

Guide to the training package on “Better Applying European Criminal Law – national legal seminar for court staff”

The training package was

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I. How to use the training package

The following guide aims to provide a manual for partner institutions on how to use the training package and how to customise their national legal seminars according to their own needs.

The training package is composed of 7 modules:

- I. Mutual Legal Assistance (MLA)
- II. The European Arrest Warrant (EAW)
- III. The European Investigation Order (EIO)
- IV. Mutual recognition I (CFD 2008/909/JHA)
- V. Mutual recognition II (CFD 2009/829/JHA)
- VI. Mutual recognition III (CFD 2008/947/JHA)
- VII. Freezing and confiscation

Trainers are free to customise the order of the module for the national seminar as well as to decide what to emphasise in specific modules relevant to the audience and the arrangement of modules overall. All material has been formatted in the same way and is composed of the following parts:

- Cover page
- Handout (**Part A**)
- Notes regarding the handout (**Part B**)
- Methodology of the training (**Part C**)
- Solutions to the cases and exercises (**Part D**)
- Detailed step-by step solutions (**Annex**) – for 3 of the materials

Part A Only cases and exercises, easy to hand out before/at the beginning of the seminar

Part B Information regarding the cases and exercises in Part A, mostly about customising the cases to the legal system of the host country

Part C Detailed methodology of the particular module; the main goals, and the detailed, suggested training schedule (compiled below for easier transparency)

Part D contains the detailed solutions for the cases and exercises in Part A

Important to note! – Changes in the cases will have consequences for the solutions, the methodology stays the same

Additionally, three of the material packages have an **Annex**, which contains detailed, step-by-step, screen-capped solutions to the problems, which might be shown to participants, if needs be

II. How to use the slides?

There are slides prepared by the two experts that can be used to explain a specific topic. They have been formatted to fit a uniform template so trainers can expand on the slides provided. Background pictures can be found in the package. We recommend duplicating existing slides and overwriting the text on the duplicate to preserve the positioning of the text.

III. How to create the programme for the national seminar?

The length of the seminar is 1.5 days. Each module's length is around half a day (approximately 3.5 - 4 hours).

The package contains a programme template which already has the backgrounds inserted and contains the word boxes fitted to it. The template also contains a filled in sample training schedule.

IMPORTANT:

The filled in schedule is just an example of what the final programme should look like! The actual programme is to be determined by the trainer, regarding the selection or order of the modules, the length of breaks or the order of specific segments inside a given module.

The order of modules below follows the order in which the training package was presented to the national experts by Mr Motoi and Mr Klip.

The Modules

Hereunder are all of the modules broken down into steps and given a recommended timeframe.

Module I: Mutual Legal Assistance (MLA)

1. Presentation by the speaker (**approximately 15-20 minutes**)
 - The presentation is part of the training package, but can be customised
2. Solving the introductory scenarios (**approximately 30 minutes**):
 - **Main Goal:** the trainer should guide participants to see the relationship between the following legal instruments:
 - Directive 2014/41/EU (European Investigation Order); Convention of 29 May 2000 on Mutual Assistance in Criminal Matters between the Member States of the European Union; 1959 European Convention on Mutual Assistance in Criminal Matters + its protocols
 - Participants should be divided into 4-6 groups of 5-8 people; Each group should have at least one computer/laptop with internet access
3. Solving the Case scenario (**approximately 2 hours and 20 minutes**)
 - **Main Goal:** providing a deeper analysis of MLA and the 1959 Convention and practicing filling out Letters of Requests (LoRs)
4. Discussion, answering the questions of the participants (**approximately 5-20 minutes**)

Module II: The European Arrest Warrant (EAW)

1. Presentation by the speaker (**approximately 15-20 minutes**)
 - Presentation is part of the package – Sending out a questionnaire for the participants in advance is recommended, focusing on their knowledge on Council Framework Decision 2002/584/JHA. Results should be implemented into the presentation.
2. Solving Case scenario 1 (**approximately 1 hour and 40 minutes**)
 - **Main Goal:** participants should learn to use the websites of EJN, Eurlax and the Court of Justice of the EU
 - Participants should be divided into groups of 4-5 people; Each group should have at least one computer/laptop with internet access
3. Solving the exercises (**approximately 10 minutes**)
 - Can be skipped or given as homework in order to focus on the case studies more
4. Solving case scenario 2 (**approximately 40-45 minutes**)
 - Participants should be divided into groups of 4-5 people; Each group should have at least one computer/laptop with internet access
5. Discussion, answering the questions of the participants (**approximately 5-20 minutes**)

Module III: The European Investigation Order (EIO)

