### European and International Instruments

**Accession Treaty 2002** .......... 514–15, 519, 521  
Act on Conditions of Accession  
Art 3 ............................................... 514  
Art 39 ............................................... 514  

**Accession Treaty 2005** .......... 516–19, 521  
Act on Conditions of Accession  
Art 38 ............................................... 518  
Art 39(1) ............................................ 517  
Ann IX .............................................. 518  
Art 4(2) ............................................. 517  

**Accession Treaty 2012** .......... 522  
Act on Conditions for Accession  
Art 36 ............................................... 521  
Art 39 ............................................... 521–2  

**African Charter on Human and Peoples’ Rights, Art 7(1) and (2)** .......... 127  

**Agreement between the European Union and the United States of America on the Processing and Transfer of Financial Messaging Data from the European Union to the United States for the Purposes of the Terrorist Finance Tracking Program** .......... 535  

**Agreement between the United States of America and the European Union on the Use and Transfer of Passenger Name Record Data to the United States Department of Homeland Security** .......... 533, 535, 571  

**Agreement establishing an Association between the European Economic Community and Malta** .......... 513  

**Agreement establishing an Association between the European Economic Community and the Republic of Cyprus** .......... 513  

**Agreement establishing an Association between the European Economic Community and Turkey** .......... 525  

**American Convention on Human Rights**  
Art 8 ............................................... 127  
Art 9 ............................................... 127  

**Amsterdam Treaty**  
ex Art 1(11) ........................................ 8  
ex Art 2(15) ........................................ 8  
Arab Charter on Human Rights, Arts 12, 13, 15 and 16 .......... 127  

**Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal** .......... 276, 278–9, 284–5, 287, 292  
Art 4 ............................................... 276  

**Benelux Treaty** .......... 29  

**Charter of Fundamental Rights (CFR)**  
Preamble ............................................. 142  
Art 2 ............................................... 539  
Art 4 ............................................... 161, 581  
Art 5(3) ............................................. 539  
Art 6 ............................................... 127  
Art 7 ............................................... 120–1, 217–18, 226  
Arts 7 and 8 ........................................ 120–2  
Art 8 ............................................... 216–17, 226  
Art 8(1) ............................................... 218  
Art 8(2) ............................................... 121  
Art 8(3) ............................................... 220, 224, 477  
Arts 15–17 .......................................... 13  
Art 41 ............................................... 216  
Art 48 ............................................... 384  
Art 48(1) .......................................... 126, 145–6, 157  
Art 49 ............................................... 122–3, 234, 594  
Art 49(1) .......................................... 126  
Art 49(2) .......................................... 595  
Art 49(3) .......................................... 22, 123  
Art 50 ............................................... 11, 17, 114, 127, 189–92, 194, 203–8, 243–4
## xxii  Research handbook on EU criminal law

<table>
<thead>
<tr>
<th>Article</th>
<th>Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td>Art 51</td>
<td>109–10, 165, 244</td>
</tr>
<tr>
<td>Art 51(1)</td>
<td>9–14, 25, 131–2, 203</td>
</tr>
<tr>
<td>Art 51(2)</td>
<td>110</td>
</tr>
<tr>
<td>Arts 51–53</td>
<td>109–11</td>
</tr>
<tr>
<td>Art 52</td>
<td>111</td>
</tr>
<tr>
<td>Art 52(1)</td>
<td>19, 135–6, 142, 146, 205–6, 208, 247</td>
</tr>
<tr>
<td>Art 52(2)</td>
<td>111, 114, 123, 129–30, 133, 135, 142, 205, 247</td>
</tr>
<tr>
<td>Art 52(4)</td>
<td>130, 132–5, 142, 144–5, 218</td>
</tr>
<tr>
<td>Art 52(7)</td>
<td>130</td>
</tr>
<tr>
<td>Art 53</td>
<td>111–12, 130, 133–5, 144–5, 157</td>
</tr>
<tr>
<td>Preamble</td>
<td>129</td>
</tr>
</tbody>
</table>

**Common Position 2001/931/CFSP on the application of specific measures to combat terrorism**  556

<table>
<thead>
<tr>
<th>Article</th>
<th>Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td>Art 1(1)</td>
<td>556</td>
</tr>
<tr>
<td>Art 1(2)</td>
<td>556</td>
</tr>
<tr>
<td>Art 1(3)</td>
<td>556</td>
</tr>
<tr>
<td>Ann</td>
<td>556</td>
</tr>
</tbody>
</table>

**Common Position 2009/67/CFSP**  557

**Convention between the Member States of the European Communities on Double Jeopardy**  125, 190

**Convention for the Suppression of Unlawful Seizure of Aircraft**  405

**Convention implementing the Schengen Agreement (CISA)**  125, 189–90, 193–202, 205–8, 471

<table>
<thead>
<tr>
<th>Article</th>
<th>Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td>Art 54</td>
<td>18–19, 95, 191, 193–5, 197–202, 205–9</td>
</tr>
<tr>
<td>Arts 54–58</td>
<td>190, 192</td>
</tr>
<tr>
<td>Art 55</td>
<td>207–9</td>
</tr>
<tr>
<td>Art 55(1)</td>
<td>207–8</td>
</tr>
<tr>
<td>Art 55(3)</td>
<td>207</td>
</tr>
<tr>
<td>Art 55(4)</td>
<td>207</td>
</tr>
<tr>
<td>Art 56</td>
<td>207</td>
</tr>
<tr>
<td>Art 131</td>
<td>29</td>
</tr>
</tbody>
</table>

**Convention of the Council of Europe against Corruption**  379, 574

<table>
<thead>
<tr>
<th>Article</th>
<th>Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td>Art 9</td>
<td>397</td>
</tr>
<tr>
<td>Art 12</td>
<td>379, 397</td>
</tr>
<tr>
<td>Art 18</td>
<td>379</td>
</tr>
<tr>
<td>Art 20</td>
<td>379</td>
</tr>
<tr>
<td>Arts 36–37</td>
<td>396</td>
</tr>
<tr>
<td>Arts 36–38</td>
<td>379</td>
</tr>
<tr>
<td>Art 37(1)</td>
<td>383</td>
</tr>
</tbody>
</table>

**Convention of the Council of Europe on Mutual Criminal Assistance in Criminal Matters**  450

**Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union**  372, 450, 540, 574

<table>
<thead>
<tr>
<th>Article</th>
<th>Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td>Art 4</td>
<td>499</td>
</tr>
</tbody>
</table>

**Convention on Offences and Certain Other Acts Committed on Board Aircraft**  405


<table>
<thead>
<tr>
<th>Article</th>
<th>Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td>Art 14</td>
<td>477</td>
</tr>
<tr>
<td>Art 24</td>
<td>478</td>
</tr>
</tbody>
</table>

**Convention on the Fight Against Corruption involving Officials of the European Communities or Officials of Member States**  356, 368, 376, 382–9, 481

| Preamble | 377 |
| Art 2 | 383 |
| Art 3 | 383 |
| Art 4 | 383 |
| Art 4(4) | 384 |
| Art 6 | 384 |
| Art 7 | 385 |

**Convention on the International Trade in Endangered Species (CITES)**  276–9, 284–5, 287, 292

<table>
<thead>
<tr>
<th>Article</th>
<th>Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td>Art VIII(1)</td>
<td>277</td>
</tr>
</tbody>
</table>

