



ONE-DAY SEMINAR

on

Public Prosecution Services and the Rule of Law in Europe: Conceptions and Misconceptions on the Required Level of Independence in a Transnational Context

Leiden Law School, 16 June 2022

In various European countries, the precise role and position of public prosecutors have become the subject of heated discussions in recent years, the main issue being their required degree of independence. For most of these countries, it was the CJEU's decision in *OG and PI* in 2019 that kicked off the discussion. In these cases it was decided that national prosecution services that are subject to directions from the executive branch (e.g. a Minister of Justice), do not qualify as an 'issuing judicial authority' within the meaning of EU law and are therefore not authorized to issue a European arrest warrant. In other countries, such as the Netherlands, discussions on the independence of the Public Prosecution Service were already underway when the decision was issued by the CJEU. Debates on the matter are still ongoing in the various European jurisdictions, fuelled only further by post-*OG&PI* rulings dealing with similar questions on the competence of the public prosecutor in EU criminal matters.

The objective of this seminar is to take stock of the CJEU's line of case-law regarding the independence of public prosecutors in the framework of criminal justice cooperation and its consequences so far, both in the specific context of cooperation in EAW cases, as well as with regard to other judicial cooperation mechanisms. To that end, the seminar will bring together legal scholars and practitioners from a variety of EU Member States and with backgrounds in criminal law, constitutional law and EU law.

Programme

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| 10.00-10.15 | Welcome |
| 10.15-10.45 | Introductory talk
The CJEU on Prosecutorial Independence in EAW procedures: overview and latest developments – dr. Kelly Pitcher (Leiden Law School) |
| 10.45-12.00 | Session 1. The impact of CJEU case law on surrender laws and practices <ul style="list-style-type: none">a) Issuing EAW's in compliance with CJEU case law: the German experience – <i>speaker to be confirmed</i>b) Executing EAW's in compliance with CJEU case law: the Dutch experience – Marlies James-Pater (Judge at District Court of Amsterdam)c) The EAW Mechanism in the year 2022: a Critical Reflection – prof. Helmut Satzger (Ludwig-Maximilians-Universität München) |

	Discussion
12.00-13.30	<i>Lunch break</i>
13.30-15.00	<p>Session 2. Prosecutorial Independence and Effective Judicial Protection Beyond the EAW</p> <p>a) Prosecutorial independence and effective judicial protection in EIO-procedures – dr. Pim Geelhoed (University of Groningen)</p> <p>b) Prosecutorial independence in the European Public Prosecutor’s Office – prof. Vanessa Franssen (University of Liège)</p> <p>c) Effective Judicial Protection in the Dutch Procedure for the Execution of Foreign EU-Sanctions (WETS-procedure) – Frederieke Dölle (Defence Lawyer at Prakken d’Oliveira Human Rights Lawyers)</p> <p>Discussion</p>
15.00-15.30	<i>Coffee break</i>
15.30-17.00	<p>Session 3. Judicial Independence and Criminal Justice in Europe: Challenges and the Way Forward</p> <p>a) Jurian Langer (Legal agent for the Dutch government before the CJEU and Head of EU litigation team, Dutch Ministry of Foreign Affairs)</p> <p>b) prof. John Morijn (Commissioner, Netherlands Institute of Human Rights)</p> <p><i>Other speakers to be confirmed.</i></p> <p>Discussion</p>
18.30-	<i>Drinks and dinner</i>

Conference venue

Law Faculty of Leiden University
Kamerlingh Onnes Building, Steenschuur 25, Leiden
The Netherlands

Organising Committee

Prof. Jannemieke Ouwerkerk
Dr. Sjarai Lestrade
Dr. Kelly Pitcher