



Training Package

Court staff and bailiffs' language training
in European civil and criminal law



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INTRODUCTION TO THE MANUAL

The idea of this manual was included in the proposal of the **project “Better applying European criminal law”** -to be co-funded by the Justice Programme 2018 of the European Union- that the Academy of European Law (ERA) submitted and finally succeeded in achieving, in partnership with the European Judicial Training Network (EJTN) and the support of 23 national judicial training institutions from all over Europe, with **the aim of training court staff in EU criminal law matters relevant for their work.**

The training materials in this manual have taken into consideration the main **EU legislation** as well as **some of the most relevant case law** on the topics included in this project on cooperation in criminal matters, and it has been updated in 2022-2023. Below is some of the EU legislation:

1. 1959 Council of Europe Convention on Mutual Assistance in Criminal Matters and its 1978 Protocol;
2. 2000 Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union;
3. Framework Decision 2002/584 on the European Arrest Warrant and the surrender procedures between Member States;
4. Directive 2014/41 regarding the European Investigation Order in criminal matters;
5. Framework Decision 2008/909 on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union;
6. Framework Decision 2008/947 on the application of the principle of mutual recognition to judgments and probation decisions with a view to the supervision of probation measures and alternative sanctions;
7. Framework Decision 2009/299 amending Framework Decisions 2002/584/JHA, 2005/214/JHA, 2006/783/JHA, 2008/909/JHA and 2008/947/JHA, thereby enhancing the procedural rights of persons and fostering the application of the principle of mutual recognition to decisions rendered in the absence of the person concerned at the trial;
8. Framework Decision 2009/829 on the application, between Member States of the European Union, of the principle of mutual recognition to decisions on supervision measures as an alternative to provisional detention;
9. Framework Decision 2008/675 on taking account of convictions in the Member States of the European Union in the course of new criminal proceedings;

10. Directive 2014/42 on the freezing and confiscation of instrumentalities and proceeds of crime in the European Union;
11. Regulation 2018/1805 on the mutual recognition of freezing orders and confiscation orders;
12. Directive 2019/1153 laying down rules facilitating the use of financial and other information for the prevention, detection, investigation or prosecution of certain criminal offences, and repealing Council Decision 2000/642/JHA;

The **main objective of the project** is to meet a **training gap** which had already been identified by the **European Council in 2014** (*Training of legal practitioners: an essential tool to consolidate the EU acquis*, 2014/C443/04) when it invited the European Commission to “address the particular issue of court staff training” in terms of **(a) “improving training in EU law of the court staff whose duties comprise elements of EU law”** and **(b) “facilitating the cross-border cooperation of court staff training providers where relevant”** ([https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52014XG1211\(01\)&from=ET](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52014XG1211(01)&from=ET)).

The 2011 study *Judicial Training in the European Union Member States* included as a recommendation to “make language training available to all judges, prosecutors and court staff” (p.7), and also identified the fact that “judges, prosecutors and court staff are more likely to receive continuous training in other subjects than in EU law” (p.9) in spite of the fact that “the number of cases involving EU law” has “increased over the years” (p.25). In fact, a project from 2012, *Study on the state of play of court staff training in EU law and promotion of cooperation between court staff training providers at EU level* (https://e-justice.europa.eu/content_the_european_judicial_training_policy-121-en.do), whose results were published around 2014, proved that training in EU law for court staff at the time was still considered largely unnecessary, as only a “pitiful 0.75%” of court staff’s training activities (48 out of 6,341) focused on EU law, which “reflects the still prevalent belief in the justice system that EU law has no relevance to court staff tasks and duties as well as the fact that it is often well hidden behind the very national procedures which court staff have to implement” (p. 25).

There is also a further constraint: budgetary issues. According to the 2012 project:

“Training in EU law appears also to be a bit of luxury in a time of budgetary constraints. (...) budgetary constraints or reductions are the main obstacles to further development of training in EU law for court staff.” (p. 25).

The aforementioned study came to the conclusion that one of the recommendations for future training events was:

“To enhance court staff’s competences and skills in the use of national rules and procedures flowing from transposed EU directives as well as from direct use of EU regulations, thus making them comfortable with applying EU law in order to ensure that cases are dealt adequately, speedily, transparently and cost efficiently.” (p. 33).

One of the issues that comes up when providing training for this profession is the fact that **Member States have different types of court staff**, which poses a problem when collecting the relevant information, as in some Member States certain types of court staff are trained by judicial schools or institutes, while others are trained by the Ministry of Justice, depending on their functions and responsibilities.

According to the study carried out in 2013, *Judicial Systems of the EU countries* (<https://rm.coe.int/judicial-systems-of-the-european-union-countries-analysis-of-data-by-t/1680788280>), “non-judge staff” working for courts, can be divided into four categories:

“The first very specific one, inspired by the German system, is that of the ‘Rechtspfleger’, who have quasi-judicial powers and are found in 14 states. The other categories are staff whose task is to assist judges directly, staff responsible for various administrative matters and the technical staff employed by courts (caretakers, drivers, etc.). In most member states, most non-judge staff working at courts are responsible for assisting judges directly” (p.17).

There is a wide array of possible functions/responsibilities for court staff, depending on the specific category/type to which they belong: general management of the court (e.g., court listings, etc.); service of documents; enforcement of decisions; execution of orders, requests, warrants, etc.; assistance to judges/prosecutors (sometimes including drafting/preparing judgments); issuing preliminary judicial decisions; dealing with access to justice and legal aid; budgetary issues; human resources issues; technical procedural issues (setting up videoconferences, etc.); data protection issues; human rights issues; authentication of documents, etc. Depending on their role in cross-border proceedings and procedures, their need of English will obviously differ.

As an illustrative example of the wide diversity of categories, in the 2012 project cited above (which covered 27 Member States), 14 different types of court staff were identified for Scotland; 5 for France and Lithuania; 4 for Hungary, Latvia and Slovakia; 3 for Austria, Germany, Czech Republic, Estonia, Malta, Poland and Spain, and 2 for Greece and Sweden. The range of categories is so complex that the study came to the conclusion that trying to establish a comparison seemed futile, so it rather focused on a better understanding of the differences and similarities:

“(...) considering the variety of situations, it is unwise to try to establish averages and comparative statistics between Member States, so the objective of the analysis is to understand which are the similarities and differences” (p. 18).

In this project (and its subsequent report, which was published around 2014), the decision was made to keep the original names of each court staff category rather than to translate them into English, as “communication with and between national judicial authority regarding training of court staff will be easier if the precise national titles are used” (p. 6). This, however, is not helpful for language training, as the only language in common is English, and an appropriate translation of the specific type of court staff is necessary for the purposes of clearly identifying the types of court staff that will be in each group, and thereby to be able to adapt each training event to their concrete training needs.

In fact, when representatives from various Member States were informally asked to provide a translation into English of the different types of court staff in their country, the results clearly demonstrated how much their tasks may differ and how diverse categories in fact are:

Court/judicial clerk, court/judicial secretary, registrar, court assistant, court'(s) counselor, judicial counsellor, court advisor (or adviser), court staff, bailiff, judicial trainee, trainee judge, judicial operator, assistant judge, assistant to a judge, judge's assistant, court/judicial assistant, legal assistant...

The 2011 study *Judicial Training in the European Union Member States* chose the following definition of court staff (which is, however, very restrictive, as it was meant for a study limited to judicial training only):

“Persons working in courts who are not judges but who have legal training and who (a) help prepare judgments, (b) make judicial decisions at least at a preliminary phase or (c) play a role in cross-border judicial cooperation.”

As we have seen, the types and categories of court staff may vary so much from one legal system to another, that the following **functional definition** has been chosen **to apply to this project exclusively**:

“Personnel of a court – regardless of their formal title or education – who have certain judicial or procedural functions and need to apply EU law procedures to fulfil those functions.”

Relevant judicial or procedural functions include *inter alia*: enforcement of court decisions, assistance to judges, service of judicial and extra-judicial documents, cross-border cooperation in criminal matters (e.g. completing requests to courts in other countries), etc.

The project includes -in addition to a series of national legal seminars and one pan-European conference-, a total of 6 legal English training events, each with a duration of three days in total (two full days and two half days) and addressed to a maximum of 30 court staff. These training events include English language training as well as training on European criminal law. Trainees are divided into two groups; this arrangement allows for parallel sessions during which one group receives legal training while the other group is doing language training; joint sessions are also included. Training materials (both legal and linguistic) have been made *ad hoc* for the implementation of the training events.

This language manual is arranged according to four skills: productive/active (writing and speaking) and receptive/passive (reading and listening). It attempts to cover a wide range of needs by including in the exercises for each skill and topic a variation of levels from the Common European Framework of Reference for Languages, ranging from B1 to C2. Consequently, the manual is as practical as possible, including different levels of English so that trainers can choose exercises on the basis of the average level of each group in each training event.

PURPOSE

In the first stages the manual was designed having in mind the specific requirements of the actual courses that were to be taught, as well as the activities to be covered in the courses. However, it was later rearranged to have a parallel use, as it can equally be used as a stand-alone tool by users who would like to improve their English in this particular field.

Consequently, the manual has a twofold purpose:

- (1) To serve as the main tool to be used by course attendants who wish to improve their English in this particular field;**

- (2) **To be used as a stand-alone tool** by any user who wishes **to improve their level of English in this particular field.**

Consequently, the **main objectives** of the manual are **to introduce course trainees and/or other users to the main difficulties of dealing with the specific topics included in the manual in English while improving the four language skills (listening, speaking, reading and writing)** as well as the skill of mediation (narrating/summarising a text for someone else).

If the manual is used as a stand-alone tool, however, it would be advisable to do a few exercises in pairs or groups (as we will see below, the best option would be to work with a colleague or several colleagues) so as to obtain some feedback on performance. These exercises are not numerous and will be specified below.

METHODOLOGY AND TEACHING STRATEGIES

Methodology

The foundations of the manual can be found within **Content and Language Integrated Learning**, which is a content-driven approach in which “an additional language is used for the learning and teaching of both content and language” (Coyle, Hood & Marsh 2010: 1). Both content and language are interwoven (which is why it is called a “dual-focused” approach), even if the emphasis may be higher on one or the other at one given time, as the authors point out. Content is taught through the medium of a foreign language, thus allowing for a duality where both language and content are learned in an integrated and unified way. For some authors CLIL differs from **CB(L)I (Content-Based Language Instruction)**; for these researchers, CBI would be an approach to language teaching whereas CLIL would be an approach to education. Yet for other authors, the term ‘CLIL’ would be used from the point of view of the learner, whereas ‘CBLI/CBI’ would be a term used from the point of view of the trainer. According to Brinton, Snow & Wesche’s definition (cited in Cenoz 2015), CBI (content-based instruction) is “**the concurrent study of language and subject matter (...)**”. Richards & Rogers also emphasise the role of language “as a vehicle for learning content” (2001: 208). However, Stoller (2008: 59) extends this definition and considers that CBI would cover any approach that combines language and content teaching, even if there are differences in the emphasis placed on language and content (Cenoz 2015: 10). Many legal English handbooks and manuals have adopted this content-based approach: Boyle (2008), Walenn (2009), Krois-Lindner & Firth (2009), Frost (2009), Van den Eede (2010), Wyatt (2006), Riley & Sours (2014), Haigh

(2018, latest edition) or Davies (2019) to name but a few. In our view, this approach contributes to a closer and extremely fruitful cooperation between language experts and legal experts.

Teaching strategies

The range of strategies used when teaching these language courses is one of the key elements of their success. In this section we will cover practical advice based on the experience of having taught a considerable number of similar courses that achieved extremely high results in the evaluation questionnaires.

For language lessons, smaller classrooms are without any doubt much more suitable than a traditional style auditorium or conference room, which are more adequate for lecture-type sessions. The physical arrangement of the classroom is essential: a U-shaped arrangement is ideal, since trainees can see one another as well as the trainer.

Another extremely useful element is name cards or tags (preferably first-name only) placed on the table and written in big print. By using them, trainees -who are usually unknown to one another-, can quickly and easily name their colleagues. Trainers should try to learn trainees' names and call them by their first name (as long as all of them agree to this). It is very important to ask trainees to try and sit in the same place throughout the training (trying to separate nationalities that share the same language to prevent them from using it), as this encourages visual memory skills; however, for group work it is good to mingle participants so that they get to know others a little better.

Additional factors such as good lighting and sound conditions (microphones and loudspeakers) must be thoroughly checked. Microphones are a delicate subject to be carefully considered depending on the characteristics of the room, since they tend to distort the sound and make it more difficult for trainees to understand and grasp pronunciation issues with precision.

Interaction and flexibility are essential factors, for the following reasons:

(a) trainees usually wish to improve their oral production skills and they should thus be encouraged to talk about their legal systems and procedures, do role play, discuss, exchange views, explain advantages and disadvantages, agree and disagree, give their opinion, etc.; thus, if an interesting debate comes up, the trainer should not be too concerned about not covering the materials planned for that particular session; instead,

he/she should let debate develop naturally (while moderating it) rather than be concerned about the time allocated to each exercise;

(b) these are intensives course with many sessions per day (both legal and linguistic), so it is essential to be able to detect when trainees are tired and need a change in pace, rhythm or even type of activity (moving on to a different exercise which is lighter or more diverting).

Flexibility is of particular importance, since trainers need to adapt to the specific needs and interests of trainees, which will vary in each group, and the same applies to their language needs. The use of entertaining audiovisual material (short videos), especially as a short mental break in particularly intensive sessions, is of invaluable help.

Some recommendations for actual strategies to be used in class for the teaching of the materials are (but are not restricted to) the following:

- never assuming that just because trainees understand legal concepts, they have to be aware of the terminology in English associated with those concepts;
- employing definitions and asking trainees to define in their own words;
- using exemplification and requesting trainees to provide examples;
- providing synonyms or near-synonyms (making sure that the difference of use between those options is understood);
- using classification and sub-divisions;
- pronouncing clearly and explaining the difference between some of the most frequent accents (e.g., American English and British English);
- repetition both of terms and of their pronunciation (repetition is essential for long-term learning);
- having an adequate pace of speech (not speaking too fast);
- adapting to the group's learning rhythm;
- eliciting answers rather than providing them;
- double-checking if the concepts have been correctly understood by asking again in a different way;
- rephrasing or asking trainees to rephrase;
- recapping to check if trainees are following and to make sure nobody has got lost at some point;
- spelling (or asking trainees to spell out) difficult words on the whiteboard, screen or flipchart;
- using role play when necessary;

- employing unfinished sentences that trainees must finish;
- making intentional mistakes to see if trainees identify them;
- using open-ended questions rather than closed ones (which only require 'yes' or 'no' answers);
- making use of prompts (e.g. asking trainees to start a sentence after providing them with the first word/s);
- contradicting trainees' statements to gently push them to make a point or to defend their position using arguments;
- creating controversy to make trainees intervene;
- making sure all trainees have an active role in every session by addressing them directly if necessary;
- using praise as encouragement;
- exploiting the differences in legal systems to encourage debate on procedures;
- gently correcting errors (making sure the nature of the mistake is fully understood);
- using peer review (asking other trainees to give feedback);
- departing from the order of the items within exercises so that participants cannot prepare answers in advance;
- jumping the order of seating arrangements when asking trainees to provide the answers to exercises so as to keep them alert;
- asking questions on secondary issues related to the exercise that is being done;
- changing the exercise, task or activity if trainees seem to be tired, etc.

The list above is by no means a closed list, since given the heterogeneous nature of the group composition in each course, trainers might have to employ a wide range of techniques on each occasion.

DESCRIPTION

The manual has been designed for a project which includes several training events in English, each with a duration of **three days in total**, addressed to a **maximum of 30 court staff** from EU Member States. The legal training is conducted by legal experts who have an excellent command of English and the language training is carried out by an English language expert. The general group is divided into two subgroups to reduce the number of trainees per subgroup and thus make sessions more interactive, although there are some joint sessions.

Some sessions and workshops take place with the whole group (joint sessions), whereas **for some other sessions the group is split into two subgroups**, which receive parallel training: one of the groups gets language training while the other one receives legal training.

The division of the main group tries **to separate trainees** who:

- (a) have the same mother tongue, so as to prevent them from resorting to translation or to communicating in a language other than English;
- (b) have the same (or similar) legal systems and backgrounds, so that they get diverse legal systems in their group and can thus compare procedures;
- (c) have similar responsibilities and roles in EU cooperation in criminal matters, so that they can contrast ways of carrying out different tasks in different Member States.

The irrefutable advantage of having different legal systems and backgrounds in one group is to allow for the exchange of experiences as well as of invaluable insight into how issues are dealt with in the different Member States.

These courses are indeed **an extremely engaging and unique training challenge** because they combine -as mentioned earlier- instruction both in English and in the subject matter of the course. Three main challenges may be highlighted:

1. Trainees usually have **different levels of English**, a fact that has been taken into account in the making of the manual. Levels generally go from B1 to C2, and these levels often differ for each of the four skills: some trainees may be outstanding in listening but not so good at speaking, or excellent at reading but perhaps worse at writing. Usually 'productive' (or 'active') skills (which focus on performance abilities) are at a lower level than 'receptive' (or 'passive') skills (which focus on competence). Far from being a disadvantage, this particular combination of levels of English within groups can be used as an advantage. With motivated trainees in class, those whose level is not so good feel positively challenged by the better ones, whereas the more advanced trainees are usually happy to encourage and assist those whose level is lower.
2. **Different levels of experience and expertise in the field.** Some trainees may have extensive and valuable experience in the course topics, whereas others may have little or simply no experience. Again, this can be used as an asset, since trainees from different Member States can share procedures, experiences, methods and strategies which supplement the more theoretical part of the course. A low common

denominator has been adopted in this regard, as an additional fact is that even if they have experience in the field and are knowledgeable in the topic *in their own language*, it does not follow that they will have the same knowledge in English.

3. **Intercultural issues.** Given the fact that there may be a considerable number of nationalities in a group, there are cultural factors at play, which trainers have to be aware of. Different cultures may have different expectations of a training event in terms of language, contents, approach, etc. In addition, conversational styles across cultures may be different (extent of tolerance towards interruptions, degree of straightforwardness, physical closeness when speaking, etc.). On the basis of this, trainers have to reach a compromise solution with a common ground approach that can satisfy trainees' needs and expectations as much as possible given the classroom diversity.

The manual has been divided into **eight sections**: (1) introduction to the manual; (2) introduction to legal vocabulary for court staff; (3) listening skills exercises; (4) speaking skills exercises; (5) reading skills exercises; (6) writing skills exercises; (7) annexes and (8) answer key. The guiding principles of the division of the manual are language skills and the different topics of the project.

The general introduction to legal vocabulary has been included because trainees (or users of the manual) should first become familiar with general legal terms in order to be able to have a reasonable command of them when the time comes -later in the manual- to deal more specific terminology.

Sections 3 to 6, which deal with the four skills (listening, speaking, reading and writing), include exercises for the topics included in the project. The listening skill exercises are at the beginning because they consist of a series of videos that offer a general overview of the topics covered. After the listening skills, speaking skills have been included, mainly for two reasons: (1) after an oral reception skill it was thought that it would be best to include an oral production skill; (2) having covered both oral skills, written skills are generally easier to cope with, and as attention and concentration are usually highest at the beginning rather than at the end of a course (where trainees tend to be more tired), the decision was made to place oral skills at the beginning of the manual.

There are **two Annexes**: one on making telephone calls in English and one on writing emails in English, as both are skills which trainees will very likely need at some point in EU cooperation in criminal matters and cross-border procedures.

At the end there is **an Answer Key** as assistance to trainees if there is not enough time in the course to do all the exercises or for potential users to check their answers to the exercises in the manual.

INTRODUCTION TO LEGAL VOCABULARY FOR COURT STAFF

1. Work in pairs. Ask your partner how they would translate into English the type of court staff that they are. Use the following options (or add more options if you need to):

- court/judicial clerk
- court/judicial secretary
- court/judicial officer
- court manager
- (court) registrar
- court/judicial counsellor/counselor
- court/judicial advisor (or adviser)
- judicial trainee
- trainee judge
- assistant judge
- assistant to a judge
- judge's assistant
- court/judicial assistant
- legal assistant
- judicial operator
- bailiff/enforcement officer/enforcement agent
- referendary

2. Use the following list to help you describe your responsibilities in your court:

1. General management of the court (preparing the courtroom for cases; management of the court agenda; dealing with audiovisual equipment in court; bringing witnesses and experts into the courtroom, identifying them and swearing them in; filing cases and relevant documentation; daily running of the court, etc.).
2. Assistance to judges/prosecutors.
3. Management of case progress.
4. Taking minutes at hearings.
5. Dealing with costs or expenses.
6. Assisting judges with case documents and with the drafting of decisions.
7. Issuing certain preliminary decisions/orders.
8. Conducting certain court proceedings.

9. Decisions on applications for legal aid.
10. Requests for judicial assistance by a domestic court or a domestic authority (filling in forms, etc.).
11. Requests for judicial assistance by an EU court or a court of a third state (filling in forms, etc.).
12. Processing court/trial documents.
13. Receiving and transmitting documents.
14. Service of judicial and extra-judicial documents.
15. Enforcement of court decisions.
16. Dealing with human resources issues.
17. Dealing with budget issues.
18. Data protection issues.
19. Public procurement procedures.
20. Dealing with complaints by the parties or other actors in the proceedings.
21. Dealing with access to justice and procedural rights issues (right to translation & interpretation, access to a lawyer, access to information, etc.).

3. Using the tables below, work in pairs (with a partner from a different Member State) and discuss your opinion on the following:

- (a) if you think that a legal background is necessary or not to have access to your profession and whether it is useful;
- (b) if you think that you should have more or less responsibilities in EU cooperation in criminal matters, and their corresponding procedures.

EXPRESSING YOUR OPINION

Stating an opinion	Asking for an opinion
I think/believe	What do you think about...?
As far as I am concerned...	Do you agree that/Don't you agree that...?
In my opinion/in my view/to my mind...	How do you feel about that?
If you want my honest opinion....	Do you have any views on this?
According to...	What's your idea?
The way I see it...	What are your thoughts on this?
If you ask me...	Wouldn't you say/agree with me that...?
As far as I am concerned...	How do you see this?

EXPRESSING AGREEMENT AND DISAGREEMENT

Agreement	Negative agreement
I couldn't agree more.	I am afraid I cannot agree with you/that...
I (fully, totally, partially) agree.	I don't think so.
You are (absolutely) right.	I cannot (possibly) agree with you.
I simply must agree with that/you.	I don't agree with you/with that.
I am of the same opinion (as...).	Me neither (<i>colloquia</i>).
I completely/absolutely agree with...	Not quite right (<i>colloquia</i>).
My reasons for...	Nor am I.
There is no doubt that...	Neither do I.
So do I / So am I.	Nor does she.
I share your concerns/views/fears about...	So am I.
That's so true!	Not necessarily.
You have a point there.	No way (<i>colloquia</i>)!
Exactly!	That's not always the case.

4. Basic legal vocabulary. Answer the following questions:

a. Can you provide words that you think could be synonyms for "case"? Do they all mean the same?

b. What do you call a "decision" by a judge/court? Provide all the names that you know and try to explain the difference between them.

c. What is the difference between "court" and "tribunal" (if you have both terms) in your Member State? Do the terms have a different meaning in the European Union and at the international level?

- d. What are the names for the two “sides” in criminal proceedings?
- e. What do you call the geographical area and the matters over which a judge/court/officer (if that be the case) has powers?
- f. What other expressions do you know for “to give judgment”?
- g. What is the difference between the following terms related to criminal proceedings: “suspect”, “person of interest”, “person under investigation”, “defendant”, “accused person”, “convicted person”, “sentenced person” and “offender” / “criminal”?
- h. What are the terms used in English for “grave” offences and for not so “grave” offences?

