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## BACKGROUND DOCUMENTATION

A) The institutional framework for criminal justice in the EU

A1) Main treaties and conventions

A1-01	Protocol (No 36) on Transitional Provisions
A1-02	Consolidated version of the Treaty on the Functioning of the European Union, art. 82-86 ( <i>OJ C 326/47; 26.10.2012</i> )
A1-03	Consolidated Version of the Treaty on the European Union, art. 9-20 ( <i>OJ C326/13; 26.10.2012</i> )
A1-04	Charter of fundamental rights of the European Union ( <i>OJ. C 364/1; 18.12.2000</i> )
A1-05	Explanations relating to the Charter of Fundamental Rights ( <i>2007/C 303/02</i> )
A1-06	Convention implementing the Schengen Agreement of 14 June 1985 ( <i>OJ L 239; 22.9.2000, P. 19</i> )

A2) Court of Justice of the European Union

A2-01	Consolidated Version of the Statute of the Court of Justice of the European Union (01 August 2016)
A2-02	Consolidated version of the Rules of Procedure of the Court of Justice (25 September 2012)

A3) European Convention on Human Rights (ECHR)

A3	Convention for the Protection of Human Rights and Fundamental Freedoms as amended by Protocols No. 11 and No. 14 together with additional protocols No. 4, 6, 7, 12 and 13, Council of Europe
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## B) Mutual legal assistance

### B1) Legal framework

B1-01	Council Act of 29 May 2000 establishing in accordance with Article 34 of the Treaty on European Union the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union ( <i>OJ C 197/1; 12.7.2000, P. 1</i> )
B1-02	Council Act of 16 October 2001 establishing in accordance with Article 34 of the Treaty on European Union, the Protocol to the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union ( <i>2001/C 326/01, (OJ C 326/01; 21.11.2001,P. 1)</i> )
B1-03	Agreement between the European Union and the Republic of Iceland and the Kingdom of Norway on the surrender procedure between the Member States of the European Union and Iceland and Norway ( <i>OJ L 292, 21.10.2006, p. 2–19</i> )
B1-04	Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters ( <i>Strasbourg, 17.III.1978</i> )
B1-05	Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters ( <i>Strasbourg, 8.XI.2001</i> )
B1-06	European Convention on Mutual Assistance in Criminal Matters ( <i>Strasbourg, 20.IV.1959</i> )
B1-07	Third Additional Protocol to the European Convention on Extradition ( <i>Strasbourg, 10.XI.2010</i> )
B1-08	Second Additional Protocol to the European Convention on Extradition ( <i>Strasbourg, 17.III.1978</i> )
B1-09	Additional Protocol to the European Convention on Extradition ( <i>Strasbourg, 15.X.1975</i> )
B1-10	European Convention on Extradition ( <i>Strasbourg, 13.XII.1957</i> )

### B2) Mutual recognition: the European Arrest Warrant

B2-01	Consolidated version of Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States ( <i>2002/584/JHA</i> )
B2-02	Case law by the Court of Justice of the European Union on the European Arrest Warrant – Overview, Eurojust, 15 March 2020
B2-03	Case C-897/19 PPU, I.N., Judgment of the Court (Grand Chamber), 02 April 2020
B2-04	Case C-314/18, SF Judgement of the Court of 11 March 2020
B2-05	Case C-717/18, X (European arrest warrant – Double criminality) Judgement of the Court of 3 March 2020
B2-06	Joined Cases C-566/19 PPU (JR) and C-626/19 PPU (YC), Opinion of AG Campos Sánchez-Bordona, 26 November 2019
B2-07	Case C-489/19 PPU (NJ), Judgement of the Court (Second Chamber) of 09 October 2019
B2-08	Case 509/18 (PF), Judgement of the Court (Grand Chamber), 27 May 2019
B2-09	Joined Cases C-508/18 (OG) and C-82/19 PPU (PI), Judgement of the Court (Grand Chamber), 24 May 2019
B2-10	Case 551/18, IK, Judgement of the Court of 06 December 2018 (First Chamber)
B2-11	CJEU Press Release No 141/18, Judgement in Case C-207/16, Ministerio Fiscal, 2 October 2018
B2-12	Case C-268/17, AY, Judgement of the Court of 25 July 2018 (Fifth Chamber)

