Table of legislation

### European and International Instruments

<table>
<thead>
<tr>
<th>Accession Treaty 2002</th>
<th>514–15, 519, 521</th>
</tr>
</thead>
<tbody>
<tr>
<td>Act on Conditions of Accession</td>
<td></td>
</tr>
<tr>
<td>Art 3</td>
<td>514</td>
</tr>
<tr>
<td>Art 39</td>
<td>514</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Accession Treaty 2005</th>
<th>516–19, 521</th>
</tr>
</thead>
<tbody>
<tr>
<td>Act on Conditions of Accession</td>
<td></td>
</tr>
<tr>
<td>Art 38</td>
<td>518</td>
</tr>
<tr>
<td>Art 39(1)</td>
<td>517</td>
</tr>
<tr>
<td>Ann IX</td>
<td>518</td>
</tr>
<tr>
<td>Art 4(2)</td>
<td>517</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Accession Treaty 2012</th>
<th>522</th>
</tr>
</thead>
<tbody>
<tr>
<td>Act on Conditions for Accession</td>
<td></td>
</tr>
<tr>
<td>Art 36</td>
<td>521</td>
</tr>
<tr>
<td>Art 39</td>
<td>521–2</td>
</tr>
</tbody>
</table>

| 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 |

| 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 |

| Preamble | 142 |
| Art 2 | 539 |
| Art 4 | 161, 581 |
| Art 5(3) | 127 |
| 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 | 19–20, 23, 114–16, 156, 498–9 |
| Art 48(1) | 384 |
| Art 48(2) | 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 |
Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union

- Art 4 ........................................................................ 499

Convention on Offences and Certain Other Acts Committed on Board Aircraft

- Art 14 ....................................................................... 477
- Art 24 ....................................................................... 478

Convention on the Establishment of a European Police Office


Convention on the Fight Against Corruption involving Officials of the European Communities or Officials of Member States

- Preamble .................................................................. 356, 368, 376, 382–9, 481

- Art VIII(1) ............................................................... 277

Convention on the International Trade in Endangered Species (CITES)

- Art 18 ....................................................................... 379
- Art 2 ......................................................................... 381
- Art 3 ......................................................................... 383
- Art 4 ......................................................................... 383
- Art 4(4) ..................................................................... 384
- Art 6 ......................................................................... 384
- Art 7 ......................................................................... 385

Convention on the Prevention of Pollution from Ships (MARPOL)

- Art 4 ......................................................................... 277
- Art 1 ......................................................................... 280
- reg 4(1) ..................................................................... 280–1
- reg 4(2) ..................................................................... 281
- reg 4(3) ..................................................................... 280–1
- reg 15 ....................................................................... 280
- reg 34 ....................................................................... 280

Ann II ........................................................................ 277

- reg 3(1)(1) ............................................................... 280
- reg 3(1)(3) ............................................................... 280
- reg 13 ...................................................................... 280

Convention on the Protection of EC Financial Interests

- Protocol No 1 .......................................................... 381–2, 387, 481
- Art 1(1) ................................................................. 381
- Art 1(1)(b) ............................................................. 381
- Art 1(1)(c) ............................................................. 381
- Art 2 ......................................................................... 381

An Act Implementing the Schengen Convention for the Suppression of Unlawful Seizure of Aircraft

- Art 3 ......................................................................... 405
- Art 4 ......................................................................... 405
- Art 5 ......................................................................... 405
- Art 6 ......................................................................... 405

Convention on Mutual Assistance in Criminal Matters against Corruption

- Art 9 ......................................................................... 379, 574
- Art 12 ....................................................................... 379, 397
- Art 18 ....................................................................... 379
- Art 20 ....................................................................... 379
- Arts 36–37 .............................................................. 396
- Arts 36–38 .............................................................. 397
- Art 37(1) ................................................................. 383