**Convention on the Physical Protection of Nuclear Material**  405

**Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons**  405


<table>
<thead>
<tr>
<th>Article</th>
<th>Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td>Art 4</td>
<td>277</td>
</tr>
<tr>
<td>Ann I</td>
<td>280</td>
</tr>
<tr>
<td>reg 4(1)</td>
<td>280–1</td>
</tr>
<tr>
<td>reg 4(2)</td>
<td>281</td>
</tr>
<tr>
<td>reg 4(3)</td>
<td>280–1</td>
</tr>
<tr>
<td>reg 15</td>
<td>280</td>
</tr>
<tr>
<td>reg 34</td>
<td>280</td>
</tr>
<tr>
<td>Ann II</td>
<td>280–1</td>
</tr>
<tr>
<td>reg 3(1)(1)</td>
<td>280</td>
</tr>
<tr>
<td>reg 3(1)(3)</td>
<td>280</td>
</tr>
<tr>
<td>reg 13</td>
<td>280</td>
</tr>
</tbody>
</table>

**Convention on the Protection of EC Financial Interests**  368, 481

| Protocol No 1 | 381–2, 387, 481 |
| Art 1(1)(b) | 381 |
| Art 1(1)(c) | 381 |
| Art 2 | 381 |
Table of legislation   xxiii

Table of legislation

<table>
<thead>
<tr>
<th>Decision/CFLP/CFSP</th>
<th>References</th>
</tr>
</thead>
<tbody>
<tr>
<td>Decision 1999/852/EC on the principles, priorities, intermediate objectives and conditions contained in the Accession Partnership with Romania</td>
<td>517</td>
</tr>
<tr>
<td>Decision 1999/857/EC on the principles, priorities, intermediate objectives and conditions contained in the Accession Partnership with the Republic of Bulgaria</td>
<td>517</td>
</tr>
<tr>
<td>Decision 2000/375/JHA</td>
<td>96</td>
</tr>
<tr>
<td>Decision 2000/520/EC</td>
<td>226</td>
</tr>
<tr>
<td>Decision 2000/642/JHA</td>
<td>346</td>
</tr>
<tr>
<td>Decision 2000/799/JHA setting up a Provisional Judicial Cooperation Unit</td>
<td>441</td>
</tr>
<tr>
<td>Decision 2001/427/JHA</td>
<td>57</td>
</tr>
<tr>
<td>Decision 2001/54/JHA establishing the second phase of the programme of incentives, exchanges, training and cooperation for persons responsible for combating trade in human beings and the sexual exploitation of children</td>
<td>423</td>
</tr>
<tr>
<td>Decision 2001/87/EC on the signing, on behalf of the European Community, of the United Nations Convention Against Transnational Organized Crime</td>
<td>425</td>
</tr>
<tr>
<td>Decision 2002/187/JHA</td>
<td>90, 442, 444</td>
</tr>
<tr>
<td>Decision 2002/83/EC on the principles, priorities, intermediate objectives and conditions contained in the Accession Partnership with Bulgaria</td>
<td>517</td>
</tr>
<tr>
<td>Decision 2002/92/EC on the principles, priorities, intermediate objectives and conditions contained in the Accession Partnership with Romania</td>
<td>517</td>
</tr>
<tr>
<td>Decision 2003/396/EC on the principles, priorities, intermediate objectives and conditions contained in the Accession Partnership with Bulgaria</td>
<td>517</td>
</tr>
<tr>
<td>Decision 2003/397/EC on the principles, priorities, intermediate objectives and conditions contained in the Accession Partnership with Romania</td>
<td>517</td>
</tr>
<tr>
<td>Decision 2003/48/JHA on implementation of specific measures for police and judicial cooperation to combat terrorism</td>
<td>549</td>
</tr>
<tr>
<td>Decision 2005/681/JHA</td>
<td>90, 93, 477, 541</td>
</tr>
<tr>
<td>Decision 2006/928/EC establishing a mechanism for cooperation and verification of progress in Bulgaria to address specific benchmarks in the areas of judicial reform and the fight against corruption</td>
<td>518</td>
</tr>
<tr>
<td>Decision 2006/929/EC establishing a mechanism for cooperation and verification of progress in Bulgaria to address specific benchmarks in the areas of judicial reform and the fight against corruption and organized crime</td>
<td>518</td>
</tr>
<tr>
<td>Decision 2007/551/CFSP/JHA on the signing, on behalf of the European Union, of an Agreement between the European Union and the United States of America on the processing and transfer of Passenger Name Record (PNR) data by air carriers to the United States</td>
<td>42</td>
</tr>
<tr>
<td>Decision 2007/801/EC on the full application of the provisions of the Schengen acquis</td>
<td>514</td>
</tr>
<tr>
<td>Decision 2008/615/JHA</td>
<td>91</td>
</tr>
<tr>
<td>Decision 2008/616/JHA</td>
<td>91</td>
</tr>
<tr>
<td>Decision 2008/651/CFSP/JHA on the signing of an Agreement between the European Union and Australia on the processing and transfer of European Union-sourced passenger name record (PNR) data by air carriers to the Australian Customs Service</td>
<td>42</td>
</tr>
<tr>
<td>Art 5(1)</td>
<td>465</td>
</tr>
<tr>
<td>Art 23</td>
<td>472</td>
</tr>
<tr>
<td>Art 29</td>
<td>477</td>
</tr>
<tr>
<td>Art 36(1)</td>
<td>467</td>
</tr>
<tr>
<td>Art 37</td>
<td>467</td>
</tr>
<tr>
<td>Art 42</td>
<td>469</td>
</tr>
<tr>
<td>Art 45</td>
<td>474</td>
</tr>
<tr>
<td>Art 58</td>
<td>469</td>
</tr>
<tr>
<td>Decision 2009/426/JHA on the strengthening of Eurojust</td>
<td>90, 443–5, 448, 452–3, 455, 481</td>
</tr>
<tr>
<td>Art 4(2)</td>
<td>453</td>
</tr>
<tr>
<td>Art 6(1)(a)(i)</td>
<td>444</td>
</tr>
<tr>
<td>Art 6(1)(a)(ii)</td>
<td>444</td>
</tr>
<tr>
<td>Art 6(1)(a)(iii)</td>
<td>444</td>
</tr>
<tr>
<td>Art 6(1)(a)(iv)</td>
<td>444</td>
</tr>
<tr>
<td>Art 6(1)(a)(v)</td>
<td>444</td>
</tr>
<tr>
<td>Art 6(1)(a)(vi)</td>
<td>444</td>
</tr>
<tr>
<td>Art 6(1)(a)(vii)</td>
<td>444</td>
</tr>
<tr>
<td>Art 7(1)(a)(i)</td>
<td>444</td>
</tr>
<tr>
<td>Art 7(1)(a)(ii)</td>
<td>444</td>
</tr>
</tbody>
</table>
xxiv  Research handbook on EU criminal law

