

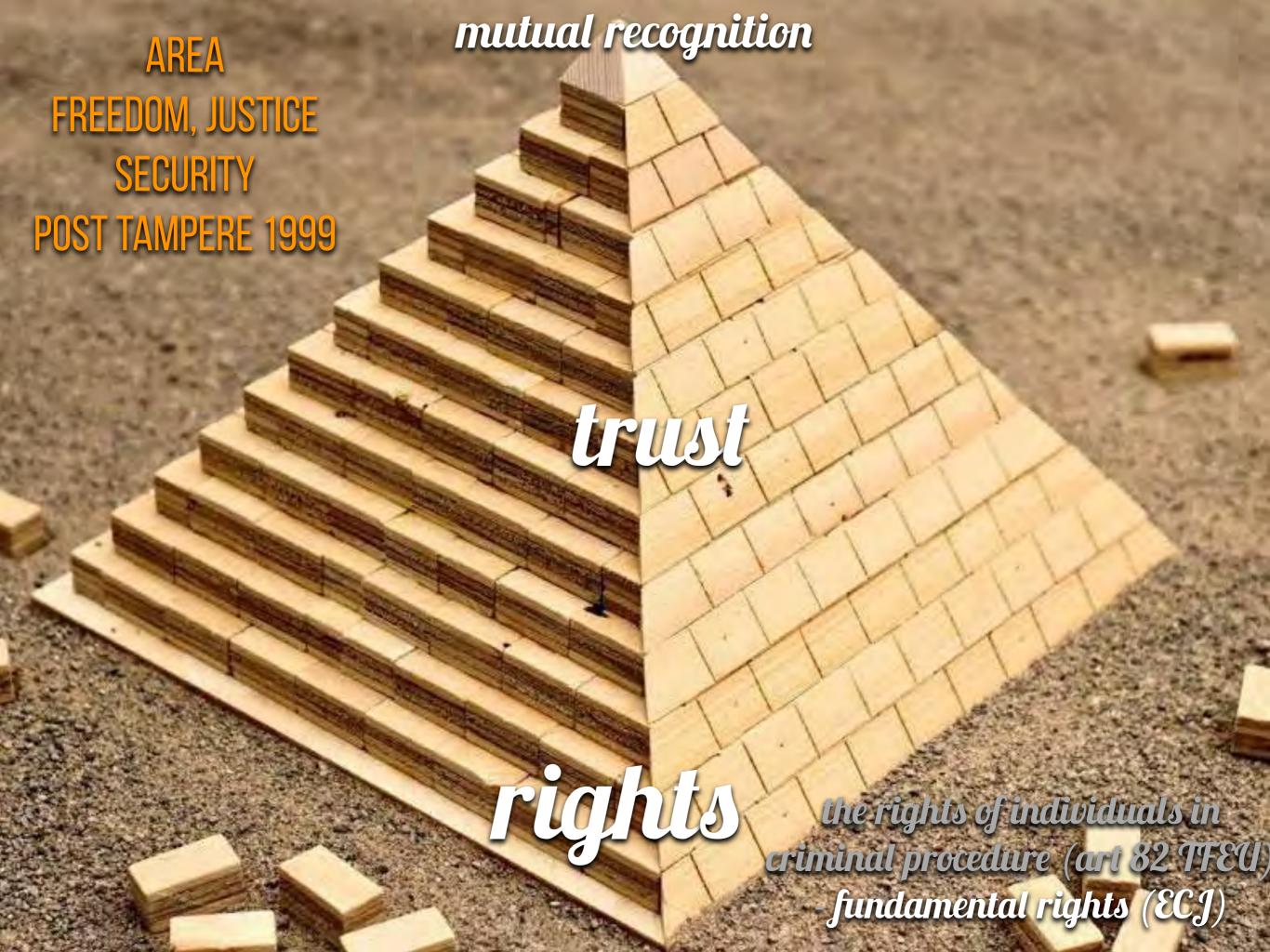
Training of Lawyers on EU Instruments on procedural rights in Criminal proceedings (CRIMILAW)

The Future of EU Criminal Law

Nicola Canestrini Italian Lawyer









mutual trust between the latter, are, in EU law, of fundamental importance given that they allow an area without internal borders to be created and maintained. More specifically, the principle of mutual trust requires, particularly as regards the area of freedom, security and justice, each of those States, save in exceptional circumstances, to consider all the other Member States to be complying with EU law and particularly with the fundamental rights recognised by EU law."