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

- Art 2 ......................................................................... 450
Decision 1999/852/EC on the principles, priorities, intermediate objectives and conditions contained in the Accession Partnership with Romania ............... 517
Decision 1999/857/EC on the principles, priorities, intermediate objectives and conditions contained in the Accession Partnership with the Republic of Bulgaria ........................................... 517
Decision 2000/375/JHA ........................................... 96
Decision 2000/520/EC ........................................... 226
Decision 2000/642/JHA ........................................... 346
Decision 2000/799/JHA setting up a Provisional Judicial Cooperation Unit .................................................... 441
Decision 2001/427/JHA ........................................... 57
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 ....................... 423
Decision 2001/87/EC on the signing, on behalf of the European Community, of the United Nations Convention Against Transnational Organized Crime ...... 425
Decision 2002/187/JHA ............... 90, 442, 444
Decision 2002/83/EC on the principles, priorities, intermediate objectives and conditions contained in the Accession Partnership with Bulgaria ............... 517
Decision 2002/92/EC on the principles, priorities, intermediate objectives and conditions contained in the Accession Partnership with Romania ............... 517
Decision 2003/396/EC on the principles, priorities, intermediate objectives and conditions contained in the Accession Partnership with Bulgaria ............... 517
Decision 2003/397/EC on the principles, priorities, intermediate objectives and conditions contained in the Accession Partnership with Romania ............... 517
Decision 2003/48/JHA on implementation of specific measures for police and judicial cooperation to combat terrorism ...... 549
Decision 2005/681/JHA ............... 90, 93, 477, 541
Decision 2006/928/EC establishing a mechanism for cooperation and verification of progress in Romania to address specific benchmarks in the areas of judicial reform and the fight against corruption ........................................... 518
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 ...... 518
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 ......................... 42
Decision 2007/801/EC on the full application of the provisions of the Schengen acquis ........................................... 514
Decision 2008/615/JHA ........................................... 91
Decision 2008/616/JHA ........................................... 91
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 ........................................... 42
Decision 2009/426/JHA on the strengthening of Eurojust ........... 90, 443–5, 448, 452–3, 455, 481

Table of legislation xxiii

Art 3 .................................................... 381
Art 4 .................................................... 381
Protocol No 2 ........................................... 481
Decision (CFSP) 2015/521 ........................ 556
Decision 2006/929/EC establishing a mechanism for cooperation and verification of progress in Romania to address specific benchmarks in the areas of judicial reform and the fight against corruption ........................................... 518
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 ...... 518
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 ......................... 42
Decision 2007/801/EC on the full application of the provisions of the Schengen acquis ........................................... 514
Decision 2008/615/JHA ........................................... 91
Decision 2008/616/JHA ........................................... 91
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 ........................................... 42
Decision 2009/426/JHA on the strengthening of Eurojust ........... 90, 443–5, 448, 452–3, 455, 481
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
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 ......... 340, 336, 342, 350, 360
Directive 95/46/EC 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, 216–17, 219, 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 2004/80/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
Art 1 .................................................. 280
Art 2 .................................................. 279
Art 3 .................................................. 280
Art 3(1) ................................................ 281
Art 3(2) ................................................ 280
Art 4 .................................................. 280, 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 xxv