5. Provide the appropriate term for the (non-academic) definitions below:

- a) Law passed by Parliament:
- b) Place where a trial is held:
- c) The judges of a country, seen as a group:
- d) An illegal act which is punishable by the law:
- e) Court order requiring someone to appear in court:
- f) Each of the sections of a court:
- g) Document giving the police the power to arrest someone:
- h) Formal accusation or indictment:
- i) The outcome of criminal proceedings finding that a person charged with a crime is not guilty:
- j) The outcome of criminal proceedings finding that a person charged with a crime is guilty:
- k) Court session in which oral arguments are heard and evidence may be presented:
- l) Law originating from judicial decisions (in some legal systems it is binding whereas in some others it is persuasive) as distinguished from law created by legislation:
- m) In criminal proceedings, applying to a higher court, usually to have a conviction overturned or a sentence reduced:
- n) Information/items submitted to a court to establish a fact, a point in question or the truth:
- o) Adjective used for evidence that cannot be admitted:
- p) Arguments/allegations/statements made/pleaded in court:
- q) A person who commits a crime or offence more than once:
- r) Someone who helps another person commit a crime (and is usually present when it is committed):
- s) A change in the location of a trial, sometimes involving jurisdiction issues; it may be for reasons such as concerns over the fairness of the trial (e.g. publicity issues), or changes due to the interests of justice (e.g. availability of witnesses):
- t) The questioning of witnesses carried out by the other 'side' in the proceedings:
- u) This adjective is applied to a sentence when an offender / a criminal has to serve a certain period of time in prison (or a young offenders' institution):
- v) A sentence involving a term of imprisonment but not resulting in it unless another offence is committed within a specified period:

- w) Factors that make an offence more serious and are likely to increase the sentence:
- x) Factors that make an offence less serious and are likely to decrease the sentence:
- y) An order signed by a judge that instructs owners of a property to allow the police to enter and search for items:
- z) Obligatory, something that legally forces someone to do something:

6. Fill in the blanks with the correct option. Some of them are used more than once.

an offence, the facts, the oath, the evidence, guilty, a verdict, a fine, an enquiry, a case, sentence, evidence, an action, a prison sentence, a crime

- (a) To try _____
- (b) To hear _____
- (c) To reach _____
- (d) To pass _____
- (e) To impose _____
- (f) To conduct _____
- (g) To assess _____
- (h) To punish _____
- (i) To commit _____
- (j) To plead _____
- (k) To give _____
- (l) To return _____
- (m) To serve _____
- (n) To take _____

LISTENING SKILLS

1. Mutual Legal Assistance

[Source: <https://www.youtube.com/watch?v=KBo3WZsZBH0>]

This video has to do with Mutual Legal Assistance Treaties and Letters Rogatory (in particular in the US), and it is meant only for you to become familiar with the vocabulary used in the field on Mutual Legal Assistance. Fill in the gaps.

1 *What is a letter rogatory?*

2 A letter rogatory is a **(1)** _____ for judicial assistance from a foreign country. In
3 the absence of a treaty between two countries that covers such situations, these letters are
4 necessary if a person in one country needs to **(2)** _____ court documents or **(3)**
5 _____ from a foreigner. These acts could be deemed a
6 violation of the sovereign **(4)** _____ of the foreigner's home country if performed
7 without judicial supervision. A letter rogatory has to travel through proper diplomatic
8 channels, which means that the process is usually a **(5)** _____ one.

9 This process is still common in cases involving North and South American countries,
10 although **(6)** _____ have simplified the process between North America and most
11 of Europe and Asia. Individuals usually require a letter rogatory if they are involved in legal
12 **(7)** _____ that include a person from another country. This could mean that the
13 foreigner is the subject of a **(8)** _____ or simply has information essential to the
14 case. In such circumstances, a person can draft a letter rogatory that includes information
15 on the case, the nature of the request in a statement of the local court that shows the reasons
16 why the foreign court needs to **(9)** _____.

17 Preparing a letter rogatory usually is required to serve one of two possible purposes: the
18 letter may be necessary to get the foreign court to perform **(10)** _____ of
19 _____, which essentially refers to the serving of court documents. It might be
20 necessary to **(11)** _____ evidence, unless the case is one in which a country
21 claims universal **(12)** _____ then a court that tried to perform these acts in a
22 foreign country without permission would be in **(13)** _____ of international law.
23 When a letter rogatory is prepared, it has to pass through several diplomatic channels before
24 it can produce the desired effect. In the United States, for example, this process includes
25 the letter passing through the Department of State, the US Embassy, the Ministry of **(14)**
26 _____ and the Ministry of Justice before finally reaching the
27 foreign court. Although other countries may have a different diplomatic chain, anyone who
28 requires a letter rogatory should expect a long wait before the request in the letter is **(15)**
29 _____.

30 Letters rogatory are complicated somewhat by the fact that they are subject to the laws of
31 the foreign country involved; for example, **(16)** _____ for collecting evidence in
32 the United States may differ from a country in South America. Because of such
33 complications in the length of the process, most countries in Europe, Asia and North America
34 signed treaties and agreements in the 20th century which made the process much easier.
35 These agreements allow for rapid serving of court documents between countries and contain
36 **(17)** _____ rules for collecting evidence.

2. The European Arrest Warrant

a) The Assange case (I). Listen to this video and then answer the questions below.

[Source: <http://www.youtube.com/watch?v=1eg26o5cD3c>]

1. What country would Julian Assange be extradited to?
2. What was Mr. Assange's claim before the District Judge?
3. What is the reaction of Mr. Assange's lawyers to the decision of the court?
4. What are the charges against Mr. Assange?
5. Where did the alleged offence(s) take place?
6. His lawyers argue that extraditing Mr. Assange to Sweden would _____ his human rights.
7. District Judge Howard Riddle _____ (that) extradition was legal and that there is no reason why Mr. Assange wouldn't get a _____.
8. What did the Judge say about the likelihood that things said about Mr. Assange would interfere with the course of justice in Sweden?
9. How is Mr. Assange's reaction to the court's decision described?
10. What will the next step be for Mr. Assange?
11. While Mr. Assange prepares to go to the High Court, he is on _____

b) The Assange case (II). First read Art.6 of the Framework Decision below. Then listen to the video and fill in the gaps.

COUNCIL FRAMEWORK DECISION of 13 June 2002 on the European Arrest Warrant and the surrender procedures between Member States.

Article 6

Determination of the competent judicial authorities

1. The issuing judicial authority shall be the judicial authority of the issuing Member State which is competent to issue a European arrest warrant by virtue of the law of that State.

UK Supreme Court

Assange (Appellant) v The Swedish Prosecution Authority (Respondent) [2011] UKSC 22. On appeal from [2012] EWHC Admin 2849. [7:44]

[Source: <https://www.youtube.com/watch?v=9JEYOwg4qUw>]

1 The Swedish public prosecutor has **(1)** _____ the extradition of Mr. Assange on
2 **(2)** _____ of serious sexual offences. That request has **(3)** _____ a
3 point of law of general public importance. It is *not* a point in respect of which the particular
4 facts of Mr. Assange's case have any relevance. This summary is about that point of law.
5 It used to be the case that this country would not **(4)** _____ a person to another
6 European country until a court here had considered the **(5)** _____ against that
7 person. The court would not approve extradition unless the evidence justified his being
8 subjected to a criminal **(6)** _____.
9 All that changed in 2001 when we gave effect to the 1957 European Convention on
10 Extradition. The following year the **(7)** _____ of that Convention were
11 superseded by an agreement reached between the members of the European Union. The
12 terms of that agreement were set out in a European Union Framework Decision, which this
13 country was under a duty to implement. The Framework Decision directed that if a **(8)**
14 _____ _____ in one state requested the extradition of a person from
15 another state, the latter state would give effect to the request without considering the
16 evidence. It was for the requesting state to consider whether the evidence justified
17 extradition. The United Kingdom gave effect to the **(9)** _____ _____ in
18 the Extradition Act 2003. That Act provided that, subject to certain conditions, this country

19 will extradite a person if we receive a request from a judicial authority in another member
20 state.

21 The point of law is simply: what do the words 'judicial authority' mean? Mr. Assange has
22 argued that they mean a **(10)** _____ or judge. Sweden's request has been issued
23 by a public **(11)** _____ who is not a court or judge, so Mr. Assange has argued
24 that the request is invalid and he doesn't have to go back to Sweden.

25 The point of law is simple to state but it has not been simple to resolve; indeed, we have
26 only **(12)** _____ our decision by a majority of five to two.

27 There was discussion in Parliament about the words 'judicial authority' when the Bill which
28 became the Extradition Act was being debated. The Bill used the words 'judicial authority'
29 because those words were in the Framework Decision, and the Act was designed to **(13)**
30 _____ to the Framework Decision. It is clear that some Members
31 of Parliament believed that the words 'judicial authority' in the Framework Decision meant a
32 court or a judge; indeed, one Minister specifically stated to a parliamentary committee that
33 this was the case. But he was mistaken.

34 'Judicial authority' is the English translation of the French words '*autorité judiciaire*'. The
35 Framework Decision is in both English and French, so it's necessary to have **(14)**
36 _____ also to what the French phrase means. The French phrase has a wider
37 meaning than the English phrase. In French, the words 'judicial authority' can be used of a
38 public prosecutor. When the Member States implemented the Framework Decision, many
39 of them **(15)** _____ public prosecutors to perform the role of the judicial authority.
40 There was no suggestion that this was contrary to the Framework Decision.

41 Having particular regard to this fact, the majority of the court **(16)** _____
42 _____ that in the Framework Decision the words 'judicial authority' or '*autorité*
43 *judiciaire*' **(17)** _____ a meaning that includes a public prosecutor. Two members
44 of the court, Lady Hale and Lord Mance, consider that this does not determine the meaning
45 of 'judicial authority' in the Extradition Act. In that Act, they mean a court or judge, as the
46 minister had explained. The other members of the court do not agree.

47 Parliament's intention in **(18)** _____ the Extradition Act was to give effect to the
48 Framework Decision. This was necessary in order to produce a uniform and **(19)**
49 _____ system of extradition in Europe. It was also necessary in order to comply
50 with the duty of the United Kingdom under international law. So there is a **(20)**
51 _____ that the words 'judicial authority' should have the same meaning in the

52 Extradition Act that they have in the Framework Decision. The understanding of some
53 Members of Parliament or the statement of the Minister as for the meaning of the Framework
54 Decision does not displace this presumption.

55 For these reasons, the majority has concluded that the Swedish public prosecutor was a
56 judicial authority within the meaning of both the Framework Decision and the Extradition Act.
57 It follows that the request for Mr. Assange's extradition has been **(21)** _____
58 made, and his appeal against extradition is accordingly **(22)** _____.

59 '[*inaudible*] (...) I wanted to raise. You will appreciate that we have had only a very limited
60 opportunity to study this **(23)** _____ and learned decision and also that we've
61 had no opportunity as yet to consult with our client. However, there is one matter which
62 causes us considerable concern on our initial reading of the decision. And that is that it
63 would appear that a majority of the members of this court have decided the point, either
64 principally or **(24)** _____, on the basis of the interpretation of the Vienna
65 Convention on the law of treaties, a point, with respect, which was not **(25)** _____
66 during the appeal and which we were given no opportunity to address. Now obviously this
67 Court will have in mind its recent decision in the case of *Lukaszewski*, **(26)** _____
68 that Article 6 applies to extradition proceedings in the United Kingdom. We are therefore
69 currently considering our position, and whether or not it will be necessary, with great regret,
70 to make an application to this court that this matter should be reopened so that we have an
71 opportunity to argue this point. I say this only to **(27)** _____ it up because
72 obviously at the moment we need to study the **(28)** _____ and consult with our
73 client and I appreciate the urgency of the situation and therefore thought I ought to make
74 that known publicly as soon as possible.'

75 'Yes, thank you, Miss Montgomery, you must consider...'

76 'I am *not* chronically Miss Montgomery.'

77 'Sorry.'

78 'Although I am easily mistaken for her.'

79 'I think Miss Rose...'

80 'I beg your pardon. You must consider the judgment at a proper measure and if you wish to
81 make an application, we will **(29)** _____ you the opportunity'

82 'Yes. I don't know how long your Lordships and your ladyship would be prepared to give us
83 to make that application. We're obviously operating under some difficulty given the imminent
84 bank holiday weekend.'

85 'We'll afford you two weeks.'

86 'My Lord, in those circumstances, as I understand it, the order that was agreed was that this
87 order should be **(30)** _____ for seven days, but given the point I've just raised,
88 can I ask your Lordships and your Ladyship to **(31)** _____ that order so that it is
89 stayed for 14 days to permit us to make that **(32)** _____?'

90 'Um, that seems a reasonable **(33)** _____.'

91 'I'm **(34)** _____.'

3. The European Investigation Order

[Source: <http://www.parliamentlive.tv/Main/Player.aspx?meetingId=6498>; 27 July 2010]

Listen to Mrs. May's statement in Parliament about the EIO and fill in the blanks:

1 Thank you, Mr. Speaker. With permission, Mr Speaker, I would like to make a statement on
2 the **(1)** _____ Directive for a European Investigation Order, and the
3 Government's decision to **(2)** _____ that draft Directive.

4 As people have become more mobile, so too has crime, and that has serious consequences
5 for our ability to bring criminals to **(3)** _____. To deal with **(4)** _____ -
6 _____, countries enter into mutual legal assistance -or MLA-
7 agreements. These agreements provide a **(5)** _____ through which states can
8 obtain **(6)** _____ from overseas. MLA has therefore been an important tool in the
9 fight against international crime and terrorism. It's been crucial in a high number of **(7)**
10 _____ - _____ cases. For example, Hussein Osman, one of the failed
11 terrorists from the 21/7 attacks five years ago, might not have been **(8)** _____
12 had it not been for evidence **(9)** _____ through MLA.

13 But MLA has not been without its faults. The process is fragmented and confusing for the
14 police and **(10)** _____, and it is too often too slow, taking in some cases many
15 months to obtain vital evidence. Indeed, in one **(11)** _____ - _____ case
16 the evidence arrived in the UK *after* the **(12)** _____ had been completed. The
17 European investigation order therefore seeks to address these problems by simplifying the
18 system with a **(13)** _____ request form and providing formal deadlines for the
19 **(14)** _____ and execution of requests.

20 Mr. Speaker, the Government has decided to opt into the EIO because it offers practical
21 help for the British police and prosecutors, and we are determined to do everything we can
22 to help them cut crime and **(15)** _____ justice. And that is what the police say
23 this will do. We wrote to every ACPO force about the EIO, and *not one* said we should not
24 opt in. ACPO themselves replied, and I quote:

25 "the EIO is a simpler instrument than those already in existence and, provided that it is used
26 sensibly and for appropriate **(16)** _____, we welcome attempts to simplify and
27 **(17)** _____ mutual legal assistance."

28 But I know that some honourable members have concerns about the EIO, and I would like
29 to address them in turn. First is the question of sovereignty. In justice and home **(18)**
30 _____, there are many ideas coming out of Brussels, like a common **(19)**
31 _____ policy, that would involve an unacceptable loss of sovereignty. And I want
32 to be absolutely clear to the House - I will *not* sign up to these proposals, and I've *made* that
33 clear to my European counterparts. But this Directive does not incur a shift in sovereignty.
34 It is a practical **(20)** _____ that makes it easier to see justice -British justice- done
35 in this country.

36 Now second is concern about burdens on the police. At a time when we're reducing domestic
37 **(21)** _____ burdens on the police, I agree it would be unacceptable to have them
38 re-imposed by foreign forces. And that's why we will seek to ensure that there is a
39 proportionality test, so police forces are not obliged to do work in relation to **(22)**
40 _____ offences. Forces will be able to extend deadlines when it is not possible
41 to meet them. And I want to be clear that the EIO does not allow foreign authorities to **(23)**
42 _____ UK police officers on what operations to conduct, and it does not allow
43 foreign officers to operate in the UK with law **(24)** _____ powers.

4. The enforcement of judgments: transfer

[Source: Commission notice — Handbook on the transfer of sentenced persons and custodial sentences in the European Union 2019/C 403/02, https://www.ejn-crimjust.europa.eu/ejnupload/News/HANDBOOK-909-EN_TXT.pdf]

You are going to listen to a text read aloud by some of your colleagues in order to get used to hearing different accents in English. Finish off the missing parts of some sentences.

1 **Enforcement of the sentence**

2 *Law governing enforcement*

3 The Framework Decision clearly stipulates that the enforcement of the sentence **(1)**
4 _____ by the law of the executing State. The
5 authorities of the executing State alone shall be competent to decide **(2)**
6 _____ and to determine all the measures relating
7 thereto, including the grounds for early and **(3)**
8 _____ (Article 17).

9 *Deduction*

10 The competent authority of the executing State shall deduct **(4)**
11 _____ in connection with the sentence in respect
12 of which the judgment was issued from the total duration of the deprivation of liberty to be
13 served (Article 17(2)) (65).

14 *Early and conditional release*

15 How much time the sentenced person will actually spend in prison depends largely on the
16 provisions on early and conditional release **(5)**
17 _____. The differences between Member States
18 are considerable in this respect: e.g. in some Member States the sentenced person is released
19 **(6)** _____, in others after one third of the
20 sentence.

21 The competent authority of the executing State shall, upon request, inform the competent
22 authority of the issuing State **(7)** _____ on
23 possible early or conditional release. When this information is provided, the issuing State may
24 agree to the application of such provisions or may choose **(8)**
25 _____ and end the transfer process (Article
26 17(3)).

27 Member States have the possibility to provide that any decision on early or conditional release
28 may take account of those provisions of national law, indicated by the issuing State, under
29 which the person is entitled to early or conditional release **(9)**
30 _____ (Article 17(4)).

31 It is recommended that the executing State provide clear communication and an explanation
32 of its applicable conditional release provisions **(10)**
33 _____. Solely indicating the applicable legal
34 provisions might not be sufficient.

35 *Amnesty, pardon*

36 Both the issuing State and the executing State **(11)**
37 _____ amnesty or pardon to the sentenced
38 person (Article 19 (1)).

39 *Review of the judgment*

40 When a review of the judgment **(12)** _____,
41 however, only the issuing State may decide on the applications for review of the judgment
42 (Article 19(2)).

43 *Right to enforce the judgment*

44 The issuing State shall not proceed with the enforcement of the sentence once its enforcement
45 in the executing State has begun except in cases where the right to enforce the sentence shall
46 be reverted to the issuing State upon its being informed by the executing State **(13)**
47 _____ (Article 22).

48 *Communication and information duties*

49 The Framework Decision contains detailed information obligations for both the issuing State
50 and the executing State, **(14)** _____.

51 The competent authority of the issuing State needs to inform the competent authority of the
52 executing State of any decision or measure as a result of which **(15)**
53 _____ immediately or within a certain period of
54 time (Article 20). As a consequence, the competent authority of the executing State shall **(16)**
55 _____ of the sentence as soon as it has received
56 this information.

57 The competent authority of the executing State shall without delay inform the competent
58 authority of the issuing State by any means which leaves **(17)**
59 _____ (Article 21):

60 (a) of the forwarding of the judgment and the certificate to the competent authority of another
61 Member State because the executing State had **(18)**
62 _____;

63 (b) of the fact that it is in practice impossible to enforce the sentence because after
64 transmission of the judgment and the certificate to the executing State, the sentenced
65 person **(19)** _____ of the executing State, in
66 which case there shall be no obligation on the executing State to enforce the sentence;

67 (c) of the final decision to recognise the judgment and enforce the sentence **(20)**
68 _____;

69 (d) of any decision not to recognise the judgment and enforce the sentence on the basis of
70 **(21)** _____ (Article 9), together with the
71 reasons for the decision;

72 (e) of any decision to **(22)** _____ (Article 8(2)
73 or (3)), together with the reasons for the decision;

74 (f) of any decision not to enforce the sentence **(23)**
75 _____ was granted (Article 19(1)) together
76 with the reasons for the decision;

77 (g) of the beginning and the end of the **(24)**
78 _____, where so indicated in the certificate by
79 the issuing State;

80 (h) of the sentenced person's **(25)** _____;

81 (i) of the enforcement of the sentence as soon as **(26)**
82 _____.

TEXT TO BE READ ALOUD

1 **Enforcement of the sentence**

2 *Law governing enforcement*

3 The Framework Decision clearly stipulates that the enforcement of the sentence shall be
4 governed by the law of the executing State. The authorities of the executing State alone shall
5 be competent to decide on the procedures for enforcement and to determine all the measures
6 relating thereto, including the grounds for early and conditional release (Article 17).

7 *Deduction*

8 The competent authority of the executing State shall deduct the full period of deprivation of
9 liberty already served in connection with the sentence in respect of which the judgment was
10 issued from the total duration of the deprivation of liberty to be served (Article 17(2)) (65).

11 *Early and conditional release*

12 How much time the sentenced person will actually spend in prison depends largely on the
13 provisions on early and conditional release in the executing state. The differences between
14 Member States are considerable in this respect: e.g. in some Member States the sentenced
15 person is released after two thirds of the sentence, in others after one third of the sentence.

16 The competent authority of the executing State shall, upon request, inform the competent
17 authority of the issuing State of the applicable provision on possible early or conditional
18 release. When this information is provided, the issuing State may agree to the application of
19 such provisions or may choose to withdraw the certificate and end the transfer process (Article
20 17(3)).

21 Member States have the possibility to provide that any decision on early or conditional release
22 may take account of those provisions of national law, indicated by the issuing State, under
23 which the person is entitled to early or conditional release at a specified point in time (Article
24 17(4)).

25 It is recommended that the executing State provide clear communication and an explanation
26 of its applicable conditional release provisions to the issuing state and to the sentenced person.
27 Solely indicating the applicable legal provisions might not be sufficient.

28 *Amnesty, pardon*

29 Both the issuing State and the executing State may grant amnesty or pardon to the sentenced
30 person (Article 19 (1)).

31 *Review of the judgment*

32 When a review of the judgment is sought, however, only the issuing State may decide on the
33 applications for review of the judgment (Article 19(2)).

34 *Right to enforce the judgment*

35 The issuing State shall not proceed with the enforcement of the sentence once its enforcement
36 in the executing State has begun except in cases where the right to enforce the sentence shall
37 be reverted to the issuing State upon its being informed by the executing State of the partial
38 non-enforcement of the sentence (Article 22).

39

40 *Communication and information duties*

41 The Framework Decision contains detailed information obligations for both the issuing State
42 and the executing State, both before and after the transfer.

43 The competent authority of the issuing State needs to inform the competent authority of the
44 executing State of any decision or measure as a result of which the sentence ceases to be
45 enforceable immediately or within a certain period of time (Article 20). As a consequence, the
46 competent authority of the executing State shall terminate enforcement of the sentence as
47 soon as it has received this information.

48 The competent authority of the executing State shall without delay inform the competent
49 authority of the issuing State by any means which leaves a written record (Article 21):

50 (a) of the forwarding of the judgment and the certificate to the competent authority of another
51 Member State because the executing State had no competence to recognise it;

52 (b) of the fact that it is in practice impossible to enforce the sentence because after
53 transmission of the judgment and the certificate to the executing State, the sentenced
54 person cannot be found in the territory of the executing State, in which case there shall be
55 no obligation on the executing State to enforce the sentence;

56 (c) of the final decision to recognise the judgment and enforce the sentence together with
57 the date of the decision;

58 (d) of any decision not to recognise the judgment and enforce the sentence on the basis of
59 grounds for refusal (Article 9), together with the reasons for the decision;

60 (e) of any decision to adapt the sentence (Article 8(2) or (3)), together with the reasons for
61 the decision;

62 (f) of any decision not to enforce the sentence if amnesty or pardon was granted (Article
63 19(1)) together with the reasons for the decision;

64 (g) of the beginning and the end of the period of conditional release, where so indicated in
65 the certificate by the issuing State;

66 (h) of the sentenced person's escape from custody;

67 (i) of the enforcement of the sentence as soon as it has been completed.

5. Freezing and confiscation

[Source: <https://www.youtube.com/watch?v=Vim7Vd3w0YE>]

Listen to the video and fill in the gaps.