Art 7(1)(a)(iii) ........................................ 444
Art 7(1)(a)(iv) ........................................ 444
Art 7(1)(a)(v) ........................................ 444
Art 7(2) and (3) .................................... 445
Art 9b .................................................. 445
Art 9c .................................................. 445
Art 9d .................................................. 445
Art 9e .................................................. 445
Art 9f .................................................. 445
Art 12 ................................................ 443
Art 13 ........................................ 443–4, 448
Art 13(4)—(7) .................................... 443
Art 25a(1)(b), (2) and (3) ...................... 446
Decision 2009/820/CFSP n the conclusion on
behalf of the European Union of the
Agreement on Extradition between the
European Union and the United States of
America and the Agreement on Mutual
Legal Assistance between the European
Union and the United States ........ 536
Decision 2009/902/JHA ............ 57
Art 2(2) ............................................. 57
Decision 2012/472/EU on the conclusion of
the Agreement between the European
Union and the United States of America
on the use and transfer of passenger
name records to the United States
Department of Homeland Security .... 42
Decision 2014/836/EU ............... 89
recital 8 ............................................. 92
Decision 2014/837/EU ............... 89
Decision 2014/857/EU ............... 89
Decision 2014/858/EU ............... 89
Directive 68/151/EEC ................ 10
Directive 77/388/EEC on the harmonization of
the laws of the Member States relating to
turnover taxes
Art 2 ............................................. 11
Art 22 ............................................. 11
Directive 89/391/EC ......................... 140
Directive 91/308/EEC on prevention of the
use of the financial system for the
purpose of money laundering ........ 240, 336, 342, 350, 360
Directive 92/43/EEC on the conservation of
natural habitats and of wild fauna and
flora ................................................. 285
Directive 95/46/EEC on the protection of
individuals with regard to the processing
of personal data and on the free
movement of such data ....... 211, 216–17, 221, 228
Art 14 ............................................. 211
Art 25 ............................................. 226
Art 26 ............................................. 226
Directive 98/44/EC ......................... 228
Directive 2001/29/EC on the harmonization of
certain aspects of copyright and related
rights in the information society ...... 141
Directive 2001/83/EC, Art 111B .... 357
Preamble, recital 7 ..................... 350
Directive 2002/58/EC concerning the
processing of personal data and the
protection of privacy in the electronic
communications sector ...... 211–12, 214,
216–19, 221, 228, 496
Directive 2002/90/EC defining the facilitation
of unauthorized entry, transit and
residence ........................................ 295
Directive 2004/38/EC on the free movement
of citizens of the Union .............. 310
Directive 2004/39/EC on markets in financial
instruments .................................... 243
Directive 2004/80/EC relating to
compensation to crime victims .... 362
Directive 2004/81/EC on the residence permit
issued to third-country nationals who are
victims of trafficking in human
beings ........................................ 294, 427, 434
Directive 2005/35/EC on ship-source
pollution ... 279–83, 285–90, 292–3, 598
Art 1 ............................................. 280
Art 2 ............................................. 279
Art 3 ............................................. 280
Art 3(1) ............................................. 281
Art 3(2) ............................................. 280
Art 4 ........................................ 281, 289, 598
Art 5 ........................................ 281, 289
Art 5(1) ............................................. 281
Art 5(2) ............................................. 281
Art 5A(2) .......................................... 283
Art 6 ............................................. 280
Art 7 ............................................. 280
Art 8 ............................................. 282
Art 9 ............................................. 280
Arts 10–12 ........................................ 280
Directive 2005/60/EC on the prevention of the
use of the financial system for the
purpose of money laundering and
terrorist financing .... 240, 336, 351, 360,
564
Directive 2006/112/ EU ................... 244
Directive 2006/112/EC on the common
system of value added tax
Art 2 ............................................. 11–12
### Table of legislation

<table>
<thead>
<tr>
<th>Directive</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Art 250(1)</td>
<td>11</td>
</tr>
<tr>
<td>Art 273</td>
<td>11</td>
</tr>
<tr>
<td>Directive 2006/24/EC on the retention of data generated or processed in connection with the provision of publicly available electronic communications services</td>
<td>3, 122, 210–25, 227–9, 496</td>
</tr>
<tr>
<td>Preamble, recital 21</td>
<td>215</td>
</tr>
<tr>
<td>Art 1</td>
<td>215</td>
</tr>
<tr>
<td>Art 3</td>
<td>215</td>
</tr>
<tr>
<td>Art 4</td>
<td>215, 219</td>
</tr>
<tr>
<td>Art 5</td>
<td>215</td>
</tr>
<tr>
<td>Art 6</td>
<td>215</td>
</tr>
<tr>
<td>Art 7</td>
<td>215</td>
</tr>
<tr>
<td>Art 8</td>
<td>215</td>
</tr>
<tr>
<td>Art 9</td>
<td>215</td>
</tr>
<tr>
<td>Directive 2008/115/EC on common standards and procedures in Member States for returning illegally staying third-country nationals</td>
<td>294–9, 301–2, 304, 307, 311–14</td>
</tr>
<tr>
<td>Preamble, recital 2</td>
<td>298–9</td>
</tr>
<tr>
<td>Art 1</td>
<td>297</td>
</tr>
<tr>
<td>Art 2</td>
<td>298</td>
</tr>
<tr>
<td>Art 6</td>
<td>298</td>
</tr>
<tr>
<td>Art 7</td>
<td>298</td>
</tr>
<tr>
<td>Art 8(4)</td>
<td>298</td>
</tr>
<tr>
<td>Art 9</td>
<td>306</td>
</tr>
<tr>
<td>Art 13(2)</td>
<td>306</td>
</tr>
<tr>
<td>Art 15</td>
<td>299–300</td>
</tr>
<tr>
<td>Art 16</td>
<td>299–300</td>
</tr>
<tr>
<td>Directive 2008/115/EC on returning illegally staying third-country nationals</td>
<td>310</td>
</tr>
<tr>
<td>Art 2</td>
<td>287</td>
</tr>
<tr>
<td>Art 2(a)</td>
<td>287</td>
</tr>
<tr>
<td>Art 2(b)</td>
<td>287</td>
</tr>
<tr>
<td>Art 2(c)</td>
<td>287</td>
</tr>
<tr>
<td>Art 3</td>
<td>287</td>
</tr>
<tr>
<td>Art 3(c)</td>
<td>278</td>
</tr>
<tr>
<td>Art 3(d)</td>
<td>285</td>
</tr>
<tr>
<td>Art 3(g)</td>
<td>279</td>
</tr>
<tr>
<td>Art 6</td>
<td>287</td>
</tr>
<tr>
<td>Art 7</td>
<td>287</td>
</tr>
<tr>
<td>Ann A</td>
<td>284–7</td>
</tr>
<tr>
<td>Ann B</td>
<td>284, 286–7</td>
</tr>
<tr>
<td>Art 5A(1)</td>
<td>283</td>
</tr>
<tr>
<td>Art 5B</td>
<td>283</td>
</tr>
<tr>
<td>Art 8A</td>
<td>283</td>
</tr>
<tr>
<td>Art 8B</td>
<td>283</td>
</tr>
<tr>
<td>Art 8C</td>
<td>283</td>
</tr>
<tr>
<td>Directive 2009/147/EC on the conservation of wild birds</td>
<td>285</td>
</tr>
<tr>
<td>Directive 2009/52/EC providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals</td>
<td>295</td>
</tr>
<tr>
<td>Directive 2010/64/EU on the right to interpretation and translation in criminal proceedings</td>
<td>60, 93–4, 118, 131, 163, 171, 176, 437, 530</td>
</tr>
<tr>
<td>Preamble</td>
<td>163</td>
</tr>
<tr>
<td>recital 4</td>
<td>164</td>
</tr>
<tr>
<td>Art 1(2)</td>
<td>175</td>
</tr>
<tr>
<td>Art 2(1)</td>
<td>176</td>
</tr>
<tr>
<td>Art 2(2)</td>
<td>176</td>
</tr>
<tr>
<td>Art 2(3)</td>
<td>175–6</td>
</tr>
<tr>
<td>Art 2(4)</td>
<td>176</td>
</tr>
<tr>
<td>Art 3(1)</td>
<td>176</td>
</tr>
<tr>
<td>Art 3(2)</td>
<td>176</td>
</tr>
<tr>
<td>Art 3(3)</td>
<td>176</td>
</tr>
<tr>
<td>Art 3(4)</td>
<td>176</td>
</tr>
<tr>
<td>Art 5</td>
<td>176</td>
</tr>
<tr>
<td>Art 5(2)</td>
<td>177</td>
</tr>
<tr>
<td>Art 5(3)</td>
<td>177</td>
</tr>
<tr>
<td>Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims</td>
<td>42, 93, 294, 356, 422, 432, 436–7, 530</td>
</tr>
<tr>
<td>Art 2(2)</td>
<td>432</td>
</tr>
<tr>
<td>Art 4</td>
<td>433</td>
</tr>
<tr>
<td>Art 8</td>
<td>435</td>
</tr>
<tr>
<td>Art 10(2)</td>
<td>433</td>
</tr>
<tr>
<td>Art 11</td>
<td>433</td>
</tr>
<tr>
<td>Art 11(1)</td>
<td>434</td>
</tr>
<tr>
<td>Art 11(3)</td>
<td>434</td>
</tr>
<tr>
<td>Art 11(7)</td>
<td>434</td>
</tr>
<tr>
<td>Art 12</td>
<td>433</td>
</tr>
<tr>
<td>Art 13</td>
<td>434</td>
</tr>
<tr>
<td>Art 14</td>
<td>434</td>
</tr>
<tr>
<td>Art 15</td>
<td>434</td>
</tr>
<tr>
<td>Art 17</td>
<td>435</td>
</tr>
<tr>
<td>Art 18</td>
<td>438</td>
</tr>
<tr>
<td>Art 20</td>
<td>436</td>
</tr>
<tr>
<td>Directive 2011/93/EU on combating the sexual abuse and sexual exploitation of children and child pornography</td>
<td>42, 93</td>
</tr>
<tr>
<td>Directive 2011/99/EC establishing the European Protection Order</td>
<td>93</td>
</tr>
<tr>
<td>recital 3</td>
<td>84</td>
</tr>
</tbody>
</table>
xxvi Research handbook on EU criminal law

