

European Judicial Training Network

**Procedural safeguards in criminal proceedings
in the European Union in practice**

Seminar materials

1. Core materials

• ***Treaty provisions and fundamental rights instruments***

Article 6 TEU

(<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12012M/TXT>)

Article 34 TEU (Amsterdam version)

(<http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1461072727148&uri=CELEX:12002M/TXT>)

Article 267 TFEU

(<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12012E/TXT>)

Charter of Fundamental Rights of the European Union, Articles 24(2), 47, 48, 51-53
(OJ 2010 C 83/389)

(<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12012P/TXT>)

European Convention on Human Rights, Articles 5(1)(f), 5(2), 5(4), 6(2), 6(3)(a)-(c) &
6(3)(e)

(http://www.echr.coe.int/Documents/Convention_ENG.pdf)

• ***EU legislation and instruments***

Resolution of the Council of 30 November 2009 on a Roadmap for strengthening
procedural rights of suspected or accused persons in criminal proceedings (OJ 2009
C 295/1)

(<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ:C:2009:295:TOC>)

Council framework decision 2002/584/JHA of 13 June 2002 on the European arrest
warrant and the surrender procedures between Member States (OJ 2002 L 190/1)

(<http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1461072941662&uri=CELEX:32002F0584>)

Directive 2010/64/EU of the European Parliament and of the Council of 22 May 2012
on the right to interpretation and translation in criminal proceedings (OJ 2010 L
280/1)

(<http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1461073056989&uri=CELEX:32010L0064>)

Directive 2012/13/EU of the European Parliament and of the Council of 22 May 2012
on the right to information in criminal proceedings (OJ 2012 L 142/1)

(<http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1461073152666&uri=CELEX:32012L0013>)

Directive 2013/48/EU of the European Parliament and of the Council of 22 October
2013 on the right of access to a lawyer in criminal proceedings and in European
arrest warrant proceedings, and on the right to have a third party informed upon
deprivation of liberty and to communicate with third persons and with consular
authorities while deprived of liberty (OJ 2013 L 294/1)

<http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1461073207853&uri=CELEX:32013L0048>)

Directive (EU) 2016/343 of the European Parliament and of the Council of 9 March 2016 on the strengthening of certain aspects of the presumption of innocence and of the right to be present at the trial in criminal proceedings (OJ 2016 L 65/1)

<http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1461085881036&uri=CELEX:32016L0343>)

Directive (EU) 2016/800 of the European Parliament and of the Council of 11 May 2016 on procedural safeguards for children who are suspects or accused persons in criminal proceedings (OJ 2016 L 132/1)

<http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1477857086979&uri=CELEX:32016L0800>)

Directive (EU) 2016/1919 of the European Parliament and of the Council of 26 October 2016 on legal aid for suspects and accused persons in criminal proceedings and for requested persons in European arrest warrant proceedings (OJ 2016 L 297/01)

<http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1495960245191&uri=CELEX:32016L1919>)

- **CJEU case law**

Case C-216/14 *Criminal proceedings against Gavril Covaci* EU:C:2015:686

http://eur-lex.europa.eu/search.html?or0=DTT%3DC?&DTN=0216&DTA=2014&qid=1461076618001&CASE_LAW_SUMMARY=false&DTS_DOM=EU_LAW&type=advanced&DTS=6&DTS_SUBDOM=EU_CASE_LAW)

Case C-25/15 *István Balogh* EU:C:2016:423

<http://eur-lex.europa.eu/search.html?qid=1477856465461&text=Balogh&scope=EURLEX&type=quick&lang=en>)

Cases C-124/16, C-213/16 & C-188/16 *Ianos Tranca, Tanja Reiter & Ionel Opria* EU:C:2017:228

<http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1495959999071&uri=CELEX:62016CJ0124>)

Case C-278/16 *Criminal proceedings against Frank Sleutjes* EU:C:2017:757

<http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1510217578499&uri=CELEX:62016CJ0278>)

Case C-612/15 *Criminal proceedings against Nikolay Kolev and others* EU:C:2018:392

<https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1553195135956&uri=CELEX:62015CJ0612>)

Case C-310/18 PPU *Criminal proceedings against Emil Milev* EU:C:2018:732

<https://eur-lex.europa.eu/search.html?qid=1553195341364&text=Case%20C-310/18%20PPU&scope=EURLEX&type=quick&lang=en>)

Case C-646/17 *Criminal proceedings against Gianluca Moro* (AG's Opinion) EU:C:2019:95*

<http://curia.europa.eu/juris/document/document.jsf?text=&docid=210441&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=5160331>)

* Not yet available on EUR-Lex.