- 1 On the 19 December 2020 EU Regulation **(1)** _____ on the mutual recognition
2 of freezing and confiscation orders **(2)** _____, applying to all freezing
3 and confiscation **(3)** _____ and representing the first **(4)** _____
4 recognised regulation for criminal matters in the EU.
- 5 This Regulation **(5)** _____ Framework Decisions 2003/577/JHA on freezing
6 property and 2006/783/JHA on confiscation orders.
- 7 Based on the general principle of mutual **(6)** _____, the Regulation **(7)**
8 _____ that all judicial decisions in criminal matters taken by one EU member
9 state will be directly recognised and **(8)** _____ by another EU member state.
- 10 The Regulation, however, sets out a limited number of **(9)** _____ for non-
11 recognition and **(10)** _____, which in some cases differ from the former regime.
- 12 The new rules introduce a list of **(11)** _____ for which **(12)** _____
13 criminality is not required as well as the **(13)** _____ to fundamental rights as an
14 exceptional ground for refusal.
- 15 The wide scope of confiscations that the Regulation covers includes **(14)** _____
16 confiscation, **(15)** _____ confiscation, extended confiscation and **(16)**
17 _____ confiscation as long as criminal-law guarantees are provided.
- 18 Certain types of **(17)** _____ confiscation are also possible, provided there is a
19 link to a criminal offence.
- 20 According to **(18)** _____ 13 of the Regulation, these rules do not apply to any
21 freezing and confiscation orders issued in civil and **(19)** _____ proceedings.
- 22 In order to **(20)** _____ procedures, the Regulation introduces **(21)**
23 _____ deadlines and a standard certificate for freezing and confiscation orders.
- 24 The new rules also include a deadline of 45 days for the recognition of a confiscation order
25 and in urgent cases a 48-hour deadline for recognition and a **(22)** _____ 48 hours
26 for execution of freezing orders. These time limits can be postponed only under strict conditions
27 **(23)** _____ in the Regulation.
- 28 Another major change is a new regime for **(24)** _____ and compensation of
29 victims of crime in cross-border cases, which is the first time such rights have been recognized
30 at the EU level.
- 31 In addition, the rights **(25)** _____ victims by these rules take priority over any
32 interests of the issuing and executing states.
- 33 In another significant improvement, the new Regulation addresses the need for victims to be
34 compensated for **(26)** _____ or to receive restitution for **(27)** _____
35 assets from whatever EU state where the property was confiscated. In specific cases,
36 compensation and restitution is now easier.
- 37 Although the possibility for this previously existed in several EU member states, until now there
38 were no specific **(28)** _____ for cross-border confiscation cases.

SPEAKING SKILLS

1. Mutual Legal Assistance

Practise with the pronunciation of the following:

[Sources: 1959 European Convention on Mutual Assistance in Criminal Matters, <https://www.coe.int/en/web/conventions/full-list/-/conventions/rms/09000016800656ce>; Council Act establishing in accordance with Article 34 of the Treaty on European Union the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union, <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2000:197:0001:0023:EN:PDF>]

a. Terms:

1. to request	22. proceedings
2. judgment	23. instrument
3. decision	24. matter
4. offence	25. rightful
5. assistance	26. service
6. authority	27. provision
7. to comply	28. addressee
8. consent	29. law
9. convention	30. report
10. search	31. rights
11. seizure	32. notify
12. evidence	33. action
13. hearing	34. obligation
14. recognition	35. provision
15. order	36. appeal
16. interception	37. custody
17. extradition	38. authenticity
18. jurisdiction	39. restitution
19. territory	40. liability
20. infringement	41. investigation
21. execution	42. provisional

43. delay	52. protective
44. hearing	53. evidence
45. execution	54. testify
46. surrender	55. cost
47. witness	56. reciprocity
48. court	57. transmission
49. expert	58. venue
50. defendant	59. appearance
51. refusal	60. damage

b. Word combinations

1. competent authority	21. temporary transfer
2. criminal matters	22. constitutional requirement
3. on oath	23. to summon to appear
4. letter rogatory	24. proof of service
5. natural person	25. official language
6. mutual assistance	26. to issue a certificate
7. individual rights	27. to contest enforcement
8. fundamental freedoms	28. to dismiss the proceedings
9. time limit	29. third party
10. fair trial	30. accused person
11. judicial cooperation	31. to challenge a judgment
12. written notice	32. legally binding
13. procedural deadline	33. direct channel
14. procedural requirements	34. judgment capable of recognition
15. procedural documents	35. to serve a document
16. taking of evidence	36. to stay proceedings
17. incomplete request	37. at first instance
18. international convention	38. to lodge a document
19. in writing	39. controlled delivery
20. to return a request	40. to decline jurisdiction

41. to seek enforcement	71. extraditable offence
42. subject matter	72. enforcement of judgment
43. oral hearing	73. covert investigation
44. to execute a request	74. exclusive jurisdiction
45. standard form	75. to refuse mutual assistance
46. Joint Investigation Team	76. refusal of recognition
47. central authority	77. outcome of proceedings
48. organisational arrangements	78. interception of telecommunications
49. right of refusal	79. subsequent transmission
50. territorial application	80. to join proceedings
51. legal aid	81. service provider
52. exclusive grounds of jurisdiction	82. to deliver judgment
53. concurrent proceedings	83. criminal offence
54. grounds for refusal	84. legal person
55. unanimous agreement	85. protective measure
56. investigative measures	86. provisional measure
57. to set up a team	87. irreconcilable judgment
58. national law	88. duration of interception
59. enforcement order	89. bilateral agreements
60. false identity	90. finding of fact
61. to effect service	91. to lodge an appeal
62. separate proceedings	92. to contest an appeal
63. of its own motion	93. ordinary appeal
64. habitually resident	94. personal data protection
65. criminal liability	95. entry into force
66. alternative grounds of jurisdiction	96. notice of penalty
67. exercise jurisdiction	97. competent enforcement authority
68. data subject	98. certified copy
69. administrative authority	99. reasonable time
70. sufficient time	100. Ministry of Justice

2. The European Arrest Warrant

[Source: European Arrest Warrant, https://e-justice.europa.eu/content_european_arrest_warrant-90-en.do]

All participants have to read the following 2 excerpts:

EXCERPT 1

How is the EAW different to traditional extradition?

1. Strict time limits

The country where the person is arrested has to take a final decision on the execution of the European arrest warrant within 60 days after the arrest of the person.

If the person consents to the surrender, the surrender decision must be taken within 10 days.

The person requested must be surrendered as soon as possible on a date agreed between the authorities concerned, and no later than 10 days after the final decision on the execution of the European arrest warrant.

2. Double criminality check – no longer required for 32 categories of offences

For 32 categories of offences, there is no verification on whether the act is a criminal offence in both countries. The only requirement is that it be punishable by a maximum period of at least 3 years of imprisonment in the issuing country.

For other offences, surrender may be subject to the condition that the act constitutes an offence in the executing country.

3. No political involvement

Decisions are made by judicial authorities alone, with no political considerations involved.

4. Surrender of nationals

EU countries can no longer refuse to surrender their own nationals, unless they take over the execution of the prison sentence against the wanted person.

5. Guarantees

The country that executes the EAW may require guarantees that:

- a. after a certain period the person will have the right to ask for review, if the punishment imposed is a life sentence.
- b. the wanted person can do any resulting prison time in the executing country, if they are a national or habitual resident of that country.

EXCERPT 2

Limited grounds for refusal

A country can refuse to surrender the requested person only if one of the grounds for mandatory or optional refusal applies:

Mandatory grounds

- the person has already been judged for the same offence (*ne bis in idem*)
- minors (the person has not reached the age of criminal responsibility in the executing country)
- amnesty (the executing country could have prosecuted them, and the offence is covered by an amnesty in that country).

Optional grounds – such as:

- lack of double criminality for offences other than the 32 listed in Article 2(2) of the Framework Decision on EAW
- territorial jurisdiction
- pending criminal procedure in the executing country
- statute of limitations, etc

1. The teacher will choose random trainees and ask each of them to explain, in their own words, the following terms/expressions from both excerpts:

- Extradition
- Execution
- Consent
- Arrest
- Surrender
- Offence
- A national
- Sentence
- Review
- Grounds
- Mandatory
- Minor
- Amnesty

2. The class will be divided into two groups. Each group will be given one excerpt. One random trainee from each group will have to summarise to the rest the excerpt given to his/her group.

3. The European Investigation Order

[Sources:

http://www.eurojust.europa.eu/doclibrary/corporate/Infographics/European%20Investigation%20Order/2020-02_European-Investigation-Order.pdf; https://e-justice.europa.eu/content_european_investigation_order_mutual_legal_assistance_and_joint_investigation_team-92-en.do; [http://www.eurojust.europa.eu/doclibrary/Eurojust-framework/Casework/Joint%20note%20of%20Eurojust%20and%20the%20EJN%20on%20the%20practical%20application%20of%20the%20European%20Investigation%20Order%20\(June%202019\)/2019-06-Joint_Note_EJ-EJN_practical_application_EIO.pdf](http://www.eurojust.europa.eu/doclibrary/Eurojust-framework/Casework/Joint%20note%20of%20Eurojust%20and%20the%20EJN%20on%20the%20practical%20application%20of%20the%20European%20Investigation%20Order%20(June%202019)/2019-06-Joint_Note_EJ-EJN_practical_application_EIO.pdf)]

a. Have a look at the following image and then answer the questions on the European Investigation Order. Not all the answers to the questions are in the image, so you may need to search them up:

EUROJUST European Investigation Order

KEY FEATURES

- ▶ EU Directive on the EIO (2014/41) of 3 April 2014
- ▶ Mutual recognition of judicial decisions
- ▶ Replaces Letters of Request for investigative measures
- ▶ Deadline for transposition: 22 May 2017
- ▶ Obtains evidence located in another EU Member State
- ▶ Simplifies and accelerates cross-border criminal investigations

HOW IT WORKS

Member State A requests evidence located in Member State B

Member State B collects evidence on behalf of Member State A

Examples of investigative measures:

- ▶ Obtaining existing evidence
- ▶ Hearings of witnesses and suspects
- ▶ (House) searches
- ▶ Checks on bank accounts/financial operations
- ▶ Interception of telecommunications
- ▶ Temporary transfer of persons in custody
- ▶ Preservation of evidence

LIFE CYCLE OF AN EIO

EUROJUST FACILITATES, ADVISES AND COORDINATES

- 1 - DRAFTING of EIO by judicial authority in Member State A
- 2 - TRANSMISSION of EIO to judicial authority in Member State B
- 3 - RECOGNITION of EIO in Member State B
- 4 - EXECUTION of EIO in Member State B

EIO CASES

EUROJUST IDENTIFIES CHALLENGES AND BEST PRACTICE IN EIO CASES

ADVANTAGES OF THE EIO

- ✔ Creates a single comprehensive instrument with a large scope
- ✔ Sets strict deadlines for gathering the evidence requested
- ✔ Limits the reasons for refusing such requests
- ✔ Reduces paperwork by introducing a single standard form
- ✔ Protects the fundamental rights of the defence

EU MEMBER STATES TAKING PART IN THE EIO*

Legend: ■ EIO implemented ■ MS not taking part

* For further information on EIO implementation, see [EJN website](#).

- (1) What is the European Investigation Order and what is it used for?

- (2) Do you happen to know the year when the Directive regarding the EIO was adopted and which countries are not bound by this instrument?

- (3) The EIO is based on the principle of mutual recognition. What does mutual recognition mean and what does it involve in terms of execution?

- (4) Can you provide examples of investigative measures that may be requested?

- (5) What are the preconditions of investigative measures in order for authorities to use a European Investigation Order?

- (6) How is a European Investigation Order issued and what are the language requirements?

- (7) Do investigative measures requested under an EIO have a lower priority in the executing country? Are the measures carried out at a slower pace than domestic measures?

- (8) Do you happen to know the grounds for refusal?

- (9) What are the deadlines applicable to EIOs?

b. Try to guess the languages accepted for EIOs in the following Member States and then say whether you can find any kind of explanation for the non-national languages accepted.

- Austria:

- Belgium:

- Croatia:

- Czech Republic:

- Finland:

- France:

- Greece:

- Hungary:

- Luxembourg:

- Portugal:

- Romania:

- Spain:

4. The enforcement of judgments: transfer

[Sources: Council Framework Decision 2008/909 on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union, <https://rm.coe.int/16806f3dfd>; Council Framework Decision 2008/947 on the application of the principle of mutual recognition to judgments and probation decisions with a view to the supervision of probation measures and alternative sanctions, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32008F0947>; Council Framework Decision 2008/675 on taking account of convictions in the Member States of the European Union in the course of new criminal proceedings, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32008F0947>; Council Framework Decision 2009/829 on the application, between Member States of the European Union, of the principle of mutual recognition to decisions on supervision measures as an alternative to provisional detention, <http://www.euromed-justice-iii.eu/document/eu-2009-council-framework-decision-2009829jha-23-october-2009-application-between-member>]

The following terms/expressions have been taken from the EU legislation above. Remember that depending on the instrument, sometimes the definitions may vary. Look at the source of each of the following concepts and try to define them in your own words:

Council Framework Decision 2008/909 on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union.

(a) 'Judgment':

(b) 'Sentence':

Council Framework Decision 2008/947 on the application of the principle of mutual recognition to judgments and probation decisions with a view to the supervision of probation measures and alternative sanctions.

(c) 'Suspended sentence':

(d) 'Conditional sentence':

(e) 'Alternative sanction':

(f) 'Probation decision':

(g) 'Conditional release':

(h) 'Probation measures':

(i) 'Issuing State':

(j) 'Executing State':

Council Framework Decision 2008/675 on taking account of convictions in the Member States of the European Union in the course of new criminal proceedings.

(k) 'Conviction':

Council Framework Decision 2009/829 on the application, between Member States of the European Union, of the principle of mutual recognition to decisions on supervision measures as an alternative to provisional detention.

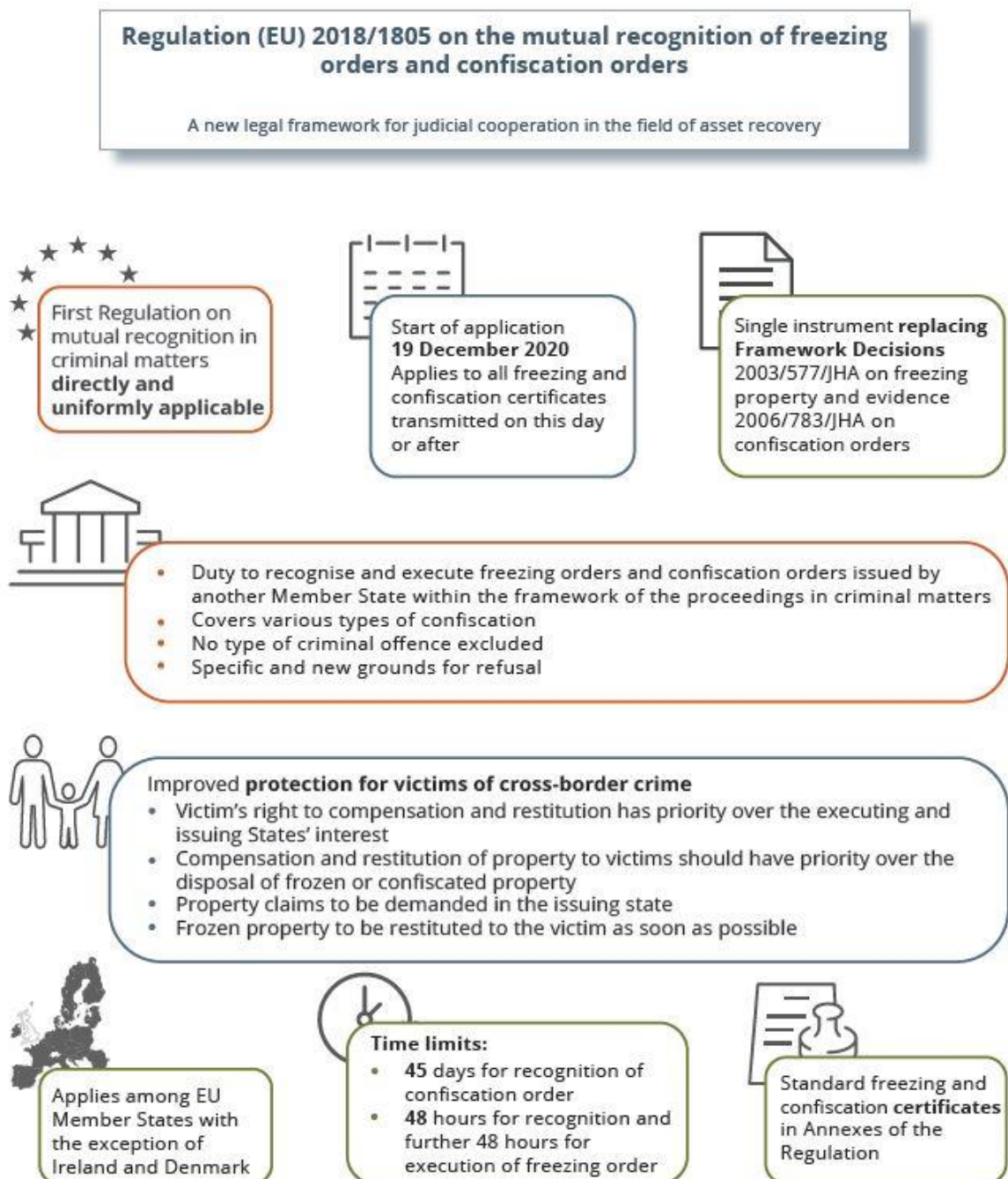
(l) 'Supervision measures':

(m) 'Decision on supervision measures':

6. Freezing and confiscation

[Source: https://www.eurojust.europa.eu/sites/default/files/2020-12/20201207_Note-on-Regulation-EU-2018-1805.pdf]

a. Split into three groups. Look at the following chart and answer the questions below **IN YOUR OWN WORDS**.



In order for the groups to have some help with their answers, here are some language clues they may use:

<p>Overview (outline of presentation)</p>	<p>I'm going to divide my answer into (3, 4, 5...) parts. I'm going to examine/cover... Basically / Briefly, I am going to talk about... I'd like to begin / start by ... Let's begin / start by ... First of all, I'll... .. and then I'll go on to ... Firstly ... secondly ... thirdly... Then / Next ... I'd like to give you an overview of / a brief outline of...</p>
<p>Starting a new section</p>	<p>Moving on now to ... Now let's / we'll move on to... Now I'd like to move on to... Next I'd like to look at... Let's turn now to / look now at... The next issue I'd like to focus on ... I'd like now to discuss...</p>
<p>Analysing a point and giving recommendations</p>	<p>Let's consider this in more detail... What does this mean for...? Why is this important? The significance of this is...</p>
<p>Finishing/closing a section</p>	<p>So that concludes... So that's an overview of... We've looked at...</p>
<p>Summarising and concluding</p>	<p>And this is the end of... That concludes my talk / intervention. That brings us / me to the end of ... I'll conclude very briefly by saying that ... Finally, I'd like to finish by... To conclude... In conclusion / to sum up / to summarise ...</p>

QUESTIONS

1. *The Regulation is a new legal framework for judicial cooperation... within what specific field?*
2. *What makes this Regulation different within the field of mutual recognition in criminal matters? Please explain.*
3. *What certificates does it apply to?*
4. *What other EU legislation does this instrument replace?*
5. *Are any types of criminal offences excluded from the Regulation?*
6. *In various what ways does the new Regulation improve victims' rights?*
7. *Are there any Member States where this Regulation is not applicable?*
8. *What are the time limits?*
9. *Where can the standard freezing and confiscation certificates be found?*

READING SKILLS

1. Mutual Legal Assistance

[Source: Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A42000A0712%2801%29>]

(a) Try to fill in the gaps; in some cases, clues are provided for the missing word:

(a) The *request* _____ Member State shall execute the request for *ass* _____ *ce* as soon as possible, taking as full account as possible of the procedural *dead* _____ *s* indicated by the *request* _____ Member State.

(b) Procedural documents may be sent via the competent authorities of the requested Member State only if the relevant procedural law of the requesting Member State requires *pr* _____ of service of the document _____ [*preposition*] the addressee.

(c) Where there is reason to believe that the addressee does not *u* _____ *d* the language in which the document is drawn up, the document, or at least the important passages thereof, must be _____ into (one of) the language(s) of the Member State in the territory of which the addressee is staying.

(d) Requests for mutual assistance and spontaneous exchanges of information referred to in Article 7 shall be made in *wr* _____ *g*, or by any means capable of producing a written record under conditions allowing the receiving Member State to establish *auth* _____ *y*.

(e) The following requests or communications shall be made through the central authorities of the Member States: (a) requests for temporary transfer or transit of *p* _____ *s* held in *c* _____ *y*.

(f) A Member _____ which has requested an investigation for which the presence of the person held in custody on its own territory is required may temporarily transfer that person to the territory of the Member State in which the investigation is to take place.

(g) Where *c* _____ *ent* to the transfer is required from the person concerned, a statement or a copy thereof shall be provided promptly to the requested Member State.

(h) If a person is in one Member State's territory and has to be *h* _____ as a witness or expert by the judicial authorities of another Member State, the latter may, where it is not desirable or possible for the person to appear in its territory in person, request that the hearing take place by *v* _____.

(i) The *c* _____ *t* of establishing the video link, the *remu* _____ of interpreters provided by it and *all* _____ *ances* to witnesses and experts and their travelling expenses in the requested Member State shall be *re* _____ *ed* by the requesting Member State.

(j) A hearing may be *cond* _____ by telephone conference only if the witness or expert agrees that the hearing take place by that method.

(k) The requesting and the requested Member State may agree to assist one another in the *c* _____ *ct* of investigations into crime by officers acting under _____ *vert* or false identity.

(l) The Member State whose officials have caused *d* _____ *ge* to any person in the territory of another Member State shall *re* _____ *rse* the latter in full any sums it has paid to the *vi* _____ *s* or persons entitled on their behalf.

(m) When making a request under paragraph 1(b), the requesting Member State may, where it has a particular reason to do so, also request a *tr* _____ *tion* of the recording.

(n) The notified Member State may request a *summary* of the facts of the case and any further information necessary to enable it to decide whether interception would be authorised in a similar national case.

(o) Costs which are *incurred* by telecommunications operators or service providers in executing requests pursuant to Article 18 shall be *borne* by the requesting Member State.

(b) The following are terms/expressions taken from the model request for Mutual Legal Assistance (EJN website). Choose the correct option:

- (a) Banking transactions / Bank transactions.
- (b) Body examination / Bodily examination.
- (c) Bodily search / Body search.
- (d) Confiscation order / Confiscating order.
- (e) Consent for a transfer / Consent to a transfer.
- (f) Covert surveillance / Covert surveillance.
- (g) Extraditable offences / Extraditing offences.
- (h) Freeze order / Freezing order.
- (i) Collection and transmission of evidence / Gathering and transmission of evidence.
- (j) Harmful body injury / Grievous bodily injury.
- (k) Grounds of refusal / Grounds for refusal.
- (l) Interception of telecommunications / Intercept of telecommunications.
- (m) Investigative measure / Investigating measure.
- (n) Hot pursuits / Hot pursuance.
- (o) Joined Investigation Teams / Joint Investigation Teams.
- (p) Non-compliance with requests / Non-compliance of requests.
- (q) Request for information / Request of information.
- (r) Transmission of requests / Transmitting of requests.
- (s) Travel expenses / Travelling expenses.
- (t) Search and seizing / Search and seizure.
- (u) Temporary transfer / Temporal transfer.
- (v) Invading body search / Invasive body search.
- (w) Summoning witnesses / Summoning witnesses.
- (x) Search at the site of an offence / Search on the site of an offence.
- (y) Temporary transfer of persons / Temporary transfer of people.
- (z) Procedure deadline / Procedural deadline.

2. The European Arrest Warrant

Match the name of the EAW offence with the definition.

<i>Arson</i>	<i>Rape</i>	<i>Fraud</i>	<i>Corruption</i>	<i>Kidnapping</i>
<i>Armed robbery</i>	<i>Sabotage</i>	<i>Murder</i>	<i>Swindling</i>	<i>Terrorism</i>
<i>Illegal restraint</i>	<i>Extortion</i>	<i>Hostage-taking</i>	<i>Racketeering</i>	
<i>Trafficking in human beings</i>			<i>Counterfeiting currency</i>	
<i>Grievous bodily harm</i>			<i>Laundering of the proceeds of crime</i>	
<i>Illicit trade in human organs and tissue</i>			<i>Unlawful seizure of aircraft/ships</i>	
<i>Illicit trafficking in narcotic drugs and psychotropic substances</i>				

1. The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

2. Criminal acts, including against civilians, committed with the intent to cause death or serious bodily injury, or taking of hostages, with the purpose to provoke a state of terror in the general public or in a group of persons or particular persons, intimidate a population or compel a government or an international organization to do or to abstain from doing any act, which constitute offences.