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

<table>
<thead>
<tr>
<th align="left">Directive 2012/13/EU on the right to information in criminal proceedings</th>
<th align="left">Directive 2014/62/EU on the protection of the Euro and other currencies against counterfeiting by law</th>
</tr>
</thead>
<tbody>
<tr>
<td align="left">Preamble</td>
<td align="left">164</td>
</tr>
<tr>
<td align="left">recital 4</td>
<td align="left">164</td>
</tr>
<tr>
<td align="left">recital 25</td>
<td align="left">178</td>
</tr>
<tr>
<td align="left">Art 2(2)</td>
<td align="left">175</td>
</tr>
<tr>
<td align="left">Art 3(1)</td>
<td align="left">177–8</td>
</tr>
<tr>
<td align="left">Art 3(2)</td>
<td align="left">178</td>
</tr>
<tr>
<td align="left">Art 3(3)(a)</td>
<td align="left">178</td>
</tr>
<tr>
<td align="left">Art 3(3)(b)</td>
<td align="left">178</td>
</tr>
<tr>
<td align="left">Art 3(3)(c)</td>
<td align="left">179</td>
</tr>
<tr>
<td align="left">Art 3(5)</td>
<td align="left">179</td>
</tr>
<tr>
<td align="left">Art 3(6)</td>
<td align="left">179</td>
</tr>
<tr>
<td align="left">Art 4</td>
<td align="left">178</td>
</tr>
<tr>
<td align="left">Art 4(2)</td>
<td align="left">177</td>
</tr>
<tr>
<td align="left">Art 5</td>
<td align="left">179</td>
</tr>
<tr>
<td align="left">Art 6</td>
<td align="left">179</td>
</tr>
<tr>
<td align="left">Art 7</td>
<td align="left">179</td>
</tr>
<tr>
<td align="left">Art 7(1)</td>
<td align="left">178</td>
</tr>
<tr>
<td align="left">Art 7(2)</td>
<td align="left">178</td>
</tr>
<tr>
<td align="left">Art 7(3)</td>
<td align="left">178</td>
</tr>
<tr>
<td align="left">Art 7(4)</td>
<td align="left">178</td>
</tr>
<tr>
<td align="left">Art 7(5)</td>
<td align="left">178</td>
</tr>
<tr>
<td align="left">Art 8</td>
<td align="left">179</td>
</tr>
<tr>
<td align="left">Art 8(1)</td>
<td align="left">179</td>
</tr>
<tr>
<td align="left">Art 8(2)</td>
<td align="left">179</td>
</tr>
<tr>
<td align="left">Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime</td>
<td align="left">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</td>
</tr>
<tr>
<td align="left">Preamble</td>
<td align="left">42, 93, 434, 530</td>
</tr>
<tr>
<td align="left">recital 6</td>
<td align="left">164</td>
</tr>
<tr>
<td align="left">Art 2(1)</td>
<td align="left">175</td>
</tr>
<tr>
<td align="left">Art 2(4)</td>
<td align="left">175</td>
</tr>
<tr>
<td align="left">Directive 2014/41/EU regarding the European Investigation Order in criminal matters</td>
<td align="left">Art 99</td>
</tr>
<tr>
<td align="left">Preamble</td>
<td align="left">22, 60, 93, 150, 152, 154, 161, 499</td>
</tr>
<tr>
<td align="left">recital 6</td>
<td align="left">164</td>
</tr>
<tr>
<td align="left">Art 6(1)(a) and (b)</td>
<td align="left">154</td>
</tr>
<tr>
<td align="left">Art 9(2)</td>
<td align="left">499</td>
</tr>
<tr>
<td align="left">Art 10(3)</td>
<td align="left">22</td>
</tr>
<tr>
<td align="left">Art 11</td>
<td align="left">152</td>
</tr>
<tr>
<td align="left">Art 11(1)(ff)</td>
<td align="left">152, 161</td>
</tr>
<tr>
<td align="left">Directive 2014/57/EU on criminal sanctions for market abuse</td>
<td align="left"></td>
</tr>
<tr>
<td align="left">97, 241–2, 340</td>
<td align="left"></td>
</tr>
</tbody>
</table>
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 Romania, of the other part ............................ 517
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 for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment ...................... 581
European Convention on Action against Trafficking in Human Beings ................. 428–9, 434–7
European Convention on Extradition .......... 29
Additional Protocol, Art 2 .................. 189
Art 9 ................................................. 189
Art 3 ............................................... 247, 581
Art 4 ............................................... 429
Art 5 ............................................. 168
Art 5(2) ............................................ 171

Table of legislation  xxvii

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 ................. 538–9
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
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 2 .................................................. 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

Table of legislation xxix

General Agreement on Trade and Tariffs (GATT) ........................................ 290, 546
Art XXII(c) ........................................... 546
Geneva Convention relating to the Protection of Civilian Persons in Time of War, Arts 5, 65, 67, 71, 72, and 123 ......................... 127
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
xxx Research handbook on EU criminal law

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 .................................... 370
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) ........................................ 454–5
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, and
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) ........................................... 590
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
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 xxix

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) ........................................... 30
Art 31(e) ........................................... 360
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(4) ........................................... 475
ex Art 36 ........................................... 38
ex Art 38 ........................................... 536, 571
ex Art C ........................................... 30
ex Art F ........................................... 107
ex Art K1 ........................................... 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