B2-13	Case C-220/18 PPU, ML, Judgement of the Court of 25 July 2018 (First Chamber)
B2-14	Case C-216/18 PPU, LM, Judgement of the Court of 25 July 2018 (Grand Chamber)
B2-15	Case C-571/17 PPU, Samet Ardic, Judgment of the court of 22 December 2017
B2-16	C-270/17 PPU, Tupikas, Judgment of the Court of 10 August 2017 (Fifth Chamber)
B2-17	Case C-271/17 PPU, Zdziaszek, Judgment of the Court of 10 August 2017 (Fifth Chamber)
B2-18	Case C-579/15, Popławski, Judgement of the Court (Fifth Chamber), 29 June 2017
B2-19	Case C-640/15, Vilkas, Judgement of the Court (Third Chamber), 25 January 2017
B2-20	Case C-477/16 PPU, Kovalkovas, Judgement of the Court (Fourth Chamber), 10 November 2016
B2-21	Case C-452/16 PPU, Poltorak, Judgement of the Court (Fourth chamber), 10 November 2016
B2-22	Case C-453/16 PPU, Özçelik, Judgement of the Court (Fourth Chamber), 10 November 2016
B2-23	Case C-294/16 PPU, JZ v Śródmieście, Judgement of the Court (Fourth Chamber), 28 July 2016
B2-24	Case C241/15 Bob-Dogi, Judgment of the Court (Second Chamber) of 1 June 2016
B2-25	C-108/16 PPU Paweł Dworzecki, Judgment of the Court (Fourth Chamber) of 24 May 2016
B2-26	Cases C-404/15 Pál Aranyosi and C-659/15 PPU Robert Căldăraru, Judgment of 5 April 2016
B2-27	Case C-237/15 PPU Lanigan, Judgment of 16 July 2015 (Grand Chamber)
B2-28	Case C-168/13 PPU <i>Jeremy F / Premier ministre</i> , Judgement of the court (Second Chamber), 30 May 2013
B2-29	Case C-399/11 <i>Stefano Melloni v Ministerio Fiscal</i> , Judgment of of 26 February 2013
B2-30	Case C-396/11 Ciprian Vasile Radu, Judgment of 29 January 2013
B2-31	C-261/09 Mantello, Judgement of 16 November 2010
B2-32	C-123/08 Wolzenburg, Judgement of 6 October 2009
B2-33	C-388/08 Leymann and Pustovarov, Judgement of 1 December 2008
B2-34	C-296/08 Goicoechea, Judgement of 12 August 2008
B2-35	C-66/08 Szymon Kozłowski, Judgement of 17 July 2008
B2-36	C-128/18 Dumitru-Tudor Dorobantu, Judgement of 15 October 2019
B2-37	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
B2-38	Additional material on the European Arrest Warrant (European Judicial Network)

### B3) Mutual recognition: freezing and confiscation and asset recovery

B3-01	FATF, COVID-19-related Money Laundering and Terrorist Financing Risk and Policy Responses, Paris, 4 May 2020
B3-02	Money-Laundering and COVID-19: Profit and Loss, Vienna, 14 April 2020
B3-03	FATF President Statement – COVID-19 and measures to combat illicit financing, Paris 1 April 2020

