



# Procedural Rights in the EU

## Training for defence lawyers

Lisbon, 8-9 July 2024



EXCELLENCE IN  
EUROPEAN LAW<sup>®</sup>

### Speakers

**Carlos de Almeida Lemos**, Lawyer, Matosinhos

**Ádám Békés**, Lawyer, Budapest

**Vânia Costa Ramos**, Defence Lawyer, Vice Chair of the ECBA, Lisbon

**Fernanda de Almeida Pinheiro**, President, Portuguese Bar Association, Lisbon

**Holger Matt**, Attorney, Honorary Professor, Johann Wolfgang Goethe University, Frankfurt

**Inês Carvalho Sá**, Defence Lawyer, Lisbon

**Ricardo Sardo**, Member General Council, Portuguese Bar Association, Lisbon

**Pavlos Topalnakos**, Supreme Court Attorney-at-Law, Professor at Hellenic Police Officers School, Thessaloniki

**Matylda Pogorzelska**, Project Officer, Justice, Digital and Migration Unit, European Union Agency for Fundamental Rights (FRA), Vienna

**Violeta Zeppa-Priedite**, Sworn Attorney-at-Law, Counsel, Head of Corporate Crime Investigations and Compliance, Sorainen, Riga

### Key topics

- Update on the state of play regarding the EU Directives on procedural rights, i.e. the right to information, legal aid and access to a lawyer, presumption of innocence, and the position of children in criminal proceedings
- Procedural rights in the context of the EAW
- The gathering of cross-border (e-)evidence and its admissibility
- The need for further measures in the EU

Language  
English

Event number  
324DT107

Organisers  
ERA (Cornelia Riehle) in cooperation with the Portuguese Bar Association



Co-funded by  
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# Procedural Rights in the EU

## Monday, 8 July 2024

08:30 Arrival and registration of participants

### 09:00 Welcome and introduction to the programme

*Fernanda de Almeida Pinheiro (Portuguese Bar Association) and Cornelia Riehle (ERA)*

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#### **PART I: Setting the scene: procedural rights in the EU**

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*Chair: Cornelia Riehle*

### 09:05 From the Swedish Roadmap until today: status quo of the Directives on procedural rights

The importance of the Roadmap for strengthening procedural rights of suspected or accused persons in criminal proceedings for the development of procedural rights in the EU will be illustrated as well as an overview on the scope, content, and main features of the six Directives on procedural rights given.

*Holger Matt*

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#### **PART II: Defending a case**

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*Chair: Holger Matt*

Based on case examples, the EU Directives on procedural rights will be presented referring to typical practical situations in criminal proceedings from the point of view of the defence.

### 09:45 Access to a lawyer

As a first step, the situation at the police station, the public prosecutor's office and first hearing at Court will be presented. The effects of Directive 2013/48 on access to a lawyer will be illustrated.

*Violeta Zeppa-Priedite*

10:30 Coffee break

### 11:00 The right to information

The presentation will illustrate the right to information under Directive 2012/13 with regard to the perspective of the suspect as well as access to the case file for the defence.

*Carlos de Almeida Lemos*

### 11:45 Legal aid

In this presentation, we will look at issues of legal aid and how Directive 2016/1919 on legal aid attends to these issues. Differences in the EU Member States will be illustrated.

*Vânia Costa Ramos*

12:45 Lunch

### 14:00 The right to interpretation and translation

This part will look at issues arising with the quality of translations and the question which documents are relevant under Directive 2010/64

*Pavlos Topalnakos*

### 14:45 Presumption of innocence

Returning to the situation at the police station, this presentation will underline the importance of Directive 2016/343 on the presumption of innocence and its practical impact. Arising issues such as press and media will be illustrated.

*Ádám Békés*

15:30 Coffee break

## Objective

This seminar aims at presenting an update on the state of play regarding the six EU Directives on procedural rights. At the heart of the seminar will be the impact of the Directives on access to a lawyer, legal aid, the right to information, interpretation, and translation as well as the presumption of innocence. Furthermore, the seminar will present a detailed look at procedural rights in the context of the European Arrest Warrant and (e-)evidence-gathering. Participants will have the possibility to get to know each other and make contact with colleagues from all over the EU to further their professional networks.

## About the Project

This seminar is part of a large-scale project co-financed by the European Commission entitled "European Criminal Law for Defence Lawyers". Fifteen interactive, practice-oriented activities will be implemented within this project ranging from face-to-face seminars and conferences to webinars and eLearning tools. For more information, see: <https://training-for-defence.era.int/>

## Who should attend?

Defence lawyers, who are citizens of eligible EU Member States participating in the EU Justice Programme (Denmark does not participate) and Kosovo.

## Venue

Portuguese Bar Association  
Lg S Domingos, 14  
1169-060 Lisbon

## CPD

ERA's programmes meet the standard requirements for recognition as Continuing Professional Development (CPD). Participation in the full programme of this event corresponds to **9 CPD hours**. A certificate of participation for CPD purposes with indication of the number of training hours completed will be issued on request. CPD certificates must be requested at the latest 14 days after the event.

