

### III. Background Documentation

#### A. The institutional framework for criminal justice in the EU

##### A.01 Main treaties and conventions

A.01-01	Protocol (No 36) on Transitional Provisions
A.01-02	Consolidated version of the Treaty on the Functioning of the European Union, art. 82-86 ( <i>OJ C 326/47; 26.10.2012</i> )
A.01-03	Consolidated Version of the Treaty on the European Union, art. 9-20 ( <i>OJ C326/13; 26.10.2012</i> )
A.01-04	Charter of fundamental rights of the European Union ( <i>OJ. C 364/1; 18.12.2000</i> )
A.01-05	Explanations relating to the Charter of Fundamental Rights ( <i>2007/C 303/02</i> )
A.01-06	Convention implementing the Schengen Agreement of 14 June 1985 ( <i>OJ L 239; 22.9.2000, P. 19</i> )

##### A.02 Court of Justice of the European Union

A.02-01	Consolidated Version of the Statute of the Court of Justice of the European Union (01 August 2016)
A.02-02	Supplementary Rules of the Court of the European Union, 01 February 2012
A.02-03	Consolidated version of the Rules of Procedure of the Court of Justice (25 September 2012)

#### B. The right to interpretation and translation

##### B.01 Directive

B.01-01	Directive 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings ( <i>OJ L 280/1; 26.10.2010</i> )
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##### B.02 Case Law

B.02-01	Case T-312/17 on access to documents regarding the implementation of directive 2010/64/EU in a certain member state, Liam Campbell, Judgement of the Court (Eighth Chamber), 5. December 2018
B.02-02	Case C-278/16 on directive 2010/64/EU on the right to interpretation in criminal proceedings, Frank Sleutjes, Judgement of the Court (Fifth Chamber), 12. October 2017
B.02-03	Case C-25/15 on directive 2010/64/EU on the right to interpretation in criminal proceedings, István Balogh, Judgement of the Court (Fifth Chamber), 9. June 2016

B.03-04	Case C-216/14 on directive 2010/64/EU on the right to interpretation in criminal proceedings, Gavril Covaci, Judgment of the Court (First Chamber), 15. October 2015
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### B.03 Papers, Reports & Links

B.03-01	Key issues of the right to interpretation and translation
B.03-02	„The Right to Interpretation and Translation in Criminal Proceedings – Challenges and Difficulties Stemming from the Implementation of the Directive 2010/64/EU”, Maciej Fingas, European Criminal Law Review (EuCLR), Volume 9 (2019), Issue 2, pp. 175-186
B.03-03	“The right to interpretation and translation within criminal proceedings in the European Union. Comparative examination. Critical opinions.”, Bogdan Bîrzu, Juridical Tribune – Tribuna Juridică, Volume 6, Issue 1, Bucharest, June 2016
B.03-04	TRAINAC - Assessment, good practices and recommendations on the right to interpretation and translation, the right to information, and the right of access to a lawyer in criminal proceedings (April 2016)
B.03-05	FRA Rights of suspected and accused persons across the EU: translation, interpretation and information (2016)
B.03-06	„To have an Interpreter – A Right to a Fair Trial Evaluation of Personal Evidence obtained by the Help of an Interpreter”, Csilla Hati, Comparative Legilinguistics, vol. 28/2016
B.03-07	KU Leuven Studies - CHILDREN AND JUSTICE: OVERCOMING LANGUAGE BARRIERS - Cooperation in interpreter-mediated questioning of minors (Katalin Balogh and Heidi Salaets 2015)
B.03-08	Fair Trials, Legal Experts Advisory Panel, Roadmap Practitioner Tools, Interpretation and Translation Directive, Assessment of interpretation needs, Quality of police station interpretation, The “third language issue”, Translation of essential documents, March 2015
B.03-09	Report from the Commission to the European Parliament and the Council on the implementation of Directive 2010/64/EU
B.03-10	The impact of Directive 2010/64/EU on the right to interpretation and translation in criminal proceedings by Liese Katschinka Eulita
B.03-11	Reflection Forum on Multilingualism and Interpreter Training – Final Report (2009)