Case C-8/19 PPU *Criminal proceedings against RH* EU:C:2019:110
(<https://eur-lex.europa.eu/search.html?qid=1553195515106&text=Case%20C-8/19%20PPU&scope=EURLEX&type=quick&lang=en>)

2. Supplementary materials on underpinning principles

- **Direct effect of directives**

Case C-226/07 *Flughafen Köln v Bonn* [2008] ECR I-5999
(<http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1461073919934&uri=CELEX:62007CJ0226>)

Case 41/74 *Van Duyn v Home Office* [1974] ECR 1337
(http://eur-lex.europa.eu/search.html?or0=DTT%3DC?&DTN=0041&DTA=1974&qid=1461076748275&CASE_LAW_SUMMARY=false&DTS_DOM=EU_LAW&type=advanced&DTS=6&DTS_SUBDOM=EU_CASE_LAW)

Case 148/78 *Ratti* [1979] ECR 1629
(http://eur-lex.europa.eu/search.html?or0=DTT%3DC?&DTN=0148&DTA=1978&qid=1461076800084&CASE_LAW_SUMMARY=false&DTS_DOM=EU_LAW&type=advanced&DTS=6&DTS_SUBDOM=EU_CASE_LAW)

Case 152/84 *Marshall v Southampton and South-West Hampshire Area Health Authority* [1986] ECR 723
(http://eur-lex.europa.eu/search.html?or0=DTT%3DC?&DTN=0152&DTA=1984&qid=1461076848202&CASE_LAW_SUMMARY=false&DTS_DOM=EU_LAW&type=advanced&DTS=6&DTS_SUBDOM=EU_CASE_LAW)

Case C-188/89 *Foster v British Gas* [1990] ECR I-3313
(http://eur-lex.europa.eu/search.html?or0=DTT%3DC?&DTN=0188&DTA=1989&qid=1461076893921&CASE_LAW_SUMMARY=false&DTS_DOM=EU_LAW&type=advanced&DTS=6&DTS_SUBDOM=EU_CASE_LAW)

Case 14/86 *Pretore di Salò v Persons Unknown* [1987] ECR 2545
(http://eur-lex.europa.eu/search.html?or0=DTT%3DC?&DTN=0014&DTA=1986&qid=1461076940242&CASE_LAW_SUMMARY=false&DTS_DOM=EU_LAW&type=advanced&DTS=6&DTS_SUBDOM=EU_CASE_LAW)

- **Remedies for violation of directly effective rights**

Case C-312/93 *Peterbroeck, Van Campenhout & Cie SCS v Belgian State* [1995] ECR I-4599
(http://eur-lex.europa.eu/search.html?or0=DTT%3DC?&DTN=0312&DTA=1993&qid=1461077002164&CASE_LAW_SUMMARY=false&DTS_DOM=EU_LAW&type=advanced&DTS=6&DTS_SUBDOM=EU_CASE_LAW)

Case C-603/10 *Pelati d.o.o. v Republika Slovenija* EU:C:2012:639
(<http://eur-lex.europa.eu/search.html?or0=DTT%3DC?&DTN=0603&DTA=2010&qid=14610770>)

[49094&CASE_LAW_SUMMARY=false&DTS_DOM=EU_LAW&type=advanced&DTS=6&DTS_SUBDOM=EU_CASE_LAW](http://eur-lex.europa.eu/search.html?or0=DTT%3DC?&DTN=0014&DTA=1983&qid=1461077162785&CASE_LAW_SUMMARY=false&DTS_DOM=EU_LAW&type=advanced&DTS=6&DTS_SUBDOM=EU_CASE_LAW)

- **Doctrine of harmonious interpretation/indirect effect of directives & framework decisions**

Case 14/83 *Von Colson and Kamann v Land Nordrhein-Westfalen* [1984] ECR 1891
(http://eur-lex.europa.eu/search.html?or0=DTT%3DC?&DTN=0014&DTA=1983&qid=1461077162785&CASE_LAW_SUMMARY=false&DTS_DOM=EU_LAW&type=advanced&DTS=6&DTS_SUBDOM=EU_CASE_LAW)

