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BACKGROUND DOCUMENTATION

A) European Criminal Law: the institutional framework

A1) Main treaties and conventions

| | | |
|-------|--|--------|
| A1-01 | Protocol (No 36) on Transitional Provisions | Online |
| A2-02 | Statewatch Analysis, "The Third Pillar acquis" after the Treaty of Lisbon enters into force, Professor Steve Peers, University of Essex, Second Version, 1 December 2009 | Online |
| A1-03 | Consolidated version of the Treaty on the functioning of the European Union (<i>OJ C115/47; 9.5.2008</i>) – Title V (pages. 27-38) | Online |
| A1-04 | Consolidated Version of the Treaty on the European Union (<i>OJ C321 E/1; 29.12.2006, P. 5</i>) – Title VI (pages 23-31) | Online |
| A1-05 | Charter of fundamental rights of the European Union (<i>OJ. C 364/1; 18.12.2000</i>) | Online |
| A1-06 | Explanations relating to the Charter of Fundamental Rights (<i>2007/C 303/02</i>) | Online |
| A1-07 | Convention implementing the Schengen Agreement of 14 June 1985 (<i>OJ L 239; 22.9.2000, P. 19</i>) | Online |

A2) Court of Justice of the European Union

| | | |
|-------|--|--------|
| A2-01 | Consolidated Version of the Statute of the Court of Justice of the European Union (01.07.2013) | Online |
| A2-02 | Consolidated version of the Rules of Procedure of the Court of Justice of 25 September 2012 | Online |

A3) The EU's competence in criminal matters

| | | |
|-------|---|--------|
| A3-01 | Case C-440/05, ship-source pollution, <i>Commission v. Council</i> [2007] ECR I-0000, <i>Judgement of 23 October 2007</i> | Online |
| A3-02 | Case C-176/03 <i>Commission v. Council</i> [2005] ECR I-07879, <i>Judgement of 13 September 2005</i> | Online |

A4) European Convention on Human Rights (ECHR)

| | | |
|-------|--|--------|
| A4-01 | Convention for the Protection of Human Rights and Fundamental Freedoms as amended by Protocols No. 11 and No. 14 together with additional protocol and protocols no. 4, 6, 7, 12 and 13, | Online |
|-------|--|--------|

| | | |
|-------|--|--------|
| | Council of Europe | |
| A4-02 | Case of <i>Salduz v. Turkey</i> (Application no. 36391/02), Judgment, European Court of Human Rights, Strasbourg, 27 November 2008 | Online |

B) From mutual legal assistance to mutual recognition

B1) Main instruments

| | | |
|-------|---|--------|
| B1-01 | 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>) | Online |
| 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</i>), (<i>OJ C 326/01; 21.11.2001, P. 1</i>) | Online |
| B1-03 | 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>) | Online |
| B1-04 | Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters (<i>Strasbourg, 8.XI.2001</i>) | Online |
| B1-05 | Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters (<i>Strasbourg, 17.III.1978</i>) | Online |
| B1-06 | European Convention on Mutual Assistance in Criminal Matters (<i>Strasbourg, 20.IV.1959</i>) | Online |
| B1-07 | Third Additional Protocol to the European Convention on Extradition (<i>Strasbourg, 10.XI.2010</i>) | Online |
| B1-08 | Second Additional Protocol to the European Convention on Extradition (<i>Strasbourg, 17.III.1978</i>) | Online |
| B1-09 | Additional Protocol to the European Convention on Extradition (<i>Strasbourg, 15.X.1975</i>) | Online |
| B1-10 | European Convention on Extradition (<i>Strasbourg, 13.XII.1957</i>) | Online |

B2) Mutual recognition in practice: the European Arrest Warrant

| | | |
|-------|--|--------|
| B2-01 | 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>) | Online |
| B2-02 | 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>) | Online |
| B2-03 | Case C-399/11 <i>Stefano Melloni v Ministerio Fiscal</i> , Judgment of 26 February 2013 | Online |
| B2-04 | Case C-396/11 <i>Ciprian Vasile Radu</i> , Judgment of 29 January 2013 | Online |

| | | |
|-------|---|--------|
| B2-05 | C-261/09 Mantello, Judgement of 16 November 2010 | Online |
| B2-06 | C-123/08 Wolzenburg, Judgement of 6 October 2009 | Online |
| B2-07 | C-388/08 Leymann and Pustovarov, Judgement of 1 December 2008 | Online |
| B2-08 | C-296/08 Goicoechea, Judgement of 12 August 2008 | Online |
| B2-09 | C-66/08 Szymon Kozłowski, Judgement of 17 July 2008 | Online |
| B2-10 | C-303/05 Wereld/Ministerraad, Judgment of the Court of 3 May 2007 | Online |

B3) Mutual recognition in practice: sanctions

| | | |
|-------|---|--------|
| B3-01 | Proposal for a Directive on the freezing and confiscation of proceeds of crime in the European Union (COM(2012) 85 final; 12.3.2012) | Online |
| B3-02 | 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 (<i>OJ L 294/20; 11.11.2009</i>) | Online |
| B3-03 | 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>) | Online |
| B3-04 | 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>) | Online |
| B3-05 | 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>) | Online |
| B3-06 | Council Framework Decision of 6 October 2006 on the application of the principle of mutual recognition to confiscation orders (<i>OJ L 328/59, 24.11.2006, P.59</i>) | Online |
| B3-07 | Council Framework Decision of 24 February 2005 on the application of the principle of mutual recognition to financial penalties (<i>OJ L 76/16, 22.3.2005, P.16</i>) | Online |
| B3-08 | Council Framework Decision of 24 February 2005 on Confiscation of Crime-Related Proceeds, Instrumentalities and Property (<i>OJ L 68/49, 1.3.2005, P. 49</i>) | Online |