Directive 2012/13/EU on the right to information in criminal proceedings ...... 93–4, 117–18, 131, 163, 171, 177, 438, 530
Preamble ............................................. 164
recital 4 ............................................. 164
recital 25 .......................................... 178
Art 2(2) ............................................. 175
Art 3(1) ............................................ 177–8
Art 3(2) ............................................. 178
Art 3(3)(a) ......................................... 178
Art 3(3)(b) ......................................... 178
Art 3(3)(c) ......................................... 179
Art 3(5) ............................................. 179
Art 3(6) ............................................. 179
Art 4 ............................................. 179
Art 4(2) ............................................ 177
Art 5 ............................................. 179
Art 6 ............................................. 179
Art 7 ............................................. 179
Art 7(1) ............................................ 178
Art 7(2) ............................................ 178
Art 7(3) ............................................ 178
Art 7(4) ............................................ 178
Art 7(5) ............................................ 178
Art 8 ............................................. 179
Art 8(1) ........................................... 179
Art 8(2) ........................................... 179
Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime ...... 42, 93, 434, 530
Directive 2013/40/EU on attacks against information systems ...... 42, 93, 246, 356
Directive 2013/48/EU on the right of access to a lawyer in criminal proceedings ...... 94, 118, 131, 163, 171, 175, 178, 187, 246, 438, 530
Preamble ............................................. 164
recital 6 ............................................. 164
Art 2(1) ............................................ 175
Art 2(4) ............................................ 175
Directive 2014/41/EU regarding the European Investigation Order in criminal matters ... 22, 60, 93, 150, 152, 154, 161, 499
Art 6(1)(a) and (b) ......................... 154
Art 9(2) ............................................ 499
Art 10(3) ......................................... 22
Art 11 ............................................. 152
Art 11(1)(a) ................................. 152, 161

Directive 2014/62/EU on the protection of the Euro and other currencies against counterfeiting by law ............... 528

Directive 2015/849/EU on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing ...... 342, 344, 347, 351–2, 354
Preamble ............................................. 342
recital 4 ............................................ 342
recital 23 .......................................... 345
recital 24 .......................................... 345
recital 58 .......................................... 346
recital 59 .......................................... 343
Art 1(2) ........................................... 343–4
Art 1(3) ........................................... 344
Art 2 .............................................. 345
Art 11 ............................................. 345
Art 18(3) ........................................ 347
Arts 20–23 ...................................... 347
Art 48 ............................................. 345
Art 49 ............................................. 345
Art 58(1) ......................................... 344
Art 58(2) ......................................... 344
Art 59(2)(e) ..................................... 347
Art 66 ............................................. 348
Art 67 ............................................. 348
Ann II ............................................ 346
Euratom Treaty .................................. 284, 509
Art 194(1) ................................... 319–20
Europe Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Czech Republic, of the other part .............................................. 512
Europe Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Republic of Bulgaria, of the other part .............................................. 517
Europe Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Republic of Estonia, of the other part .............................................. 512

Valsamis Mitsilegas, Maria Bergström and Theodore Konstadinides - 9781783473311
Downloaded from Elgar Online at 01/01/2019 11:08:33AM via free access
Europe Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Republic of Latvia, of the other part .................................................. 512

Europe Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Republic of Lithuania, of the other part .................................................. 512

Europe Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Republic of Poland, of the other part .................................................. 512

Europe Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Slovak Republic, of the other part .................................................. 512

European Convention for the Prevention of Terrorism ............................................. 405

European Convention on Action against Trafficking in Human Beings ........... 428–9, 434–7

European Convention on Extradition .......... 29, 53-55 ................................................ 190

Additional Protocol, Art 2 .................... 189

Art 9 .................................................... 538


Art 3 .................................................... 247, 581

Art 4 .................................................... 429

Art 5 .................................................... 168

Art 5(2) ................................................ 171

Art 6 ...... 20, 114, 117, 127, 168, 171, 174, 204, 235, 237, 353, 476, 574

Art 6(1) ................................................ 172

Art 6(2) ................................................ 114–15, 171

Art 6(3)(a) ........................................... 171

Art 6(3)(b) ........................................... 172

Art 6(3)(c) ........................................... 172

Art 6(3)(e) ........................................... 172

Art 7 .................................................... 127, 595

Art 7(2) ................................................ 597

Art 8 .................................................... 120–1, 353

Art 10 ................................................... 410

Art 10(2) ............................................. 410

Art 11 ................................................... 410

Art 13 ................................................... 527

Art 53 ................................................... 130

Protocol No 7 ....................... 189, 192, 194, 204–5

Art 4 .................................................... 192, 194, 203–4

Art 4(1) ................................................ 189

Protocol No 13 ........................................ 539

European Convention on Laundering, Search, Seizure and Confiscation of the Proceeds of Crime and on the Financing of Terrorism ............................................. 574

European Convention on the International Validity of Criminal Judgments, Arts 53-55 .................................................. 190

European Convention on the Transfer of Proceedings in Criminal Matters ...... 29, 574

Arts 35-37 ............................................. 190

EU-Ukraine Treaty ........................................... 571

EU-US Extradition Agreement .......... 538, 571

Art 3(2) ............................................. 538

Art 4 .................................................... 538

Art 6 .................................................... 538

Art 7 ................................................... 538

Art 8 ................................................... 538

Art 9 ................................................... 538

Art 10 ................................................... 538

Art 11 ................................................... 538

Art 13 ................................................... 538

Art 14 ................................................... 538

Art 21 ................................................... 538

EU-US Mutual Legal Assistance Agreement ........................................... 536, 539–40

Art 4 .................................................... 540

Art 5 .................................................... 540

Art 6 .................................................... 540

Art 7 .................................................... 540

Art 8 .................................................... 540

Art 9 .................................................... 540

Art 14 ................................................... 538
Research handbook on EU criminal law