### C. The right to information

#### C.01 Directive

C.01-01	Directive 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right to information in criminal proceedings (1.6.2012; OJ L 142/1)
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## C.02 Case Law

C.02-01	Case C-420/20, Request for a preliminary ruling, HN, Sofiyski rajonen sad, 09 September 2020
C.02-01	Case C-615/18, Criminal Procedure against UY, Amtsgericht Kehl, Staatsanwaltschaft Offenburg, Judgment of the Court (Fifth Chamber) of 14 May 2020 (not available in EN)
C.02-02	Case C-704/18, Criminal Proceedings against Nikolay Kolev and others, Judgment of the Court (Fifth Chamber) of 12 February 2020
C.02-03	Case C-467/18, Rayonna prokuratura Lom, Judgment of the Court (Third Chamber) of 19 September 2019
C.02-04	Case C-646/17 on directive 2012/13/EU on the right to information in criminal proceedings, Gianluca Moro, Judgment of the Court (First Chamber), 13 June 2019
C.02-05	Case C-646/17, Gianluca Moro, Opinion of the AG Bobek, 05 February 2019
C.02-06	Joined Cases C-124/16, C-188/16 and C-213/16 on Directive 2012/13/EU on the right to information in criminal proceedings Ianos Tranca, Tanja Reiter and Ionel Opria, Judgment of 22 March 2017 (Fifth Chamber)

## C.03 Papers, Reports & Links

C.03-01	Key issues of the right to information
C.03-02	„The right to information within the criminal proceedings in the European Union. Comparative examination. Critical opinions.”, Ioana-Minodora Rusu, Juridical Tribune – Tribuna Juridică, Volume 6, Special Issue, Bucharest, October 2016
C.03-03	FRA Rights of suspected and accused persons across the EU: translation, interpretation and information (2016)
C.03-04	Key issues of the right to information under directive 2012/13/EU by Anneli Soo, PhD
C.03-05	Fair Trials, Legal Experts Advisory Panel, “Right to Information Directive, The Letter of Rights; Right to Information on the Accusation; Right of Access to the Case File; Witnesses & other Non-Suspects”, Roadmap Practitioner Tools (March 2015)

## D. The right of access to a lawyer

### D.01 Directive

D.01-01	Directive 2013/48/EU 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 L 294/1; 6.11.2013)
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## D.02 Case Law

D.02-01	Case C-704/18, Criminal Proceedings against Nikolay Kolev and others, Judgment of the Court (Fifth Chamber) of 12 February 2020
D.02-02	Case C-659/18, Criminal Proceedings against VW, Judgment of the Court (Second Chamber), 12 March 2020
D.02-03	Case C-625/19 PPU (XD), Rechtbank Amsterdam, Judgment of the Court (First Chamber), 12 December 2019
D.02-04	Joined Cases C-566/19 PPU (JR) and C-626/19 PPU (YC), Cour d'appel Luxembourg and Rechtbank Amsterdam, Judgment of the Court (First Chamber), 12 December 2019
D.02-05	Case C-659/18 on directive 2013/48/EU on the right of access to a lawyer in criminal proceedings, VW, Final Proposal of the Advocate General, 07 November 2019
D.02-06	Case C-467/18 on directive 2013/48/EU on the right of access to a lawyer in criminal proceedings, EP, Judgement of the court (Third Chamber), 19 September 2019
D.02-07	Opinion of Advocate General Sharpston, delivered on 10 March 2016, Case C-543/14