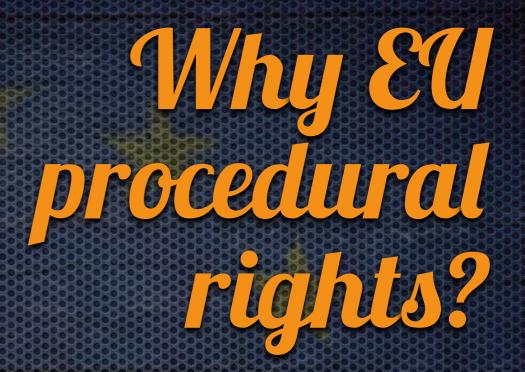
EU FAIR TRIAL RIGHTS

art. 6 European Convention HR

art. 47 - 48/2 EU Charta

art. 6 Treaty of European Union

52 & 53 Charta fundamental rights



"ALTHOUGH ALL THE MEMBER STATES ARE PARTY TO THE ECHR, EXPERIENCE HAS SHOWN THAT THAT ALONE DOES NOT ALWAYS PROVIDE A SUFFICIENT DEGREE OF TRUST IN THE CRIMINAL JUSTICE SYSTEMS OF OTHER MEMBER STATES."

(CONSIDERANDUM N. 6 DIR. 64:

CONSIDERANDO N. 7 DIR. 13;

CONSIDERANDO N. 5 DIR. 48

"STRENGTHENING MUTUAL TRUST REQUIRES A MORE CONSISTENT IMPLEMENTATION OF THE RIGHTS AND GUARANTEES SET OUT IN ARTICLE 6 OF THE ECHR. IT ALSO REQUIRES, BY MEANS OF THIS DIRECTIVE AND OTHER MEASURES, FURTHER DEVELOPMENT WITHIN THE UNION OF THE MINIMUM STANDARDS SET OUT IN THE ECHR AND THE CHARTER."

procedural rights!

(CONSIDERANDUM N. 7 DIR. 64;

CONSIDERANDO N. 8 DIR. 13;

CONSIDERANDO N. 6 DIR. 48



Presumption of innocence and presence

Dir. 2016/343

Legal aid

Dir. 2016/1919

Children safeguards

Dir. 2016/800

Right to Interpretation and Translation

Dir. 2010/64

The Roadmap is designed to operate as a whole; only when all its components are

implemented will its

benefits be felt in full.

(CONSIDERANDUM 9 DIRECTIVE 2013/48/UE).