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, 35, 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)(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 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
Arts 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>Section</th>
<th>Page</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</td>
<td>72</td>
</tr>
<tr>
<td>parliaments</td>
<td></td>
</tr>
<tr>
<td>Protocol No 19 on the Schengen</td>
<td>81</td>
</tr>
<tr>
<td>acquis</td>
<td></td>
</tr>
<tr>
<td>integrated into the framework of the</td>
<td></td>
</tr>
<tr>
<td>European Union</td>
<td></td>
</tr>
<tr>
<td>Art 4</td>
<td>81, 83, 85–6, 101, 190</td>
</tr>
<tr>
<td>Protocol No 20, Art 4a(2)</td>
<td>93</td>
</tr>
<tr>
<td>Protocol No 21 on the Position of the</td>
<td>93</td>
</tr>
<tr>
<td>United Kingdom and Ireland in respect of</td>
<td></td>
</tr>
<tr>
<td>the Area of Freedom, Security and</td>
<td></td>
</tr>
<tr>
<td>Justice</td>
<td>82, 85–6, 90, 97, 455</td>
</tr>
<tr>
<td>Art 4a(2)</td>
<td></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</td>
<td></td>
</tr>
<tr>
<td>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>31–2, 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>Title VII</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</td>
<td></td>
</tr>
<tr>
<td>Organization</td>
<td>350, 366, 425</td>
</tr>
<tr>
<td>UN Convention for the Suppression of</td>
<td></td>
</tr>
<tr>
<td>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</td>
<td></td>
</tr>
<tr>
<td>(UNCLOS)</td>
<td>288–9, 291</td>
</tr>
<tr>
<td>UN Convention on the Rights of Persons with</td>
<td></td>
</tr>
<tr>
<td>Disabilities</td>
<td>128</td>
</tr>
<tr>
<td>UN Convention on the Rights of the Child</td>
<td></td>
</tr>
<tr>
<td>Preamble</td>
<td>434</td>
</tr>
<tr>
<td>Art 40(2)(a)(b)</td>
<td>127</td>
</tr>
<tr>
<td>Universal Declaration of Human Rights</td>
<td></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</td>
<td></td>
</tr>
<tr>
<td>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 278e(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 |
<table>
<thead>
<tr>
<th>Country</th>
<th>Law or Act</th>
<th>Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bulgaria</td>
<td>Act on Foreigners in the Republic of Bulgaria, art 48(1)</td>
<td>309</td>
</tr>
<tr>
<td></td>
<td>Criminal Code, art 279</td>
<td>309</td>
</tr>
<tr>
<td>Croatia</td>
<td>Act on the Monitoring of State Borders, art 42</td>
<td>309</td>
</tr>
<tr>
<td></td>
<td>Aliens Act, art 222</td>
<td>309</td>
</tr>
<tr>
<td></td>
<td>Constitutional Act on the Rights of National Minorities (CARNM)</td>
<td>521</td>
</tr>
<tr>
<td>Cyprus</td>
<td>Aliens and Immigration Act, art 19</td>
<td>309</td>
</tr>
<tr>
<td></td>
<td>Constitution, Art 7(2)</td>
<td>127</td>
</tr>
<tr>
<td>Czech Republic</td>
<td>Act on Residence of Foreign Nationals in the Territory of the Czech Republic, art 156</td>
<td>309</td>
</tr>
<tr>
<td></td>
<td>Act on the Residence of Foreign Nationals in the Territory of the Czech Republic, art 156</td>
<td>309</td>
</tr>
<tr>
<td></td>
<td>Criminal Code</td>
<td></td>
</tr>
<tr>
<td></td>
<td>art 24</td>
<td>413</td>
</tr>
<tr>
<td></td>
<td>art 24(1)</td>
<td>413</td>
</tr>
<tr>
<td></td>
<td>art 311(2)</td>
<td>413</td>
</tr>
<tr>
<td>Denmark</td>
<td>Aliens Act, s 59(1)</td>
<td>309</td>
</tr>
<tr>
<td></td>
<td>Criminal Code</td>
<td></td>
</tr>
<tr>
<td></td>
<td>s 8(1)</td>
<td>433</td>
</tr>
<tr>
<td></td>
<td>s 114c(1)</td>
<td>412</td>
</tr>
<tr>
<td></td>
<td>s 114c(3)</td>
<td>413</td>
</tr>
<tr>
<td></td>
<td>s 114d(3)</td>
<td>413–14</td>
</tr>
<tr>
<td></td>
<td>s 136(1)</td>
<td>412</td>
</tr>
<tr>
<td></td>
