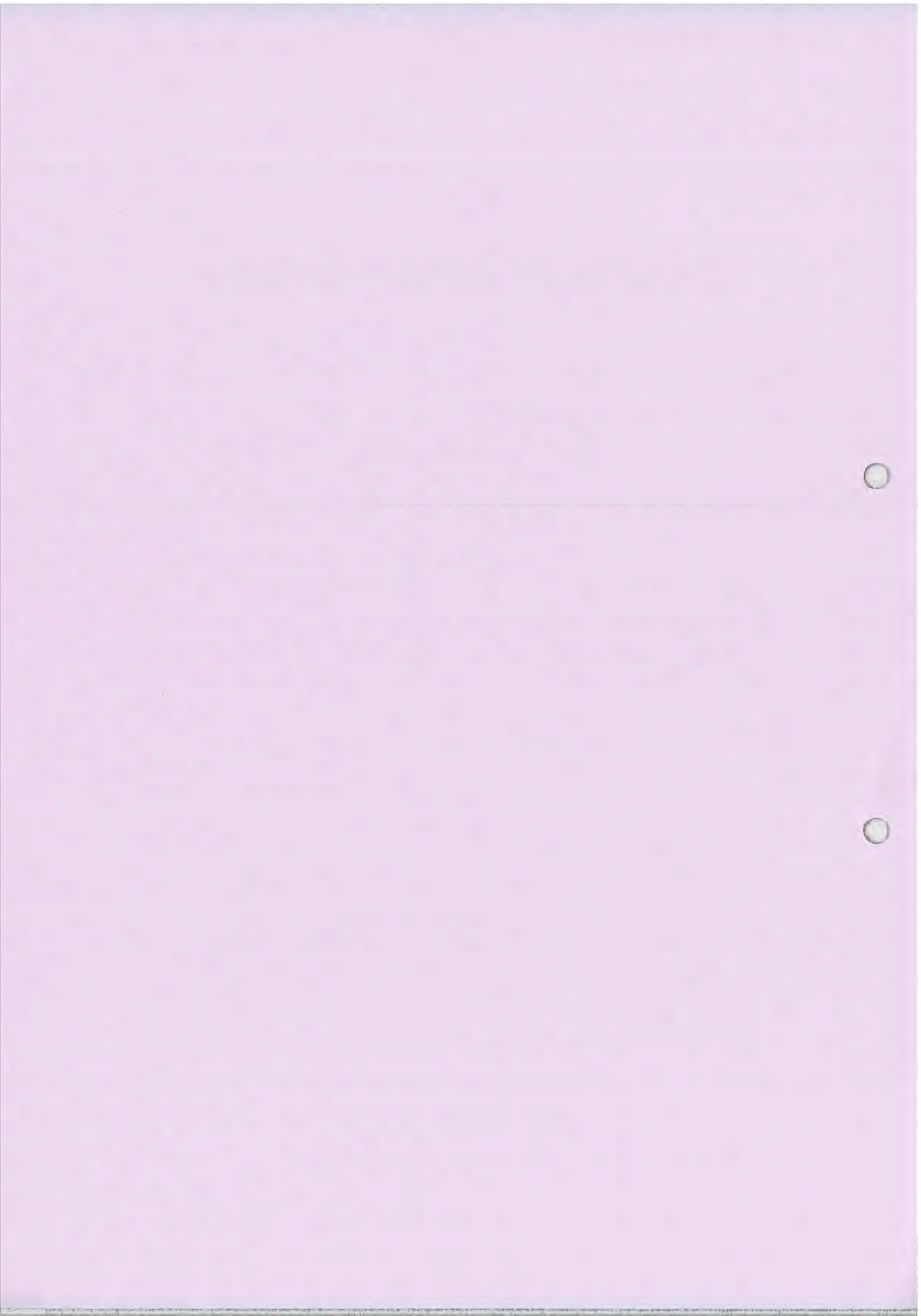


Alexandra Jour-Schröder



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Alexandra JOUR-SCHRÖDER

German

Since 2011

Head of Unit

European Public Prosecutor's Office (EPPO) and Criminal Law

European Commission – Directorate General for Justice and Consumers

2007-2011

Head of Unit

European Commission - Directorate General Enterprise and Industry

1997-2007

Member of Cabinet of EU Commissioners/Vice-Presidents in charge of Regional Policy, Justice and Home Affairs, Enterprise and Industry

1996-1997

Legal Officer

European Commission - Directorate General Competition

1993-1996

German Economics Ministry – European Department

Law studies at Universities of Münster and Geneva

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Recent developments and priorities for EU criminal justice:

The perspective of the European Commission

Alexandra JOUR-SCHROEDER
DG Justice & Consumers

ERA Conference 22-23 October
2015, Trier

1



Political context

- COM Communication (2014) 144 of 11 March 2014 – consolidate, codify, complement
- European Council strategic guidelines for legislative and operational planning within the area of freedom, security and justice of 26/27 June 2014
- Priority 7 of President Juncker's political guidelines of 15 July 2014 & Priority 7 of President Juncker's letter of intent of 9 September 2015