Vulnerable suspects

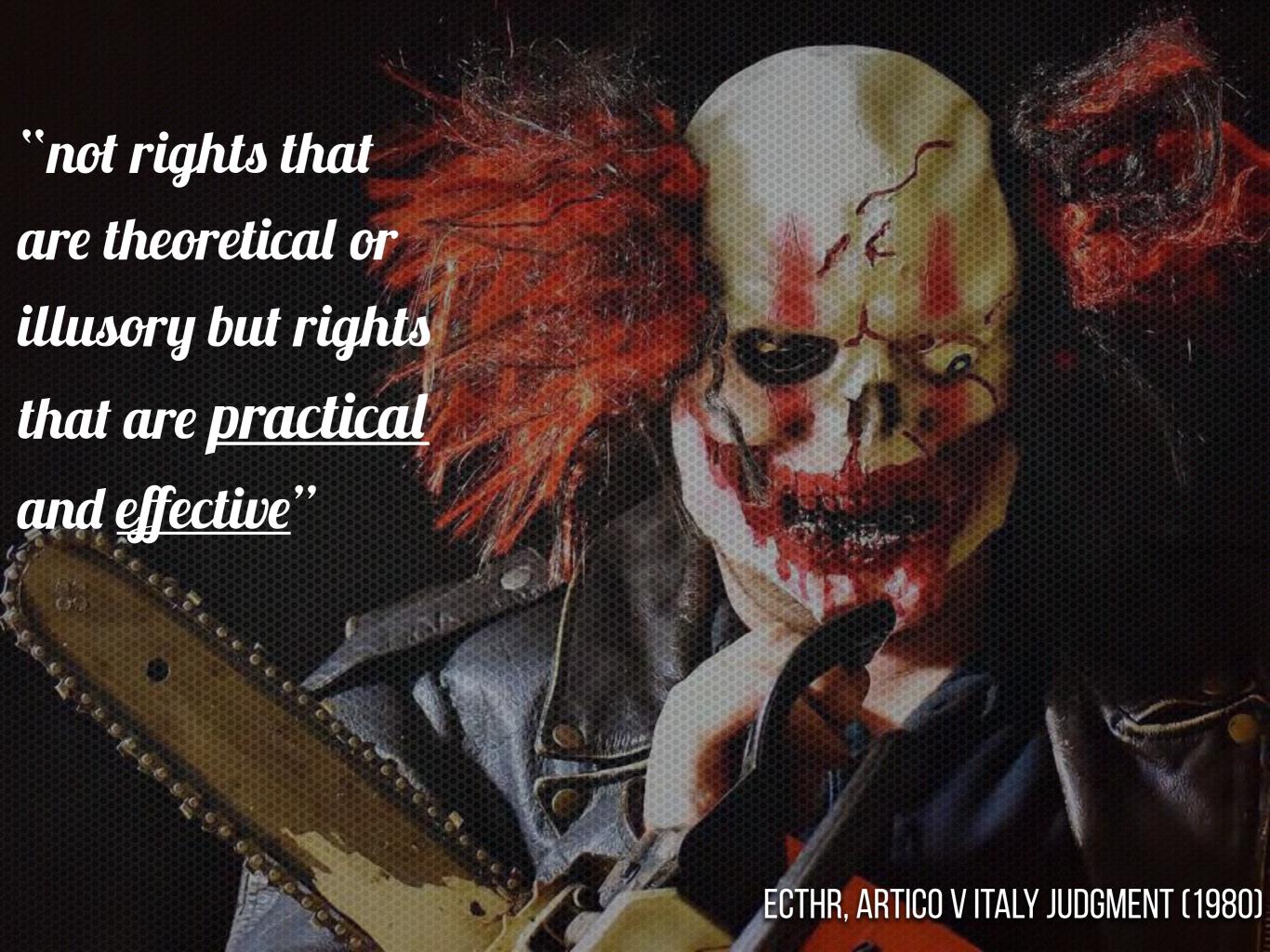
Rec 2013/C 378/2

Right to Information

Dir. 2012/13

Access to a Lawyer

Dir. 2013/48









European Criminal Bar Association Statement of Principles on the use of Video-Conferencing in Criminal Cases in a Post-Covid-19 World

September 6, 2020



(10) The mechanism of the European arrest warrant is based on a high level of confidence between Member States. Its implementation may be suspended only in the event of a serious and persistent breach by one of the Member States of the principles set out in Article 6(1) of the Treaty on European Union, determined by the Council (..)

(12) This Framework Decision respects
fundamental rights and observes the
principles recognised by Article 6 of the
Treaty on European Union and reflected in
the Charter of Fundamental Rights of the
European Union







Home > Meetings



Justice and Home Affairs Council, 7-8 October 2021

Main results

Justice

Pre-trial detention

Ministers held a debate on pre-trial detention, an issue which has an impact on individual freedoms and is also important for mutual trust and mutual recognition.





Detention is at the heart of the criminal justice system, but differences in detention conditions can have an impact on mutual trust and therefore could pose an obstacle to cooperation in criminal matters across the EU. Today's fruitful discussion reflected our joint commitment to continue improving detention conditions and will serve as a guidance for further work by the Commission in this area.

- Marjan Dikaučič, Minister for Justice of Slovenia

Ministers focused in particular on which minimum standards for material detention conditions and procedural rights in pre-trial detention should be prioritised in order to enhance mutual trust between member states. They also discussed what further actions at EU level could help improve detention conditions or enhance the use of alternative measures to detention.





Brussels, 24 September 2021 (OR. en)

12161/21

JAI 1014 COPEN 358 DROIPEN 141 FREMP 233

NOTE

From: General Secretariat of the Council

To: Delegations

Subject: Non-paper from the Commission services on detention conditions and

procedural rights in pre-trial detention

The creation of an area of freedom, security and justice within the Union is based on mutual confidence and a presumption of compliance by other Member States with Union law and, in particular, with fundamental rights. However, that presumption is <u>rebuttable</u>. Consequently, if there are substantial grounds for believing that the execution of an investigative measure indicated in the ETO would result in a breach of a fundamental right of the person concerned and that the executing State would disregard its obligations concerning the protection of fundamental rights recognised in the Charter, the execution of the EIO should be <u>refused</u>. Gavanozov Case

C-324/17 october 2019

Legal remedies?