B3-04	Directive (EU) 2019/1153 of the European Parliament and of the Council of 20 June 2019, laying down rules facilitating the use of financial and other information for the prevention, detection, investigation or prosecution of certain criminal offences, and repealing Council Decision 2000/642/JHA
B3-05	Commission Delegated Regulation (EU) .../... of 13.2.2019 supplementing Directive (EU) 2015/849 of the European Parliament and of the Council by identifying high-risk third countries with strategic deficiencies, C(2019) 1326 final
B3-06	Regulation 2018/1805 of the European Parliament and of the Council on the mutual recognition of freezing and confiscation orders, L 303/1, Brussels, 14 November 2018
B3-07	Directive (EU) 2018/1673 of the European Parliament and of the Council of 23 October 2018 on combating money laundering by criminal law, L 284/22
B3-08	Directive (EU) 2018/843 of the European Parliament and of the Council of 30 May 2018 amending Directive (EU) 2015/849 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, and amending Directives 2009/138/EC and 2013/36/EU (Text with EEA relevance), PE/72/2017/REV/1 OJ L 156, p. 43–74, 19 June 2018
B3-09	Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA
B3-10	Regulation (EU) 2016/1675 of 14 July 2016 supplementing Directive (EU) 2015/849 of the European Parliament and of the Council by identifying high-risk third countries with strategic deficiencies (Text with EEA relevance)
B3-11	Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC (Text with EEA relevance)
B3-12	Consolidated version of Council Framework Decision of 6 October 2006 on the application of the principle of mutual recognition to confiscation orders (2006/783/JHA)
B3-13	Regulation (EU) 2015/847 of the European Parliament and of the Council of 20 May 2015 on information accompanying transfers of funds and repealing Regulation (EC) No 1781/2006 (Text with EEA relevance)
B3-14	Regulation (EC) No 1889/2005 of the European Parliament and of the Council of 26 October 2005 on controls of cash entering or leaving the Community
B3-15	Council Framework Decision of 26 June 2001 on money laundering, the identification, tracing, freezing, seizing and confiscation of instrumentalities and the proceeds of crime (2001/500/JHA)
B3-16	Council Decision of 17 October 2000 concerning arrangements for cooperation between financial intelligence units of the Member States in respect of exchanging information (2000/642/JHA)

#### B4) Mutual recognition: Convictions

B4-01	Council Framework Decision 2009/829/JHA of 23 October 2009 on the application, between Member States of the European Union, of the principle of mutual recognition to decisions on supervision measures as an alternative to provisional detention (OJ L 294/20; 11.11.2009)
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B4-02	Consolidated version of Council Framework Decision 2008/947/JHA on the application of the principle of mutual recognition to judgments and probation decisions with a view to the supervision of probation measures and alternative sanctions ( <i>OJ L 337/102; 16.12.2008</i> )
B4-03	Consolidated version of Council Framework Decision 2008/909/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union ( <i>OJ L 327/27; 5.12.2008</i> )
B4-04	Council Framework Decision 2008/675/JHA of 24 July 2008 on taking account of convictions in the Member States of the European Union in the course of new criminal proceedings ( <i>OJ L 220/32; 15.08.2008</i> )
B4-05	Case C-234/18, Judgment of 20 March 2020
B4-06	Case C-390/16, Dániel Bertold Lada, Opinion of AG Bot, delivered on 06 February 2018
B4-07	Case C-171/16, Trayan Beshkov, Judgement of the Court (Fifth Chamber), 21 September 2017
B4-08	Case C-528/15, Policie ČR, Krajské ředitelství policie Ústeckého kraje, odbor cizinecké policie v Salah Al Chodor, Ajlin Al Chodor, Ajvar Al Chodor, Judgement of the Court (Second Chamber), 15 March 2017
B4-09	Case C-554/14, Ognyanov, Judgement of the Court (Grand Chamber), 8 November 2016
B4-10	Case C-439/16 PPU, Milev, Judgement of the Court (Fourth Chamber), 27 October 2016
B4-11	C-294/16 PPU, JZ v Šródmieście, Judgement of the Court (Fourth Chamber), 28 July 2016
B4-12	C-601/15 PPU, J. N. v Staatssecretaris voor Veiligheid en Justitie, Judgement of the Court (Grand Chamber), 15 February 2016
B4-13	C-474/13, Thi Ly Pham v Stadt Schweinfurt, Amt für Meldewesen und Statistik, Judgement of the Court (Grand Chamber), 17 July 2014
B4-14	Joined Cases C-473/13 and C-514/13, Bero and Bouzalmate, Judgement of the Court (Grand Chamber), 17 July 2014
B4-15	C-146/14 PPU, Bashir Mohamed Ali Mahdi, Judgement of the Court (Third Chamber), 5 June 2014
B4-16	Case C-383/13 PPU, M. G., N. R., Judgement of the Court (Second Chamber), 10 September 2013
B4-17	C-573/17 Daniel Adam Popławski, Judgement of the Court (Grand Chamber), 24 June 2019
B4-18	Additional material on CFD 2009/829/JHA (European Judicial Network)
B4-19	Additional material on CFD 2008/909/JHA (European Judicial Network)