## D.03 Papers, Reports & Links

D.03-01	Key issues of the right to access to a lawyer
D.03-02	““Due legal representation” of a requested Person in European Arrest Warrant Proceedings – Remarks from the Polish Perspective”, Małgorzata Wąsek-Wiaderek, Review of European and Comparative Law, Volume XLI, Year 2020, Issue 2, pp. 35-54
D.03-03	European Agency for Fundamental Rights (FRA), Rights in practice: access to a lawyer and procedural rights in criminal and European arrest warrant proceedings, Vienna, 27 September 2019
D.03-04	Report from the Commission to the European parliament and the council on the implementation of Directive 2013/48/EU 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 person informed upon deprivation of liberty and to communicate with third persons and with consular authorities while deprived of liberty, Brussels, 26 September 2019
D.03-05	Bulgarian Helsinki Committee, Right to a lawyer and to legal aid in criminal proceedings in five European jurisdictions: A comparative report, Sofia, 2019
D.03-06	TRAINAC - Assessment, good practices and recommendations on the right to interpretation and translation, the right to information, and the right of access to a lawyer in criminal proceedings (April 2016)
D.03-07	The Irish Council for Civil Liberties, “The EU Directive on the Right of Access to a Lawyer: A Guide for Practitioners”, Pia Janning, Dublin, March 2015

## E. The presumption of innocence

### E.01 Directive

E.01-01	Directive 2016/343 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 (11.3.2016; OJ L 65/1)
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### E.02 Case Law

E.02-01	Case C-688/18, Criminal Proceedings against TX, UW, Judgment of the Court (Sixth Chamber) of 13 February 2020
E.02-02	Case C-653/19 PPU, Criminal Proceedings against DK, Judgment of the Court (First Chamber) of 28 November 2019
E.02-03	Case C-467/19, Criminal Proceedings against QR, Order of the Court (Second Chamber) of 24 September 2019
E.02-04	Case C-467/18, Rayonna prokuratura Lom, Judgment of the Court (Third Chamber) of 19 September 2019
E.02-05	Case C-377/18, AH a. o., Judgment of the Court of 05 September 2019
E.02-06	Case C-8/19 PPU, criminal proceedings against RH (presumption of innocence), Order of the Court (First Chamber), 12. February 2019
E.02-07	Case C-439/16 PPU, Emil Milev (presumption of innocence), Judgment of the Court (Fourth Chamber), 27 October 2016

### E.03 Papers, Reports & Links

E.03-01	Key issues of the right to presumption of innocence
E.03-02	Fair Trials, Legal Experts Advisory Panel, Roadmap Practitioner Tools, EU Directive on the Presumption of Innocence: Implementation Toolkit, Spring 2017
E.03-03	The European Law Blog, "The Presumption of Innocence (and the Right to be present at Trial) Directive", Stijn Lamberigts, 03 May 2016
E.03-04	„The Presumption of Innocence and of the Right to be present at Trial in Criminal Proceedings in Directive (EU) 2016/343", Anita Nagy, European Integration Studies, Volume 12, Number 1 (2016), pp. 5-9
E.03-05	Fair Trials, Legal Experts Advisory Panel, Position Paper, Joined Position Paper on the proposed Directive on the strengthening of certain aspects of the Presumption of Innocence and of the Right to be present at Trial in Criminal Proceedings, November 2014

## F. The right on procedural safeguards for children

## F.01 Directive

F.01-01	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 L 132 1; 21.5.2016)
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## F.02 Case Law

F.02-01	Case C-367/16, Dawid Piotrowski, Judgment of the Court (Grand Chamber), 23 January 2018
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## F.03 Papers, Reports & Links

