



The Impact of European Union Law on National Criminal Law

Challenges and Constraints to Individual Liability in the Member States

30th June 2017
08.30 to 16.00
G.05, 50 George Square
Edinburgh, EH8 9LH

Free and open to all but registration required:

<https://uoe-workshop.eventbrite.co.uk>

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Outline of event

The aim of the workshop is to understand how the peculiarities of the European Union (EU) as a legal order shape the EU Court of Justice (CJEU) approach to criminal liability at national level. The impact of EU law on national criminal law has significantly increased over the years. This can be traced back to two main factors. Starting with the Maastricht Treaty, the Union has been provided with growing powers in criminal law, this resulting in the adoption of many legislative instruments in the area. Furthermore, EU competences more broadly have expanded, as shown by the establishment of EU citizenship and the Union provisions on immigration. This heightened the chance of interplay and conflict between state criminal law and EU law.

The two dynamics just described has had three main consequences. Firstly, even more pieces of national legislation have been attracted under the umbrella of EU law and, as a consequence, the interpretative monopoly of the CJEU. Secondly, unprecedented principles have been applied to criminal law, as is the case of mutual recognition. Thirdly, traditional guarantees (the principle of legality, ne bis in idem) have been involved in this interaction, and their content has been redefined. This has had huge impact both on sovereignty and fundamental rights. The Court has had a key role to promoting and managing that dialogue. The EU Charter of Fundamental Rights, which has taken on legally-

binding value following the Lisbon Treaty, has been an integral part of such an interpretative task.

In this workshop, we discuss landmark judgments of the CJEU arising from the interaction between criminal liability at national level, on the one hand, and rights and principles protected by EU law, on the other. In order to provide a more reliable account of the impact of EU law on state criminal law, we take into account the peculiarities of the EU legal order. Therefore, we look not only at the relationship between Union norms and criminal liability per se, but also at the effects that the latter has on individual rights protected by EU law. Furthermore, we evaluate the impact that these judgment have had both at EU, and national law, levels.

The judgments have been selected by taking into account the substantive impact they have had on: the specific area of law and policy concerned; the definition of the rights and principles at stake. We analyse the following decisions, each covering a different area of EU law: C-387/02, Berlusconi et al. (substantive criminal law - retroactivity of more lenient penalties); C-105/14, Taricco (procedural criminal law - principle of legality); C-617/10, Fransson (scope of application of the Charter - ne bis in idem); C-61/11 PPU, El Dridi (immigration – effectiveness of EU Law and decriminalisation); C-304/14, C. S. (EU Citizenship - protection against expulsion and effects of criminal convictions).



Welcome

08.30 - Registration and Refreshment

09.00 - Welcome of the Head of School of Law

09.15 - Introduction of the organizers

First Session:

Building European Criminal Law: Principles and Constitutional Tensions

09.30 – 10.30 – General Principles of Substantive Criminal Law

Professor Frank Meyer, University of Zurich
The principle of legality in European Criminal Law

Professor Alberto di Martino, Sant'Anna School of Advanced Studies
Retroactivity of more lenient penalties from the perspective of Italian criminal law

Chair: Dr. Leandro Mancano, University of Edinburgh

10.30 – 11.30 – Criminal Procedure

Professor Silvia Allegrezza, University of Luxembourg
Direct effect of EU Law and disapplication of national criminal law

Professor Vittorio Manes, University of Bologna
The principle of Legality as Counter-Limit: Reflections on the Taricco case

Chair: Professor Valsamis Mitsilegas, Queen Mary University of London

11.30 – 12.00 – Coffee Break

12.00 – 13.00 – Ne Bis in Idem

Professor Steve Peers, University of Essex (TBC)
Scope of the EU Charter of Fundamental Rights and Criminal Proceedings

Associate Professor Maria Bergström, Uppsala University
The impact of the CJEU's case-law on ne bis in idem from the Swedish perspective

Chair: Maria Fletcher, University of Glasgow

13.00 – 13.45 – Lunch

Second Session:

The Impact of European Criminal Law beyond Criminal Law: Citizenship and Immigration

13.45 – 14.45 – Criminal Law and Immigration Control

Dr. Niovi Vavoula, Queen Mary University of London
EU Law as a limit to criminalisation of migration at national level?

Professor Alessandra Annoni, University of Ferrara
Reshaping migration control through general principles of EU Law: the Italian example

Chair: Professor Niamh Nic Shuibhne, University of Edinburgh

14.45 – 15.45 – EU Citizenship and Criminal Law

Professor Niamh Nic Shuibhne, University of Edinburgh
The evolving character of the criminal EU citizen

Dr Leandro Mancano, University of Edinburgh
EU Citizenship and criminal convictions: an insight into the United Kingdom approach

Chair: Dr Niovi Vavoula, Queen Mary University of London

15.45 – 16.00 – Concluding Remarks

16.00 – Depart

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