#### B5) Mutual recognition in practice: evidence and e-evidence

B5-01	The European Law Blog, „E-Evidence: The way forward. Summary of a Workshop held in Brussels on 25 September 2019, Theodore Christakis, 06 November 2019
B5-02	Joint Note of Eurojust and the European Judicial Network on the Practical Application of the European Investigation Order, June 2019
B5-03	European Commission, Press Release, „Security Union: Commission recommends negotiating international rules for obtaining electronic evidence”, Brussels, 05 February 2019
B5-04	EURCRIM, “The European Commission’s Proposal on Cross Border Access to e-Evidence – Overview and Critical Remarks” by Stanislaw Tosza, Issue 4/2018, pp. 212-219

B5-05	Recommendation for a Council Decision authorising the opening of negotiations in view of an agreement between the European Union and the United States of America on cross-border access to electronic evidence for judicial cooperation in criminal matters, COM(2019) 70 final, Brussels, 05 February 2019
B5-06	Annex to the Recommendation for a Council Decision authorising the opening of negotiations in view of an agreement between the European Union and the United States of America on cross-border access to electronic evidence for judicial cooperation in criminal matters, COM(2019) 70 final, Brussels, 05 February 2019
B5-07	Fair Trials, Policy Brief, „The impact on the procedural rights of defendants of cross-border access to electronic data through judicial cooperation in criminal matters”, October 2018
B5-08	ECBA Opinion on European Commission Proposals for: (1) A Regulation on European Production and Preservation Orders for electronic evidence & (2) a Directive for harmonised rules on the appointment of legal representatives for the purpose of gathering evidence in criminal proceedings, Rapporteurs: Stefanie Schott (Germany), Julian Hayes (United Kingdom)
B5-09	Proposal for a Directive of the European Parliament and of the Council laying down harmonised rules on the appointment of legal representatives for the purpose of gathering evidence in criminal proceedings, COM(2018) 226 final, Strasbourg, 17 April 2018
B5-10	Proposal for a Regulation of the European Parliament and of the Council on European Production and Preservation Orders for electronic evidence in criminal matters, COM(2018) 225 final, Strasbourg, 17 April 2018
B5-11	Non-paper from the Commission services: Improving cross-border access to electronic evidence: Findings from the expert process and suggested way forward (8 June 2017)
B5-12	Non-paper: Progress Report following the Conclusions of the Council of the European Union on Improving Criminal Justice in Cyberspace (7 December 2016)
B5-13	ENISA 2014 - Electronic evidence - a basic guide for First Responders (Good practice material for CERT first responders)
B5-14	Directive 2014/41/EU of 3 April 2014 regarding the European Investigation Order in criminal matters (OJ L 130/1; 1.5.2014)
B5-15	Competent authorities, languages accepted, urgent matters and scope of the EIO Directive (04/05/2020)
B5-16	Guidelines on the European Investigation Order forms
B5-17	Council Framework Decision 2008/978/JHA of 18 December 2008 on the European evidence warrant for the purpose of obtaining objects, documents and data for use in proceedings in criminal matters (OJ L, 350/72, 30.12.2008)
B5-18	Council Framework Decision 2003/577/JHA of 22 July 2003 on the execution in the European Union of orders freezing property or evidence (OJ L 196/45; 2.8.2003)