Case C-106/89 *Marleasing SA v La Comercial Internacional de Alimentación* [1990] ECR I-4135
(http://eur-lex.europa.eu/search.html?or0=DTT%3DC?&DTN=0106&DTA=1989&qid=1461077242416&CASE_LAW_SUMMARY=false&DTS_DOM=EU_LAW&type=advanced&DTS=6&DTS_SUBDOM=EU_CASE_LAW)

Case C-282/10 *Dominguez v CICOA* EU:C:2012:33
(http://eur-lex.europa.eu/search.html?or0=DTT%3DC?&DTN=0282&DTA=2010&qid=1461077282525&CASE_LAW_SUMMARY=false&DTS_DOM=EU_LAW&type=advanced&DTS=6&DTS_SUBDOM=EU_CASE_LAW)

Case C-168/95 *Arcaro* [1996] ECR I-4705
(http://eur-lex.europa.eu/search.html?or0=DTT%3DC?&DTN=0168&DTA=1995&qid=1461077320350&CASE_LAW_SUMMARY=false&DTS_DOM=EU_LAW&type=advanced&DTS=6&DTS_SUBDOM=EU_CASE_LAW)

Joined Cases C-457/11-460/11 *VG Wort v Kyocera* EU:C:2013:426
(http://eur-lex.europa.eu/search.html?or0=DTT%3DC?&DTN=0457&DTA=2011&qid=1461077360076&CASE_LAW_SUMMARY=false&DTS_DOM=EU_LAW&type=advanced&DTS=6&DTS_SUBDOM=EU_CASE_LAW)

Case C-105/03 *Criminal proceedings against Maria Pupino* [2005] ECR I-5285
(http://eur-lex.europa.eu/search.html?or0=DTT%3DC?&DTN=0105&DTA=2003&qid=1461077408339&CASE_LAW_SUMMARY=false&DTS_DOM=EU_LAW&type=advanced&DTS=6&DTS_SUBDOM=EU_CASE_LAW)

- **Duty to refrain from seriously compromising the objectives of a directive during its transposition period**

Case C-212/04 *Adeneler and others v ELOG* [2006] ECR I-6057
(http://eur-lex.europa.eu/search.html?or0=DTT%3DC?&DTN=0212&DTA=2004&qid=1461077473868&CASE_LAW_SUMMARY=false&DTS_DOM=EU_LAW&type=advanced&DTS=6&DTS_SUBDOM=EU_CASE_LAW)

Case C-439/16 PPU *Criminal proceedings against Emil Milev* EU:C:2016:818
(<http://eur-lex.europa.eu/search.html?qid=1477856714860&text=Milev&scope=EURLEX&type=quick&lang=en>)

- **State liability**

Joined Cases C-46 and C-48/93 *Brasserie du Pêcheur v Germany* and *R v Secretary of State for Transport ex parte Factortame (No.3)* [1996] ECR I-1029

(http://eur-lex.europa.eu/search.html?or0=DTT%3DC?&DTN=0046&DTA=1993&qid=1461077518128&CASE_LAW_SUMMARY=false&DTS_DOM=EU_LAW&type=advanced&DTS=6&DTS_SUBDOM=EU_CASE_LAW)

Case C-420/11 *Leth v Republik Österreich* EU:C:2013:166

(http://eur-lex.europa.eu/search.html?or0=DTT%3DC?&DTN=0420&DTA=2011&qid=1461077557696&CASE_LAW_SUMMARY=false&DTS_DOM=EU_LAW&type=advanced&DTS=6&DTS_SUBDOM=EU_CASE_LAW)

Case C-224/01 *Köbler v Austria* [2003] ECR I-239

(http://eur-lex.europa.eu/search.html?or0=DTT%3DC?&DTN=0224&DTA=2001&qid=1461077603740&CASE_LAW_SUMMARY=false&DTS_DOM=EU_LAW&type=advanced&DTS=6&DTS_SUBDOM=EU_CASE_LAW)

3. ECHR materials

- **The right to interpretation and translation**

Luedicke, Belkacem & Koç v Germany (Series A no.29) (1979-80) 2 EHRR 149

(<http://hudoc.echr.coe.int/eng?i=001-57530>)

Kamasinski v Austria (9783/82) (1991) 13 EHRR 36

(<http://hudoc.echr.coe.int/eng?i=001-57614>)