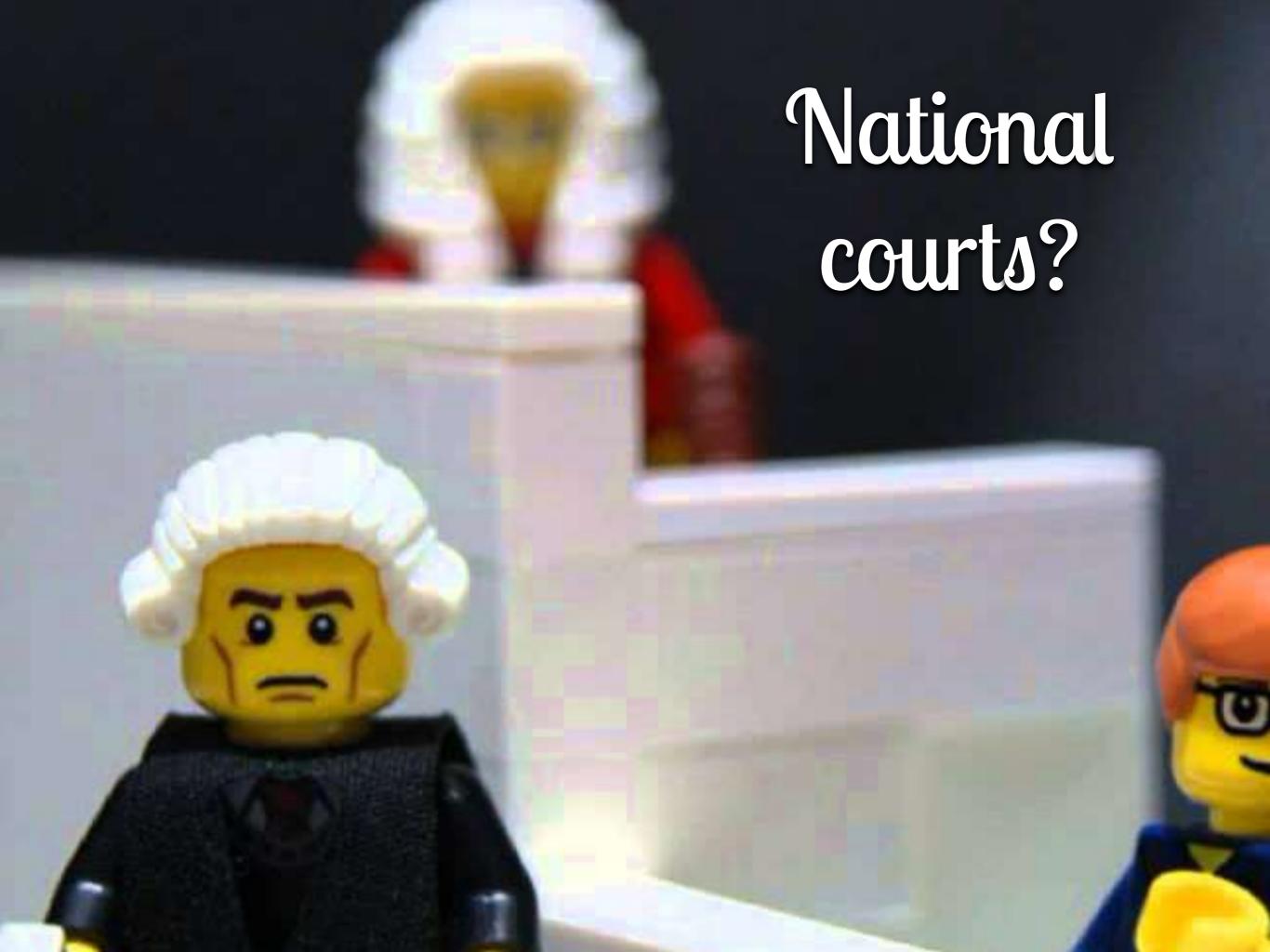
Refusal ground of potential violation of fundamental rights (11.1 (f)

A and Others

c-584/19 (2020)

Issuing authority















- Measure A: (Pre-Trial) Detention and European Arrest Warrant
- Measure B: Certain Procedural Rights in Trials
- Measure C: Witnesses' Rights and Confiscatory Bans
- Measure D: Admissibility and Exclusion of Evidence and other Evidentiary Issues
- Measure E: Conflicts of Jurisdiction and ne bis in idem
- Measure F: Remedies and Appeal
- Measure G: Compensation