3. A false representation of a matter of fact—whether by words or by conduct, by false or misleading allegations, or by concealment of what should have been disclosed— that deceives and is intended to deceive another so that the individual will act upon it to her or his legal injury.

4. A term that includes many offences such as the production, cultivation, import, smuggling, promotion and/or trafficking in -contrary to legal provisions- substances banned.

5. The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

6. Imitation currency produced without the legal sanction of the state or government, usually in a deliberate attempt to imitate that money and so as to deceive its recipient; forging money.

7. The crime of intentionally starting a fire in order to damage or destroy something, especially a building.

8. The crime of obtaining money, property, consent, etc. by using threats of harm against the victim, or against his/her property or family; it might involve threats of damage to the victim's reputation, or to his/her financial well-being.

9. Really serious harm; wounding a person.

10. Obtaining or extorting money illegally or carrying on illegal business activities, usually organized crime.

11. Making financial gains with the human body or its parts.

12. The act of capturing somebody and holding them prisoner, usually threatening to injure or kill them if people do not meet certain demands.
13. Getting money dishonestly from someone by deceiving or cheating them.
14. Aggravated form of theft that involves the use of a lethal weapon to perpetrate violence or the threat of violence (intimidation) against a victim.
15. When someone, without legal authority, detains another; any action that prevents an individual from having freedom of movement.
16. The intentional and deliberate destruction of property or the obstruction of an activity.
17. Turning money obtained from criminal activities into apparently legitimate assets.
18. The crime of intentionally killing a person.
19. The crime of seizing and/or carrying away a person by force or fraud, often with a demand for ransom.
20. Unlawfully (by force or threat thereof, or by any other form of intimidation), seizing or exercising control of aircraft or ships.
21. The use of public office for private gain.

3. The European Investigation Order

[Source:

<http://curia.europa.eu/juris/document/document.jsf?text=&docid=219454&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=4649872>]

Read the following text and choose the correct option (more than one option may be possible, although only one is correct according to the original text):

(1) _____ OF THE COURT (First (2) _____)

(1) (a) judgment (b) ruling (c) resolution (d) judgement

(2) (a) courtroom (b) section (c) division (d) chamber

24 October 2019

(Reference for a preliminary (3) _____ — Judicial cooperation in criminal matters — Directive 2014/41/EU — European Investigation Order (EIO) in criminal matters — Article 5(1) — Form set out in Annex A — Section J — Absence of legal remedies in the (4) _____ Member State)

(3) (a) injunction (b) ruling (c) judgment (d) sentence

(4) (a) referring (b) forwarding (c) issuing (d) requesting

In Case C-324/17,

(5) _____ for a preliminary ruling under Article 267 TFEU from the Spetsializiran nakazatelen sad (Specialised Criminal Court, Bulgaria), made by decision of 23 May 2017, received at the Court on 31 May 2017, in the criminal (6) _____ against

Ivan Gavanozov,

(5) (a) APPEAL (b) REQUEST (c) DEMAND (d) APPLICATION

(6) (a) proceedings (b) procedure (c) process (d) proceed

THE COURT (First Chamber),

(...)

After (7) _____ the Opinion of the (8) _____ at the (9) _____ on 11 April 2019,

(7) (a) hearing (b) hearing to (c) listening (d) listening of

(8) (a) General Attorney (b) Attorney General (c) Advocate General (d) General Advocate

(9) (a) audience (b) procedure (c) trial (d) sitting

gives the following

Judgment

1 This request for a preliminary ruling (10) _____ the interpretation of Article 1(4), Article 6(1)(a) and Article 14 of Directive 2014/41/EU of the European Parliament and of the Council of 3 April 2014 regarding the European Investigation Order in criminal matters (OJ 2014 L 130, p. 1).

(10) (a) regards (b) concerns (c) involves (d) relates

2 The request has been made in criminal proceedings (11) _____ against Mr Ivan Gavanozov, who is accused of leading a criminal gang and of committing tax offences.

(11) (a) brought (b) initiated (c) commenced (d) instituted

(...)

The dispute in the main proceedings and the questions referred for a preliminary ruling

10 Mr Gavanozov is being **(12)** _____ in Bulgaria for participating in a criminal organisation formed for the purpose of committing tax offences.

- (12)** (a) persecuted (b) charged (c) prosecuted (d) accused

11 In particular, he is **(13)** _____ having imported, via shell companies, sugar **(14)** _____ Bulgaria from other Member States, supplied in particular by a company **(15)** _____ in the Czech Republic and represented by Mr Y, and of subsequently having sold that sugar **(16)** _____ the Bulgarian market without assessing or paying value added tax (VAT), by **(17)** _____ incorrect documents according to which that sugar had been exported to Romania.

- (13)** (a) suspect to (b) suspected of (c) suspicious from (d) suspect of
(14) (a) into (b) in (c) at (d) over
(15) (a) addressed (b) set up (c) established (d) resident
(16) (a) into (b) in (c) at (d) on
(17) (a) submitting (b) handing in (c) surrendering (d) delivering

12 In those circumstances, the Spetsializiran nakazatelen sad (Specialised Criminal Court, Bulgaria) decided, on 11 May 2017, to issue an EIO requesting the Czech authorities to carry out searches and **(18)** _____ **(19)** _____ both the office of the company established in the Czech Republic and the home of Mr Y, and to **(20)** _____ Mr Y as a witness through video conferencing.

- (18)** (a) confiscations (b) appropriations (c) grabbing (d) seizures
(19) (a) in (b) of (c) at (d) on
(20) (a) interrogate (b) examine (c) question (d) ask

13 That court **(21)** _____ that, after that decision had been adopted, it encountered difficulties in completing Section J of the form set out in Annex A to Directive 2014/41, which deals with legal remedies.

- (21)** (a) states (b) holds (c) indicates (d) affirms

14 In that regard, that court points out that Bulgarian law does not **(22)** _____ any legal remedy against decisions ordering a search, a seizure or the hearing of witnesses. Nevertheless, the **(23)** _____ court considers that Article 14 of Directive 2014/41 requires Member States to provide for such a legal remedy.

- (22)** (a) deal with (b) cover for (c) provide for (d) include for
(23) (a) applying (b) issuing (c) questioning (d) referring

15 The referring court also notes that, under Bulgarian law, judicial decisions ordering such measures are not among those where the State may be held **(24)** _____ in the event of **(25)** _____ caused, as they are not directed at the accused person.

- (24)** (a) responsible (b) liable (c) accountable (d) answerable
(25) (a) damage (b) damages (c) harms (d) wrongs

16 In those circumstances, the Spetsializiran nakazatelen sad (Specialised Criminal Court) decided to **(26)** _____ the proceedings and to refer the following questions to the Court of Justice for a preliminary ruling:

(26) (a) pause (b) stop (c) halt (d) stay

'(1) Are national legislation and **(27)** _____ consistent with Article 14 of Directive [2014/41] in so far as they preclude a challenge, either directly as an appeal **(28)** _____ a court decision or indirectly by means of a separate **(29)** _____ for damages, to the substantive **(30)** _____ of a court decision issuing a European investigation order for a search **(31)** _____ residential and business premises and the seizure of specific **(32)** _____, and allowing examination of a witness?

(27) (a) case-law (b) statutory law (c) jurisprudence (d) judge-made law

(28) (a) ∅ (b) against (c) from (d) to

(29) (a) demand (b) procedure (c) claim (d) proceedings

(30) (a) motivations (b) grounds (c) arguments (d) bases

(31) (a) on (b) around (c) of (d) for

(32) (a) items (b) elements (c) things (d) bits

(2) Does Article 14(2) of Directive 2014/41 grant, in an immediate and direct manner, to a concerned party the right to **(33)** _____ a court decision issuing a European investigation order, even where such a procedural step is not provided for by national law?

(33) (a) review (b) appeal (c) challenge (d) oppose

(3) Is the person against whom a criminal charge was brought, in the light of Article 14(2), in conjunction with Article 6(1)(a) and Article 1(4), of Directive 2014/41, a concerned party, within the meaning of Article 14(4), if the measures for **(34)** _____ of evidence are directed at a third party?

(34) (a) assemble (b) gather (c) compilation (d) collection

(4) Is the person who occupies the property in which the search and seizure was **(35)** _____ or the person who is to be examined as a witness a concerned party within the meaning of Article 14(4), in conjunction with Article 14(2), of Directive 2014/41?

(35) (a) carried out (b) performed (c) effected (d) completed

4. The enforcement of judgments: transfer

[Sources: Council Framework Decision 2008/909 on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32008F0909>; Council Framework Decision 2008/947 on the application of the principle of mutual recognition to judgments and probation decisions with a view to the supervision of probation measures and alternative sanctions; <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32008F0947>]

Choose the correct preposition in the following excerpts.

(1) Council Framework Decision 2008/909 on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union.

Article 6

Opinion and notification (1) of/to the sentenced person

1. Without prejudice **(2) to/of** paragraph 2, a judgment together **(3) to/with** a certificate may be forwarded to the executing State for the purpose of its recognition and enforcement **(4) to/of** the sentence only with the consent **(5) by/of** the sentenced person in accordance **(6) with/to** the law of the issuing State.

2. The consent of the sentenced person shall not be required where the judgment together with the certificate is forwarded:

(a) to the Member State of nationality **(7) at/in** which the sentenced person lives;

(b) to the Member State **(8) to/in** which the sentenced person will be deported once he or she is released **(9) from/of** the enforcement of the sentence **(10) by/on** the basis of an expulsion or deportation order included in the judgment or **(11) in/through** a judicial or administrative decision or any other measure consequential **(12) to/for** the judgment;

(c) to the Member State to which the sentenced person has fled or otherwise returned **(13) in/at** view of the criminal proceedings pending **(14) for/against** him or her in the issuing State or following the conviction in that issuing State.

3. In all cases where the sentenced person is still in the issuing State, he or she shall be given an opportunity to state his or her opinion orally or **(15) in/on** writing. Where the issuing State considers it necessary **(16) in/at** view of the sentenced person's age or his or her physical or mental condition, that opportunity shall be given to his or her legal representative. The opinion of the sentenced person shall be taken **(17) onto/into** account when deciding the issue of forwarding the judgement together with the certificate. Where the person has availed him or herself **(18) of/from** the opportunity provided in this paragraph, the opinion of the sentenced person shall be forwarded to the executing State, **(19) in/on** particular with a view to Article 4(4). If the sentenced person stated his or her opinion orally, the issuing State shall ensure that the written record of such statement is available to executing State.

4. The competent authority **(20) from/of** the issuing State shall inform the sentenced person, in a language which he or she understands, that it has decided to forward the judgment together with the certificate **(21) by/through** using the standard form of the notification set **(22) out/down** in Annex II. When the sentenced person is **(23) at/in** the executing State at the time of that decision, that form shall be transmitted to the executing State which shall inform the sentenced person accordingly.

(2) Council Framework Decision 2008/947 on the application of the principle of mutual recognition to judgments and probation decisions with a view to the supervision of probation measures and alternative sanctions.

Article 4

Types of probation measures and alternative sanctions

1. This Framework Decision shall apply **(24) to/on** the following probation measures or alternative sanctions:

- (a) an obligation **(25) for/to** the sentenced person to inform a specific authority **(26) about/of** any change of residence or working place;
- (b) an obligation not to enter certain localities, places or defined areas in the issuing or executing State;
- (c) an obligation containing limitations **(27) on/about** leaving the territory of the executing State;
- (d) instructions relating **(28) on/to** behaviour, residence, education and training, leisure activities, or containing limitations on or modalities **(29) of/to** carrying **(30) out/through** a professional activity;
- (e) an obligation to report **(31) at/on** specified times to a specific authority;
- (f) an obligation to avoid contact **(32) towards/with** specific persons;
- (g) an obligation to avoid contact with specific objects, which have been used or are likely to be used **(33) with/by** the sentenced person with a view to committing a criminal offence;
- (h) an obligation to compensate financially **(34) for/on** the prejudice caused by the offence and/or an obligation to provide proof of compliance **(35) to/with** such an obligation;
- (i) an obligation to carry **(36) away/out** community service;
- (j) an obligation to cooperate with a probation officer or with a representative of a social service having responsibilities in respect of sentenced persons;
- (k) an obligation to undergo therapeutic treatment or treatment **(37) for/on** addiction.

Article 16

Obligations of the authorities involved where the executing State has jurisdiction for subsequent decisions

1. The competent authority of the executing State shall without delay inform the competent authority of the issuing State, **(38) by/through** any means which leaves a written record, of all decisions on the:

- (a) modification of the probation measure or alternative sanction;
- (b) revocation **(39) to/of** the suspension of the execution of the judgment or revocation of the decision **(40) on/about** conditional release;
- (c) enforcement **(41) of/to** a custodial sentence or measure involving deprivation of liberty, because of non-compliance with a probation measure or alternative sanction;
- (d) lapsing **(42) to/of** the probation measure or alternative sanction.

5. Freezing and confiscation

[Source: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32018R1805>]

Choose the correct option.

Article 2

Definitions

For the purpose of this Regulation, the following definitions apply:

1. **(1)** ‘_____’ means a decision **(2)** _____ or **(3)** _____ by an issuing authority in order to prevent the destruction, transformation, **(4)** _____, transfer or disposal of property with a view to the confiscation **(5)** _____;

1. (a) freeze order (b) freezing order (c) freezing warrant (d) freeze judgment
2. (a) issued (b) delivered (c) rendered (d) handed down
3. (a) approved (b) corroborated (c) verified (d) validated
4. (a) elimination (b) deletion (c) removal (d) relocation
5. (a) thereof (b) therein (c) thereafter (d) thereafter

2. **(6)** ‘_____’ means a final **(7)** _____ or measure, imposed by a court following **(8)** _____ in relation to a criminal offence, resulting in the final **(9)** _____ of property of a **(10)** _____ or legal person;

6. (a) seizure order (b) confiscating order (c) confiscation warrant (d) confiscation order
7. (a) punishment (b) penalty (c) conviction (d) sentence
8. (a) proceedings (b) procedure (c) process (d) lawsuit
9. (a) taking (b) seizure (c) removal (d) deprivation
10. (a) natural (b) physical (c) individual (d) particular

3. ‘property’ means property of any description, whether **(11)** _____ or _____, **(12)** _____ or _____, and legal documents or instruments evidencing title or interest in such property, which the issuing authority considers to be:

11. (a) bodily or unbodily
(b) corporeal or incorporeal
(c) bodily or non-bodily
(d) corporeal or incorporeal
12. (a) mobile or immobile
(b) movable or immovable
(c) movable or immovable
(d) attached or unattached

(...)

4. 'proceeds' means any economic advantage derived directly or indirectly from a criminal offence, consisting of any form of property and including any **(13)** _____ reinvestment or transformation of direct proceeds and any **(14)** _____ benefits;

13. (a) later (b) posterior (c) subsequent (d) posterior

14. (a) valuable (b) worthy (c) profitable (d) beneficial

5. **(15)** ' _____ ' means any property used or intended to be used, in any manner, wholly or partially, to commit a criminal offence;

15. (a) instruments (b) instrumentalities (c) tools (d) device

(...)

7. 'executing State' means the Member State to which a freezing order or confiscation order is transmitted for the purpose of recognition and **(16)** _____;

16. (a) enforcement (b) accomplishment (c) execution (d) performance

(...)

10. **(17)** ' _____ ' means the natural or legal person **(18)** _____ whom a freezing order or confiscation order is issued, or the natural or legal person that **(19)** _____ the property that is covered by that order, as well as any **(20)** _____ whose rights in relation to that property are directly prejudiced by that order under the law of the executing State.

17. (a) affected person (b) aggrieved person (c) injured person (d) harmed person

18. (a) at (b) over (c) against (d) for

19. (a) has (b) holds (c) owns (d) possesses

20. (a) external parties (b) third parties (c) third person (d) third people

WRITING SKILLS

1. Mutual Legal Assistance


Provide the correct word form for each of the following:

[Sources: 1959 European Convention on Mutual Assistance in Criminal Matters, <https://www.coe.int/en/web/conventions/full-list/-/conventions/rms/09000016800656ce>; Council Act establishing in accordance with Article 34 of the Treaty on European Union the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union, <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2000:197:0001:0023:EN:PDF>]

VERB	NOUN	ADJECTIVE
1. to acquit		
2.		administrative
3.	allegation	
4.		appearing
5.	assistance	
6. to authorise		
7.	charge	
8.		certified, certifying, certifiable
9.	conduct	
10.		convicted, convicting
11. to defend		
12.	detention, detainee	
13. to enforce		
14.		executable, executed, executing
15. to hear		
16.	identity, identification	
17.	indictment	
18. to infringe		
19.		issuing, issued
20.		intercepting, intercepted
21. to judge		

22.	notification	
23. to offend		
24.		operating
25. to provide		
26.		ratified, ratifying
27.		reciprocal
28. to refuse		
29.	request	
30. to seize		
31.	sentence	
32. to serve		
33. to summon		
34. to surrender		
35. to suspect		
36. to testify		
37.		transferred, transferring, transferable
38. to transmit		
39.	trial, trier	
40. to urge		
41. to withdraw		

2. The European Arrest Warrant

	<p style="text-align: right;">Court of Justice of the European Union PRESS RELEASE No 68/19 Luxembourg, 27 May 2019</p>
<p>Press and Information</p>	<p>Judgments in Joined Cases C-508/18 OG (Public Prosecutor's office of Lübeck) and C-82/19 PPU PI (Public Prosecutor's office of Zwickau) and in Case C-509/18 PF (Prosecutor General of Lithuania)</p>

Write the correct word form for each numbered gap.

[Source: <https://curia.europa.eu/jcms/upload/docs/application/pdf/2019-05/cp190068en.pdf>; video: <https://audiovisual.ec.europa.eu/en/video/I-173153>]

- 1 German public prosecutor's offices do not **(1)** _____ [*provision*] a **(2)**
 2 _____ [*suffice*] guarantee of independence from the executive for the
 3 purposes of **(3)** _____ [*issue*] a European arrest warrant
- 4 *The Prosecutor General of Lithuania does, however, provide such a guarantee of*
 5 *independence*
- 6 Two Lithuanian nationals and one Romanian national are challenging before the Irish courts
 7 the **(4)** _____ [*execute*] of European arrest warrants issued by German public
 8 prosecutor's offices and the Prosecutor General of Lithuania for the purposes of criminal **(5)**
 9 _____ [*prosecuted*]. They are accused of **(6)** _____ [*criminal; plural*
 10 *form*] described as murder and grievous **(7)** _____ [*body*] injury (OG), armed
 11 robbery (PF) and organised or armed robbery (PI).
- 12 The three people **(8)** _____ [*concern*] claim that the German public prosecutor's
 13 offices and the Prosecutor General of Lithuania are not competent to issue a European arrest
 14 warrant on the ground that none is a 'judicial **(9)** _____ [*authorise*] within the
 15 meaning of the framework decision on the European arrest warrant. OG and PI claim, *inter*
 16 *alia*, that the German public prosecutor's offices are not independent of the **(10)**
 17 _____ [*execute*] since they are part of an administrative hierarchy headed by the
 18 Minister for Justice, so that there is a risk of political **(11)** _____ [*involve*].
- 19 The Supreme Court (Ireland) and the High Court (Ireland) ask, in that context, the Court of
 20 Justice for an interpretation of that framework decision. In light of the fact that PI is, on the
 21 basis of the European arrest warrant issued in respect of him, in custody in Ireland, the Court
 22 of Justice acceded to the High Court's request that the case be dealt with under the **(12)**
 23 _____ [*urgency*] preliminary **(13)** _____ [*rule*] procedure.
- 24 In today's **(14)** _____ [*judge; plural form*], the Court of Justice holds that the
 25 concept of an 'issuing judicial authority', within the meaning of the framework decision, does
 26 not include public prosecutor's offices of a Member State, such as those of Germany, which
 27 are exposed to the risk of being subject, directly or indirectly, to **(15)** _____ [*direct;*
 28 *plural form*] or instructions in a specific case from the executive, such as a Minister for
 29 Justice, in **(16)** _____ [*connect*] with the adoption of a decision to issue a
 30 European arrest warrant.
- 31 However, that concept includes the Prosecutor General of a Member State, such as that of
 32 Lithuania, who, whilst **(17)** _____ [*institution*] independent of the **(18)**
 33 _____ [*judge*], is responsible for the conduct of criminal prosecutions and whose
 34 legal position affords him a guarantee of independence from the executive in connection with
 35 the issuing of a European arrest warrant.

36 The Court notes, first of all, that the European arrest warrant is the first concrete measure in
37 the field of criminal law implementing the principle of mutual (19) _____
38 [*recognise*], which is itself based on the principle of mutual trust between the Member States.
39 Both principles are of (20) _____ [*fundament*] importance given that they allow
40 an area without internal borders to be created and maintained.

41 The principle of mutual recognition proceeds from the (21) _____ [*assume*] that
42 only European arrest warrants which meet the requirements of the framework decision must
43 be executed. Thus, since a European arrest warrant is a 'judicial decision', it must, in
44 particular, be issued by a 'judicial authority'.

45 Although, in accordance with the principle of (22) _____ [*procedure*] autonomy,
46 the Member States may designate, in their national law, the 'judicial authority' with the
47 competence to issue a European arrest warrant, the meaning and scope of that term cannot
48 be left to the (23) _____ [*assess*] of each Member State, but must be the same
49 throughout the EU.

50 It is true that the concept of a 'judicial authority' is not limited to designating only the judges
51 or courts of a Member State, but must be (24) _____ [*construction*] as
52 designating, more broadly, the authorities participating in the administration of criminal
53 justice in that Member State, as distinct from, *inter alia*, ministries or police services which
54 are part of the executive.

55 According to the Court, both the German public prosecutor's offices and the Prosecutor
56 General of Lithuania, which have an essential role in the conduct of criminal proceedings,
57 are (25) _____ [*capability*] of being regarded as participating in the administration
58 of criminal justice.

59 However, the authority responsible for issuing a European arrest warrant must act (26)
60 _____ [*independence*] in the execution of its functions, even where that arrest
61 warrant is based on a national arrest warrant issued by a judge or a court. It must, in that
62 capacity, be capable of exercising its functions objectively, taking into account all (27)
63 _____ [*incriminate*] and exculpatory evidence, without being exposed to the risk
64 that its decision-making power be subject to external directions or instructions, in particular
65 from the executive, so that it is beyond doubt that the decision to issue a European arrest
66 warrant lies with that authority and not, (28) _____ [*ultimate*], with the executive.

67 As regards the public prosecutor's offices in Germany, the Court finds that legislation does
68 not preclude their decisions to issue a European arrest warrant from being subject, in a given
69 case, to an instruction from the Minister for Justice of the relevant *Land*. Accordingly, those
70 public prosecutor's offices do not appear to meet one of the (29) _____ [*require*;
71 *plural form*] of being regarded as an 'issuing judicial authority', within the meaning of the
72 framework decision, (30) _____ [*name*] the requirement of providing the judicial
73 authority responsible for execution of a European arrest warrant with the guarantee that they
74 act independently in issuing it.

75 Nevertheless, it appears that the Prosecutor General of Lithuania may be considered to be
76 an 'issuing judicial authority', within the meaning of the framework decision, in so far as his
77 legal position in that Member State safeguards not only the (31) _____ [*objective*]
78 of his role, but also affords him a guarantee of independence from the executive in
79 connection with the issuing of a European arrest warrant. However, it cannot be ascertained
80 from the information in the case file before the Court whether a decision of the Prosecutor
81 General of Lithuania to issue a European arrest warrant may be the subject of court (32)
82 _____ [*proceed; plural form*] which meet in full the requirements inherent in (33)
83 _____ [*effect*] judicial protection, which it is for the Supreme Court to determine.