F.03-01	Key issues of the right to procedural safeguards for children
F.03-02	Leiden University, „White Paper on the EU Directive 2016/800 on procedural safeguards for children who are suspects or accused persons in criminal proceedings: Key aspects, priorities and challenges for implementation in the EU Member States”, Leiden, 2018
F.03-03	“Right of the Child to Information according to the Directive 2016/800/EU on Procedural Safeguards for Children who are Suspects or Accused Persons in Criminal Proceedings, Ivana Radić, EU and Comparative Law Issues and Challenges Series (ECLIC 2), EU Law in Context – Adjustment to Membership and Challenges of the Enlargement, Vol. 2, 2018, pp. 468-491
F.03-04	“The Right to Legal and other Appropriate Assistance for Child Suspects and Accused – Reflections on the Directive on procedural Safeguards for Children who are Suspects or Accused Persons in Criminal Proceedings”, S. E. Rap and D. Zlotnik, European Journal of Crime, Criminal Law and Criminal Justice, 26 (2018), pp. 110-131
F.03-05	Fair Trials, Legal Experts Advisory Panel, Directive on procedural Safeguards for Children who are Suspects or Accused Persons in Criminal Proceedings: Implementation Toolkit, Spring 2018
F.03-06	„The Directive on Procedural Safeguards for Children who are Suspects or Accused Persons in Criminal Proceedings – Genesis and Descriptive Comments Relating to selected Articles”, Steven Cras, The European Criminal Law Associations' Forum, Issue 2/2016, pp. 109-119
F.03-07	KU Leuven Studies - 1. Cooperation in interpreter-mediated questioning of minors (CO-MINOR-IN/QUEST)
F.03-08	KU Leuven Studies - 2. CO-MINOR-IN/QUEST II
F.03-09	KU Leuven Studies - CHILDREN AND JUSTICE: OVERCOMING LANGUAGE BARRIERS - Cooperation in interpreter-mediated questioning of minors (Katalin Balogh and Heidi Salaets 2015)
F.03-10	Children’s rights and child participation in criminal proceedings, Wendy De Bondt & Heleen Lauwereys

## G. The right on legal aid for suspects

### G.01 Directive

G.01-01	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 L 297/1, 4.11.2016)
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### G.02 Case Law

No case law available yet
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### G.03 Papers, Reports & Links

G.03-01	Key issues on the right to legal aid
G.03-02	ERA Forum 2019, pp. 1-5, "10 years after the Roadmap: Procedural rights in criminal proceedings in the EU today", Cornelia Riehle and Allison Clozel, Trier, 02 September 2019
G.03-03	EUCRIM, Issue 1/2017, pp. 34-45, „The Directive on the Right to Legal Aid in Criminal and EAW Proceedings – Genesis and Description of the Sixth Instrument of the 2009 Roadmap”, Steven Cras, 01 April 2017
G.03-04	Open Society, Justice Initiative, "The European Union embraces a common Approach to legal aid", Zaza Namoradze, 19 October 2016
G.03-05	Fair Trials, Legal Experts Advisory Panel, EU Directive on Legal Aid for Suspects and Accused Persons in Criminal Proceedings and for Requested Persons in European Arrest Warrant Proceedings, Transposition Toolkit

## H. The EAW and other relevant documents

H.01	"Court rejects challenge to application of EAW regime post-Brexit", Peters&Peters Extradition UK, 22 January 2021
H.02	"Court hears first challenge to lawfulness of EAWs post Brexit", Peters&Peters Extradition UK, 19 January 2021
H.03	Joined Cases C-354/20 PPU and C-412/20 PPU, L and P, Judgment of the Court (Grand Chamber) of 17 December 2020
H.04	Case C-416/20 PPU, TR/ Hanseatisches Oberlandesgericht, Opinion of Advocate General Tanchev, delivered 10 December 2020
H.05	Court of Justice of the European Union, Press Release No 117/20, "Judgement in Case C-195/20 PPU – Generalbundesanwalt beim Bundesgerichtshof v XC", Luxembourg, 24 September 2020