B4) Mutual recognition in practice: evidence

| | | |
|-------|--|--------|
| B4-01 | Directive 2014/41/EU of 3 April 2014 regarding the European Investigation Order in criminal matters (<i>OJ L 130/1; 1.5.2014</i>) | Online |
| B4-02 | 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 (<i>OJ L, 350/72, 30.12.2008</i>) | Online |
| B4-03 | Council Framework Decision 2003/577/JHA of 22 July 2003 on the execution in the European Union of orders freezing property or evidence (<i>OJ L 196/45; 2.8.2003</i>) | Online |

B5) Criminal records

| | | |
|-------|---|--------|
| B5-01 | Council Decision 2009/316/JHA of 6 April 2009 on the establishment of the European Criminal Records Information System (ECRIS) in application of Article 11 of Framework Decision 2009/315/JHA (<i>OJ L 93/33; 7.4.2009, P. 33</i>) | Online |
| B5-02 | 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>) | Online |
| B5-03 | Council Decision on the exchange of information extracted from criminal records – Manual of Procedure (6397/5/06 REV 5; 15.1.2007) | Online |
| B5-04 | 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>) | Online |

C) Procedural guarantees in the EU

| | | |
|------|---|--------|
| C-01 | Proposal for a Directive on provisional legal aid for suspects or accused persons deprived of liberty and legal aid in European arrest warrant proceedings (COM(2013) 824 final; 27.11.2013) | Online |
| C-02 | Proposal for a Directive on procedural safeguards for children suspected or accused in criminal proceedings (COM(2013) 822 final; 27.11.2013) | Online |
| C-03 | Proposal for a Directive on the strengthening of certain aspects of the presumption of innocence and of the right to be present at trial in criminal proceedings (COM(2013) 821 final; 27.11.2013) | Online |
| 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>) | Online |
| 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 (1.6.2012; <i>OJ L 142/1</i>) | Online |
| C-06 | Strengthening mutual trust in the European judicial area – A Green Paper on the application of EU criminal justice legislation in the field of detention (COM(2011) 327 final; 14.6.2011) | Online |
| C-07 | 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>) | Online |
| C-08 | Resolution of the Council of 30 November 2009 on a Roadmap for strengthening procedural rights of suspected or accused persons in criminal proceedings (<i>OJ C 295/1; 4.12.2009</i>) | Online |

D) Victims' rights

| | | |
|------|--|--------|
| D-01 | Regulation (EU) No 606/2013 of 12 June 2013 on mutual recognition of protection measures in civil matters (<i>OJ L 181/4; 29.6.2013</i>) | Online |
| D-02 | Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on | Online |

| | | |
|------|---|--------|
| | the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA (14.11.2012; OJ L 315/57) | |
| D-03 | Directive 2011/99/EU of 13 December 2011 on the European protection order (OJ L 338/2; 21.12.2011) | Online |
| D-04 | Council Directive 2004/80/EC of 29 April 2004 relating to compensation to crime victims (OJ L 261/15; 6.8.2004) | Online |
| D-05 | Council Framework Decision of 15 March 2001 on the standing of victims in criminal procedures (OJ L 82/1; 22.03.2001) | Online |

E) Cybercrime - Council of Europe

| | | |
|------|---|--------|
| E-01 | Additional Protocol to the Convention on cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems (<i>Strasbourg, 28.1.2003</i>) | Online |
| E-02 | Convention on Cybercrime (<i>Budapest, 23.XI.2001</i>) | Online |

F) Cybercrime – European Union

| | | |
|------|--|--------|
| F-01 | Directive 2013/40/EU of the European Parliament and of the Council of 12 August 2013 on attacks against information systems and replacing Council Framework Decision 2005/222/JHA (Official Journal L 218/8 of 14.08.2013) | Online |
| F-02 | Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA (<i>Official Journal L 335/1 of 17.12.2011</i>) | Online |

- For a comprehensive overview of the legal instruments in the field of cybercrime please consult the ERA e-library at the following address: <http://www.era-comm.eu/Cybercrime/library.html>

G) Electronic Evidence

| | | |
|------|--|--------|
| G-01 | ENISA 2014 - Electronic evidence - a basic guide for First Responders (Good practice material for CERT first responders) | 1 |
| G-02 | Guidelines on Digital Forensic Procedures for OLAF Staff" (Ref. Ares(2013)3769761 - 19/12/2013, 1 January 2014) | Online |
| G-03 | ACPO Good Practice Guide for Digital Evidence (March 2012) | 27 |
| G-04 | Directive 2014/41/EU of the European Parliament and of the Council of 3 April 2014 regarding the European Investigation Order in criminal matters (Official Journal L 130/1 01.05.2014) | Online |
| G-05 | 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 (Official Journal L 350/72, 30.12.2008) | Online |
| G-06 | Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal | Online |

| | | |
|------|---|--------|
| | Market (Directive on electronic commerce) (Official Journal L 178/1, 17.7.2000) | |
| G-07 | Communication from the Commission to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions ensuring security and trust in electronic communication - Towards a European Framework for Digital Signatures and Encryption (COM (97) 503), October 1997 | Online |

H) ECtHR and New Technologies and recent Council Conclusions

| | | |
|------|---|----|
| H-01 | ECtHR and New Technologies – Factsheets of the ECtHR 2015 | 71 |
| H-02 | Council conclusions on improving criminal justice in cyberspace (<i>Council Conclusions, Luxembourg, 9 June 2016</i>) | 83 |
| H-03 | Council conclusions on the European Judicial Cybercrime Network (<i>Council Conclusions, Luxembourg, 9 June 2016</i>) | 89 |