3. The European Investigation Order

[Source: adapted from <https://www.ejn-crimjust.europa.eu/ejn/libdocumentproperties/EN/3155>]

(a) Please have the EIO form in front of you (Annex A, Directive 2014/41). Now read the following text and then answer in writing the questions after it using your own words:

1 ***Guidelines on how to fill in the European Investigation Order form.***

2 The EIO should be chosen where the execution of an investigative measure seems
3 proportionate, adequate and applicable to the case in hand. The issuing authority should
4 therefore ascertain whether the investigative measure chosen is necessary and proportionate
5 for the gathering of the evidence concerned.

6 Sometimes it may be more effective to go through police to police cooperation before the EIO is
7 issued, for example, creating an alert in SIS to find or locate the objects sought as evidence in
8 criminal proceedings (such as vehicles, identity papers, credit cards, or number plates, etc.) or
9 to find out the place of residence or domicile of persons sought to assist with criminal judicial
10 procedures (such as witnesses).

11 When drafting an EIO, it is recommended to use the editable PDF version of the EIO form
12 available on the European Judicial Network (EJN) website or the Compendium tool of the EJN.
13 Using these e-tools presents the advantage of filling in the form as easy as filling in a word
14 format, but with several modern and user-friendly features, such as obtaining immediately the
15 static text of the form in the language(s) accepted by the executing State, or choosing from a
16 predefined list of 'traditional' investigative measures.

17 It is advisable to download the editable PDF version of the EIO form in the issuing authority's
18 (your own) language, as well as in other languages, and keep it on your own computer, in case
19 there is no access to the EJN website when needed in urgent cases.

20 Some of the main recommendations are:

- 21 - Fill in the form in your own language using a computer (not in handwriting).
- 22 - Use short and simple sentences, which are easy to translate.
- 23 - To enhance the readability of the form, make the filled in text and ticked boxes 'bold'.
- 24 - If a box is not relevant, leave it empty or write 'not applicable' ('N/A') or indicate clearly, for
25 instance by a specific mark (e. g.: —) that it is not applicable. You may never delete a box,
26 add a box or somehow change the EIO form.

27 *Investigative measures to be carried out.*

28 Always obligatory to fill in.

29 Always describe the assistance/investigative measure required in the free text field and, if
30 applicable, tick the relevant box/boxes from the list of investigative measures.

31 A(n) (single) EIO may be issued for carrying out several investigative measures. Number
32 separate measures in all relevant sections of the form. If execution of more than one
33 investigative measure is sought and more than one executing authority is responsible for the
34 execution thereof, issue either separate EIOs for each executing authority or a single EIO. If a
35 single EIO is issued, differentiate the competences in the EIO and send a copy of the EIO to
36 each executing authority concerned.

37 An EIO should cover any investigative measure to obtain evidence that could have been ordered
38 under the same conditions in a similar domestic case.

39 However, an EIO does not apply to:

- 40 - Setting up of a joint investigation team and the gathering of evidence within such a team
41 (Art. 3, recital 8);
- 42 - Cross-border surveillance as referred to in the Convention implementing the Schengen
43 Agreement (recital 9);
- 44 - Provisional measures with a view to confiscation (Art. 32, recital 34);
- 45 - Transfer of a person to another Member State for the purposes of prosecution, including
46 bringing that person before a court for standing trial for which a European Arrest Warrant
47 (EAW) should be issued (recital 25).

48 Requests for information on previous convictions should be made through ECRIS (European
49 Criminal Record Information System).

50 For certain types of investigative measures, section (H)(1-7) should also be completed to provide
51 additional information required under this section.

52 As far as possible, information that will be provided under sections (E), (H) and (I) should not be
53 included under section (C), in particular, details of any special procedure / formalities to be
54 followed should be indicated in section (I), and full address or a precise description of any place
55 or person to be searched should be specified under section (E).

56 Provide sufficient information to identify the evidence sought, for instance when requesting for
57 an identification of person holding an IP address, give details on the type of data required,
58 indicate IP address, date and time of the use, name and address of the service provider, name
59 of the service; or when requesting a house search or search of premises, provide a description
60 of the premises, indicate the owner of the premises, and the resident, if different from the owner,
61 items to be looked for.

62 Where a temporary transfer of a person is requested, supplementary to section (H)(1), indicate:

- 63 - the purpose for the transfer (for instance, witness, confrontation);
- 64 - the dates by which that person must be transferred and returned;
- 65 - information on custody conditions;
- 66 - under section (K): contact details of the authority responsible for making practical
67 arrangements for the transfer.

68 Where a hearing of a person is requested, provide:

- 69 - sufficient information on the purpose of the hearing, for example by providing a list of
70 questions to be asked in a document in attachment (in particular where the list is extensive)
71 or under this section;
- 72 - an explanation that other questions arising during the hearing should also be asked;
- 73 - under section (I)(1): where applicable, details of any special procedure/formalities to be
74 followed, for example, (1) hearing under oath; (2) participation of other concerned persons,
75 such as a holder of parental responsibility; (3) hearing to be conducted by a particular
76 authority of the executing State; (4) information on the rights and obligations to be notified to
77 the person to be heard such as a right to be assisted by a lawyer/interpreter (if such
78 information needs to be handed over to a person, such as in case when a signature of a
79 person on the list of rights is necessary to prove in the issuing State that he or she was
80 properly notified, it is advisable to attach it to the EIO); (5) information whether the person to
81 be heard requires protection;
- 82 - under section (I)(2): where applicable, whether the issuing authority requests for one of
83 more officials of the issuing State to be present at the hearing.

- 84 Where a hearing by video conference is requested, supplementary to this section, provide:
- 85 - under section (H)(2): name of the authority that will conduct the hearing, including contact
86 details and language, reasons for requesting this measure, and information whether consent
87 of the suspected or accused person was obtained for carrying out this measure;
- 88 - under section (I)(1): where applicable, details of any special procedure/formalities to be
89 followed, for example, (1) information on the rights and obligations to be notified to the person
90 to be heard, such as a right to be assisted by a lawyer/interpreter; (2) information whether the
91 person to be heard requires protection; (3) hearing under oath; (4) participation of other
92 concerned parties, such as a holder of parental responsibility; (4) hearing to be conducted by
93 a particular authority of the executing State.
- 94 If the interception of telecommunications is requested:
- 95 - indicate the status of the person whose communications should be intercepted, for
96 example a suspect, witness, victim or a person likely in contact with the suspect, in case such
97 information is not included under section (E). This information might be essential to determine
98 if the investigative measure could be authorised in a similar domestic case;
- 99 - under section (H)(7): provide reasons, why the measure is relevant for the criminal
100 proceedings; information for the purpose of identifying the subject of interception; the desired
101 duration; technical data and preference regarding the method of execution.

QUESTIONS:

1. When should an EIO be chosen?
2. In what cases could it be more practicable to resort to police cooperation?
3. Why is it recommendable to use e-tools when drafting an EIO and what are their advantages?
4. Why should you download an editable pdf version of the EIO in your language as well as in other languages?
5. What are the main general recommendations when filling in the form as regards handwriting, not relevant boxes and alteration of the form?
6. What do you have to do with the free text field for assistance/investigative measure required and with the relevant box/boxes?
7. Should separate EIOs be issued for each investigative measure? If the answer is 'no', explain what you have to do; if the answer is 'yes', explain as well.
8. What do EIOs cover?

9. In what cases does an EIO NOT apply?

10. What should you use to request information on previous convictions?

11. What is the purpose of filling in section H (1-7)?

12. Why is it that precise information should be included under sections (E), (H) and (I) rather than (C), and what type of information should be provided therein? Provide an example of information necessary to identify a person holding an IP address.

13. If a temporary transfer of a person is requested, what information should you include on top of that given under (H) (1)?

14. Indicate at least four basic items of information that should be provided if the hearing of a person is requested.

15. If a hearing by videoconference is requested, what additional information do you need to provide?

16. What should be specified if the order is issued for the interception of communications?

(b) Writing emails. Go to Annex 2 and read the information on how to write an email in English. Once you have read it, draft the following emails.

Practice 1: You are Mr. (Aleksis) Ozola, a court officer in Rīgas pilsētas Latgales priekšpilsētas tiesa (Riga City Court, Latgale District), Latvia, and on 19 March you have received an email from the *Helsingin Käräjäoikeus*, Finland, informing you that an EIO form for the hearing of a witness by videoconference (pre-trial) has been sent. You would like to answer just to confirm acknowledgement of receipt of the email and informing Ms. Virtanen (your contact person) that you will send a further email once you have received the document itself. Draft an email.

Practice 2: You are Ms. (Hanna) Kowalski, a court officer at Sąd Okręgowy w Poznaniu (Regional Court, Poznań), Poland, and you have received from the Špecializovaný trestný súd (Special Criminal Court), Slovakia on 4 April an EIO (dated 27 March) for the hearing by telephone conference of what, reading the description on Section C of the Form, seems to be a witness. However, the box that has been ticked is “expert” and you would like them to clarify this point before proceeding any further. Draft an email. The contact person is Mr. (Jakub) Nagy.

Practice 3:

(a) You are Ms. (Daniela) Georgieva, a court officer at the Spetsializiran nakazatelen sad (Specialised Criminal Court), Bulgaria. Draft an email addressed to Mr. (Pedro) Fernández, who is a court officer at the *Audiencia Nacional*, Spain, letting him know that your court has sent an EIO for the interception of telecommunications. In your mail you also ask him to please confirm by email that the original form has been received.

(b) You are Mr. Fernández: confirm to Ms. Georgieva that you have received her email and that you need to have permission to send an informal (unofficial) acknowledgement of receipt by email once you get the EIO, so you need to consult with your supervisor first.

- 35 15 By order of 16 February 2018, the Harju Maakohus (Court of First Instance, Harju) (19)
36 _____ [accepted, said 'yes' to] that request.
- 37 16 Following an appeal (20) _____ [submitted] by A. P., the Tallinna
38 Ringkonnakohus (Court of Appeal, Tallinn, Estonia) (21) _____ [supported,
39 confirmed] that order, by order of 21 March 2018.
- 40 17 A. P. brought an appeal against the order of 21 March 2018 before the (22)
41 _____ [sending, dispatching] court.
- 42 18 The referring court finds, in the light of the judgment of 24 January 2017 of the Rīgas
43 pilsētas Latgales priekšpilsētas tiesa (Riga City Court, Latgale District), that (23)
44 _____ [annulment, postponement] of the execution of the sentence
45 imposed on A. P. is contingent only upon the obligation, resulting from Paragraph 73(1)
46 of the Estonian Criminal Code, not to commit a new (24) _____ [wilful,
47 calculated] offence.
- 48 19 The referring court considers, furthermore, that such an obligation does not correspond
49 to any of the probation measures or (25) _____ [optional; different within a
50 number of choices] sanctions referred to in Article 4(1) of Framework Decision
51 2008/947.
- 52 20 Since Estonian law authorises recognition of a judgment pursuant to Framework
53 Decision 2008/947 only in so far as it imposes at least one of those probation measures
54 or one of those alternative sanctions, the referring court is (26) _____
55 [unsure] whether the framework decision must be interpreted as providing for
56 recognition of a judgment such as that (27) _____ [rendered, pronounced,
57 issued] on 24 January 2017 by the Rīgas pilsētas Latgales priekšpilsētas tiesa (Riga
58 City Court, Latgale District).
- 59 21 In those circumstances, the Riigikohus (Supreme Court, Estonia) decided to (28)
60 _____ [half] the proceedings and to refer the following question to the Court
61 of Justice for a preliminary ruling:
- 62 'Is the recognition and supervision of execution of a judgment of a Member State (29)
63 _____ [consistent, in accordance with] with Framework Decision
64 [2008/947] even where the sentenced person has by that judgment been conditionally
65 (30) _____ [discharged, exempted] from the obligation to (31)
66 _____ [complete, carry out] a custodial sentence, without any additional
67 obligations being imposed, so that the person's only obligation is to (32)
68 _____ [abstain from, refrain from] committing a new intentional offence
69 during the probation period (this being a suspended sentence within the meaning of
70 Paragraph 73 of the Estonian Criminal Code)?'
- 71 (...)
- 72 **Substance**
- 73 30 By its question, the referring court asks, in essence, whether Article 1(2) of Framework
74 Decision 2008/947 must be interpreted as meaning that recognition of a judgment that
75 has imposed a custodial sentence whose execution is suspended subject to the (33)
76 _____ [only, exclusive] condition that a legal obligation not to commit a new
77 criminal offence during a probation period be (34) _____ [satisfied,
78 observed, fulfilled] with falls within the scope of that framework decision.
- 79 31 Article 1(2) of Framework Decision 2008/947 provides that the framework decision is to
80 apply only to the recognition of judgments and, where applicable, probation decisions,
81 to the (35) _____ [assignment, change, passing on] of responsibility for the

82 supervision of probation measures and alternative sanctions and to all other decisions
83 related to such recognition or supervision.

84 32 It follows from Article 2(1) of Framework Decision 2008/947 that, for the purposes of the
85 framework decision, the term ‘judgment’ refers to a final decision or order of a (36)
86 _____ [tribunal] of the issuing Member State, (37) _____
87 [determining, confirming] that a natural person has committed a criminal offence and
88 imposing one of the measures listed in Article 2(1)(a) to (d).

89 33 Since the question referred relates to recognition of a (38) _____ [coming
90 from a judge or a court] decision that has imposed a custodial sentence whose
91 execution is suspended, it must be determined whether such a judicial decision is to
92 be (39) _____ [considered] as a judgment, within the meaning of Article
93 2(1) of Framework Decision 2008/947, on the basis of Article 2(1)(b) thereof, which
94 refers to judicial decisions imposing a suspended sentence.

95 34 The term ‘suspended sentence’ is defined in Article 2(2) of Framework Decision
96 2008/947 as being a custodial sentence or measure involving (40) _____
97 [removal, privation] of liberty, the execution of which is conditionally suspended, wholly
98 or in part, when the sentence is (41) _____ [given] by imposing one or more
99 probation measures.

100 35 (42) _____ [therefore], it must be determined whether the obligation not to
101 commit a new criminal offence during a probation period is a probation measure within
102 the meaning of Framework Decision 2008/947.

103 (...)

104 58 It follows that it is incumbent upon the competent authority of the issuing Member State
105 to determine the conditions upon which suspension of the execution of the custodial
106 sentence or measure involving deprivation of (43) _____ [freedom] that is
107 imposed is contingent, in such a way as to (44) _____ [allow, permit] the
108 authorities of the executing Member State to identify, on the basis of the judgment or
109 probation decision, the probation measures imposed on the sentenced person. It is for
110 the referring court to establish whether, in the light of the matters set out in the
111 judgment forwarded, that is so in the (45) _____ [principal] proceedings.

112 59 In the light of all the foregoing considerations, the answer to the question referred is that
113 Article 1(2) of Framework Decision 2008/947, read (46) _____ [together
114 with] Article 4(1)(d) thereof, must be interpreted as meaning that recognition of a
115 judgment that has imposed a custodial sentence whose execution is suspended
116 subject to the sole condition that a (47) _____ [statutory, legitimate, lawful]
117 obligation not to commit a new criminal offence during a probation period be complied
118 with (48) _____ [is, is included] within the scope of that framework decision,
119 provided that that legal obligation results from that judgment or from a probation
120 decision taken on the basis of that judgment, a (49) _____ [issue, question]
121 which is for the referring court to establish.

5. Freezing and confiscation

Read the following information about premodification in English:

A premodifier is a word that precedes the head of a noun phrase. They are either adjectives (“a cloudy day”), *-ed* or *-ing* participles (“a broken toy”, “a growing problem”), adverbs (“extremely brilliant performance”) or other nouns (“road accident”). The head is always the last noun in the string.

There are three main types of premodification: noun compounds (or compound nouns), adjectival premodification (either adjectives or participles) and mixed (which combine many possibilities (nouns, adjectives, adverbs, etc.).

(a) Noun compounds (or compound nouns)

They are strings of nouns of the type “noun as adjective”, where the noun or nouns before the head behave grammatically as adjectives, so they do not have a plural form (with a few exceptions): *a sheep dog, a race horse, a flower garden, a chess board, a shoe shop, a war story, a mountain plant*. It is important to make a difference between “category” and “function”: all nouns coming before the head are nouns as category, but they function as adjectives and therefore take on the grammatical behaviour of adjectives (no plural form).

Some compounds are hyphenated (“water-bottle”), some are written separately (“meat pie”), some have lexicalised as a single unit (“headmaster”) and some can be written in these three ways (“paper-clip”, “paper clip”, “paperclip”).

(b) Adjectival premodification

There are only adjectives before the noun head: “a beautiful day”, “a tall young man”.

(c) Mixed premodification

Here we may find not only a mixture of nouns and adjectives, but also other elements such as adverbs, prepositions, etc.: “a truly intelligent man”, “extremely varied family topics”, “up-to-the-minute fancy place”, “compressed air blasting machine”, etc.

Now put in the correct form of the following premodifiers:

[Source: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32018R1805>]

1. _____ (*substance*) grounds.
2. _____ (*freeze*) order.
3. _____ (*confiscate*) order.
4. _____ (*judge*) cooperation.
5. _____ (*execution*) state.
6. _____ (*reason*) grounds.

7. _____ (*issue*) state.
8. _____ (*crime*) liability.
9. _____ (*fundament*) right.
10. _____ (*write*) record.
11. _____ (*reason*) request.
12. _____ (*law*) person.
13. _____ (*nature*) person.
14. _____ (*timing*) limits.
15. _____ (*law*) remedy.
16. _____ (*alternate*) measures.
17. _____ (*competence*) authority.
18. _____ (*center*) authority.
19. _____ (*transmit*) date.
20. _____ (*move*) property.
21. _____ (*procedure*) rules.
22. _____ (*register*) seat.
23. _____ (*crime*) proceedings.
24. _____ (*nation*) law.
25. _____ (*remain*) property.
26. _____ (*exception*) costs.
27. _____ (*affect*) persons.
28. _____ (*validate*) authority.
29. _____ (*investigation*) needs.
30. _____ (*identify*) data.
31. _____ (*children*) pornography.
32. _____ (*law, negative form*) seizure of aircraft.

33. _____ (*sex*) exploitation.
34. _____ grievous (*body*) injury.
35. _____ (*arm*) robbery.
36. _____ (*effect, law*) remedy.
37. _____ (*permanence*) address.
38. _____ (*steal*) vehicle.
39. _____ (*outstand*) amount.
40. _____ (*add*) information.

ANNEXES

ANNEX 1: TELEPHONE CALLS IN ENGLISH

SAMPLE CONVERSATION

Criminal Court no. 2 of Seville, good morning. How can I help you / be of help?
Good morning, this is Mr. Kowalski calling. I am a court officer in the Krakow circuit court. May I speak to Ms. Lopez, please?
I'm afraid she is out of the premises at the moment / at a meeting right now. Would you like to leave a message for her / would you like me to take a message?
As a matter of fact I would / Yes, please / That would be lovely / Indeed. Could you please ask her to call me back as soon as possible? It's on a rather / very urgent matter / issue. My number is 00 48 289864210, that's a direct number.
Let me check if I got that number right. Is it 0-0-4-8-2-8-9-8-6-4-2-1-0?
That's right.
Ok / alright, Mr. Kowalski, I will give her the message as soon as she returns / is back. Is there anything else I can do for you? Can I help you in any other way?
No, thank you very much / that will be all. Bye-bye.

LANGUAGE

[Key: 'AmE' stands for "US English"; 'BrE' stands for "British English"]

WHAT YOU MIGHT SAY	WHAT YOU MIGHT HEAR
<p>Identifying yourself or your institution</p> <p>This is Stephanie Schmidt / Ms. Schmidt here (<i>AmE</i>)</p> <p>Rosa Fernandez speaking</p> <p>It's Mr. Headford of CPS here</p> <p>This is Mr. Marino, of / from Palermo's First Instance Court</p>	<p>Taking the call/asking your identity</p> <p>Good morning / good afternoon / good evening / hello</p> <p>Hello, this is Cluj criminal court</p> <p>How may I help you?</p> <p>May / can I help you?</p> <p>May I ask who's calling?</p> <p>Who is calling him/her?</p> <p>Who's calling please? / Who's speaking please?</p> <p>Can / could I have your name please?</p> <p>Can / could you give me your name and institution?</p>

WHAT YOU MIGHT SAY	WHAT YOU MIGHT HEAR
<p>Trying to get through</p> <p>Hello / Good morning, can / may / could I speak to (<i>BrE</i>)/with (<i>AmE</i>) Mr. Brown, please?</p> <p>I'd like to / could I / may I speak to (<i>BrE</i>) / with (<i>AmE</i>) Mr. Brown?</p> <p>Is Mr. Brown in (the court building / the office / the premises)? / Is Mr. Brown there, please?</p> <p>Would it be possible to speak to Mr. Brown?</p> <p>Is Mr. Brown available / at the premises?</p> <p>Could I have Mr. Brown, from the finance department?</p> <p>Could you give me Mr. Brown, please? (<i>colloquial</i>)</p> <p>Could you connect me with the Staff Department, please?</p> <p>Could you please put me through to Mr. Brown from the International Section?</p>	<p>Being put through/ not being put through</p> <p>One moment please</p> <p>Hold on, I'll connect you</p> <p>Just a moment</p> <p>Hold the line, please</p> <p>Hold on (a moment) please</p> <p>I'll put you through / Putting you through (<i>colloquial</i>)</p> <p>Sorry, the line is engaged, would you like to wait or would you rather try again later on?</p> <p>Please don't hang up</p>

WHAT YOU SAY	WHAT YOU HEAR
<p>Giving information about the purpose of your call</p> <p>I have a pressing / an important / urgent matter on cross-border cooperation in criminal matters to discuss with him, more specifically on a European Arrest Warrant</p> <p>I have something important / urgent to discuss with him</p>	<p>Giving information about the purpose of your call</p> <p>May I ask what you are calling him for?</p> <p>May I ask who's calling?</p> <p>What is this in connection with? (<i>colloquial</i>)</p> <p>Could you please tell me what the call is about?</p>

WHAT YOU SAY	WHAT YOU HEAR
<p>Leaving/Not leaving a message</p> <p>Could you tell him /say that I called? Could you ask her to call me back? Could you tell her that I'll call back / later? Could you tell him that Mr. Smith called? I'll call back later I'll call him on his mobile (phone) I'll be in my office all afternoon Could you ask him to call me as soon as possible? He can reach me on 0034619554378</p>	<p>Problems to get through / Being asked to leave a message</p> <p>I'm afraid the line's busy / engaged I'm sorry, he's not in at the moment I'm afraid she's out of the court building I'm afraid Mr. Brown is not available (until...) I'm afraid there is no reply from that extension Would you like to / Do you want to leave a message? Can I take a message? Does Mr. Brown have your number? Could you spell your name, please? I'll get back to you on this (<i>colloquial</i>)</p>

WHAT YOU SAY	WHAT YOU HEAR
<p>Apologising</p> <p>I'm sorry, I think I've / I must have called the wrong number I'm sorry, I wanted / I was calling 0034619554378 Oh, I apologise, I must have the wrong number</p>	<p>Asking what number the caller wanted</p> <p>What number were you calling? What number did you want? What number did you call? I'm afraid you have the wrong number / extension</p>

<p>Checking on something</p> <p>Let me check (on) that for you I'll see what I can find out I'll look into that for you If I can call you back at some point during the morning / tomorrow, I'll look into this</p>

Agreeing/not agreeing to a request

By all means

Go ahead

Please do

Yes, of course

I'm (terribly) sorry to say...

I'm afraid...

Unfortunately...

I don't think...

I cannot...

Asking for help

Could you speak a little slower?

Could you speak a bit more slowly, please?

Excuse me? I didn't catch/get that

(I am) sorry, could you repeat that?

Could you say that again, please?

Can / could you speak up a bit?

There is a lot of interference on this line

I am afraid there is a lot of background noise and I cannot hear you clearly

I'm afraid I can't hear you very well

It's very noisy here, I can hardly hear you

I'm afraid you are speaking a bit too fast for me

I'm afraid I don't understand what you mean

I'm afraid I don't follow you

So what is it that you (would) need from Mr. Kowalski?