H.06	„The European Criminal Bar Association – Statement of Principles on the use of Video-Conferencing in Criminal Cases in a Post-Covid-19 world“, ECBA, 06 September 2020
H.07	Draft Report on the implementation of the European Arrest Warrant and the surrender procedures between Member States, 4. September 2020
H.08	The National Crime Agency, Wanted from the UK, European Arrest Warrant Statistics, 2019-2020 financial year
H.09	The National Crime Agency, Wanted by the UK, European Arrest Warrant Statistics, 2019-2020 financial year
H.10	European Criminal Bar Association, Statement of Principles on the use of Video-Conferencing in Criminal Cases in a Post-Covid-19-World, 06 September 2020
H.11	European Commission, Report from the Commission to the European Parliament and the Council on the Implementation of Council Framework Decision of 13 June 2002 on the European Arrest Warrant and the Surrender Procedures between Member States, COM(2020) 270 final, Brussels, 02 July 2020
H.12	European Parliament, European Arrest Warrant, Framework for Analysis and preliminary findings on its implementation, van Ballegooji/Krišto, PE 642.814, Brussels, February 2020
H.13	InAbsentiEAW, Improving Mutual Recognition of European Arrest Warrants for the Purpose of Executing Judgments Rendered Following a Trial at which the Person concerned did not appear in Person, 2020
H.14	European Commission, Commission Staff Working Document, Replies to questionnaire on quantitative information on the practical operation of the European arrest warrant – Year 2017, SWD(2019) 318 final, Brussels, 28 August 2019
H.15	European Commission, Commission Notice of 28.09.2017, C(2017) 6389 final, Handbook on how to issue and execute an European Arrest Warrant, Brussels, 28 September 2017
H.16	EAW Rights – Analysis of the implementation and operation of the European Arrest Warrant from the point of view of defence practitioners (November 2016)
H.17	Council Framework Decision 2009/299/JHA of 26 February 2009 amending Framework Decisions 2002/584/JHA, 2005/214/JHA, 2006/783/JHA, 2008/909/JHA and 2008/947/JHA, thereby enhancing the procedural rights of persons and fostering the application of the principle of mutual recognition to decisions rendered in the absence of the person concerned at the trial ( <i>OJ L 81/24; 27.3.2009</i> )
H.18	Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States ( <i>OJ L 190/1; 18.7.2002, P. 1</i> )
H.19	InAbsentiEAW, Research Report, “Improving Mutual Recognition of European Arrest Warrants for the Purpose of Executing Judgements rendered following a Trial at which the person concerned did not appear in person”, Hannah Brodersen, Vincent Glerum and André Klip



H.20	In Absentia EAW, Case-law guide, "Improving Mutual Recognition of European Arrest Warrants for the purpose of executing in Absentia Judgements"
H.21	Court of Justice of the European Union, Press Release No 156/19, The Court finds that the French, Swedish and Belgian Public Prosecutor's Offices satisfy the requirements for issuing a European arrest warrant, and clarifies the scope of the judicial protection afforded to persons referred to in such warrants, Luxembourg, 12 December 2019
H.22	Opinion of AG Bobek, delivered on 06 August 2020, Case C-195/20 PPU, XC, der Generalbundesanwalt beim Bundesgerichtshof – Request for preliminary ruling from the Federal Court of Justice, Germany
H.23	Case C-897/19 PPU, I.N., Judgment of the Court (Grand Chamber), 02 April 2020
H.24	Case C-659/18, VW, Judgment of the Court (Second Chamber), 12 March 2020
H.25	Case C-314/18, SF, Judgment of the Court (Fourth Chamber), 11 March 2020
H.26	Case C-183/18, Centraal Justitieel Incassobureau, Ministerie van Veiligheid en Justitie (CJIB), Judgment of the Court (First Chamber), 04 March 2020 (Not available in EN)
H.27	Case C-717/18, X, Judgment of the Court (Grand Chamber), 03 March 2020
H.28	Joined Cases C-566/19 PPU (JR) and C-626/19 PPU (YC), Opinion of AG Campos Sánchez-Bordona, 26 November 2019
H.29	Case C-489/19 PPU (NJ), Judgement of the Court (Second Chamber) of 09 October 2019
H.30	Case 509/18 (PF), Judgement of the Court (Grand Chamber), 27 May 2019
H.31	Court of Justice of the European Union Press Release No 68/19, German public prosecutor's offices do not provide a sufficient guarantee of independence from the executive for the purposes of issuing a European arrest warrant, Luxembourg, 27 May 2019
H.32	Joined Cases C-508/18 (OG) and C-82/19 PPU (PI), Judgement of the Court (Grand Chamber), 24 May 2019
H.33	The Guardian Press Release: Dutch court blocks extradition of man to 'inhumane' UK prisons, 10 May 2019
H.34	Case 551/18, IK, Judgement of the Court of 06 December 2018 (First Chamber)
H.35	CJEU Press Release No 141/18, Judgement in Case C-207/16, Ministerio Fiscal, 2 October 2018
H.36	CJEU Press Release No 135/18, Judgement in Case C-327/18 PPU RO, 19 September 2019
H.37	Case C-268/17, AY, Judgement of the Court of 25 July 2018 (Fifth Chamber)
H.38	Case C-220/18 PPU, ML, Judgement of the Court of 25 July 2018 (First Chamber)
H.39	Case C-216/18 PPU, LM, Judgement of the Court of 25 July 2018 (Grand Chamber)