1. Presentation by the speaker (**approximately 20 minutes**)
 - The presentation is part of the training package, but can be customised
 - It is important to introduce participants to the following documents:
 - Competent authorities, languages accepted, urgent matters and scope of the EIO Directive (Updated 07 August 2019) and Guidelines on the European Investigation Order forms
2. Solving Case scenario 1 (**approximately 20 minutes**)
 - **Main Goal:** introducing Directive 2014/41/EU and practicing the use of the EIJN website
 - Participants should be divided into groups of 5-8 people; Each group should have at least one computer/laptop with internet access
3. Solving exercises (**approximately 15 minutes**)
4. Solving case scenario 2 (**approximately 2 hours**)
 - Participants should be divided into 4-6 groups of 5-8 people; Each group should have at least one computer/laptop with internet access
 - Groups should previously download the editable EIO form from the EIJN website
 - After questions 1-3, half of the groups should fill the EIO regarding the house search, and the other half regarding the hearing by videoconference
 - After that, groups should exchange forms, so that they have a different kind of form, to the one they filled, and then they should discuss, if the form they received meets the requirements (**approximately 10 minutes**)
5. Discussion, answering the questions of the participants (**approximately 5-20 minutes**)

Module IV: Mutual recognition I.: Transfer of Execution of Judgements

1. Answering the introductory questions (**approximately 10-15 minutes**):
2. Presentation by the speaker (**approximately 15-20 minutes**)
 - Presentation is part of the package – Sending out a questionnaire for the participants in advance is recommended, focusing on their knowledge on Council Framework Decision 2008/909/JHA. Results should be implemented into the presentation.
3. Solving Case scenario 1 (**approximately 1 hour 40 minutes**)
 - **Main Goal:** providing a deeper analysis of MLA and the 1959 Convention and practicing filling out Letters of Requests (LoRs)
 - Participants should be divided into groups of 4-5 people; Each group should have at least one computer/laptop with internet access
4. Solving the exercises (**approximately 10 minutes**)
5. Solving case scenario 2 (**approximately 40-45 minutes**)

- Participants should be divided into groups of 4-5 people; Each group should have at least one computer/laptop with internet access
6. Discussion, answering the questions of the participants (**approximately 5-20 minutes**)

Module V: Mutual recognition II.: The principle of mutual recognition to decisions on supervision measures as an alternative to provisional detention

1. Solving the Introductory scenario (**approximately 15-20 minutes**)
 - **Main Goal:** introducing Council Framework Decision 2009/829/JHA to the participants, and practicing the use of the EJN website
2. Presentation by the speaker (**approximately 15-20 minutes**)
 - The presentation is part of the training package, but can be customised
3. Solving exercises (**approximately 15 minutes**)
4. Solving the case scenario (**approximately 2 hours**)
 - Participants should be divided into groups of 5-6 people; Each group should have at least one computer/laptop with internet access
5. Discussion, answering the questions of the participants (**approximately 5-20 minutes**)

Module VI: The principle of mutual recognition to judgments and probation decisions with a view to the supervision of probation measures and alternative sanctions

1. Presentation by the speaker (**approximately 15-20 minutes**)
 - The presentation is part of the training package, but can be customised, should the trainer see fit to do so
2. Solving Case scenario 1 (**approximately 1 hour and 40 minutes**)
 - **Main Goal:** participants should learn to use the websites of EJN, Eurlex and the Court of Justice of the EU
 - Participants should be divided into groups of 4-5 people; Each group should have at least one computer/laptop with internet access
3. Solving the exercises (**approximately 10 minutes**)
 - Can be skipped or given as homework in order to focus on the case studies more
4. Solving case scenario 2 (**approximately 40-45 minutes**)
 - Participants should be divided into groups of 4-5 people; Each group should have at least one computer/laptop with internet access
5. Discussion, answering the questions of the participants (**approximately 5-20 minutes**)

Module VII: Freezing and confiscation

1. Presentation by the speaker (**approximately 15-20 minutes**)
 - Presentation is part of the package – Sending out a questionnaire for the participants in advance is recommended, focusing on their knowledge on Council Framework Decision 2003/577/JHA, 2006/783/JHA and Regulation (EU) 2018/1805. Results should be implemented into the presentation.
2. Solving Case scenario 1 (**approximately 1 hour and 40 minutes**)
 - **Main Goal:** learn to use the websites of EJN, Eurlex and the CJEU
 - Participants should be divided into groups of 4-5 people; Each group should have at least one computer/laptop with internet access
3. Solving the exercises (**approximately 10 minutes**)
 - Can be skipped or given as homework in order to focus on the case studies more
4. Solving case scenario 2 (**approximately 40-45 minutes**)
 - Participants should be divided into groups of 4-5 people; Each group should have at least one computer/laptop with internet access
5. Discussion, answering the questions of the participants (**approximately 5-20 minutes**)