Cuscani v United Kingdom (32771/96) (2003) 36 EHRR 2

(<http://hudoc.echr.coe.int/eng?i=001-60643>)

Diallo v Sweden (13205/07) 5 January 2010

(<http://hudoc.echr.coe.int/eng?i=001-96885>)

Baytar v Turkey (45440/04) 14 October 2014

(<http://hudoc.echr.coe.int/eng?i=001-147468>)

Vizgirda v Slovenia (59868/08) 28 August 2018*

(<http://hudoc.echr.coe.int/eng?i=001-185306>)

* Especially significant as the Court refers to Directives 2010/64 and 2012/13, the Roadmap on Procedural Rights and Articles 47 and 48(2) of the Charter of Fundamental Rights in the course of its judgment.

- **The right to information**

Edwards v United Kingdom (13071/87) (1993) 15 EHRR 417

(<http://hudoc.echr.coe.int/eng?i=001-57775>)

Mattoccia v Italy (23969/94) (2003) 36 EHRR 47

(<http://hudoc.echr.coe.int/eng?i=001-58764>)

Garcia Alva v Germany (23541/94) (2003) 37 EHRR 12

(<http://hudoc.echr.coe.int/eng?i=001-59208>)

Navone & others v Monaco (62880/11, 62892/11 & 62899/11) 24 October 2013
(http://hudoc.echr.coe.int/eng?i=001-127230*)

M v The Netherlands (2156/10) 25 July 2017
(<http://hudoc.echr.coe.int/eng?i=001-175667>)

- ***The right of access to a lawyer***

Salduz v Turkey (36391/02) (2009) 49 EHRR 19
(<http://hudoc.echr.coe.int/eng?i=001-89893>)

Panovits v Cyprus (4268/04) 27 BHRC 464
(<http://hudoc.echr.coe.int/eng?i=001-90244>)

Dvorski v Croatia (25703/11) 20 October 2015
(<http://hudoc.echr.coe.int/eng?i=001-158266>)

Jemeljanovs v Latvia (37364/05) 6 October 2016
(<http://hudoc.echr.coe.int/eng?i=001-166946>)

Kaleja v Latvia (22059/08) 5 October 2017
(<http://hudoc.echr.coe.int/eng?i=001-177344>)

Ibrahim & others v United Kingdom (50541/08, 50571/08, 50573/08 & 40351/09) 13 September 2016
(<http://hudoc.echr.coe.int/eng?i=001-166680>)

Simeonovi v Bulgaria (21980/04) 12 May 2017
(<http://hudoc.echr.coe.int/eng?i=001-172963>)

Dimiter Mitev v Bulgaria (34779/09) 8 March 2018
(<http://hudoc.echr.coe.int/eng?i=001-67897>)

Dridi v Germany (35778/11) 26 July 2018
(<http://hudoc.echr.coe.int/eng?i=001-184816>)

Beuze v Belgium (71409/10) 9 November 2018*
(<http://hudoc.echr.coe.int/eng?i=001-187802>)

* Especially significant as it concerns the European arrest warrant and the Court refers to Directives 2012/13 and 2013/48 in the course of its judgment.

- ***The presumption of innocence***

Minelli v Switzerland (8660/79) 25 March 1983
(<http://hudoc.echr.coe.int/eng?i=001-57540>)

Barberà, Messegue & Jabardo v Spain (10588/83, 10589/83 and 10590/83) (1989) 11 EHRR 360
(<http://hudoc.echr.coe.int/eng?i=001-57429>)

Funke v France (10828/84) (1993) 16 EHRR 297
(<http://hudoc.echr.coe.int/eng?i=001-57809>)

Murray v United Kingdom (18731/91) (1996) EHRR 313
(<http://hudoc.echr.coe.int/eng?i=001-57980>)

Saunders v United Kingdom (19187/91) (1996) EHRR 313
(<http://hudoc.echr.coe.int/eng?i=001-58009>)

Colozza v Italy (9024/80) 12 February 1985

<http://hudoc.echr.coe.int/eng?i=001-57462>)

Bikas v Germany (76607/13) 25 January 2018

<http://hudoc.echr.coe.int/eng?i=001-180316>)

4. Further reading

Case C-367/16 *Criminal proceedings against Dawid Piotrowski* ECLI:EU:C:2018:27

<http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1522322559610&uri=CELEX:62016CA0367>)

