

**Seminar: 'EU criminal law for defence counsel'**  
**Edinburgh, 20-21 April 2012**  
**Report**

This seminar was part of EU-wide project co-financed by the European Commission under its Criminal Justice Programme that started in May 2011 and will last until March 2013. The project aims at training defence lawyers on European criminal justice and judicial cooperation instruments in the EU.

The project is conducted by the Academy of European Law (ERA) in cooperation with the European Criminal Bar Association (ECBA) as well as the Czech Bar Association, the Délégation des barreaux de France (DBF), the Finnish Bar Association, the Österreichischer Rechtsanwaltskammertag (Austrian Federal Bar Association), the Scottish Faculty of Advocates, and the Illustre Collegi d'Advocats de Barcelona (ICAB) (Barcelona Bar Association). Partners support the project by advising on the programmes and speakers.

This sixth seminar of the project titled 'EU criminal law for defence counsel' took place in Edinburgh from 20-21 April 2012 on the premises of the Scottish Faculty of Advocates that was partner to the project.

The seminar was addressed to defence lawyers from the UK, Ireland and the Netherlands. One place was also open to a lawyer from Malta.

The programme of the seminar offered a mixture of training methods, varying from lectures to interactive workshops. To prepare for the seminar in advance, participants gained access to the ERA introductory e-learning course on European criminal justice.

Lectures on Friday dealt with the effects of European criminal law on the daily practice of defence lawyers, the competence of the EU in the field of criminal law, the effect of EU instruments in the field of criminal law, and the principle of mutual recognition and the existing and planned mutual recognition instruments. Furthermore, the EU's roadmap for procedural safeguards in criminal justice and its development was presented as well as the rights of the defence according to the case law of the European Court of Human Rights and the Court (of Justice) of the European Union. Finally, the last lecture dealt with networking and information platforms for European defence lawyers offered by the EU such as PenalNet, the E-Justice Portal; the ECBA's and CCBE's "Find a Lawyer" search functions, etc.

In order to ensure practical relevance of the training, the workshops on Saturday focused on national case studies. Participants worked in national workshops. In these workshops, participants together with national experts conducted case studies based on their national penal systems and their application of mutual recognition instruments, their formal and material conditions for the issuing and execution of a European Arrest Warrant, and their regulations for obtaining foreign evidence. Participants were also informed about the forthcoming EU instruments for mutual recognition of supervision measures as well as the current state of play of the European Evidence Warrant and European Investigation Order.

In this way, participants could benefit from training that was tailor-made to deal with the questions and problems arising in their daily practice when dealing with cross-border cases.

Participants received a folder with all relevant background documentation as well as the speakers' contributions. The background documentation is also available on the ERA website (click [here](#)).

Finally, during the seminar and joint dinner, participants had the opportunity to establish personal contacts, exchange experience, and get to know each other. These contacts will continue after the seminar and help participating defence lawyers when dealing with cross-border cases.

The seminar took place in English. The workshops took place in the national languages of the participants, i.e. in Dutch, German and English.

Speakers at the seminar included:

- Lesley Thomson QC, Solicitor General for Scotland, Edinburgh
- Patric Layden QC, Commissioner to the Scottish Law Commission
- James MacGuill, Solicitor, Macguil & Company, Dublin
- Thom Dieben, Defence lawyer, Jahae Advocaten, Amsterdam
- Anand Doobay, Consultant, Peters & Peters Solicitors LLP, London
- John R. A. Hamilton QC, Director of Training and Education, Faculty of Advocates, Edinburgh
- Cornelia Riehle, Course Director, European CriminalLaw Section (ERA), Trier

For further information on the seminar and project, please see [www.era.int](http://www.era.int) or contact Cornelia Riehle, the ERA Course Director in charge of the project, at [criehle@era.int](mailto:criehle@era.int).