#### B6) Criminal records, Interoperability

B6-01	Regulation (EU) 2019/816 of the European Parliament and of the Council of 17 April 2019 establishing a centralised system for the identification of Member States holding conviction information on third-country nationals and stateless persons (ECRIS-TCN) to supplement the European Criminal Records Information System and amending Regulation (EU) 2018/1726 ) (OJ L135/85, 22.05.2019)
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B6-02	Directive of the European Parliament and of the Council amending Council Framework Decision 2009/315/JHA, as regards the exchange of information on third-country nationals and as regards the European Criminal Records Information System (ECRIS), and replacing Council Decision 2009/316/JHA, PE-CONS 87/1/18, Strasbourg, 17 April 2019
B6-03	Council Framework Decision 2009/315/JHA of 26 February 2009 on the organisation and content of the exchange of information extracted from the criminal record between Member States ( <i>OJ L 93/23; 07.4.2009</i> )
B6-04	Council Decision on the exchange of information extracted from criminal records – Manual of Procedure ( <i>6397/5/06 REV 5; 15.1.2007</i> )
B6-05	Council Decision 2005/876/JHA of 21 November 2005 on the exchange of information extracted from the criminal record ( <i>OJ L 322/33; 9.12.2005</i> )

B7) Conflicts of jurisdiction – *Ne bis in idem*

B7-01	Case law by the Court of Justice of the European Union on the principle of ne bis in idem in criminal matters, Eurojust, April 2020
B7-02	Council Framework Decision 2009/948/JHA of 30 November 2009 on prevention and settlement of conflicts of exercise of jurisdiction in criminal proceedings ( <i>OJ L 328/42; 15.12.2009, P.42</i> )
B7-03	European Convention on the Transfer of Proceedings in Criminal Matters (Strasbourg, 15.V.1972)

**C) Procedural guarantees in the EU**

C-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 ( <i>OJ L 297/1, 4.11.2016</i> )
C-02	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 ( <i>OJ L 132 1; 21.5.2016</i> )
C-03	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 ( <i>11.3.2016; OJ L 65/1</i> )
C-04	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 ( <i>OJ L 294/1; 6.11.2013</i> )
C-05	Directive 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right to information in criminal proceedings ( <i>1.6.2012; OJ L 142/1</i> )
C-06	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> )
C-07	Case C-659/18, Judgement of the Court of 2 March 2020
C-08	Case C-688/18, Judgement of the Court of 3 February 2020
C-09	Case C-467/18, Rayonna prokuratura Lom, Judgment of the Court of 19 September 2019
C-10	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
C-11	Case C-377/18, AH a. o., Judgment of the Court of 05 September 2019

C-12	Case C-646/17 on directive 2012/13/EU on the right to information in criminal proceedings, Gianluca Moro, Judgement of the Court (First Chamber), 13 June 2019
C-13	Case C-8/19 PPU, criminal proceedings against RH (presumption of innocence), Decision of the Court (First Chamber), 12. February 2019
C-14	Case C-646/17, Gianluca Moro, Opinion of the AG Bobek, 05 February 2019
C-15	Case C-551/18 PPU, IK, Judgment of the Court (First Chamber), 6 December 2018
C-16	Case C-327/18 PPU, RO, Judgment of 19 September 2018 (First Chamber)
C-17	Case C-268/17, AY, Judgment of the Court (Fifth Chamber), 25 July 2018
C-18	Case C-216/18 PPU, LM, Judgment of 25 July 2018 (Grand Chamber)
C-19	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-20	Case C-439/16 PPU, Emil Milev (presumption of innocence), Judgment of the Court (Fourth Chamber), 27 October 2016
C-21	Case C-278/16 Frank Sleutjes (“essential document” under Article 3 of Directive 2010/64), Judgment of 12 October 2017 (Fifth Chamber)
C-22	C-25/15, István Balogh, Judgment of 9 June 2016 (Fifth Chamber)
C-23	Opinion of Advocate General Sharpston, delivered on 10 March 2016, Case C-543/14
C-24	C-216/14 Covaci, Judgment of 15 October 2015 (First Chamber)

#### D) Victims' Rights

D1	Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA
D2	Directive 2011/99/EU of the European Parliament and of the Council of 13 December 2011 on the European protection order
D3	Council Directive 2004/80/EC of 29 April 2004 relating to compensation to crime victims

#### E) Criminal justice bodies and networks

E1	Website of the European Judicial Network
E2	Website of Eurojust
E3	Website of Europol
E4	The European Public Prosecutor's Office

#### F) Data Protection

F1	Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA (4.5.2016; OJ L 119/89)
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