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### PART III: The position of children in criminal proceedings in the EU

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*Chair: Holger Matt*

- 16:00 **Criminal proceedings involving children and the impact of Directive 2016/800**  
*Inês Carvalho Sá*
- 17:00 End of first day
- 20:00 Dinner offered by the organisers

### Your contacts



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## Tuesday, 9 July 2024

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### PART IV: Procedural rights in the context of the EAW

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*Chair: Carlos de Almeida Lemos*

- 09:00 **Rights of requested persons in the EAW proceedings**  
 This session will present the latest FRA research looking at the respect for procedural rights, including the right to dual legal defence, and other fundamental rights during EAW proceedings.  
*Matylda Pogorzelska*

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### PART VI: Procedural rights in the context of evidence gathering

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*Chair: Matylda Pogorzelska*

- 09:45 **The gathering of cross-border (e)evidence and its admissibility: Overview**
  - EIO
  - European Production and Preservation Orders
  - eEvidence package
  - eEDES*Pavlos Topalnakos*
- 10:30 Coffee break
- 11:00 **The gathering of cross-border (e)evidence and its admissibility: Impact on procedural rights**  
*Vânia Costa Ramos*

### Save the date

**Summer Course on European Criminal Justice**  
 Online, 17-21 June 2024

Apply online for “Procedural Rights in the EU”:

[www.era.int/?132919&en](http://www.era.int/?132919&en)



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### PART VI: The need for further procedural rights in the EU

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*Chair: Cornelia Riehle*

- 11:45 **A new roadmap on minimum standards for certain procedural safeguards: possible future procedural rights in the context of the EAW, pre-trial detention, detention and evidence-gathering**  
*Vânia Costa Ramos*
- 12:15 Discussion
- 12:30 Closing words  
*Ricardo Sardo*
- 12:45 End of seminar

# Application

## Procedural Rights in the EU

Lisbon, 8-9 July 2024 / Event number: 324DT107



### Terms and conditions of participation

#### Selection

1. Participation is only open to lawyers in private practice from eligible EU Member States (Denmark does not participate in the EU Justice Programme) , Albania and Kosovo\*.

The number of open places available is limited (10 places). Participation will be subject to a selection procedure. Selection will be according to professional eligibility, nationality and then "first come, first served".

Interested defence lawyers from Croatia should apply via the Croatian Bar Association.  
Interested defence lawyers from Hungary should apply via the Budapest Bar Association.  
Interested defence lawyers from Latvia should apply via the Latvian Council of Sworn Advocates.  
Interested defence lawyers from Lithuania should apply via the Lithuanian Bar Association.  
Interested defence lawyers from Portugal should apply via the Portuguese Bar Association.  
Interested defence lawyers from Spain should apply via ICAB.

2. Applications should be submitted before **5 May 2024**.
3. A response will be sent to every applicant after this deadline. **We advise you not to book any travel or accommodation before you receive our confirmation.**

#### Registration Fee

4. €110 including documentation, coffee breaks, lunch and dinner.

#### Travel and Accommodation Expenses

5. Participants will receive a fixed contribution towards their travel and accommodation expenses and are asked to book their own travel and accommodation. **The condition for payment of this contribution is to sign all attendance sheets at the event.** The amount of the contribution will be determined by the EU unit cost calculation guidelines, which are based on the distance from the participant's place of work to the seminar location and will not take account of the participant's actual travel and accommodation costs.
6. Travel costs from outside Portugal: participants can calculate the contribution to which they will be entitled on the European Commission website (<https://era-comm.eu/go/calculator>, table 2). The distance should be calculated from their place of work to the seminar location.
7. For those travelling within Portugal, the contribution for travel is fixed at €40 (for a distance between 50km and 399 km). Please note that no contribution will be paid for travel under 50km one-way. For more information, please consult p.10 on <https://era-comm.eu/go/unit-cost-decision-travel>
8. Accommodation costs: international participants and national participants travelling more than 50km one-way will receive a fixed contribution of €109 per night for up to two nights' accommodation. National participants travelling more than 50km one-way will receive a fixed contribution of €109 for one night accommodation. For more information, please consult p.14 on <https://era-comm.eu/go/unit-cost-decision-travel>.
9. These rules do not apply to representatives of EU Institutions and Agencies who are required to cover their own travel and accommodation.
10. Successful applicants will be sent the relevant claim form and information on how to obtain payment of the contribution to their expenses. Please note that no payment is possible if the registered participant cancels their participation for any reason.

#### Participation

11. Participation at the whole seminar is required and participants will be asked to sign attendance sheets daily.
12. A list of participants including each participant's address will be made available to all participants unless ERA receives written objection from the participant no later than one week prior to the beginning of the event.
13. The participant will be asked to give permission for their address and other relevant information to be stored in ERA's database in order to provide information about future ERA events, publications and/or other developments in the participant's area of interest.
14. A certificate of attendance will be sent electronically after the seminar.

\*This designation is without prejudice to positions on status and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.

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