Art 17 ............................................. 538
Art 19 ........................................... 540
Framework Decision 2000/383/JHA n increasing protection by criminal penalties and other sanctions against counterfeiting in connection with the introduction of the Euro ........ 361, 528
Framework Decision 2001/220/JHA .... 14, 42, 362, 427, 434, 530
Framework Decision 2002/475/JHA on combating terrorism .... 315, 361, 403-8, 442, 528
Art 1 ............................................. 404–5
Art 1(1) ........................................ 416
Arts 1-4 ..................................... 404, 407
Art 2 ........................................... 406, 410
Art 3 .......................................... 406, 408
Art 4 ..................................... 406, 409, 414–15
Art 4(1) ................................. 409
Art 4(2) ..................................... 410
Art 4(4) .................................... 410, 415
Art 5 ........................................... 404, 407
Art 5(1) ..................................... 406–7
Art 6 ........................................... 404, 407
Art 7 ........................................... 404, 407
Art 8 ........................................... 404, 407
Art 9 ........................................... 404, 407
Art 9(1) .................................... 408
Art 10 ......................................... 404
Art 10(1) .................................. 408
Arts 11-13 ................................ 404
Framework Decision 2002/475/JHA on combating terrorism
Art 1(1)(a)-(h) ......................... 411
Art 2(2) ..................................... 411
Art 3(1)(a) ......................... 412
Preamble recital 12 .................... 151
recital 19 .................................... 153
Art 1(3) .................................. 15, 19–20, 155
Art 2(2) ................................... 151, 155, 599
Art 3 .............................. 15, 19, 151
Art 3(2) ...................... 18, 189, 191, 196, 202
Art 4 ............................... 19, 151
Art 4(2) .................................. 450
Art 4(3) .................................. 189
Art 4(5) .................................. 189, 192
Art 4(6) .................................... 15–17
Art 4A(1) ................................ 156–7
Art 5 ......................................... 15, 151
Art 5(1) ..................................... 15–17
Art 5(3) ..................................... 15–17
Art 8(2) ................................... 450
Art 11 ...................................... 152
Art 15 ...................................... 151
Art 17 ...................................... 151
Art 23 ...................................... 151
Art 27 ...................................... 24, 151
Art 28 ...................................... 151
Art 3 ...................................... 426
Art 3(2) ................................... 426
Art 7 ...................................... 427
Framework Decision 2002/946/JHA on the strengthening of the penal framework to prevent the facilitation of unauthorized entry, transit and residence .......... 295
Framework Decision 2003/568/JHA ... 389–91
Preamble .................................... 395
Framework Decision 2003/577/JHA on the mutual recognition of orders freezing property or evidence ............ 150
Framework Decision 2003/80/JHA on the protection of the environment through criminal law ................. 51, 273, 360
Framework Decision 2004/68/JHA on combating the sexual exploitation of children and child pornography .......... 42
Framework Decision 2004/757/JHA laying down minimum provisions on the constituent elements of criminal acts and penalties in the field of illicit drug trafficking ......................... 361
Framework Decision 2005/211/JHA on confiscation of crime-related proceeds, instrumentalities and property ... 356, 363
Framework Decision 2005/212/JHA on the mutual recognition of judgments imposing financial penalties .......... 150
Art 7(2)(a) ......................... 189, 192
Framework Decision 2005/222/JHA on attacks against information systems ... 42, 246, 356
Framework Decision 2005/667/JHA
Art 2 ...................................... 275
Art 3 ...................................... 275
Art 5 ...................................... 275
Framework Decision 2006/783/JHA on the mutual recognition of confiscation orders ........................................ 150
Framework Decision 2008/841/JHA on the fight against organized crime .... 355–6, 364, 366, 368
Art 1 .................................................. 365–6
Art 2 .................................................. 366
Framework Decision 2008/909/JHA on the transfer of custodial sentences (sentenced persons) ............. 16, 91, 150
Art 1(1) ............................................ 408
Art 1(1)(b) ........................................ 409
Art 1(1)(c) ........................................ 409
Art 1(2) .......................................... 409
Framework Decision 2008/947/JHA 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 ......................... 16, 91, 150
Framework Decision 2008/977/JHA on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters ........... 90, 477
Framework Decision 2008/978/JHA on the European evidence warrant for the purpose of obtaining objects, documents and data .................. 21, 61, 150, 431
Art 1 .............................................. 431
Art 7 .............................................. 21, 431
Framework Decision 2009/299/JHA on judgments in absentia .... 16, 150, 156–9, 194, 442
Framework Decision 2009/829/JHA 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 .................. 91, 150
Framework Decision 2009/905/JHA on accreditation of forensic service providers carrying out laboratory activities .............................................. 91
Framework Decision of 13 June 2002 on Joint Investigation Teams .............. 372–3

General Agreement on Trade and Tariffs (GATT) ................................... 290, 546
Art XXII(c) ..................................... 546
Geneva Convention relating to the Treatment of Prisoners of War, Arts 99, 100, 101, 105 and 130 ............. 127
International Convention Against the Taking of Hostages .......................... 405
International Covenant on Civil and Political Rights (ICCPR) ........... 126, 189, 192, 595
Preamble ....................................... 126
Art 14 ............................................. 127
Art 14(7) ......................................... 189
Art 15 ............................................. 123, 127
Art 15(1) ....................................... 595
Art 15(2) ....................................... 595
Joint Action 96/700/JHA establishing an incentive and exchange programme for persons responsible for combating trade in human beings and the sexual exploitation of children .................... 423
Joint Action 97/154/JHA concerning action to combat trafficking in human beings and sexual exploitation of children ........ 423
Joint Action 97/827/JHA establishing a mechanism for evaluating the application and implementation at national level of international undertakings in the fight against organized crime ............. 48
Art 2 ............................................. 444
Joint Action 98/733/JHA .................................. 426
Maastricht Treaty ... 8, 30, 53, 59, 65, 86, 107, 125, 359–60, 368, 370, 507, 509, 511
Montreal Protocol on Substances that Deplete the Ozone Layer .................. 285
Mutual Assistance Convention ................................ 540
Art 13 ............................................. 372
Protocol Against the Smuggling of Migrants by Land, Sea and Air ........... 425
Art 3 ............................................. 425
Protocol amending the Convention on the Establishment of a European Police Office (Europol Convention) and the Protocol on the Privileges and Immunities of Europol, the Members of its Organs, the Deputy Directors and the Employees of Europol .......... 370

Protocol amending the European Convention on the Suppression of Terrorism ...... 405

Protocol Expanding the Mandate of Europol ................................................. 463


Protocol on the Privileges and Immunities of Europol ........................................... 384

Protocol on the Privileges and Immunities of the European Communities .......... 384

Art 8 ................................................ 476
Art 11 .............................................. 384
Art 17 ............................................... 384
Art 17(2) ........................................... 384

Protocol on the Privileges and Immunities of the Europol ........................................... 463

Protocol regarding Various Modifications of Europol Convention ....................... 463

Regulation (EC) 3626/82 on the implementation in the Community of the Convention on international trade in endangered species of wild fauna and flora ................................................. 278

Regulation (EEC) 2078/92 ............................................. 322

Regulation (EU) 2988/95 of 28 December 1995 on the protection of the European Communities’ financial interests .......... 481

Regulation (EEC) 746/96, Art 20(2) .......... 322

Regulation (EC) 338/97 on the protection of species of wild fauna and flora by regulating trade therein .......... 278–9

Art 16(2) ........................................... 279

Regulation (EC) 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism .......... 556

Regulation (EC) 1/2003 ............................................. 250

Regulation (EC) 881/2002 concerning the freeze of funds of presumed terrorists ................................................................. 552, 562

Regulation (EC) 343/2003 (Dublin Regulation) establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national ............................................. 20, 161

Regulation (EC) 850/2004, Art 7(2) and (3) ......................................................... 327

Regulation (EC) 1013/2006 on shipments of waste ........................................ 278–9

Art 50 .............................................. 278

Regulation (EU) 371/2009 ........................................ 476

Regulation (EU) 1093/2010 ....................... 345

Regulation (EU) 648/2012 ........................................... 342

Regulation (EU) 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining applications for international protection (recast) (‘New Dublin Regulation’) ........................................... 20