Thank you/You are welcome

Thank you very much for...

I really appreciate your help

I'm very /really / extremely grateful for...

It's really good of you to...

That's very /really kind of you

I'd be very grateful if...

I'd really appreciate it if...

That would be fine / great / /fantastic / lovely, thanks / thank you

That's all right / OK, thanks

It's a pleasure

Not at all

My pleasure

You're (very) welcome

ANNEX 2: E-MAILS IN ENGLISH

1. BASIC NETIQUETTE

- Be specific, brief and clear in the subject box and don't assume the recipient is familiar with the background / topic of your mail.
- Do not address recipients by their first name: use titles or forms of address.
- Keep to the register used by the original sender of the email. If the mail was very polite and formal, stay in the same register; if it was more relaxed, keep it without being overfamiliar.
- Do not assume that the addressee knows who you are: include a brief introduction / reminder of who you are in relation to the matter you are writing about.
- Try to keep messages brief, concise and to the point.
- Use short sentences rather than long, subordinate sentences.
- Try not to use capital letters or oversized fonts, they may be offensive.
- Do not abuse bold fonts.
- Try not to use exclamation marks.
- Layout your message for readability: use headings, spaces and breaks between paragraphs. Your email should not be a burden to read.
- When an email has to explain many issues, include a bullet list in the body of your email.
- Try not to use abbreviations or acronyms unless that person is familiar with them.
- Avoid marking an email 'urgent' or 'high priority' if it is not.
- Give attachments an identifiable and logical name.
- Make sure your mail includes "signature": institution, position held, etc., so that the recipient knows who he/she is addressing.
- Always revise your mail before sending it: correct punctuation, grammar and spelling.

2. LANGUAGE STRATEGIES

- Present your request politely by introducing it as a question ('Do you think you could...?' 'Would you be so kind as to...?').
- If you are pressing a request, or the request you make is not part of the recipient's strict duties, try to use an introductory phrase to prepare the listener for your message ('Do you think you could possibly'; 'I was wondering...'; 'One possibility might be...').
- Use *could*, *would* or *might*, they sound more tentative and less assertive.
- Mitigate the impact of saying that you cannot help by 'toning down' or qualifying the negative reply using phrases like 'I am afraid'.
- Try to use a word with 'not' rather than a directly negative word ('This may not be possible' instead of 'This is impossible').
- Use comparatives to mitigate the message ('It might be better to...').
- Use a continuous form ('I was wondering...') instead of a simple form ('I wondered...') to make a suggestion more flexible.

3. USEFUL EXPRESSIONS

Informal e-mail	<p>Dear Mary / John,</p> <p>Thank you / thanks for your mail. Sorry it's taken me so long to write. I hope you're well.</p> <p>Love, Best wishes, All the best, Warm regards, (<i>not too informal but not too formal either</i>)</p>
Formal e-mail	<p>Dear Sir, (<i>a man whose name you don't know</i>) Dear Madam, (<i>a woman, single or married, whose name you don't know</i>) Dear Mr. / Mrs. / Miss / Ms. Smith, Dear Sir or Madam (<i>when you don't know name or sex</i>), Dear Sirs, (<i>to address a company / firm where at least one of the members is male</i>)</p> <p>[Initials or first names are <u>not</u> used with courtesy titles, e.g. “*Dear Mr. John Smith”]</p> <p>I am writing in reply to your mail of 10 June regarding ... Further to our previous mail, I am pleased to confirm our appointment for 11.00am on Tuesday, 7 March.</p> <p>I would be grateful if you could ... If you would like any further information, please don't hesitate to contact me. I look forward to hearing from you.</p> <p>Regards, Kind regards, With best regards, [<i>If you started the mail with Dear Mr. / Mrs., then use “Yours) sincerely”; if you started with Dear Sir / Madam, then use “Yours faithfully”].</i></p>

ACRONYMS

- AAMOF As a matter of fact
- AFAIAA As far as I am aware
- AFAIK As far as I know
- AFAIUI As far as I understand it
- AIH As it happens
- AKA Also known as
- ASAP As soon as possible/practicable
- ATB All the best
- ATVB All the very best
- AWYR Awaiting your reply
- BAC By any chance
- B4N/BFN Bye for now
- BR Best regards
- BTW By the way
- C.c. Carbon copy
- CID Consider it done
- CMIIW Correct me if I'm wrong
- C/o Care of
- CU(L) See you (later)
- DK Don't know
- DU Don't understand
- FAO For the attention of
- FWIW For what it's worth
- FYI For your information
- HIH Hope it helps
- IAW In accordance with
- ICBW I could be wrong
- ICYI In case you're interested
- ICYMI In case you missed it
- IIUC If I understand correctly
- IMO In my opinion
- IOW In other words
- KIT Keep in touch
- LMK Let me know
- N/A Not applicable/available
- NRN No reply necessary
- OIC Oh I see
- PP Per procuracionem (used when signing a letter on someone else's behalf)
- PS Postscript
- PTO Please turn over
- RFI Request for information
- SOW Speaking of which
- SYS See you soon
- TIA Thanks in advance
- TTYL Talk to you later
- WADR With all due respect
- WBR With best regards
- WBS Write back soon
- WGBTY Will get back to you
- WRT With regard to
- WRT With respect to

ANSWER KEY

INTRODUCTION TO LEGAL VOCABULARY FOR COURT STAFF

1. Terminology in English.

Court/judicial clerk; court/judicial secretary; court/judicial officer; court manager; (court) registrar; court/judicial counsellor/counselor; court/judicial advisor (or adviser); judicial trainee; trainee judge; assistant judge; assistant to a judge; judge's assistant; court/judicial assistant; legal assistant; judicial operator; bailiff/enforcement officer/enforcement agent; referendary (Poland, Finland, etc).

These terms are confusing because, as we have seen in the introduction to the manual, not only do Member States use diverse terminology, but the functions that each of those types of staff carries out may also differ.

In some jurisdictions, “**bailiffs**” (a now rather old-fashioned term) are enforcement agents and thus they can also be called “enforcement officers/agents”. They collect debts, but they may also serve court documents and/or give notices or summons as well. However, in some other systems this term is similar to “**court officers**” or “**(court) clerks**”, and apart from having some limited (semi)judicial powers, they might prepare the courtroom before cases, escort the judge to and from court, deal with audiovisual equipment and assist the clerk so that the court is conducted in an orderly and efficient manner. They might also identify and bring witnesses and experts into court, as well as be responsible for evidence. Sometimes they may additionally do some administrative work like filing, distributing internal papers, preparing mail, etc.

“**Secretary**” is now considered to be an outdated term. What tends to be used nowadays instead is “**court administrative assistants**” or “**court administrator**” (usually for the head of administrative staff). They usually help with the daily running of courts and their supporting offices. Again, it is confusing because some Member States use the term “**court/judicial clerk**” (although “clerk”, like “secretary”, is now outdated) for “**court officer**” or “**court manager**”.

The term “**court/judicial advisor**” is usually understood to mean experts or personnel (in-house or external) with a legal background who usually read the case file and assist with drafting the judgment (“**court/judicial counsellor**”, ‘counselor’ being the American spelling is much less frequently used). In some Member States they are considered to be a quasi-judicial category, as sometimes they can issue certain procedural or preliminary decisions, whereas in other Member States they may be external to the court (for example, reputed university professors).

“**(Court) Registrars**” are normally Chief Executive officers (chief administrators); in continental systems this term is frequently used for the Administrative Head of Civil Registries. Registrars may have limited judicial powers. In some other jurisdictions they may assist the judge calling out each case; identifying parties, lawyers, experts and witnesses; keeping court documents and preparing them for the judge as each case is called; keeping a record of court orders and also dealing with some administrative tasks.

“**Judicial trainees**” or “**trainee judges**” are judges who are still undergoing the training necessary to become full judges, but in some Member States they are allowed to carry out some judicial tasks like issuing preliminary decisions or some types of orders. Some Member States allow them to take part in training events both for young judges and for court staff.

“Assistant judge”; **“assistant to a judge”** and **“judge’s assistant”** are terms that have to be used with caution, as there are Member States where “assistant judge” means the same as “judicial advisor”, so they are a quasi-judicial category and have certain procedural powers that other types of court staff lack. They also work with case files and often draft decisions. The same applies to “court/judicial assistant”, in this case depending very much on the legal system in question. However, **“assistant to a judge”** carries administrative connotations, like **“judge’s assistant”**, so in English that would be understood to be semantically closer to purely administrative staff. **“Judge assistant”** would not be correct to refer to such a position, as “assistant” functions as an adjective and should go before the noun.

“Legal assistant” is a term that is usually employed for lawyers (also legal advisors advise magistrates –who are lay- in the UK on legal matters if need be).

“Judicial operator” is not a term that is habitually used in English and it wouldn’t really be easily comprehensible. It is a term used within EuroEnglish to refer to positions or jobs that are directly related to the administration of justice; it may mean “judge”, but it could also refer to prosecutors, depending on the context; therefore, it is best not to use it until its meaning is more fixed and its standard usage has caught on.

“Referendary” is a term used in some Member States such as Poland or Finland, but it is not used in English.

2. Use the list to help you describe your responsibilities in your court.

Open answer.

3. Discuss your opinion on the need for a legal background and how useful it is for your job.

Open answer.

4. Answer the following questions (basic legal vocabulary).

a. Can you provide words that you think could be synonyms for “case”? Do they all mean the same?

Case: it is used to refer to the case number in decisions, but from there on the term used is generally “proceedings” or “action”. It is also used in a less formal register.

Action: very common (civil, criminal, etc.).

(Law)suit: frequent in the UK and in the US but not so much in continental civil law systems.

Proceedings: always in the plural and used after the matter starts (civil, criminal, administrative, etc.). Incidentally, using “procedure” to refer to the case itself is wrong, as procedural law refers to what can or cannot be done (and how) at every point in the proceedings, so “procedure” is not a synonym for “proceedings”.

Claim: civil only; more used in the UK (it refers to where the proceedings start).

Matter/issue: “matter” may be a near-synonym for “case” in certain contexts, but it is more frequently used to refer to an “area of law” or the subject matter of a case; “issue” is more of a synonym for “dispute”. The expression “the matter at issue” means what is in dispute between the parties in civil proceedings.

File: it refers to all the documents (printed or electronic) relevant to a case. In the UK it is called “bundle”, and in the US “docket” or record”.

b. What do you call a “decision” by a judge? Give all the names that you know and try to explain the difference between them.

Judgment/judgement (both spellings are correct): they may be civil, criminal, administrative, etc. They are final.

Sentence: it is a false friend, as in some European Union languages the name to refer to “judgment” has the root “*senten(c/z)-*”. In English it is criminal only and it does not refer to a final decision, it refers to the punishment/penalty imposed by a court on a person who is convicted of a criminal offence (*S/he was sentenced to five years’ imprisonment*).

Ruling: it is usually not final; it refers to decisions on matters that come up in the course of the proceedings. It is frequently (mis)used by the press to refer to ‘judgment’. “Preliminary ruling” is used for decisions coming from the Court of Justice of the European Union because they are not final, the court only answers the questions posed by the referring court and then the case returns to the national court, which is the one ruling on it. The CJEU itself, however, refers to “preliminary rulings” as “judgments” (see decided cases on Curia), as for them they are final decisions.

Finding: usually on facts; not frequently used in continental legal systems to refer to decisions.

Verdict: it does not mean “judgment”, as only juries ‘return’ verdicts. It is not for judges or courts to give verdicts; however, journalists use it relatively frequently to refer to the final decision of a court or a judge, especially where judges are sitting in bench (also called ‘in a panel’). The expression “judicial verdicts” is used (although it is a now outdated usage) in the 1959 Convention on Mutual Assistance in Criminal Matters.

Order: mostly civil with some exceptions, such as “investigation order” or “restraining order”; it is a type of decision, sometimes provisional/temporary and sometimes final. Sometimes all that comes out of court is an order, sometimes the order is found within the judgment, and sometimes they are two different documents; it depends on the national legal system.

Injunction: civil; a type of decision ordering somebody to stop doing something or preventing somebody from doing something. Usually they are provisional, but there are also permanent injunctions.

Warrant: mostly criminal (e.g. “European Arrest Warrant”, “search warrant”), but in some jurisdictions there seem to be civil warrants.

Award: this term is used for decisions in arbitration proceedings.

Resolution: for bodies, organisations, committees, etc. (e.g. the UN).

Decree: although this term is used in the UK in certain proceedings (for example, divorce), in continental Europe this term is only for the Executive power/branch, so in English neither judges nor courts issue decrees, even if this is the term used in some EU languages.

Opinion: this is a term that was used when the Judicial Committee of the House of Lords was the highest court in the UK (it was later replaced by the UK Supreme Court). Nowadays this term is not used for court decisions, except when referring to cases where judges were sitting in bench and not all of them agree on the judgment: in those cases, judges not agreeing would give a “dissenting opinion”, and those in agreement would be “concurring”.

Disposition: this is a false friend, as it does not refer to any decision by a judge or a court; it refers to settlements, arrangements or transfers.

c. *What is the difference between “court” and “tribunal” (if you have both terms) in your Member State? Do the terms have a different meaning in the European Union and at the international level?*

These two terms have different meanings across the Member States. In some cases, “court” is used for the first instance level, whereas the term “tribunal” is used from the first instance up, but in other Member States it works the other way round.

Usually “**court**” has the connotation of a single judge (or a judge sitting alone, also called a ‘sole’ judge), whereas “tribunal” connotes either more than one judge (sitting in a panel, or in bench), or a specialised court.

At the international level “**tribunals**” are normally *ad hoc* (created for a specific purpose and temporary, e.g. Tribunal for the Former Yugoslavia, Eastern Timor, Rwanda), but in a few exceptional cases they are permanent (e.g. International Tribunal for the Law of the Sea).

d. *What are the names for the two “sides” in criminal proceedings?*

“Prosecution” (or “prosecutor” if we refer to the person) and “defence” (or “defendant” if we refer to the person). In some legal systems, victims are considered to be a third party.

e. *What do you call the geographical area and the matters over which a judge/court/judicial authority (if that be the case) has powers?*

“Jurisdiction” is used in English for both concepts. In continental legal systems, however, “competent” is frequently used as an adjective: “competent judge/court”, “competent authority”. “Competence” as a noun is used in the European Union, but very rarely and with a more general meaning (for example, the Treaty on the Functioning of the European Union refers to the “competences” of the European Union (Articles 1, 2, etc.). The use of “competence” has been spreading in the EU lately, specially in databases and forms (e.g. on the EJM webpage).

f. *What other expressions do you know for “to give judgment”?*

To deliver/issue/hand down/pronounce/render/pass judgment or to rule on something (also “to adjudicate”).

g. *What is the difference between the following terms related to criminal proceedings: “suspect”, “person of interest”, “person under investigation”, “defendant”, “accused person”, “convicted person”, “sentenced person” and “offender” / “criminal”?*

“Suspect” simply refers to someone who is thought to have committed a crime/an offence; “defendant” is used once charges have been brought against someone (also called “the accused”), and “offender” or “criminal” are terms used once a person has been found guilty (i.e. there has been a conviction) or he/she has pleaded guilty.

However, given the diversity of legal systems and therefore of criminal proceedings across the EU, the issue is that in some Member States charges are brought in the early stages of the proceedings, whereas in some other Member States charges are brought at a later stage in the proceedings; consequently, the EU has opted for more neutral – and simplified- criminal terminology: “suspect”, “person under investigation”, “accused person” (a person formally charged but not yet tried), “convicted person” (or “acquitted”, if that be the case) and “sentenced person”. Incidentally, “person” in legal English can carry a plural form, so one can refer to the “transfer of sentenced persons”. There are also the terms “person of interest” (someone who is thought to have information pertinent to a crime but who has not been arrested or charged).

h. What are the terms used in English for “grave” offences and for not so “grave” offences?

“Serious offences” (“felonies” in the US and some other common law legal systems) and “minor offences” (“misdemeanors” or “petty offences” in the US and some other common law legal systems). The UK has a slightly different terminology: “indictable offences” for the serious ones and “summary offences” for the minor ones. There is a third type of offences in the UK that can be tried either as indictable offences or as summary offences: “offences triables either way” or “either way offences”.

5. Provide the appropriate term for each definition.

(a) legislation / statutory law; (b) court / courtroom; (c) The Judiciary / The Bench (UK) / The Magistracy (this only applies to some Member States, in which case this term generally includes prosecutors); (d) crime / offence; (e) a summons (‘subpoena’ in the US); (f) division / chamber (in the UK and in the Court of Justice of the European Union); (g) arrest warrant; (h) charge; (i) acquittal; (j) conviction; (k) hearing; (l) case law / jurisprudence; (m) appeal; (n) evidence; (o) inadmissible; (p) submissions; (q) repeat offender / reoffender / persistent offender; (r) accomplice (accessory is generally used if that person is not present); (s) change of venue; (t) cross-examination; (u) custodial; (v) suspended; (w) aggravating; (x) mitigating; (y) search warrant; (z) binding.

6. Fill in the blanks with the correct option.

(a) to try a case / an offence / a crime; (b) to hear the facts / the evidence / a case; (c) to reach a verdict; (d) to pass sentence; (e) to impose a fine / a prison sentence; (f) to conduct an enquiry / a case; (g) to assess the facts / the evidence; (h) to punish a crime / an offence; (i) to commit an offence / a crime; (j) to plead guilty; (k) to give evidence; (l) to return a verdict; (m) to serve a prison sentence / sentence; (n) to take the oath.

LISTENING SKILLS

1. Mutual Legal Assistance.

Fill in the gaps.

(1) request; (2) serve; (3) collect evidence; (4) laws; (5) lengthy; (6) treaties; (7) proceedings; (8) lawsuit; (9) assist; (10) service of process; (11) acquire; (12) jurisdiction; (13) violation; (14) Foreign Affairs; (15) executed; (16) rules; (17) uniform.

TRANSCRIPT OF THE VIDEO

What is a letter rogatory?

A letter rogatory is a request for judicial assistance from a foreign country. In the absence of a treaty between two countries that covers such situations, these letters are necessary if a person in one country needs to serve court documents or collect evidence from a foreigner. These acts could be deemed a violation of the sovereign laws of the foreigner’s home country if performed without judicial supervision. A letter rogatory has to travel through proper diplomatic channels, which means that the process is usually a lengthy one.

This process is still common in cases involving North and South American countries, although treaties have simplified the process between North America and most of Europe and Asia. Individuals usually require a letter rogatory if they are involved in legal proceedings that include a person from another country. This could mean that the foreigner is the subject of a lawsuit or simply has information essential to the case. In such circumstances, a person can draft a letter rogatory that includes information on the case, the nature of the request, in a statement of the local court that shows the reasons why the foreign court needs to assist. Preparing a letter rogatory usually is required to serve one of two possible purposes: the letter may be necessary to get the foreign court to perform service of process, which essentially refers to the serving of court documents. It might be necessary to acquire evidence, unless the case is one in which a country claims universal jurisdiction; then a court that tried to perform these acts in a foreign country without permission would be in violation of international law. When a letter rogatory is prepared, it has to pass through several diplomatic channels before it can produce the desired effect. In the United States, for example, this process includes the letter passing through the Department of State, the US Embassy, the Ministry of Foreign Affairs and the Ministry of Justice before finally reaching the foreign court. Although other countries may have a different diplomatic chain, anyone who requires a letter rogatory should expect a long wait before the request in the letter is executed.

Letters rogatory are complicated somewhat by the fact that they are subject to the laws of the foreign country involved; for example, rules for collecting evidence in the United States may differ from a country in South America. Because of such complications in the length of the process, most countries in Europe, Asia and North America signed treaties and agreements in the 20th century which made the process much easier. These agreements allow for rapid serving of court documents between countries and contain uniform rules for collecting evidence.

2. The European Arrest Warrant.

a) The Assange case (I). Answer the questions.

1. *What country would Julian Assange be extradited to?*
Sweden.

2. *What was Mr. Assange's claim before the District Judge?*
He alleged that his case was politically motivated.

3. *What is the reaction of Mr. Assange's lawyers to the decision of the court?*

They will appeal.

4. *What are the charges against Mr. Assange?*

Rape and sexual assault.

5. *Where did the alleged offence(s) take place?*

In Stockholm.

6. *His lawyers argue that extraditing Mr. Assange to Sweden would BREACH his human rights.*

7. *District Judge Howard Riddle RULED (that) extradition was legal and that there is no reason why Mr. Assange wouldn't get a FAIR TRIAL.*

8. *What did the Judge say about the likelihood that things said about Mr. Assange would interfere with the course of justice in Sweden?*

It would be highly unlikely.

9. *How is Mr. Assange's reaction to the court's decision described?*

Impassive.

10. *What will the next step be for Mr. Assange?*

He will go to the higher court (to appeal).

11. *While Mr. Assange prepares to go to the High Court, he is on BAIL.*

b) The Assange case (II). Fill in the gaps.

(1) requested; (2) charges; (3) raised; (4) extradite; (5) evidence; (6) trial; (7) provisions; (8) judicial authority; (9) Framework Decision; (10) court; (11) prosecutor; (12) reached; (13) give effect; (14) regard; (15) appointed; (16) are agreed; (17) bear; (18) passing; (19) coherent; (20) presumption; (21) lawfully; (22) dismissed; (23) lengthy; (24) solely; (25) argued; (26) holding; (27) flag; (28) judgments; (29) afford; (30) stayed; (31) vary; (32) application; (33) request; (34) grateful.

TRANSCRIPT OF THE VIDEO

The Swedish public prosecutor has requested the extradition of Mr. Assange on charges of serious sexual offences. That request has raised a point of law of general public importance. It is not a point in respect of which the particular facts of Mr. Assange's case have any relevance. This summary is about that point of law.

It used to be the case that this country would not extradite a person to another European country until a court here had considered the evidence against that person. The court would not approve extradition unless the evidence justified his being subjected to a criminal trial.

All that changed in 2001 when we gave effect to the 1957 European Convention on Extradition. The following year the provisions of that Convention were superseded by an agreement reached between the members of the European Union. The terms of that agreement were set out in a European Union Framework Decision, which this country was under a duty to implement. The Framework Decision directed that if a judicial authority in one state requested the extradition of a person from another state, the latter state would give effect to the request without considering the evidence. It was for the requesting state to

consider whether the evidence justified extradition. The United Kingdom gave effect to the Framework Decision in the Extradition Act 2003. That Act provided that, subject to certain conditions, this country will extradite a person if we receive a request from a judicial authority in another member state.

The point of law is simply: what do the words 'judicial authority' mean? Mr. Assange has argued that they mean a court or judge. Sweden's request has been issued by a public prosecutor who is not a court or judge, so Mr. Assange has argued that the request is invalid and he doesn't have to go back to Sweden.

The point of law is simple to state but it has not been simple to resolve; indeed, we have only reached our decision by a majority of five to two.

There was discussion in Parliament about the words 'judicial authority' when the Bill which became the Extradition Act was being debated. The Bill used the words 'judicial authority' because those words were in the Framework Decision, and the Act was designed to give effect to the Framework Decision. It is clear that some Members of Parliament believed that the words 'judicial authority' in the Framework Decision meant a court or a judge; indeed, one Minister specifically stated to a parliamentary committee that this was the case. But he was mistaken.

'Judicial authority' is the English translation of the French words '*autorité judiciaire*'. The Framework Decision is in both English and French, so it's necessary to have regard also to what the French phrase means. The French phrase has a wider meaning than the English phrase. In French, the words 'judicial authority' can be used of a public prosecutor. When the Member States implemented the Framework Decision, many of them appointed public prosecutors to perform the role of the judicial authority. There was no suggestion that this was contrary to the Framework Decision.

Having particular regard to this fact, the majority of the court are agreed that in the Framework Decision the words 'judicial authority' or '*autorité judiciaire*' bear a meaning that includes a public prosecutor. Two members of the court, Lady Hale and Lord Mance, consider that this does not determine the meaning of 'judicial authority' in the Extradition Act. In that Act, they mean a court or judge, as the minister had explained. The other members of the court do not agree.

