



## Seminar 8: Substantive EU criminal law

Luxembourg (LU), 17-18 April 2013

Specific Grant Agreement JUST/2010/JPEN/AG/FPA/001  
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Improving Judicial Cooperation in Criminal Matters in the area of Freedom, Security and Justice, Institutional Processes and Topical Areas

### Seminar Venue

European Centre for Judges and Lawyers, European Institute of Public Administration  
Building of the Chambre des Métiers, 2 Circuit de la Foire Internationale, 1347 Luxembourg

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## Trainers' Note

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**Target group:** Judges, Prosecutors and Defense Lawyers from France, Denmark, Luxembourg and other Member States.

**Description:** In the course of the last decade EU has adopted a number of legislative instruments on substantive criminal law. The course will tackle the horizontal regulatory issues closely related to these instruments such as defining EU competence, legality, jurisdiction, objective and subjective element of crime. The course will give an overview of the legislation adopted so far taking a special account of two specific crime area: crimes against the EU's financial interests and child pornography

**Method:** Presentations complimented by discussions

**Objectives:** The purpose of the seminar is two-fold: firstly, to provide participants with information and critical assessment of the EU body of laws on substantive criminal law. Secondly to understand how EU law penetrates into domestic criminal laws and criminal justice systems.

**In order to have a general introduction on the EU's competence to regulate substantive criminal law matters participants are advised to refer to the following materials, especially to the extracts of the relevant articles of the Treaty on the Functioning of the European Union.**

- Legislative competence of the EU in the field of substantive criminal law (slides)
- COM(2011)573 final Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions Towards an EU Criminal Policy: Ensuring the effective implementation of EU policies through criminal law
- Articles 82 – 86 TFEU

**Main themes of regulating issues related to substantive criminal law will be explored in detail such as the principle of legality, jurisdiction and objective and subjective elements of crime. The general introduction will be complemented with a specific presentation on the so-called 'eurocrimes' explicitly mentioned in the treaty. Participants are welcome to review the following materials:**

- Fragments of the general part of criminal law: Legality, jurisdiction, objective and subjective element of crime (slides)
- Special part – Eurocrimes (slides)

**Sanctioning thresholds are one of the most difficult issues in regulating crimes at the European level. In order to grasp the underlying issues participants are directed to refer to the following materials.**

- Strengthening mutual trust in the European judicial area – A Green Paper on the application of EU criminal justice legislation in the field of detention.
- European Sentencing and Penitentiary Law (slides),

**Crimes against the financial interests of the EU is the area where the regulatory competence of the EU is at its strongest pitch, yet there are still a number of issues that hinder the effective combating of such crimes. In order to have an overview of the issues at stake participants are invited to refer to the following.**

- Issues in regulating Eurocrimes: Case study of crimes against the financial interests of the European Union (slides)
- Council Act 95/C 316/03 of 26 July 1995 drawing up the Convention on the protection of the European Communities' financial interests
- Council Regulation 2988/95 of 18 December 1995 on the protection of the European Communities' financial interests
- Article 325 TFEU

**Combating child pornography is one of the crimes the EU has been long concerned with. The new 'Lisbonised' legal instrument replaces the previous framework Decision. For appreciating the relevance of changing the form of legal act and the underlying regulatory concerns participants are referred to the following materials.**

- Directive 2011/36/EU of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims and replacing Council Framework Decision 2002/629/JHA
- Directive 2011/92/EU 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
- Issues in regulating Eurocrimes: Case study of Directive 2011/92/EU combating the sexual abuse, sexual exploitation and child pornography, replacing Framework Decision 2004/68/JHA (slides)