Art 3(2) ............................................. 161

Regulation (EU, Euratom) 883/2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) ........................................... 20, 161

Regulation (EU) 596/2014 on market abuse ........................................... 242–3, 340

Regulation (EU) 847/2015 on information accompanying transfers of funds .......... 342


Art 15 .............................................. 276

Schengen Agreement .......... 3, 29, 90, 125, 189, 471–2

Security Council Resolution 1373 .... 547, 563

Security Council Resolution 1904 ............. 552

Security Council Resolution 2178 ... 419, 547, 559

Single European Act ............... 53, 369

Stabilization and Association Agreement between the European Communities and their Member States, of the one part, and the Former Yugoslav Republic of Macedonia, of the other part .......... 524

Stabilization and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Albania, of the other part ........................................... 524

Stabilization and Association Agreement between the European Communities and their Member States, of the one part,
the Republic of Croatia, of the other
part ................................................. 519–20
Stabilization and Association Agreement
between the European Communities and
their Member States, of the one part, and
the Republic of Montenegro, of the other
part ................................................................. 524
Stabilization and Association Agreement
between the European Communities and
their Member States, of the one part, and
the Republic of Serbia, of the other
part ................................................................. 524
Statute of the Court of Justice of the European
Union, Art 30 .............................................. 319–20
Statute of the International Criminal
Court ............................................ 588, 591–2, 598–600
Preamble .............................................. 591
Art 12 ....................................................... 590
Art 17 ....................................................... 189
Art 20 ....................................................... 189
Art 86 ....................................................... 599
Art 90(5) .................................................. 600
Art 90(6) .................................................. 600
Art 90(6)(7) .................................................. 600
Art 90(7) .................................................. 600
Art 98(2) .................................................. 600
Art 102 .................................................... 599
Statute of the International Criminal Tribunal
for Rwanda
Art 9 .......................................................... 189
Art 28(2)(e) .............................................. 599
Statute of the International Criminal Tribunal
for the Former Yugoslavia
Art 10 ....................................................... 189
Art 29(2)(e) .............................................. 599
Treaty of Versailles ........................................ 598
Art 227(4) .................................................. 598
Art 228(2) .................................................. 598
Treaty on European Union (TEU) .... 30–2, 73,
80, 107, 136–8, 142–5, 151, 191, 273,
301, 317–18, 324, 338, 397, 407, 423–4,
429, 437, 455, 458, 462, 509–10, 516,
519, 521, 536, 569, 571, 574, 578–9
Art 2 ......................................................... 53, 73, 509–10, 574, 578
Art 3 ......................................................... 54
Art 3(2) ..................................................... 57
Art 4 ......................................................... 34
Art 4(2) ..................................................... 34, 136–8, 142–4
Art 4(3) ..................................................... 11, 235, 316–18, 324
Art 5 ......................................................... 34, 341, 384, 591
Art 6 ...... 15, 32, 73–4, 108, 152, 155, 160,
221, 521
Art 6(1) ..................................................... 108, 143

Table of legislation  xxxi

Art 6(2) .............................................. 108, 128–9, 353
Art 6(3) .............................................. 108, 128–9, 574
Art 7 ....................................................... 519
Art 8 ....................................................... 572
Art 12 ...................................................... 41
Art 12(c) .................................................. 41
Art 12(f) .................................................. 41
Art 13 ..................................................... 36, 316
Art 15(1) ................................................... 36
Art 16 ...................................................... 38
Art 16(4) ................................................... 44
Art 17(1) ................................................... 39
Art 19(1) ................................................... 143
Art 20 ...................................................... 46
Art 21(1) ................................................... 579
Art 21(a) ................................................... 569
Art 29 ..................................................... 273, 360
Art 31(1) ................................................... 170
Art 31(1)(c) ............................................. 360
Art 31(1)(e) ............................................. 360, 362, 407
Art 31(e) ................................................... 404
Art 34 ..................................................... 372
Art 34(2)(b) ............................................. 407
Art 47 ..................................................... 273–4, 569
Art 49 ..................................................... 509–10
Art 83(1) ................................................... 395
Art 83(2) ................................................... 395
Art 83(3) ................................................... 381
Art 88 ..................................................... 463
Art 88(2) ................................................... 463
Art 88(3) ................................................... 464
ex Art 2 ................................................... 30, 57
ex Art 24 ................................................... 536, 570
ex Art 29 ................................................... 31, 57, 61, 368, 462
ex Art 31 ................................................... 59, 69, 441
ex Art 31(e) ............................................. 61–2, 64, 423
ex Art 34 ................................................... 31, 42, 423
ex Art 35 ................................................... 80, 475
ex Art 35(2) .............................................. 80
ex Art 35(5) .............................................. 475
ex Art 36 ................................................... 38
ex Art 38 ................................................... 536, 571
ex Art C .................................................... 30
ex Art F(2) .................................................. 107
ex Art K(1) .................................................. 30, 59, 65
ex Art K-K.9 ............................................. 8
Protocol No 1 on the role of national
parliaments in the European
Union ..................................................... 41
Protocol No 2 on the application of the
principles of subsidiarity and
proportionality .................................. 35–6, 41, 72, 80,
500, 591, 594

Valsamis Mitsilegas, Maria Bergström and Theodore Konstadinides - 9781783473311
Downloaded from Elgar Online at 01/01/2019 11:08:33AM via free access
<table>
<thead>
<tr>
<th>Article</th>
<th>References</th>
</tr>
</thead>
<tbody>
<tr>
<td>Art 6</td>
<td>35</td>
</tr>
<tr>
<td>Art 7</td>
<td>500</td>
</tr>
<tr>
<td>Art 7(2)</td>
<td>80</td>
</tr>
<tr>
<td>Art 7(3)</td>
<td>36, 41</td>
</tr>
<tr>
<td>Title VI</td>
<td>3, 40</td>
</tr>
</tbody>
</table>

| Art 4 | 71, 323   |
| Art 4(2)(j) | 294, 591 |
| Art 5 | 71         |
| Art 8(2) | 163       |
| Art 20(2) | 81       |
| Art 33 | 594        |
| Arts 34–36 | 325     |
| Art 48 | 55         |
| Art 56 | 13         |
| Art 67 | 32, 35, 54, 238, 549, 587 |
| Art 67(1) | 55, 71, 142–4, 364 |
| Art 67(3) | 32, 54, 57–8 |
| Art 68 | 36         |
| Art 69 | 80         |
| Art 70 | 41, 48     |
| Art 72 | 34         |
| Art 74 | 45         |
| Art 75 | 238–9, 549–50 |
| Art 76 | 45, 80, 500 |
| Art 78(2)(g) | 569      |
| Art 79 | 66         |
| Art 79(2)(c) and (d) | 594 |
| Art 79(3) | 569     |
| Art 80(1) and (2) | 46       |
| Art 82 | 45, 55–6, 58, 81, 331, 484, 496 |
| Art 82(1) | 8, 33, 43, 58–9, 142, 163, 331–2, 363, 594 |
| Art 82(1)(c) | 58     |
| Art 82(2) | 8, 33, 43, 55, 59–60, 63, 67, 69, 79, 84, 100, 143–4, 164, 331, 363–4, 432, 568, 594 |
| Art 82(2)(a) | 60       |
| Art 82(2)(a)-(c) | 60      |
| Art 82(2)(b) | 163     |
| Art 82(2)(d) | 61      |
| Art 82(3) | 47, 55, 59, 80, 484 |
| Arts 82-86 | 34, 56 |