Parliament's intention in passing the Extradition Act was to give effect to the Framework Decision. This was necessary in order to produce a uniform and coherent system of extradition in Europe. It was also necessary in order to comply with the duty of the United Kingdom under international law. So there is a presumption that the words 'judicial authority' should have the same meaning in the Extradition Act that they have in the Framework Decision. The understanding of some Members of Parliament or the statement of the Minister as for the meaning of the Framework Decision does not displace this presumption.

For these reasons, the majority has concluded that the Swedish public prosecutor was a judicial authority within the meaning of both the Framework Decision and the Extradition Act. It follows that the request for Mr. Assange's extradition has been lawfully made, and his appeal against extradition is accordingly dismissed.

[inaudible] (...) I wanted to raise. You will appreciate that we have had only a very limited opportunity to study this lengthy and learned decision and also that we've had no opportunity as yet to consult with our client. However, there is one matter which causes us considerable concern on our initial reading of the decision. And that is that it would appear that a majority of the members of this court have decided the point, either principally or solely, on the basis of the interpretation of the Vienna Convention on the law of treaties, a point, with respect, which was not argued during the appeal and which we were given no opportunity to address. Now obviously this Court will have in mind its recent decision in the case of *Lukaszewski*,

holding that Article 6 applies to extradition proceedings in the United Kingdom. We are therefore currently considering our position, and whether or not it will be necessary, with great regret, to make an application to this court that this matter should be reopened so that we have an opportunity to argue this point. I say this only to flag it up because obviously at the moment we need to study the judgments and consult with our client and I appreciate the urgency of the situation and therefore thought I ought to make that known publicly as soon as possible.'

'Yes, thank you, Miss Montgomery, you must consider...'

'I am *not* chronically Miss Montgomery.'

'Sorry.'

'Although I am easily mistaken for her.'

'I think Miss Rose...'

'I beg your pardon. You must consider the judgment at a proper measure and if you wish to make an application, we will afford you the opportunity'

'Yes. I don't know how long your Lordships and your ladyship would be prepared to give us to make that application. We're obviously operating under some difficulty given the imminent bank holiday weekend.'

'We'll afford you two weeks.'

'My Lord, in those circumstances, as I understand it, the order that was agreed was that this order should be stayed for seven days, but given the point I've just raised, can I ask your Lordships and your Ladyship to vary that order so that it is stayed for 14 days to permit us to make that application?'

'Um, that seems a reasonable request.'

'I'm grateful.'

3. The European Investigation Order.

Fill in the blanks.

(1) draft; (2) opt into; (3) justice; (4) cross-border crime; (5) framework; (6) evidence; (7) high-profile; (8) convicted; (9) obtained; (10) prosecutors; (11) drug-trafficking; (12) trial; (13) standardised; (14) recognition; (15) deliver; (16) offences; (17) expedite; (18) affairs; (19) asylum; (20) measure; (21) regulatory; (22) trivial; (23) instruct; (24) enforcement.

TRANSCRIPT OF THE VIDEO

Thank you, Mr. Speaker. With permission, Mr Speaker, I would like to make a statement on the draft Directive for a European Investigation Order, and the Government's decision to opt into that draft Directive.

As people have become more mobile, so too has crime, and that has serious consequences for our ability to bring criminals to justice. To deal with cross-border crime, countries enter into mutual legal assistance -or MLA- agreements. These agreements provide a framework through which states can obtain evidence from overseas. MLA has therefore been an important tool in the fight against international crime and terrorism. It's been crucial in a high number of high-profile cases. For example, Hussein Osman, one of the failed terrorists from the 21/7 attacks five years ago, might not have been convicted had it not been for evidence obtained through MLA.

But MLA has not been without its faults. The process is fragmented and confusing for the police and prosecutors, and it is too often too slow, taking in some cases many months to obtain vital evidence. Indeed, in one drug-trafficking case the evidence arrived in the UK *after* the trial had been completed. The European investigation order therefore seeks to address these problems by simplifying the system with a standardised request form and providing formal deadlines for the recognition and execution of requests.

Mr. Speaker, the Government has decided to opt into the EIO because it offers practical help for the British police and prosecutors, and we are determined to do everything we can to help them cut crime and deliver justice. And that is what the police say this will do. We wrote to every ACPO force about the EIO, and *not one* said we should not opt in. ACPO themselves replied, and I quote:

"the EIO is a simpler instrument than those already in existence and, provided that it is used sensibly and for appropriate offences, we welcome attempts to simplify and expedite mutual legal assistance."

But I know that some honourable members have concerns about the EIO, and I would like to address them in turn. First is the question of sovereignty. In justice and home affairs, there are many ideas coming out of Brussels, like a common asylum policy, that would involve an unacceptable loss of sovereignty. And I want to be absolutely clear to the House - I will *not* sign up to these proposals, and I've *made* that clear to my European counterparts. But this Directive does not incur a shift in sovereignty. It is a practical measure that makes it easier to see justice -British justice- done in this country.

Now second is concern about burdens on the police. At a time when we're reducing domestic regulatory burdens on the police, I agree it would be unacceptable to have them re-imposed by foreign forces. And that's why we will seek to ensure that there is a proportionality test, so police forces are not obliged to do work in relation to trivial offences. Forces will be able to extend deadlines when it is not possible to meet them. And I want to be clear that the EIO does not allow foreign authorities to instruct UK police officers on what operations to conduct, and it does not allow foreign officers to operate in the UK with law enforcement powers.

4. The enforcement of judgments: transfer.

Finish off the missing parts of some sentences.

Enforcement of the sentence

Law governing enforcement

The Framework Decision clearly stipulates that the enforcement of the sentence **(1)** SHALL BE GOVERNED by the law of the executing State. The authorities of the executing State alone shall be competent to decide **(2)** ON THE PROCEDURES FOR ENFORCEMENT and to determine all the measures relating thereto, including the grounds for early and **(3)** CONDITIONAL RELEASE (Article 17).

Deduction

The competent authority of the executing State shall deduct **(4)** THE FULL PERIOD OF DEPRIVATION OF LIBERTY ALREADY SERVED in connection with the sentence in respect of which the judgment was issued from the total duration of the deprivation of liberty to be served (Article 17(2)) (65).

Early and conditional release

How much time the sentenced person will actually spend in prison depends largely on the provisions on early and conditional release **(5)** IN THE EXECUTING STATE. The differences between Member States are considerable in this respect: e.g. in some Member States the sentenced person is released **(6)** AFTER TWO THIRDS OF THE SENTENCE, in others after one third of the sentence.

The competent authority of the executing State shall, upon request, inform the competent authority of the issuing State **(7)** OF THE APPLICABLE PROVISION on possible early or conditional release. When this information is provided, the issuing State may agree to the application of such provisions or may choose **(8)** TO WITHDRAW THE CERTIFICATE and end the transfer process (Article 17(3)).

Member States have the possibility to provide that any decision on early or conditional release may take account of those provisions of national law, indicated by the issuing State, under which the person is entitled to early or conditional release **(9)** AT A SPECIFIED POINT IN TIME (Article 17(4)).

It is recommended that the executing State provide clear communication and an explanation of its applicable conditional release provisions **(10)** TO THE ISSUING STATE AND TO THE SENTENCED PERSON. Solely indicating the applicable legal provisions might not be sufficient.

Amnesty, pardon

Both the issuing State and the executing State **(11)** MAY GRANT amnesty or pardon to the sentenced person (Article 19 (1)).

Review of the judgment

When a review of the judgment **(12)** IS SOUGHT, however, only the issuing State may decide on the applications for review of the judgment (Article 19(2)).

Right to enforce the judgment

The issuing State shall not proceed with the enforcement of the sentence once its enforcement in the executing State has begun except in cases where the right to enforce the sentence shall be reverted to the issuing State upon its being informed by the executing State **(13)** OF THE PARTIAL NON-ENFORCEMENT OF THE SENTENCE (Article 22).

Communication and information duties

The Framework Decision contains detailed information obligations for both the issuing State and the executing State, **(14)** BOTH BEFORE AND AFTER THE TRANSFER.

The competent authority of the issuing State needs to inform the competent authority of the executing State of any decision or measure as a result of which **(15)** THE SENTENCE CEASES TO BE ENFORCEABLE immediately or within a certain period of time (Article 20). As a consequence, the competent authority of the executing State shall **(16)** TERMINATE ENFORCEMENT of the sentence as soon as it has received this information.

The competent authority of the executing State shall without delay inform the competent authority of the issuing State by any means which leaves **(17)** A WRITTEN RECORD (Article 21):

- (a) of the forwarding of the judgment and the certificate to the competent authority of another Member State because the executing State had **(18)** NO COMPETENCE TO RECOGNISE IT;

(b) of the fact that it is in practice impossible to enforce the sentence because after transmission of the judgment and the certificate to the executing State, the sentenced person **(19) CANNOT BE FOUND IN THE TERRITORY** of the executing State, in which case there shall be no obligation on the executing State to enforce the sentence;

(c) of the final decision to recognise the judgment and enforce the sentence **(20) TOGETHER WITH THE DATE OF THE DECISION**;

(d) of any decision not to recognise the judgment and enforce the sentence on the basis of **(21) GROUNDS FOR REFUSAL** (Article 9), together with the reasons for the decision;

(e) of any decision to **(22) ADAPT THE SENTENCE** (Article 8(2) or (3)), together with the reasons for the decision;

(f) of any decision not to enforce the sentence **(23) IF AMNESTY OR PARDON** was granted (Article 19(1)) together with the reasons for the decision;

(g) of the beginning and the end of the **(24) PERIOD OF CONDITIONAL RELEASE**, where so indicated in the certificate by the issuing State;

(h) of the sentenced person's **(25) ESCAPE FROM CUSTODY**;

(i) of the enforcement of the sentence as soon as **(26) IT HAS BEEN COMPLETED**.

5. Freezing and confiscation.

Fill in the gaps.

(1) 2018/1805; **(2)** went into force; **(3)** certificates **(4)** mutually; **(5)** replaced; **(6)** recognition; **(7)** ensures; **(8)** enforced; **(9)** grounds; **(10)** non-execution; **(11)** offences; **(12)** dual; **(13)** referral; **(14)** value-based; **(15)** non-conviction-based; **(16)** third-party; **(17)** preventive; **(18)** Recital; **(19)** administrative; **(20)** speed up; **(21)** tighter; **(22)** further; **(23)** outlined; **(24)** restitution; **(25)** afforded; **(26)** damages; **(27)** stolen; **(28)** provisions.

SPEAKING SKILLS

1. Mutual Legal Assistance. Pronunciation.

a. Terms.

1.	to request	[tʊ rɪ'kwest]
2.	judgment	['dʒʌdʒ.mənt]
3.	decision	[dɪ'sɪʒ.ən]
4.	offence	[ə'fens]
5.	assistance	[ə'sɪs.təns]
6.	authority	[ɔ:'θɒr.ə.ti]
7.	to comply	[tʊ kəm'plaɪ]
8.	consent	[kən'sent]
9.	convention	[kən'ven.fən]
10.	search	[sɜ:tʃ]
11.	seizure	['si:ʒər]
12.	evidence	['ev.ɪ.dəns]

13.	hearing	['hɪə.rɪŋ]
14.	recognition	[,rek.əg'nɪʃ.ən]
15.	order	['ɔ:.də]
16.	interception	[,ɪn.tə'sep.ʃən]
17.	extradition	[,ek.strə'dɪʃ.ən]
18.	jurisdiction	[,dʒʊə.rɪs'dɪk.ʃən]
19.	territory	['ter.ɪ.tər.i]
20.	infringement	[ɪn'frɪndʒ.mənt]
21.	execution	[,ek.sɪ'kju:.ʃən]
22.	proceedings	[prə'si:.dɪŋz]
23.	instrument	['ɪn.strə.mənt]
24.	matter	['mæt.ə]
25.	rightful	['raɪt.fəl]
26.	service	['sɜ:.vɪs]
27.	provision	[prə'vɪʒ.ən]
28.	addressee	[,æd.res'i:]
29.	law	[lɔ:]
30.	report	[rɪ'pɔ:t]
31.	rights	[raɪts]
32.	notify	['nəʊ.tɪ.faɪ]
33.	action	['æk.ʃən]
34.	obligation	[,ɒb.lɪ'geɪ.ʃən]
35.	provision	[prə'vɪʒ.ən]
36.	appeal	[ə'pi:l]
37.	custody	['kʌs.tə.dɪ]
38.	authenticity	[,ɔ:.θen'tɪs.ə.tɪ]
39.	restitution	[,res.tɪ'tʃu:.ʃən]
40.	liability	[,laɪ.ə'bɪl.ə.tɪ]
41.	investigation	[ɪn'ves.tɪ'geɪ.ʃən]
42.	provisional	[prə'vɪʒ.ən.əl]
43.	delay	[dɪ'leɪ]
44.	hearing	['hɪə.rɪŋ]
45.	execution	[,ek.sɪ'kju:.ʃən]
46.	surrender	[sə'ren.də]
47.	witness	['wɪt.nəs]
48.	court	[kɔ:t]
49.	expert	['ek.spɜ:t]
50.	defendant	[dɪ'fen.dənt]
51.	refusal	[rɪ'fju:.zəl]
52.	protective	[prə'tek.tɪv]
53.	evidence	['ev.ɪ.dəns]

54. testify	['tes.tɪ.faɪ]
55. cost	[kɒst]
56. reciprocity	[,res.ɪ'prɒs.ə.ti]
57. transmission	[trænz'mɪʃ.ən]
58. venue	['ven.ju:]
59. appearance	[ə'piə.rəns]
60. damage	['dæm.ɪdʒ]

b. Word combinations.

1. competent authority	['kɒm.pi.tənt ɔ:'θɒr.ə.ti]
2. criminal matters	['krɪm.i.nəl 'mæt.ərs]
3. on oath	[ɒn əʊθ]
4. letter rogatory	['let.ər 'rægə.tɔrē]
5. natural person	['nætʃ.ər.əl 'pɜ:.sən]
6. mutual assistance	['mju:.tʃu.əl ə'sɪs.təns]
7. individual rights	[,ɪn.dɪ'vɪdʒ.u.əl raɪts]
8. fundamental freedoms	[,fʌn.də'men.təl 'fri:.dəms]
9. time limit	[taɪm 'lɪm.ɪt]
10. fair trial	[feər traɪəl]
11. judicial cooperation	[dʒu:'dɪʃ.əl kəʊ'ɒp.ər'eɪ.ʃən]
12. written notice	['rɪt.ən 'nəʊ.tɪs]
13. procedural deadline	[prə'si:.dʒər.əl 'ded.laɪn]
14. procedural requirements	[prə'si:.dʒər.əl rɪ'kwaɪə.məntz]
15. procedural documents	[prə'si:.dʒər.əl 'dɒk.jə.mənts]
16. taking of evidence	[teɪkɪŋ əv 'ev.ɪ.dəns]
17. incomplete request	[,ɪn.kəm'pli:t rɪ'kwest]
18. international convention	[,ɪn.tə'næʃ.ən.əl kən'ven.ʃən]
19. in writing	[ɪn 'raɪ.tɪŋ]
20. to return a request	[tʊ rɪ'tɜ:n ə rɪ'kwest]
21. temporary transfer	['tem.pər.ər.i træns'fɜ:r]
22. constitutional requirement	[,kɒn.stɪ'tʃu:.ʃən.əl rɪ'kwaɪə.mənt]
23. to summon to appear	[tʊ 'sʌm.ən tʊ ə'piər]
24. proof of service	[pru:f əv 'sɜ:.vɪs]
25. official language	[ə'fɪʃ.əl 'læŋ.gwɪdʒ]
26. to issue a certificate	[tʊ 'ɪʃ.u:/'ɪs.ju: ə sə'tɪf.ɪ.kət]
27. to contest enforcement	[tʊ kən'test ɪn'fɔ:smənt]
28. to dismiss the proceedings	[tʊ dɪ'smɪs ðə prə'si:.dɪŋz]

29. third party	[θɜːd 'pɑː.ti]
30. accused person	[ə'kjuːzd 'pɜː.sən]
31. to challenge a judgment	[tʊ 'tʃæl.ɪndʒ ə 'dʒʌdʒ.mənt]
32. legally binding	['liː.gəl.i 'baɪn.dɪŋ]
33. direct channel	[di'rekt 'tʃæn.əl] [a/so daɪ'rekt]
34. judgment capable of recognition	['dʒʌdʒ.mənt 'keɪ.pə.bəl əv ,rek.əg'nɪʃ.ən]
35. to serve a document	[tʊ sɜːv ə 'dɒk.jə.mənt]
36. to stay proceedings	[tʊ steɪ prə'siː.dɪŋz]
37. at first instance	[ət 'fɜːst 'ɪn.stəns]
38. to lodge a document	[tʊ lɒdʒ ə 'dɒk.jə.mənt]
39. controlled delivery	[kən'trəʊld dɪ'lɪv.ər.i]
40. to decline jurisdiction	[tʊ dɪ'klaɪn ,dʒʊə.rɪs'dɪk.ʃən]
41. to seek enforcement	[tʊ siːk ɪn'fɔːsmənt]
42. subject matter	['sʌb.dʒekt 'mæt.ər]
43. oral hearing	['ɔː.rəl 'hɪə.rɪŋ]
44. to execute a request	[tʊ 'ek.sɪ.kjuːt ə rɪ'kwɛst]
45. standard form	['stænd.dəd fɔːm]
46. Joint Investigation Team	[dʒɔɪnt ɪn'vestɪ'geɪ.ʃən tiːm]
47. central authority	['sen.trəl ɔː'θɔːr.ə.ti]
48. organisational arrangements	[,ɔː.gən.aɪ'zeɪ.ʃən.əl ə'reɪndʒ.mənts]
49. right of refusal	[raɪt əv rɪ'fjuː.zəl]
50. territorial application	[,ter.ɪ'tɔː.ri.əl ,æp.lɪ'keɪ.ʃən]
51. legal aid	['liː.gəl eɪd]
52. exclusive grounds of jurisdiction	[ɪk'skluː.sɪv graʊndz əv ,dʒʊə.rɪs'dɪk.ʃən]
53. concurrent proceedings	[kən'kʌr.ənt prə'siː.dɪŋz]
54. grounds for refusal	[graʊndz fɔː rɪ'fjuː.zəl]
55. unanimous agreement	[juː'næn.ɪ.məs ə'grɪː.mənt]
56. investigative measures	[ɪn'vestɪ.gə.tɪv 'meʒ.ərs]
57. to set up a team	[tʊ set ʌp ə tiːm]
58. national law	['næʃ.ən.əl lɔː]
59. enforcement order	[ɪn'fɔːsmənt 'ɔː.də]
60. false identity	[fɔːls aɪ'den.tə.ti]
61. to effect service	[tʊ ɪ'fekt 'sɜː.vɪs]
62. separate proceedings	['sep.ər.ət prə'siː.dɪŋz]
63. of its own motion	[əv ɪts əʊn 'məʊ.ʃən]
64. habitually resident	[hə'bitʃ.ə.li 'rez.ɪ.dənt]

65. criminal liability	[ˈkrɪm.ɪ.nəl ˌlaɪ.əˈbi.lɪ.ti]
66. alternative grounds of jurisdiction	[ɒlˈtɜːnə.tɪv ɡraʊndz əv ˌdʒʊə.rɪsˈdɪk.ʃən]
67. exercise jurisdiction	[ˈek.sə.saɪz ˌdʒʊə.rɪsˈdɪk.ʃən]
68. data subject	[ˈdeɪ.tə ˈsʌb.dʒekt]
69. administrative authority	[ədˈmɪn.ɪ.strə.tɪv ɔːˈθɒr.ə.ti]
70. sufficient time	[səˈfɪ.ʃənt taɪm]
71. extraditable offence	[ˈek.strə.dai.tə.bəl əˈfens]
72. enforcement of judgment	[ɪnˈfɔːsmənt əv ˈdʒʌdʒ.mənt]
73. covert investigation	[ˈkəʊ.vɜːt ɪnˌves.tɪˈɡeɪ.ʃən]
74. exclusive jurisdiction	[ɪkˈskluː.sɪv ˌdʒʊə.rɪsˈdɪk.ʃən]
75. to refuse mutual assistance	[tʊ rɪˈfjuːz ˈmjuː.tʃu.əl əˈsɪs.təns]
76. refusal of recognition	[rɪˈfjuːzəl əv ˌrek.əɡˈnɪʃ.ən]
77. outcome of proceedings	[ˈaʊt.kʌm əv prəˈsiː.dɪŋz]
78. interception of telecommunications	[ˌɪn.təˈsep.ʃən əv ˌtel.ɪ.kəˈmjuː.nɪˈkeɪ.ʃənz]
79. subsequent transmissions	[ˈsʌb.sɪ.kwənt trænzmɪʃ.ənz]
80. to join proceedings	[tʊ dʒɔɪn prəˈsiː.dɪŋz]
81. service provider	[ˈsɜː.vɪs prəˈvaɪ.dər]
82. to deliver judgment	[tʊ dɪˈlɪv.ər ˈdʒʌdʒ.mənt]
83. criminal offence	[ˈkrɪm.ɪ.nəl əˈfens]
84. legal person	[ˈliː.gəl ˈpɜː.sən]
85. protective measure	[prəˈtek.tɪv ˈmeʒ.ər]
86. provisional measure	[prəˈvɪʒ.ən.əl ˈmeʒ.ər]
87. irreconcilable judgment	[ɪr.ek.ənˈsaɪ.lə.bəl ˈdʒʌdʒ.mənt]
88. duration of interception	[dʒʊəˈreɪ.ʃən əv ˌɪn.təˈsep.ʃən]
89. bilateral agreements	[ˌbaɪˈlæt.ər.əl əˈɡriː.mənts]
90. finding of fact	[ˈfaɪn.dɪŋ əv fækt]
91. to lodge an appeal	[tʊ lɒdʒ ən əˈpiːl]
92. to contest an appeal	[tʊ kənˈtest ən əˈpiːl]
93. ordinary appeal	[ˈɔː.dən.əri əˈpiːl]
94. personal data protection	[ˈpɜː.sən.əl ˈdeɪ.tə prəˈtek.ʃən]
95. entry into force	[ˈen.trɪ ˈɪn.tuː fɔːs]
96. notice of penalty	[ˈnəʊ.tɪs əv ˈpen.əl.tɪ]
97. competent enforcement authority	[ˈkɒm.pi.tənt ɪnˈfɔːsmənt ɔːˈθɒr.ə.ti]
98. certified copy	[ˈsɜː.tɪ.faɪd ˈkɒp.i]
99. reasonable time	[ˈriː.zən.ə.bəl taɪm]
100. Ministry of Justice	[ˈmɪn.ɪ.stri əv ˈdʒʌs.tɪs]

2. The European Arrest Warrant.

Open answer (oral exercise).

3. The European Investigation Order.

(1) What is the European Investigation Order and what is it used for?

The European Investigation Order is a judicial decision issued in or validated by the judicial authority in one EU country to have investigative measures to gather evidence in criminal matters carried out in another EU country.

(2) Do you happen to know the year when the Directive regarding the EIO was adopted and which countries are not bound by this instrument?

It was adopted on 3 April 2014 (it had to be transposed into national systems by 22 May 2017) and neither Denmark nor Ireland are bound by it.

(3) The EIO is based on the principle of mutual recognition. What does mutual recognition mean and what does it involve in terms of execution?

It means that the executing authority is obliged to recognise and ensure execution of the request of the other country. The execution is to be carried out in the same way and under the same modalities as if the investigative measure concerned had been ordered by an authority of the executing country.

(4) Can you provide examples of investigative measures that may be requested?

House searches, obtaining information in databases, hearing witnesses/experts/suspected or accused persons/victims, interception of communications, preservation of evidence, obtaining information on accounts and banking/financial operations, etc.

(5) What are the preconditions of investigative measures in order for authorities to use a European Investigation Order?

The investigative measures must be necessary, proportionate and allowed in similar domestic cases.

(6) How is a European Investigation Order issued and what are the language requirements?

An EIO is issued using a standard form. It must be translated into the official language of the executing EU country or any other language indicated by the executing EU country.

(7) Do investigative measures requested under an EIO have a lower priority in the executing country? Are the measures carried out at a slower pace than domestic measures?