2



Three Areas

- Transposition of EU criminal justice legislation by Member States
- On-going Negotiation of COM proposals
- Possible Initiation of new legal initiatives

3



Transposition - Post Lisbon legal instruments

| Procedural measures and rights | Substantive criminal law |
|---|---|
| Directive 2010/64/EU on interpretation and translation - 27 October 2013 | Directive 2011/36/EU on THB - 6 April 2013 |
| Directive 2012/13/EU on the right to information - 2 June 2014 | Directive 2011/92/EU on combating the sexual abuse / exploitation of children - 18 December 2013 |
| Victims Directive 2012/29/EU - 16 November 2015 | Directive 2013/40/EU on cybercrime - 4 September 2015 |
| Directive 2013/48/EU on the right of access to a lawyer - 27 November 2016 | Directive 2014/42/EU on freezing and confiscation of assets 4 October 2015 |
| | Directive 2014/62/EU on counterfeiting - 23 May 2016 |
| | Directive 2014/57/EU on market abuse - 3 July 2016 |

4



Transposition - Pre Lisbon legal instruments

- Environmental Crime Directives
- The former third pillar *acquis*
 - On-going fact finding exercise on transposition process

5



Negotiation

- **A The procedural rights package**
 - Presumption of Innocence Directive
 - Children's Rights Directive
 - Legal Aid Directive
- **B The protection of the EU's financial interests**
 - PIF Directive
 - EPPO Regulation
 - Eurojust Regulation

6



Presumption of Innocence Directive

COM(2013) 821

- **Aim:** strengthening certain aspects of the presumption of innocence and the right to be present at trial in criminal proceedings
- **Content:**
 - No public references to guilt before conviction
 - Burden of proof and *in dubio pro reo*
 - Right not to incriminate oneself and not to cooperate; right to remain silent
 - Right to be present at one's trial
- **Trilogue phase**
- **Issues:** scope, burden of proof and reversal, right to remain silent.



Children's Rights Directive

COM(2013) 822

- **Aim:** enable children to understand and follow proceedings – fair trial – prevent re-offending by children and foster their social integration
- **Content:** information of child and holder of parental responsibility – mandatory access to lawyer – individual assessment and medical examination – questioning – audio visual recording of police interviews – safeguards in case of deprivation of liberty – presence at trial
- **Trilogue phase**
- **Issues:** protection of privacy, continuation of safeguards, scope, extent of mandatory assistance by a lawyer, minor offences



Planned new legal criminal law initiatives

- European Agenda on Security
COM(2015) 185
- European Agenda on Migration
COM(2015) 240

13



European Agenda on Security

Legal criminal law initiatives

- ECRIS-TCN
- Mutual recognition of freezing and confiscation orders
- Revision of the Framework Decision on Terrorism (FD 2008/919/JHA)

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European Agenda on Security

Some important policy initiatives

- Countering radicalisation
- Cutting the financing of criminals: strengthening cooperation between competent authorities; 4th AML Directive
- Enhancing dialogues with the IT industry: launch an EU forum with major IT companies to counter terrorist propaganda on the internet and in social media
- Enhancing the capacities of Eurojust and Europol

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European Agenda on Migration

Legal criminal law initiatives

- Possible revision of Council Directive 2002/90/EC and Council Framework Decision 2002/946/JHA to **improve the existing EU legal framework to tackle migrant smuggling**, which defines the offence of facilitation of unauthorized entry and residence, and strengthen the penal framework

16



EPPO Regulation

COM(2013) 534

- **Aim:** strengthening the protection of the Union's financial interests – establish a more coherent, efficient and effective European system for the investigation and prosecution of offences affecting the Union's financial interests
- **Content:** central model with EDPs under direction and supervision of the EPP – exclusive competence - Single Legal Area with partly harmonised investigation measures, procedural rights, judicial control by national Courts
- **Negotiations in Council**
- **Two Interim Reports of EP** (Iacolino of 12 March 2014 and Macovei of 29 April 2015)

11



Eurojust Regulation

COM(2013) 535

- **Aim:** improving Eurojust's performance
- **Content:** reforming the structure and organisation of Eurojust, increasing its democratic legitimacy (NP/EP) and providing for a close cooperation between Eurojust and EPPO and other partners
- **Council GA in March 2015**
- **No report from EP yet**

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Legal Aid Directive

COM(2013) 824

- **Aim:** ensuring that suspects or accused persons' right of access to a lawyer becomes effective in certain situations
- **Content:**
 - Provisional legal aid
 - Legal aid in EAW proceedings
- **Trilogue phase**
- **Issues:** extension of scope

9



PIF Directive

COM(2012) 363

- **Aim:** reduce differences in national criminal legislation to better fight crimes against the EU's financial interests
- **Content:** common definitions and sanctions of fraudulent behaviour to be criminalised in Member States; liability of public officials and contract agents, time-effectiveness, VAT fraud
- **Trilogue phase**
- **Issues:** VAT inclusion
- Taricco judgment (ECJ) of 8 September 2015

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European Agenda on Migration

Criminal law policy initiatives

- Strengthen the role of Europol as an intelligence hub for dismantling criminal networks
- Strengthen the role of Eurojust in assisting with investigations to dismantle smuggling and trafficking networks

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Thank you for your
attention!

