EUROPEAN CRIMINAL LAW

Academic Year 2017/2018   **Prof. Giuseppina Panebianco**
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♦ **Training objectives**
The present lecture course aims at providing in-depth knowledge of the main substantial and procedural issues in the field of European criminal law. The course focuses on two main areas, namely EU law and Council of Europe's law. In the former area, the main goal of the course is to provide students with detailed knowledge of the developments occurred both in the legislation and in the case-law at the EU law level as well as the influence on criminal law and criminal justice. In the latter area, the course aims at analysing the substantial and procedural issues in criminal matters, as they emerge from the European Convention on Human Rights and especially from the Strasbourg case-law.

♦ **Prerequisite**
Students must have passed the exam of both Criminal law I and Criminal Procedural Law, as well as of EU law.

♦ **Course content**
Module 1: substantive criminal law

§ 1. The developments of the EU competence in criminal matters

§2. The kinds of EU's power in criminal matters

§3. The fundamental rights in European Courts case-law

    A. The ECJ case-law
    B. The ECHR case-law

Module 2: criminal procedural law

§ 1. Notion and foundations of European criminal procedural law

§ 2. Harmonisation of police and judicial cooperation

    A. Mutual legal assistance at Council of Europe level

    B. The police and judicial cooperation in the framework of the Schengen Agreements

    C. The police and judicial cooperation in the European Union under the third Pillar before the Treaty of Lisbon

        1. Cooperation in the field of justice and home affairs (JHA)

        2. Tools of international cooperation

a) Prevention and resolution of conflicts of jurisdiction

b) Tools of legal assistance. The Convention on mutual assistance between EU Member States and joint investigation teams

c) Tools for mutual recognition

III. The police and judicial cooperation after the Lisbon Treaty

1. The European area of freedom, security and justice

2. The principles governing the judicial cooperation in the EU (mutual recognition, proportionality, subsidiarity)

3. The subjects of judicial cooperation in the EU

4. The EU legislation (in particular, the EIO Directive)

5. The judicial remedies. The role of the Court of Justice after Lisbon

§ 3. The harmonisation of domestic criminal justice and the process of constitution of a European human rights-oriented criminal justice

A. The ECHR and its Additional Protocols: the procedural safeguards

B. The Charter of Fundamental Rights of the European Union: the procedural safeguards

C. The evolution of EU legislation. The roadmap of 30 November 2009 for strengthening procedural rights of suspected and accused persons in criminal proceedings

D. The recent EU legislation after the Treaty of Lisbon

RECOMMENDED TEXTS

KLIP A., *European Criminal Law. An integrative approach*, Intersentia, last edition
PEERS S., *EU Justice and Home Affairs Law*, Oxford EU Law Library, last edition
SATZGER H., *International and European Criminal Law*, Beck/Hart Publishing, last edition

NOTE: points 3 and 3.1 of the syllabus are not addressed in the recommended texts; this arguments will be developed during the lecture course.

NOTE

Supplementary didactic materials will provided before the lectures to ensure the constructive participation during the course.

♦ **Teaching methods**
Traditional lectures during which students have the opportunity to contribute through comments and questions.

♦ Teach check mode

The acquisition of learning results is verified with a final oral examination. The exam consists of a set of questions relating to fundamental parts of the program. The candidate is required to demonstrate an appropriate level of knowledge and understanding, critical maturity, the skill to solve specific legal problems and correct communication skills (particular attention will be given to the appropriate use of technical terms). The acquisition of the subject is assessed by numerical rating (18/30 – 30/30).