



Essentials for Criminal Defence Counsel before the CJEU

Trier & Online, 5-6 November 2024



EXCELLENCE IN
EUROPEAN LAW¹

Speakers

Mirjam Abner, Legal Secretary, Cabinet of Advocate General Laila Medina, Court of Justice of the European Union, Luxembourg

María Barbancho, Criminal Defence Lawyer, Barbancho Legal, Barcelona

Lars Bay Larsen, Former Vice-President and Judge at the Court of Justice of the European Union, Luxembourg

Marta Bulhosa, Lawyer, Eversheds Sutherland, Lisbon

Nicola Canestrini, Lawyer, canestriniLex, Rovereto

Katarzyna Dąbrowska, Partner, Pietrzak Sidor & Partners, Warsaw (online)

Ramin Farinpour, Senior Lawyer, European Criminal Law Section, ERA, Trier

Adrian Sandru, Criminal Defence Lawyer, Lexure Hub, Bucharest

Dr Frank Verbruggen, Professor of European and International Criminal Law, Institute of Criminal Law and Leuven Centre for Global Governance Studies; Chairman, Institute of Criminal Law, KU Leuven

Jarosław Zasada, Press Attaché, Communications Directorate, Court of Justice of the European Union, Luxembourg

Key topics

- The CJEU's approach to criminal justice
- Practical advice on making references for preliminary rulings
- Case law on the EAW, EIO, EU procedural rights in criminal matters, Framework Decisions 829, 909 and 947 on supervision measures, the transfer of prisoners and probation measures and criminal justice cooperation

Language
English

Event number
324D79

Organiser
Ramin Farinpour (ERA)

Essentials for Criminal Defence Counsel before the CJEU

Tuesday, 5 November 2024

08:30 Arrival and registration of participants / connecting time for online participants

09:00 **Opening of the seminar**
Ramin Farinpour

I. PROCEEDINGS BEFORE THE CJEU IN CRIMINAL MATTERS

Chair: Ramin Farinpour

09:05 **The competence of the CJEU in criminal matters**
Lars Bay Larsen

09:45 Discussion

10:00 **The evolving case law of the CJEU in criminal justice cooperation and the importance of the principle of *ne bis in idem* in criminal matters: an analysis**
Frank Verbruggen

10:45 Discussion

11:00 Coffee break

11:30 **Reference for a preliminary ruling: practical advice for defence counsel**
Nicola Canestrini

12:15 Discussion

12:30 Lunch

II. THE EUROPEAN ARREST WARRANT (EAW)

Chair: Ramin Farinpour

13:30 **CJEU case law**

- Interpretation of what constitutes a judicial authority for the purpose of issuing or executing a EAW
- Grounds for non-execution, double criminality
- The two-step test for the execution of an EAW and the deficiency of the rule of law

Katarzyna Dąbrowska

14:15 Discussion

III. EU PROCEDURAL RIGHTS IN CRIMINAL PROCEEDINGS

Chair: Ramin Farinpour

14:30 **CJEU case law**

- Directive 2010/64/EU (right to interpretation): period to invoke, quality of interpretation
- Directive 2012/13/EU (right to information): period to invoke, remedying errors in indictment, in absentia trial, objection on order, timing of access to case materials, EAWs
- Directive 2013/48/EU (right to access to a lawyer): access denied because the suspect did not appear in court, timing of access, witness examined in absence of a lawyer
- Directive 2016/343/EU (presumption of innocence and right to be present at the trial): additional requirements for release from detention, refusal of execution of EAW, right to cross-examine a witness at the trial, trial in absentia, witness examined in absence of the accused

Adrian Sandru

15:15 Discussion

15:30 Coffee break

Objective

This hybrid seminar will provide lawyers with an update on the workings of the European Court of Justice (CJEU) and its case law in European criminal justice. Advice on making valid applications to it will be given, enabling the participants to apply their knowledge of substantive EU law before the CJEU.

