



Preventive Measures and Cross-Border Judicial and Police Cooperation

7 July 2022, 10:00

Conference Summary

Overview of the Pre-Rights Initiative

Anna Marconato, Senior Programme Manager, Central European Initiative (CEI)

Anna Marconato, the Senior Programme manager of the Central European Initiative (CEI), provided an overview of the Pre-Rights initiative and its role in facilitating judicial cooperation between EU Member States in crime and radicalisation prevention. Her overview covered how research on preventive measures and counter-terrorism, discussion-based “living labs” involving criminal justice practitioners, and training on topics such as cross-border legal assistance and preventive practices foster more effective coordination between the European Union and Member States on crime prevention. More information on how the Pre-Rights project promotes counter-radicalization and joint police-judicial cooperation by allowing prisons to fulfill both security needs and rehabilitative purposes and streamlining the implementation of the European Arrest Warrant (EAW) and the European Investigation Order (EIO) can also be found online on the Pre-Rights Super-Toolkit.

European Arrest Warrant (EAW) Directive (Art. 12) and Council Framework Decision 2009/829/JHA: how to balance security with fundamental rights?

Dr. Sergio Bianchi, Agenfor International, Italy

Dr. Sergio Bianchi of Agenfor International discussed what challenges the EU Member States face in their effort to keep individuals from being exposed to the cycle of criminality using pre- and post-trial alternative preventive measures. While codified into law, Article 12 of the European Arrest Warrant (EAW) – the pillar of the EU’s commitment to alternative sanctions – is often overlooked in judicial practice and faces further complications due to the differences in the national jurisprudence of EU Member States. Dr. Bianchi called for a more consistent approach – from the local availability of alternative sanctions to a greater consideration given to the fulfillment of individual fundamental rights – and deeper trust between the judiciary and policing institutions for a more effective practice of alternative sanctions.

Procedural rights in European Arrest Warrant Proceedings

Dimitar Markov, Director, Law Program, Center for the Study of Democracy

While the European Arrest Warrant (EAW) offers numerous advantages, such as its expeditious processing and the absence of judicial politicization, its practical implementation still faces challenges. Dimitar Markov of the Center for the Study of Democracy discussed the protection of criminal procedural rights in the context of EAW proceedings. Drawing upon field research data, he pinpointed challenges in guaranteeing the right to information, interpretation, legal aid, and access to a lawyer. Using Sofia City Court Decision No. 802 of 17 July 2018, Dimitar Markov illustrated the application of European Arrest Warrant in terrorism-related cases.

Fundamental rights and judicial cooperation: brake or driver of inter- state approximation?

Dr. Adriano Martufi, Assistant Professor, Leiden University, Netherlands

Dr. Adriano Martufi of Leiden University discussed the ongoing efforts of the European Union to make the legal instruments for judicial cooperation based on the principle for mutual recognition more effective. In his presentation, Dr Martufi reviewed how relevant case law has evolved to ensure more coherent and adequate protection of fundamental rights in the context of criminal proceedings.

State of the art of cross-border cooperation in criminal matters: EPPO Regulation, digitalization, and data exchange of EIOs and EDES Database

Dr. Fabrizia Bemer, Public Prosecutor Office – Florence, Italy

Dr. Fabrizia Bemer of the Public Prosecutor Office in Florence, Italy, discussed the practical application of the European Investigation Order (EIO), which allows for the search of evidence in cross-border criminal investigations. Dr Bemer offered insights into the ways in which the EIO can facilitate tackling serious cross-border crime including money laundering and terrorism. In her concluding remarks she made several important observations on enhancing the efficiency of the use of EIO, including the role that relevant training for administrative personnel in courts can play in streamlining existing procedures.