person’s trial within the meaning of Art. 54 CISA.

First the Court recalls that a judicial decision constitutes a decision finally disposing of the case against a person only if that decision was given after a determination has been made as to the merits of the case. Then the Court analyses the consequences of a finding of “non-lieu” in the Belgian procedure, the explanations relating to Article 50 of the Charter, its own case law and the relevant case law of the ECHR. At the end of its analysis, and following the opinion of the AG, the Court answers to the question that Article 54 CISA must be interpreted as meaning that an order making a finding that there is no ground to refer a case to a trial court which precludes, in the Contracting State in which that finding has been made, the bringing of new criminal proceedings in respect of the same acts against the person to whom that finding applies, unless new facts and/or evidence against that person come to light, must be considered to be a final judgment, for the purposes of that article, precluding new proceedings against the same person in respect of the same acts.

[ECJ, 19 June 2014, order of the Court, Case C-45/14, Balázs and Papp](#)

By this reference for a preliminary ruling the Court is called to interpret articles 47, 50 and 54 of the Charter, article 14 (7) of the International Covenant on Civil and Political Rights and article 4 (1) of protocol n° 7 to the ECHR.

The facts of the case may be summarized as follows: Mr. Balazs and Mr. Paa, two police officers, are charged with abuse of power committed during a meeting in November 2007. In a final decision, the prosecution declared the action definitely extinct in view of the lack of a ‘formal

legal accusation'. The two applicants are nevertheless indicted for the same offense following that decision. The referring court asks the ECJ whether the regulation or lack of regulation concerning the 'formal legal accusation' as foreseen in the Hungarian Code of Criminal Procedure is compatible with Articles 47, 50 and 54 of the Charter and Article 14, paragraph 7, of the Covenant and Article 4, paragraph 1 of Protocol No. 7 of the ECHR.

The Court notes that the main proceedings concern Hungarian criminal law provisions that apply in a purely

national context with no link to EU law. Nothing suggests that the dispute in the main proceedings concern the interpretation or application of a rule of EU law other than those contained in the Charter. Therefore, confirming its previous case, the Court states that it is not competent to rule on a legal situation that does not fall within the scope of Union law, and that the invocation of the provisions of the Charter may not, by themselves, found that competence. The ECJ concludes it manifestly lacks jurisdiction to answer the questions referred.

## 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 is considered.

The second interim report, containing the first results derived from all national reports, was submitted to the Commission on 10 October 2014. The core team will deepen the analysis and deliver a draft final report to the Commission, including comprehensive conclusions, by the end of January 2015.

*EMCDDA Study on Penalties in Drug Trafficking Cases*

26 Member States country profiles were written by national experts and compared in a paper written by Robert Kert and Andrea Lehner.

The final version was sent to EMCDDA in September. The study will be published by EMCDDA in spring 2015.

### Publications

Matej Avbelj, Filippo Fontanelli, Giuseppe Martinico (Eds.), *Kadi on trial*, Routledge, May 2014, 222 pages.

Kees Boersma, Rosamunde van Brakel, Chiara Fonio, Pieter Wagenaar (Eds.), *Histories of State Surveillance in Europe and Beyond*, Routledge, May 2014, 238 pages.

Andrea Ryan, *Towards a System of European Criminal Justice – The Problem of Admissibility of Evidence*, Routledge, June 2014, 260 pages.

Peter Whelan, *The Criminalization of European Cartel Enforcement - Theoretical, Legal, and Practical Challenges*, Oxford University Press, August 2014, 400 pages.

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

André Klip (ed.), *Materials on European Criminal Law (2nd Ed.)*, Intersentia, September 2014, 1308 pages.

Anne Weyembergh, Francesca Galli (Eds), *Do labels still matter? Blurring boundaries between administrative and criminal law. The influence of the EU*, Éditions de l'Université de Bruxelles, November 2014, 258 pages.

Leendert H. Erkelens, Arjen W.H. Meij, Marta Pawlik (Eds.), *The European Public Prosecutor's Office- An extended arm or a Two-Headed dragon?*, Springer, November 2014, 285 pages.

Carlos Gómez-Jara Díez, *European Federal Criminal Law - The Federal Dimension of EU Criminal Law*, Intersentia, forthcoming December 2014, + 300 pages.

Michiel Luchtman (ed.), *Sharing Sovereignty in the European Union?*, Intersentia, forthcoming December 2014.

Ruggeri, Stefano (Ed.), *Human Rights in European Criminal Law - New Developments in European Legislation and Case Law after the Lisbon Treaty*, Springer, forthcoming February 2015, 337 pages.

Valsamis Mitsilegas, *The Criminalisation of Migration in Europe - Challenges for Human Rights and the Rule of Law*, Springer, forthcoming 2015, 110 pages.

Libor Klimek, *European Arrest Warrant*, Springer, forthcoming 2015, 375 pages.

Ángeles Gutiérrez Zarza (Ed.), *Exchange of Information and Data Protection in Cross-border Criminal Proceedings in Europe*, Springer, forthcoming 2015, 491 pages.

## Upcoming Events

ECLAN annual conference: *Challenges in the field of economic and financial crime in Europe*, University of Luxembourg, 2–3 December 2014, Luxembourg, Luxembourg [for info [click here](#)]

Conference: *Prevention of Trafficking in Human Beings*, EUCPN, 4-5 December 2014, Rome, Italy [for info [click here](#)]

Conference: *European conference administrative approach to organized crime*, 19-21 January 2015, Genk, Belgium [for info [click here](#)]

Training course: *Basic Training Course on Legal and Technical Aspects of Cybercrime*, ERA, 12-13 February 2014, Trier, Germany [for info [click here](#)]

ECLAN PhD Seminar: *EU criminal law*, University of Copenhagen, 1-2 October 2015, Copenhagen, Denmark [for more information please contact [Jorn.Vestergaard@jur.ku.dk](mailto:Jorn.Vestergaard@jur.ku.dk)]

Summer School *The EU Area of Criminal Justice*, coorganised by ECLAN and IEE - ULB, Brussels, 29 June – 3 July 2015 [for info [click here](#)]

ECLAN 2015 annual conference, ECLAN's 10<sup>th</sup> anniversary – *The required balances of EU criminal law:*

*past, present and future* (provisional title), coorganised by ECLAN and IEE - ULB, Brussels, 26-27 November 2015.

## 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.

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Contributions should be sent to: [Irene.wieczorek@vub.ac.be](mailto: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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in the field of EU Criminal Law*