Art 83 ... 4, 43, 45, 55–6, 58–9, 63, 66–7, 69–71, 75, 81, 238–9, 241, 269, 315, 320–1, 338, 484, 572
Art 83(1) ... 9, 33–5, 55, 59–64, 66–7, 71, 75–6, 241–2, 269, 321, 335–6, 338, 341, 343, 345, 354, 364, 432, 492, 593
Art 83(1)(2) ... 594
Art 83(3) ... 47, 55, 80, 484, 587
Art 84 ... 33, 35, 43, 45–6, 56–7
Art 85 ... 41, 45–6, 56, 452
Art 85(1) ... 451
Art 85(1)(a) and (c) ... 451
Art 85(2) ... 34
Art 86 ... 40, 56, 67–8, 372, 451–2, 455, 480, 482–6, 492, 494, 503
Art 86(1) ... 46, 485
Art 86(2) ... 68, 484, 486, 492–3
Art 86(4) ... 36, 485, 492–3
Art 87 ... 40, 46
Art 87(2) ... 45
Art 87(3) ... 46, 80
Art 88 ... 41, 45, 470, 540–1
Art 88(3) ... 34
Art 89 ... 40
Art 101 ... 249–50, 259–60, 269–70
Art 102 ... 249, 262, 269
Art 114 ... 214, 239, 241–3, 338, 340–2
Art 193 ... 284
Art 207 ... 338, 578
Art 212 ... 571, 578
Art 215 ... 239, 549–50
Art 215(2) ... 239
Art 215(3) ... 549
Art 216 ... 43
Art 216(1) ... 570–1
Art 217 ... 571
Art 218 ... 569, 578
Art 238(2) ... 44
Art 258 ... 80
Art 258–260 ... 518
Art 263 ... 497
Art 263(2) ... 117, 475
Art 264 ... 220
Art 265 ... 117, 497
Art 267 ... 80, 117, 497
Art 268 ... 497
Art 276 ... 298
Art 288 ... 42
Art 289(2) ... 46
Art 289(3) ... 45
### Table of legislation

<table>
<thead>
<tr>
<th>Legislation</th>
<th>Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td>Art 291(2)</td>
<td>549</td>
</tr>
<tr>
<td>Art 294</td>
<td>45</td>
</tr>
<tr>
<td>Art 325</td>
<td>56, 66–7, 69, 244, 247, 372, 383, 491</td>
</tr>
<tr>
<td>Art 325(4)</td>
<td>339, 594</td>
</tr>
<tr>
<td>Art 329</td>
<td>55, 81</td>
</tr>
<tr>
<td>Art 331(1)</td>
<td>82</td>
</tr>
<tr>
<td>Art 340</td>
<td>117</td>
</tr>
<tr>
<td>Art 340(2)</td>
<td>564</td>
</tr>
<tr>
<td>Protocol No 1 on the role of national parliaments</td>
<td>72</td>
</tr>
<tr>
<td>Protocol No 19 on the Schengen acquis integrated into the framework of the European Union</td>
<td>81</td>
</tr>
<tr>
<td>Art 4</td>
<td>81, 83, 85–6, 101, 190</td>
</tr>
<tr>
<td>Protocol No 20, Art 4(a)(2)</td>
<td>93</td>
</tr>
<tr>
<td>Protocol No 21 on the Position of the United Kingdom and Ireland in respect of the Area of Freedom, Security and Justice</td>
<td>82, 85–6, 90, 97, 455</td>
</tr>
<tr>
<td>Art 4(a)(2)</td>
<td>93</td>
</tr>
<tr>
<td>Protocol No 22 on the position of Denmark</td>
<td>82, 238, 455</td>
</tr>
<tr>
<td>Art 1</td>
<td>82</td>
</tr>
<tr>
<td>Art 2</td>
<td>82</td>
</tr>
<tr>
<td>Art 4</td>
<td>83</td>
</tr>
<tr>
<td>Art 8</td>
<td>83</td>
</tr>
<tr>
<td>Ann</td>
<td>83</td>
</tr>
<tr>
<td>Protocol No 36 on Transitional Provisions</td>
<td>2, 32, 44, 78–102, 511, 516, 531</td>
</tr>
<tr>
<td>Art 3(3)</td>
<td>44</td>
</tr>
<tr>
<td>Art 9</td>
<td>44, 80, 391</td>
</tr>
<tr>
<td>Art 10</td>
<td>81, 86–95, 391, 465, 508, 516</td>
</tr>
<tr>
<td>Art 10(1)</td>
<td>80, 83</td>
</tr>
<tr>
<td>Art 10(1) and (2)</td>
<td>44</td>
</tr>
<tr>
<td>Art 10(1) and (3)</td>
<td>80</td>
</tr>
<tr>
<td>Art 10(4)</td>
<td>83–4, 91</td>
</tr>
<tr>
<td>Art 10(5)</td>
<td>83–4, 95, 190</td>
</tr>
<tr>
<td>Title VII</td>
<td>44</td>
</tr>
<tr>
<td>Title III</td>
<td>46</td>
</tr>
<tr>
<td>Title V</td>
<td>32–2, 39, 48, 54, 168, 238, 249, 364, 483, 521</td>
</tr>
<tr>
<td>Ch 4</td>
<td>33, 56, 58</td>
</tr>
<tr>
<td>Title VII</td>
<td>249</td>
</tr>
<tr>
<td>Ann B</td>
<td>285</td>
</tr>
<tr>
<td>UN Charter</td>
<td>546, 551–2</td>
</tr>
<tr>
<td>Art 25</td>
<td>546</td>
</tr>
<tr>
<td>Art 39</td>
<td>546</td>
</tr>
<tr>
<td>Art 103</td>
<td>546</td>
</tr>
<tr>
<td>UN Convention Against Corruption</td>
<td>380</td>
</tr>
<tr>
<td>Art 2c</td>
<td>397</td>
</tr>
<tr>
<td>Art 16(2)</td>
<td>383</td>
</tr>
<tr>
<td>Arts 18–20</td>
<td>396–7</td>
</tr>
<tr>
<td>Arts 18–22</td>
<td>379</td>
</tr>
<tr>
<td>Arts 21–22</td>
<td>396</td>
</tr>
<tr>
<td>UN Convention against Transnational Organized Crime</td>
<td>350, 366, 425</td>
</tr>
<tr>
<td>UN Convention for the Suppression of Terrorism Financing</td>
<td>405, 563</td>
</tr>
<tr>
<td>Art 2(1)(b)</td>
<td>405</td>
</tr>
<tr>
<td>UN Convention on the Law of the Sea (UNCLOS)</td>
<td>288–9, 291</td>
</tr>
<tr>
<td>UN Convention on the Rights of Persons with Disabilities</td>
<td>128</td>
</tr>
<tr>
<td>UN Convention on the Rights of the Child</td>
<td>127</td>
</tr>
<tr>
<td>Art 10</td>
<td>127</td>
</tr>
<tr>
<td>Art 11(1)</td>
<td>127</td>
</tr>
<tr>
<td>Vienna Convention on the Law of Treaties</td>
<td>571</td>
</tr>
</tbody>
</table>

### National Instruments

#### Austria

- **Aliens’ Police Act**, art 120: 309–10
- **Criminal Code**
  - art 12: 415
  - art 64: 433
  - art 278b: 415
  - art 278b(2): 413
  - art 278c: 415
  - art 278c(1): 413
  - art 278e: 415
  - arts 278e(1) and 278f: 413
  - arts 278e(2) and 278f: 413
  - art 282a: 412, 415

#### Belgium

- **Constitution**: 16, 141
- **Criminal Code**
  - arts 51-53: 415
  - art 66(3): 415
  - art 140bis: 412
  - art 140quater: 413
  - art 140quinquies: 413
  - art 140ter: 412
- **Criminal Investigation Code (BCIC)**: 200
- **Art 128**: 200
- **Art 246 et seq**: 200
- **Immigration Act**, art 75: 309
- **Law of 18 February 2013**: 411
- **Law of 25 March 1891**: 415
xxxiv  Research handbook on EU criminal law