In theory, investigative measures must be carried out by the executing EU country with the same promptness and priority as they would be in similar domestic cases.

(8) Do you happen to know the grounds for refusal?

Immunity or privilege or rules limiting criminal liability relating to freedom of the press; harm to essential national security interests; non-criminal procedures; ne bis in idem principle; extraterritoriality coupled with double criminality; incompatibility with fundamental rights obligations. There are two additional grounds for refusal of certain measures: lack of double

criminality (except for a list of serious offences); impossibility to execute the measure (investigative measure does not exist or is not available in similar domestic cases, and there is no alternative).

(9) What are the deadlines applicable to EIOs?

A maximum of 30 days to decide to recognise and execute the request and 90 days to execute the request effectively after issue of the aforementioned decision.

b. Guess the languages accepted for EIOs in the following Member States and then say whether you can find any kind of explanation for the languages chosen.

- Austria: *German; in relation to Member States that accept German also their official languages are accepted*

- Belgium: *French, Dutch, German or English.*

- Croatia: *Croatian. However, in urgent cases a translation into English will be accepted on condition of reciprocity.*

- Czech Republic: *Czech or Slovak.*

- Finland: *Finnish, Swedish or English.*

- France: *French.*

- Greece: *Greek and English.*

- Hungary: *Hungarian. In case of urgent cases or if the transmission of the EIO in Hungarian meets extreme difficulties, English, French or German are accepted.*

- Luxembourg: *French, German and English.*

- Portugal: *Portuguese; Spanish only for EIOs received from Spain.*

- Romania: *Romanian, English or French.*

- Spain: *Spanish; Portuguese if the EIO comes from Portugal.*

4. The enforcement of judgments: transfer.

Look at the source of each of the following concepts and try to define them in your own words:

Council Framework Decision 2008/909 on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union.

(a) 'Judgment' shall mean a final decision or order of a court of the issuing State imposing a sentence on a natural person.

(b) 'Sentence' shall mean any custodial sentence or any measure involving deprivation of liberty imposed for a limited or unlimited period of time on account of a criminal offence on the basis of criminal proceedings.

Council Framework Decision 2008/947 on the application of the principle of mutual recognition to judgments and probation decisions with a view to the supervision of probation measures and alternative sanctions.

(c) 'Suspended sentence' shall mean a custodial sentence or measure involving deprivation of liberty, the execution of which is conditionally suspended, wholly or in part, when the sentence is passed by imposing one or more probation measures. Such probation measures may be included in the judgment itself or determined in a separate probation decision taken by a competent authority.

(d) 'Conditional sentence' shall mean a judgment in which the imposition of a sentence has been conditionally deferred by imposing one or more probation measures or in which one or more probation measures are imposed instead of a custodial sentence or measure involving deprivation of liberty. Such probation measures may be included in the judgment itself or determined in a separate probation decision taken by a competent authority.

(e) 'Alternative sanction' shall mean a sanction, other than a custodial sentence, a measure involving deprivation of liberty or a financial penalty, imposing an obligation or instruction.

(f) 'Probation decision' shall mean a judgment or a final decision of a competent authority of the issuing State taken on the basis of such judgment: (a) granting a conditional release; or (b) imposing probation measures.

(g) 'Conditional release' shall mean a final decision of a competent authority or stemming from the national law on the early release of a sentenced person after part of the custodial sentence or measure involving deprivation of liberty has been served by imposing one or more probation measures.

(h) 'Probation measures' shall mean obligations and instructions imposed by a competent authority on a natural person, in accordance with the national law of the issuing State, in connection with a suspended sentence, a conditional sentence or a conditional release.

(i) 'Issuing State' shall mean the Member State in which a judgment is delivered.

(j) 'Executing State' shall mean the Member State in which the probation measures and alternative sanctions are supervised following a decision.

Council Framework Decision 2008/675 on taking account of convictions in the Member States of the European Union in the course of new criminal proceedings.

(k) 'Conviction' means any final decision of a criminal court establishing guilt of a criminal offence.

Council Framework Decision 2009/829 on the application, between Member States of the European Union, of the principle of mutual recognition to decisions on supervision measures as an alternative to provisional detention.

(l) 'Supervision measures' means obligations and instructions imposed on a natural person, in accordance with the national law and procedures of the issuing State.

(m) 'Decision on supervision measures' means an enforceable decision taken in the course of criminal proceedings by a competent authority of the issuing State in accordance with its national law and procedures and imposing on a natural person, as an alternative to provisional detention, one or more supervision measures.

5. Freezing and confiscation.

1. *The Regulation is a new legal framework for judicial cooperation... within what specific field?* Asset Recovery.
2. *What makes this Regulation different within the field of mutual recognition in criminal matters? Please explain.* It is the first Regulation on mutual recognition in criminal matters which is directly and uniformly applicable.
3. *What certificates does it apply to?* All confiscation certificates transmitted on 19 December 2020 or after.
4. *What other EU legislation does this instrument replace?* Framework Decisions 2003/577/JHA on freezing property and evidence and FD 2006/783/JHA on confiscation orders.
5. *Are any types of criminal offences excluded from the Regulation?* No.
6. *In various what ways does the new Regulation improve victims' rights?* (1) Victim's rights to compensation and restitution has priority over the executing and State's interests; (2) the compensation and restitution of property to victims should have priority over the disposal of frozen or confiscated property; (3) property claims are to be demanded in the issuing state; (4) frozen property must be restituted to the victim as soon as possible.
7. *Are there any Member States where this Regulation is not applicable?* Ireland and Denmark.
8. *What are the time limits?* (1) 45 days for the recognition of the confiscation order; (2) 48 hours for the recognition and a further 48 hours for the execution of the freezing order.
9. *Where can the standard freezing and confiscation certificates be found?* In the Annexes of the Regulation.

READING SKILLS

1. Mutual Legal Assistance.

(a) Fill in the gaps.

(a) requested, assistance, deadlines, requesting; (b) proof, on; (c) understand, translated; (d) writing, authenticity; (e) persons, custody; (f) state; (g) consent; (h) heard, videoconference; (i) cost, remuneration, allowances, refunded; (j) conducted; (k) conduct, covert; (l) damage, reimburse, victims; (m) transcription; (n) summary; (o) incurred, executing, borne.

(b) Choose the correct option.

(a) banking transactions; (b) bodily examination; (c) body search; (d) confiscation order; (e) consent to a transfer; (f) covert surveillance (g) extraditable offences; (h) freezing order; (i) gathering and transmission of evidence; (j) grievous bodily injury; (k) grounds for refusal; (l)

interception of telecommunications (although 'intercept' is colloquially used); (m) investigative measure; (n) hot pursuits; (o) Joint Investigation Teams; (p) non-compliance with requests; (q) request for information; (r) transmission of requests; (s) travelling expenses; (t) search and seizure; (u) temporary transfer; (v) invasive body search; (w) summoning witnesses; (x) search on the site of an offence; (y) temporary transfer of persons; (z) procedural deadline.

2. The European Arrest Warrant.

Match the name of the EAW offence with the definition.

1. Trafficking in human beings; <https://www.astra.rs/en/trafficking-human-beings/#:~:text=%E2%80%9CTrafficking%20in%20persons%20shall%20mean,or%20receiving%20of%20payments%20or.>
2. Terrorism; <https://www.un.org/ruleoflaw/files/n0454282.pdf>.
3. Fraud; <https://legal-dictionary.thefreedictionary.com/fraud>.
4. Illicit trafficking in narcotic drugs and psychotropic substances; adapted from https://www.unodc.org/documents/commissions/CND/Int_Drug_Control_Conventions/Ebook/The_International_Drug_Control_Conventions_E.pdf and [http://www.menafatf.org/sites/default/files/Illicit Trafficking and ML_Eng.pdf](http://www.menafatf.org/sites/default/files/Illicit_Trafficking_and_ML_Eng.pdf).
5. Rape; <https://www.justice.gov/archives/opa/blog/updated-definition-rape>.
6. Counterfeiting currency; adapted from https://en.wikipedia.org/wiki/Counterfeit_money.
7. Arson; <https://dictionary.cambridge.org/dictionary/english/arson>.
8. Extortion; <https://legaldictionary.net/extortion/>.
9. Grievous bodily harm; <https://www.cps.gov.uk/legal-guidance/offences-against-person-incorporating-charging-standard>.
10. Racketeering; <https://legal-dictionary.thefreedictionary.com/Racketeering>.
11. Illicit trafficking in human organs and tissue; http://www.ont.es/publicaciones/Documents/OrganTrafficking_study.pdf.
12. Hostage-taking; <https://www.oxfordlearnersdictionaries.com/definition/english/hostage-taking>.
13. Swindling <https://dictionary.cambridge.org/dictionary/english/swindling>.
14. Armed robbery; <https://www.britannica.com/topic/armed-robbery>.
15. Illegal restraint; <https://www.chicagocriminallawyer.pro/unlawful-restraint.html#:~:text=Unlawful%20restraint%20is%20a%20felony,without%20legal%20authority%2C%20detains%20another.&text=Essentially%2C%20any%20action%20that%20prevents,form%20the%20basis%20for%20conviction.>.
16. Sabotage <https://thelawdictionary.org/sabotage/>.
17. Laundering of the proceeds of crime; adapted from https://www.watts-gregory.co.uk/free-advice-centre/Money_Laundering_and_the_Proceeds_of_Crime.html.
18. Murder; <https://dictionary.cambridge.org/dictionary/english/murder>.
19. Kidnapping; <https://www.merriam-webster.com/legal/kidnapping>.
20. Unlawful seizure of aircrafts/ships; adapted from <http://hrlibrary.umn.edu/instree/hague1970.html>.

21. Corruption; <http://www.duhaime.org/LegalDictionary/C/Corruption.aspx>.

3. The European Investigation Order.

Choose the correct option (more than one option may be possible, although only one is correct according to the original text):

(1) judgment; (2) chamber ('division' and 'section' are acceptable); (3) ruling; (4) issuing; (5) request; (6) proceedings; (7) hearing; (8) Advocate General; (9) sitting; (10) concerns; (11) brought ('initiated', 'commenced' and 'instituted' are acceptable); (12) prosecuted; (13) suspected of; (14) into; (15) established; (16) on; (17) submitting; (18) seizures; (19) at; (20) examine ('question' would be acceptable); (21) states; (22) provide for; (23) referring; (24) liable; (25) damage; (26) stay; (27) case-law ('jurisprudence' would be acceptable); (28) against; (29) claim; (30) grounds; (31) on; (32) items; (33) challenge; (34) collection; (35) carried out.

4. The enforcement of judgments: transfer.

Choose the correct preposition.

(1) Council Framework Decision 2008/909 on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union.

(1) of; (2) to; (3) with; (4) of; (5) of; (6) with; (7) in; (8) to; (9) from; (10) on; (11) in; (12) to; (13) in; (14) against; (15) in; (16) in; (17) into; (18) of; (19) in; (20) of; (21) by; (22) out; (23) in.

(2) Council Framework Decision 2008/947 on the application of the principle of mutual recognition to judgments and probation decisions with a view to the supervision of probation measures and alternative sanctions.

(24) to; (25) for; (26) of; (27) on; (28) to; (29) of; (30) out; (31) at; (32) with; (33) by; (34) for; (35) with; (36) out; (37) for; (38) by; (39) of; (40) on; (41) of; (42) of.

5. Freezing and confiscation.

(1) b; (2) a; (3) d; (4) c; (5) a; (6) b; (7) b; (8) a; (9) d; (10) a; (11) b; (12) b; (13) c; (14) a; (15) b; (16) c; (17) a; (18) c; (19) c; (20) b.

WRITING SKILLS

1. Mutual Legal Assistance.

Provide the correct word form.

(1) to acquit – acquittal – acquitting / acquitted; (2) to administer – administration – administrative / administered / administering; (3) to allege – allegation – alleged; (4) to appear – appearance – appearing; (5) to assist – assistance – assisting / assisted; (6) to authorise – authorisation / authority – authorised / authorising; (7) to charge – charge – charged / charging / chargeable; (8) to certify – certificate / certification – certifying / certifiable / certified; (9) to conduct – conduct – conducted / conducting; (10) to convict – convict / conviction – convicted / convicting; (11) to defend – defendant / defence – defending / defended; (12) to detain – detention / detainee – detained / detaining; (13) to enforce – enforcement / enforceability – enforcing / enforced / enforceable; (14) to execute – execution / executioner – executable / executed / executing; (15) to hear – hearing – heard; (16) to identify – identity / identification – identifiable / identified / identifying; (17) to indict – indictment – indictable / indicted; (18) to infringe – infringement / infringer – infringed / infringing; (19) to issue – issue / issuance / issuer – issuing / issued; (20) to intercept – intercept / interception – (21) to judge – judge / judgment / judgement / judiciary – judged / judging / judicial; (22) to notify – notification – notified / notifiable / notifying; (23) to offend – offence (‘offense’ in US spelling) / offender – offending; (24) to operate – operation – operating; (25) to provide – provision / provider – provided / providing; (26) to ratify – ratification – ratified / ratifying; (27) to reciprocate – reciprocity reciprocation (but this has a different meaning) – reciprocal; (28) to refuse – refusal – refused / refusing; (29) to request – request – requesting/requested; (30) to seize – seizure – seizing / seized; (31) to sentence – sentence – sentencing / sentenced; (32) to serve – service / servant – serving / served / serviceable; (33) to summon – summons – summoning / summoned / summonsed; (34) to surrender – surrender – surrendering / surrendered; (35) to suspect – suspect – suspicious / suspecting / suspected; (36) to testify – testimony – testimonial / testified / testifying; (37) to transfer – transfer / transference / transferability – transferred / transferring / transferable; (38) to transmit – transmission (“transmitter” exists, but it has a different meaning) – transmittable (‘transmissible’ exists, but it is used for illnesses) / transmitted / transmitting; (39) to try – trial / trier – triable / tried / trying; (40) to urge – urgency – urgent / urging / urged; (41) to withdraw – withdrawal – withdrawn / withdrawing / withdrawable.

2. The European Arrest Warrant.

Write the correct word form.

(1) provide; (2) sufficient; (3) issuing; (4) execution; (5) prosecution; (6) crimes; (7) bodily; (8) concerned; (9) authority; (10) executive; (11) involvement; (12) urgent; (13) ruling; (14) judgments; (15) directions; (16) connection; (17) institutionally; (18) judiciary; (19) recognition; (20) fundamental; (21) assumption; (22) procedural; (23) assessment; (24) construed; (25) capable; (26) independently; (27) incriminatory; (28) ultimately; (29) requirements; (30) namely; (31) serve; (32) proceedings; (33) effective.

3. The European Investigation Order.

(a) Answer the questions.

1. When should an EIO be chosen?

When the execution of an investigative measure is proportionate, adequate and applicable to the case in hand, and always for the gathering of the evidence concerned.

2. In what cases could it be more practicable to resort to police cooperation?

Before issuing an EIO by creating an alert in SIS to find or locate the objects sought as evidence in criminal proceedings (e.g. vehicles, identity papers, credit cards, etc.) or to find out the place of residence or domicile of persons sought to assist with criminal judicial procedures (such as witnesses).

3. Why is it recommendable to use e-tools when drafting an EIO and what are their advantages?

You can fill in the form online in a word format with additional features, such as obtaining immediately the text of the form in the language(s) accepted by the executing State, or choosing from a predefined list of 'traditional' investigative measures.

4. Why should you download an editable pdf version of the EIO in your language as well as in other languages?

In case there is no access to the EJN website when needed in urgent cases.

5. What are the main general recommendations when filling in the form as regards handwriting, irrelevant boxes or alteration of the form?

Filling in the form in your own language using a computer (not in handwriting); using short and simple sentences (they are easy to translate); making the filled in text and ticked boxes 'bold'; for not relevant boxes: (a) leaving them empty; (b) writing N/A (not applicable) or (c) indicating clearly with a mark (e.g. ---) that it is not applicable. Boxes may not be deleted and the form may not be altered in any way.

6. What do you have to do with the free text field for assistance/investigative measures required and with the relevant box/boxes?

It is always obligatory to fill them in, describing the assistance/investigative measure required and, if applicable, ticking the relevant box/boxes from the list of investigative measures.

7. Should separate EIOs be issued for each investigative measure? If the answer is 'no', explain what you have to do; if the answer is 'yes', explain as well.

No, a single EIO may be issued for several investigative measures, which should be numbered in all the relevant sections of the form. However, if execution of more than one investigative measure is sought and more than one executing authority is responsible, there are two possibilities: issuing either separate EIOs for each executing authority or issuing a single EIO. If the latter option is chosen, the competences in the EIO should be differentiated and a copy of the EIO should be sent to each executing authority concerned.

8. What do EIOs cover?

Any investigative measure to obtain evidence that could have been ordered under the same conditions in a similar domestic case.

9. In what cases does an EIO NOT apply?

It does not apply to the following cases:

(a) Setting up of a joint investigation team and the gathering of evidence within such a team (Art. 3, recital 8);

(b) Cross-border surveillance as referred to in the Convention implementing the Schengen Agreement (recital 9);

(c) Provisional measures with a view to confiscation (Art. 32, recital 34);

(d) Transfer of a person to another Member State for the purposes of prosecution, including bringing that person before a court for standing trial for which a European Arrest Warrant (EAW) should be issued (recital 25).

10. What should you use to request information on previous convictions?

ECRIS, the European Criminal Record Information System.

11. What is the purpose of filling in section H (1-7)?

To provide additional information required for certain types of investigative measures.

12. Why is it that precise information should be included under sections (E), (H) and (I) rather than (C), and what type of information should be provided therein? Provide an example of information necessary to identify a person holding an IP address.

The correct place to include the relevant information is under sections (E) (identity of the person concerned), (H) (additional requirements for certain measures) and (I) (formalities and procedures requested for the execution). (C) is simply a description (and ticking of boxes) of the assistance/investigative measures required

When requesting for an identification of person holding an IP address, an example of necessary information would be: details on the type of data required, IP address, date and time of the use, name and address of the service provider, name of the service.

13. If a temporary transfer of a person is requested, what information should you include on top of that given under (H) (1)?

Indicate: (a) the purpose for the transfer (for instance, witness, confrontation); (b) the dates by which that person must be transferred and returned; (c) information on custody conditions; (d) under section (K), contact details of the authority responsible for making practical arrangements for the transfer.

14. Indicate at least four basic items of information that should be provided if the hearing of a person is requested.

Any four of the following may be mentioned:

(a) sufficient information on the purpose of the hearing, for example by providing a list of questions to be asked in a document in attachment; (b) an explanation that other questions arising during the hearing should also be asked; (c) under section (I)(1): where applicable, details of any special procedure/formalities to be followed, for example, (1) hearing under oath; (2) participation of other concerned persons, such as a holder of parental responsibility; (3) hearing to be conducted by a particular authority of the executing State; (4) information on the rights and obligations to be notified to the person to be heard such as a right to be assisted by a lawyer/interpreter (if such information needs to be handed over to a person, such as in case when a signature of a person on the list of rights is necessary to prove in the issuing State that he or she was properly notified, it is advisable to attach it to the EIO); (5) information whether the person to be heard requires protection; (d) under section (I)(2): where applicable, whether the issuing authority requests for one of more officials of the issuing State to be present at the hearing.

15. If a hearing by videoconference is requested, what additional information do you need to provide?

You need to include the following information: (a) under section (H)(2): name of the authority that will conduct the hearing, including contact details and language, reasons for requesting this measure, and information whether consent of the suspected or accused person was obtained for carrying out this measure; (b) under section (I)(1): where applicable, details of any special procedure/formalities to be followed, for example, (1) information on the rights and obligations to be notified to the person to be heard, such as a right to be assisted by a lawyer/interpreter; (2) information whether the person to be heard requires protection; (3) hearing under oath; (4) participation of other concerned parties, such as a holder of parental responsibility; (4) hearing to be conducted by a particular authority of the executing State.

16. What should be specified if the order is issued for the interception of communications?

You should (a) indicate the status of the person whose communications should be intercepted, for example a suspect, witness, victim or a person likely in contact with the suspect, in case such information is not included under section (E), as this information might be essential to determine if the investigative measure could be authorised in a similar domestic case; (b) under section (H)(7): provide reasons, why the measure is relevant for the criminal proceedings; information for the purpose of identifying the subject of interception; the desired duration; technical data and preference regarding the method of execution.

b. Writing an email.

Practice 1. Sample e-mail.

Dear Ms. Virtanen,

Thank you very much for your email of 19 March informing us that an EIO for the hearing of a witness by videoconference has been sent.

We will confirm by email once we get the form itself and will let you know if further information is necessary as to the arrangements.

Best wishes,

Aleksis Ozola

Court Officer

Rīgas pilsētas Latgales priekšpilsētas tiesa, Latvia

Practice 2. Sample e-mail.

Dear Mr. Nagy,

We have successfully received today the EOI form dated 27 March. It has been processed and duly registered, but we have doubts about the investigative measure required in Section C. You have ticked “hearing an expert by telephone conference”; however, on reading the description above the box, it seems that the measure is intended to hear a witness rather than an expert. We would very much appreciate if you could urgently clarify this point before we proceed any further, as I am afraid we cannot process the form until we are absolutely clear on the measures to be carried out.

I hope this issue can be sorted out quickly for both our courts to be able to cooperate fully in this matter.

I look forward to hearing from you.

Yours sincerely,

*Hanna Kowalski
Court Officer
Budai Központi Kerületi Bíróság Sąd Okręgowy w Poznaniu, Poland*

Practice 3. Sample e-mails.

(a)

Dear Mr. Fernández,

My name is Daniela Georgieva and I am Head Court Officer at the Spetsializiran nakazatelen sad (Specialised Criminal Court), Bulgaria.

I send you this email to let you know/advise you informally that today an EOI has been transmitted, requesting interception of telecommunications.

I wonder if you would be so kind as to confirm by email receipt of EIO itself, as this would be really helpful for practical purposes.

Thank you very much in advance.

Yours sincerely,

*Daniela Georgieva
Head Court Officer
Spetsializiran nakazatelen sad, Bulgaria*

(b)

Dear Ms. Georgieva,

Thank you very much for your email of (date) informing us of the dispatch of the EIO.

I would need to ask for permission by my supervisor in order to be able to unofficially acknowledge receipt by email.

I will speak to him as soon as practicable and will let you know.

Best wishes,

*Pedro Fernández
Court Officer
Audiencia Nacional, Spain*

4. The enforcement of judgments: transfer.

Provide the missing words in the gaps.

(1) judgment; (2) preliminary; (3) mutual; (4) scope; (5) sentence; (6) offence; (7) law; (8) case; (9) request; (10) concerns; (11) recognition; (12) supervision; (13) imprisonment; (14) dispute; (15) referred; (16) forwarded; (17) competent; (18) enforcement; (19) granted; (20) lodged; (21) upheld; (22) referring; (23) suspension; (24) intentional; (25) alternative; (26) uncertain; (27) delivered; (28) stay; (29) compatible; (30) released; (31) serve; (32) avoid; (33) sole; (34) complied; (35) transfer; (36) court; (37) establishing; (38) judicial; (39) regarded; (40) deprivation; (41) passed; (42) consequently; (43) liberty; (44) enable; (45) main; (46) in conjunction with; (47) legal; (48) falls; (49) matter.

5. Freezing and confiscation.

Put in the correct form of the premodifiers.

(1) substantial grounds; (2) freezing order; (3) confiscation order; (4) judicial cooperation; (5) executing state; (6) reasonable grounds; (7) issuing state; (8) criminal liability; (9) fundamental right; (10) written record; (11) reasonable request; (12) legal person; (13) natural person; (14) time limits; (15) legal remedy; (16) alternative measures; (17) competent authority; (18) central authority; (19) transmission date; (20) movable property; (21) procedural rules; (22) registered seat; (23) criminal proceedings; (24) national law; (25) remaining property; (26) exceptional costs; (27) affected persons; (28) validating authority; (29) investigative needs; (30) identity/identifiable data; (31) child pornography; (32) unlawful seizure of aircraft; (33) sexual exploitation; (34) grievous bodily injury; (35) armed robbery; (36) effective legal remedy; (37) permanent address; (38) stolen vehicle; (39) outstanding amount; (40) additional information.