The second day of the seminar will consist of a visit to the CJEU, including a presentation of the Court, a guided tour as well as the briefing on and attendance at a hearing (this part of the programme will only be available to the participants attending in person in Trier).

Who should attend?

Lawyers in private practice, civil servants and other practitioners active in the field of Criminal Law

You will learn...

- about the competence of the CJEU in criminal matters and how to make a reference for a preliminary ruling to the Court
- about the CJEU's relevant jurisprudence

What participants liked last year

"The level of expertise of the speakers was very good"
"The organisation was also top notch"
"Quality of the speakers, materials available and attention to practical issues that may rise in counsel practice"
"The distinguished expertise of the speakers, paired with topics of paramount significance to my day-to-day work"
"I enjoyed taking part in the discussions"
"A lot of useful information I do not encounter every day"

Venue

Face-to-face:
ERA Conference Centre, Trier

Online:
Zoom

Networking opportunity

Our legal training events in Trier offer a fantastic opportunity to connect with legal professionals and high-level speakers from different parts of Europe. Together, you will have the chance to network during our coffee breaks and enjoy regional culinary specialties during our networking dinner in a pleasant atmosphere.

IV. FRAMEWORK DECISIONS ON SUPERVISION MEASURES (FD 2009/829/JHA), THE TRANSFER OF PRISONERS (FD 2008/909/JHA) AND PROBATION MEASURES AND ALTERNATIVE SANCTIONS (FD 2008/947/JHA)

Chair: Ramin Farinpour

16:00 CJEU case law

- Recognition of judgments, recognition and enforcement of alternative sanctions, EAWs and transfers

Marta Bulhosa

16:45 Discussion

V. THE EUROPEAN INVESTIGATION ORDER (EIO)

Chair: Ramin Farinpour

17:00 CJEU case law

- Issuing and executing EIOs and the interpretation of judicial and issuing authorities
- Obtaining of evidence
- Legal remedies

María Barbancho

17:45 Discussion

18:00 End of first seminar day

19:00 Guided tour of the city of Trier and dinner for face-to-face participants

Wednesday, 6 November 2024

VI. VISIT TO THE CJEU (ONLY FOR PARTICIPANTS ATTENDING IN PERSON)

07:00 Coach departure from ERA to Luxembourg

08:20 Arrival, security check and registration at CJEU

08:45 Briefing of case C-629/23, Eesti Suurkiskjad
Jaroslław Zasada

09:15 Break

09:30 Hearing of case C-629/23, Eesti Suurkiskjad

11:15 Guided tour of the building

12:00 General presentation of the CJEU
Mirjam Abner

12:45 End of the visit and the seminar

For programme updates: www.era.int
Programme may be subject to amendment.



Times indicated are CET
(Central European Time)

Online participation option

The event will be streamed live online. You have the option to follow the conference on Zoom, enabling you to ask questions and take part in the discussion with participants in Trier.

Visit Trier

Trier, referred to as “Rome of the North”, is also a diverse city to explore with its rich history, eight UNESCO World Heritage Sites and its local wine. Its proximity to the Luxembourg border makes it an ideal location for those interested in visiting the judicial capital of the EU.



Your contacts



Ramin Farinpour
Senior Lawyer
E-Mail: rfarinpour@era.int



Venla Gilles
Assistant
E-Mail: vgilles@era.int

CPD

ERA’s programmes meet the standard requirements for recognition as Continuing Professional Development (CPD). Participation in the full programme of this event corresponds to 10 CPD hours.

A certificate of participation for CPD purposes with indication of the number of training hours completed will be issued on request. CPD certificates must be requested at the latest 14 days after the event.

Save the date

Annual Conference on EU Criminal Justice 2024
Sofia & Online, 14-15 November 2024

Recent Case Law of the ECHR in Criminal Law: Focus on Detention and Prison Conditions
Online, 2-3 December 2024