Law on Foreigners ........................................ 428

Bulgaria
Act on Foreigners in the Republic of Bulgaria,
art 48(1) ............................................. 309
Criminal Code, art 279 .................................. 309

Croatia
Act on the Monitoring of State Borders, art 42 ................. 309
Aliens Act, art 222 .................................... 309
Constitutional Act on the Rights of National
Minorities (CARNM) ................................ 521

Cyprus
Aliens and Immigration Act, art 19 ........... 309
Constitution, Art 7(2) .................................. 127

Czech Republic
Act on Residence of Foreign Nationals in the
Territory of the Czech Republic, art 156 .................. 309
Act on the Residence of Foreign Nationals in
the Territory of the Czech Republic, art 156 ............ 309
Criminal Code
art 24 .................................................... 413
art 24(1) ............................................. 413
art 311(2) ........................................... 413

Denmark
Aliens Act, s 59(1) ..................................... 309
Criminal Code
s 8(1) .................................................... 433
s 114c(1) ............................................ 412
s 114c(3) ............................................ 413
s 114d(3) ........................................... 413–14
s 136(1) ............................................. 412
s 262a ................................................... 428
Law No. 542/2006 ..................................... 411

Estonia
Aliens Act, art 298 .................................... 309
Amendment Act, art 1 .................................. 140
Criminal Code
s 22 ...................................................... 414
s 22(1) ................................................. 414–15
s 25 ...................................................... 414
s 26 ...................................................... 414
s 237 .................................................... 414
s 237(2) ............................................. 414–15

Finland
Aliens Act, s 185 ....................................... 309
Criminal Code
Ch 5, s 6 ............................................. 414
Ch 17, ss 7 and 7a ................................... 309

France
Code of Criminal Procedure
Art 62-2 ................................................ 303
art 695-46 ............................................... 24
Code of Entry and Stay of Aliens and Right
of Asylum ........................................... 303, 309, 428
art L 621 ............................................. 303
art L 621-1 .......................................... 304
art L 624-1 .......................................... 308
Constitution, art 34 .................................... 127
Criminal Code, art 225 ................................. 427
Declaration of the Rights of Man .................. 126
Law No. 2012-1560 of 31 December 2012 .......... 308

Germany
Basic Law
art 102(3) ............................................. 127
art 103(3) ............................................. 189
Criminal Code
art 30(1) ............................................. 413
art 89a(2)(1) ......................................... 413
art 91(1) and (2) ................................... 412
art 129a(5) .......................................... 413
art 154 ................................................ 319–20
art 162 I .......................................... 319–20
art 232 ................................................. 428
art 263 ................................................. 266
Residence Act
s 95 ...................................................... 309
s 95(1)(3) ............................................ 309

Greece
Constitution
art 5 ....................................................... 136
art 7 ....................................................... 127
art 8 ....................................................... 127
art 9(1) ................................................. 136
art 19(3) ............................................. 136
art 20 ................................................... 127
Immigration Act
art 73 ................................................... 309
art 83 ................................................... 309
### Hungary

- **Constitution**, art 57(4) ........................................ 140–1
- **Criminal Code**
  - s 10 .................................................... 414
  - s 14 .................................................... 414
  - s 315(1) and (2) .................................. 413–14
- **Petty Offences Act**
  - s 204 ............................................. 310
  - s 208 .................................................. 309

### Lithuania

- **Code of Administrative Offences**, art 206 ........................................ 309
- **Criminal Code**, art 291 ........................................ 309

### Luxembourg

- **Criminal Code**
  - art 135(11) ......................................... 412
  - art 135(12) ......................................... 413, 415
  - art 135(13) ......................................... 413
- **Immigration Law**, art 140 ........................................ 309

### Netherlands

- **Aliens Act**
  - art 66 ................................................ 309
  - art 67 ................................................ 309
  - art 108 ............................................... 310
- **Constitution**, art 17 ........................................ 127
- **Criminal Code**, art 197 ........................................ 309
- **Regulation B9** ........................................ 428

### Poland

- **Aliens Act**, art 148 ........................................ 309
- **Constitution** ........................................ 515
  - art 42(2) ........................................... 127
  - art 45 ................................................ 127
- **Petty Offences Code**, art 49a ........................................ 310

### Portugal

- **Constitution**, art 29(2) ........................................ 597
- **Law No 23/2007** ........................................ 428
- **LCT**, art 4(4) ........................................ 412

### Romania

- **Government Emergency Ordinance No 105/2001 concerning the state border of Romania**, art 70 ........................................ 309
- **Government Emergency Ordinance No 194/2002 concerning the aliens regime**, art 134 ........................................ 309

### Slovakia

- **Act on Residence of Aliens**
  - art 116 ............................................. 310
  - art 118 ............................................. 309
- **Criminal Code**, s 297 ........................................ 413

### Slovenia

- **Act on Residence of Aliens**, art 145 ........................................ 309–10
- **Criminal Code**
  - art 34 ............................................. 414

---

**Table of legislation** xxxv

---

**Valsamis Mitsilegas, Maria Bergström and Theodore Konstadinides - 9781783473311**

Downloaded from Elgar Online at 01/01/2019 11:08:33AM via free access
xxxvi  Research handbook on EU criminal law

art 37 ..................................................... 414
art 38 ..................................................... 414
art 110 ................................................... 412

Spain
Constitution
art 24 ..................................................... 127
art 25(1) ................................................ 127
Organic Immigration Act, art 53 ............... 309
Organic Law No. 10/2011 amending the Law
on Foreigners ................................. 428

Sweden
Aliens Act, Ch 20
s 1 .................................................. 309
s 4 .................................................. 309
Constitution, Ch 2, s 10 ......................... 127
Environmental Code, Ch 29, s 3(2) ........... 327

United Kingdom
Anti-Social Behaviour, Crime and Policing
Act 2014, s 157 ......................................... 154
Competition Act 1998 ................................. 259
Criminal Justice and Data Protection (Protocol
No. 36) Regulations 2014 (SI
2014/3141) ........................................... 89
Data Retention and Investigatory Powers Act
2014 ................................................... 222
Enterprise Act 2002, s 188 ....................... 263
European Union Act 2011 ......................... 94
Extradition Act 2003 ............................... 154
s 21A ................................................... 154
s 21A(1)(b) .......................................... 154
s 21A(2) .................................. 154
s 21A(3) ................................................ 154
Immigration Act 1971, s 24A ................. 309
Magna Carta, Art 39 ................................. 126
Police and Criminal Evidence Act 1984,
s 58 ...................................................... 186
Regulation and Investigatory Powers Act
2000 ................................................... 222
Theft Act 1968, s 9 ................................. 425

United States
Act to Prevent Pollution from Ships, 33 USC
1901 et seq. ........................................ 277
Constitution, Fifth and Sixth
Amendments ......................................... 126
Foreign Intelligence Surveillance Act
Amendments of 2008 ............................. 210
General Crimes Act (1917), 18 USC
s 1152 .............................................. 584
Indian Civil Rights Act (ICRA) 1968
25 USC s 1302 ....................................... 584–5
25 USC s 1302(a)(7)(c) ......................... 584
25 USC s 1304(d)(4) ............................. 585
Major Crimes Act (1885) 18 USC
s 1153 .............................................. 584
Protect America Act of 2007 .................... 210
Sherman Act ...... 252–6, 259–60, 262, 265–6,
268
Tribal Law and Order Act, Public Law
111-211, s 234 ..................................... 584
Violence Against Women Reauthorization Act
of 2013, Public Law 113–4, s 904 ... 585