H.40	InAbsentieAW, Background Report on the European Arrest Warrant - The Republic of Poland, Magdalena Jacyna, 01 July 2018
H.41	ECBA Initiative 2017/2018, „Agenda 2020: A new Roadmap on minimum standards of certain procedural safeguards“ (to be published in: New Journal of European Criminal Law), London, 2018
H.42	Case C-571/17 PPU, Samet Ardic, Judgment of the court of 22 December 2017
H.43	„How to defend a European Arrest Warrant Case“, ECBA Handbook on the EAW for Defence Lawyers, Palma Edition, October 2017
H.44	C-270/17 PPU, Tupikas, Judgment of the Court of 10 August 2017 (Fifth Chamber)
H.45	Case C-271/17 PPU, Zdziaszek, Judgment of the Court of 10 August 2017 (Fifth Chamber)
H.46	Case C-579/15, Popławski, Judgement of the Court (Fifth Chamber), 29 June 2017
H.47	Case C-640/15, Vilkas, Judgement of the Court (Third Chamber), 25 January 2017
H.48	Case C-477/16 PPU, Kovalkovas, Judgement of the Court (Fourth Chamber), 10 November 2016
H.49	Case C-452/16 PPU, Poltorak, Judgement of the Court (Fourth chamber), 10 November 2016
H.50	Case C-453/16 PPU, Özçelik, Judgement of the Court (Fourth Chamber), 10 November 2016
H.51	Case C-294/16 PPU, JZ v Śródmieście, Judgement of the Court (Fourth Chamber), 28 July 2016
H.52	Case C241/15 Bob-Dogi, Judgment of the Court (Second Chamber) of 1 June 2016
H.53	C-108/16 PPU Paweł Dworzecki, Judgment of the Court (Fourth Chamber) of 24 May 2016
H.54	Cases C-404/15 Pál Aranyosi and C-659/15 PPU Robert Căldăraru, Judgment of 5 April 2016
H.55	Case C-237/15 PPU Lanigan, Judgment of 16 July 2015 (Grand Chamber)
H.56	Case C-168/13 PPU <i>Jeremy F / Premier ministre</i> , Judgement of the court (Second Chamber), 30 May 2013
H.57	Case C-399/11 <i>Stefano Melloni v Ministerio Fiscal</i> , Judgment of of 26 February 2013
H.58	Case C-396/11 Ciprian Vasile Radu, Judgment of 29 January 2013
H.59	„Strengthening mutual trust in the European judicial area – A Green Paper on the application of EU criminal justice legislation in the field of detention“, ECBA, 30 November 2011
H.60	C-261/09 Mantello, Judgement of 16 November 2010
H.61	C-123/08 Wolzenburg, Judgement of 6 October 2009
H.62	C-388/08 Leymann and Pustovarov, Judgement of 1 December 2008
H.63	C-296/08 Goicoechea, Judgement of 12 August 2008
H.64	C-66/08 Szymon Kozłowski, Judgement of 17 July 2008