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Ola LÖFGREN

**Secretary to the *European Judicial Network in Criminal Matters (EJN)*
since December 2014**

- ~ Head of International Unit at the Office of the Prosecutor General of Sweden (2005-2014).
- ~ EJN National Correspondent and Tool Correspondent for Sweden (2005-2014).
- ~ Chair of the EJN and manager for Eurojust's matters during the Swedish Presidency in 2009.
- ~ Swedish delegate in the Council for the negotiations on the revised Eurojust Decision (2008) and the Eurojust Decision (2001-2002).
- ~ Deputy National Member for Sweden at Eurojust (2002-2005).
- ~ Experience as Public Prosecutor since 1995.

- ~ Master of Law (LL.M.) at the Stockholm University.

- ~ Expert on Swedish law on international cooperation in criminal matters to the Law Commentary KARNOV (2012-2014).
- ~ Expert of the Swedish Commission on extradition and Commission on custody in the asylum process (2009-2011).
- ~ Editor and author of manuals for practitioners on the application of Swedish law on a number of European and international instruments of judicial cooperation.
- ~ Lecturer in trainings for prosecutors on international cooperation in criminal matters.

SECRET

CONFIDENTIAL - SECURITY INFORMATION

1. The purpose of this document is to provide a comprehensive overview of the current state of the project and to identify the key areas that require attention. The information presented here is intended for the use of senior management and is not to be disseminated outside the organization without the express written consent of the project manager.

2. The project has made significant progress since the last meeting, with all major milestones being met on schedule. However, there are several areas where the project is currently behind schedule, and these areas require immediate attention. The primary areas of concern are the development of the software, the testing of the system, and the training of the users.

3. The software development team has completed the design and coding of the system, and the testing team has begun testing the system. However, there are several bugs that have been identified, and these bugs need to be fixed as soon as possible. The training team has also identified several areas where the users need additional training, and this training needs to be completed as soon as possible.

4. The project manager has identified several key areas that require attention, and these areas are being addressed as a matter of priority. The project manager has also identified several key risks that could impact the project, and these risks are being monitored closely. The project manager has also identified several key opportunities that could benefit the project, and these opportunities are being explored as a matter of priority.

5. The project manager has identified several key areas that require attention, and these areas are being addressed as a matter of priority. The project manager has also identified several key risks that could impact the project, and these risks are being monitored closely. The project manager has also identified several key opportunities that could benefit the project, and these opportunities are being explored as a matter of priority.

André Klip



ERA



André Klip (1965) is Professor of Criminal Law, Criminal Procedure and the Transnational Aspects of Criminal Law at Maastricht University. He conducted research at the Yale Law School, New Haven and the Max Planck Institute in Freiburg im Breisgau. He is a member of the Board of Directors of the International Association of Penal Law. He is founder and editor of the Annotated Leading Cases of International Criminal Tribunals (42 volumes since 1999). He is currently working on a third edition of European Criminal Law. An integrative Approach (Intersentia Cambridge 2016). Throughout his career, professor Klip has been frequently involved in national and international legal practice. He has been involved in cases before the Court of Justice, the ECHR, the ICTY, the Supreme Court of the Netherlands and in many first and second instance cases. He is a Judge at the 's-Hertogenbosch Court of Appeal (criminal division).

André Klip (1965) is hoogleraar strafrecht, strafprocesrecht en de grensoverschrijdende aspecten van het Strafrecht. Hij deed onderzoek aan de Yale Law School, New Haven en het Max Planck Institute in Freiburg im Breisgau. Hij is lid van de Board of Directors of the International Association of Penal Law. Hij is oprichter en redacteur van de Annotated Leading Cases of International Criminal Tribunals (42 delen sinds 1999). Hij werkt thans aan een derde druk van European Criminal Law. An integrative Approach (Intersentia Cambridge 2016). Door de jaren heen is professor Klip steeds betrokken geweest in de internationale en Nederlandse rechtspraak in procedures voor het Hof van Justitie, het EHRM, het Joegoslavië-tribunaal, de HR en vele strafzaken in eerste en tweede aanleg. Hij is raadsheer-plaatsvervanger in gerechtshof 's-Hertogenbosch (strafkamer).



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The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that proper record-keeping is essential for the success of any business and for the protection of the interests of all parties involved. The document outlines the various methods and systems that can be used to ensure the accuracy and reliability of financial data.

In addition, the document provides a detailed overview of the different types of financial statements and how they are prepared. It explains the relationship between the income statement, the balance sheet, and the cash flow statement, and how they all contribute to a comprehensive understanding of a company's financial performance. The document also discusses the importance of auditing and the role of auditors in ensuring the integrity of financial reporting.



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Mutual Recognition and Directives on Defence Rights

Prof. André Klip
ERA 22 October 2015

Faculty of Law