<td>s 262a</td>
<td>428</td>
</tr>
<tr>
<td></td>
<td>Law No. 542/2006</td>
<td>411</td>
</tr>
<tr>
<td>Estonia</td>
<td>Aliens Act, art 298</td>
<td>309</td>
</tr>
<tr>
<td></td>
<td>Amendment Act, art 1</td>
<td>140</td>
</tr>
<tr>
<td></td>
<td>Criminal Code</td>
<td></td>
</tr>
<tr>
<td></td>
<td>s 22</td>
<td>414</td>
</tr>
<tr>
<td></td>
<td>s 22(1)</td>
<td>414–15</td>
</tr>
<tr>
<td></td>
<td>s 25</td>
<td>414</td>
</tr>
<tr>
<td></td>
<td>s 26</td>
<td>414</td>
</tr>
<tr>
<td></td>
<td>s 237</td>
<td>414</td>
</tr>
<tr>
<td></td>
<td>s 237(2)</td>
<td>414–15</td>
</tr>
<tr>
<td>Greece</td>
<td>Constitution</td>
<td></td>
</tr>
<tr>
<td></td>
<td>art 5</td>
<td>136</td>
</tr>
<tr>
<td></td>
<td>art 7</td>
<td>127</td>
</tr>
<tr>
<td></td>
<td>art 8</td>
<td>127</td>
</tr>
<tr>
<td></td>
<td>art 9(1)</td>
<td>136</td>
</tr>
<tr>
<td></td>
<td>art 19(3)</td>
<td>136</td>
</tr>
<tr>
<td></td>
<td>art 20</td>
<td>127</td>
</tr>
<tr>
<td></td>
<td>Immigration Act</td>
<td></td>
</tr>
<tr>
<td></td>
<td>art 73</td>
<td>309</td>
</tr>
<tr>
<td></td>
<td>art 83</td>
<td>309</td>
</tr>
<tr>
<td>Finland</td>
<td>Aliens Act, s 185</td>
<td>309</td>
</tr>
<tr>
<td></td>
<td>Criminal Code</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Ch 5, s 6</td>
<td>414</td>
</tr>
<tr>
<td></td>
<td>Ch 17, ss 7 and 7a</td>
<td>309</td>
</tr>
<tr>
<td>France</td>
<td>Code of Criminal Procedure</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Art 62-2</td>
<td>303</td>
</tr>
<tr>
<td></td>
<td>art 695-46</td>
<td>24</td>
</tr>
<tr>
<td></td>
<td>Code of Entry and Stay of Aliens and Right of Asylum</td>
<td></td>
</tr>
<tr>
<td></td>
<td>art L 621</td>
<td>303</td>
</tr>
<tr>
<td></td>
<td>art L 621-1</td>
<td>304</td>
</tr>
<tr>
<td></td>
<td>art L 624-1</td>
<td>308</td>
</tr>
<tr>
<td></td>
<td>Constitution, art 34</td>
<td>127</td>
</tr>
<tr>
<td></td>
<td>Criminal Code</td>
<td>427</td>
</tr>
<tr>
<td></td>
<td>Declaration of the Rights of Man</td>
<td>126</td>
</tr>
<tr>
<td></td>
<td>Law No. 2012-1560 of 31 December</td>
<td>308</td>
</tr>
<tr>
<td>Germany</td>
<td>Basic Law</td>
<td>127</td>
</tr>
<tr>
<td></td>
<td>art 102(3)</td>
<td>189</td>
</tr>
<tr>
<td></td>
<td>Criminal Code</td>
<td></td>
</tr>
<tr>
<td></td>
<td>art 30(1)</td>
<td>413</td>
</tr>
<tr>
<td></td>
<td>art 89a(2)(1)</td>
<td>413</td>
</tr>
<tr>
<td></td>
<td>art 91(1) and (2)</td>
<td>412</td>
</tr>
<tr>
<td></td>
<td>art 129a(5)</td>
<td>413</td>
</tr>
<tr>
<td></td>
<td>art 154</td>
<td>319–20</td>
</tr>
<tr>
<td></td>
<td>art 162 I</td>
<td>319–20</td>
</tr>
<tr>
<td></td>
<td>art 232</td>
<td>428</td>
</tr>
<tr>
<td></td>
<td>art 263</td>
<td>266</td>
</tr>
<tr>
<td></td>
<td>Residence Act</td>
<td>309</td>
</tr>
<tr>
<td></td>
<td>s 95</td>
<td>309</td>
</tr>
<tr>
<td></td>
<td>s 95(1)(3)</td>
<td>309</td>
</tr>
</tbody>
</table>
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

Ireland
Competition Act 2002, s 10 ....................... 259
Constitution, Art 38(1) ............................... 127
Criminal Law (Human Trafficking) Act 2008
s 4 ...................................................... 428
s 7 ...................................................... 433
Immigration Act
s 4 ...................................................... 309
s 4(2) .................................................. 309
s 4(5)(a) ............................................. 309

Italy
Constitution
art 24 .................................................. 127
art 25(1) .......................................... 127
art 25(2)(3) .......................................... 127
Criminal Code
art 270quater ....................................... 412
art 270quinquies .................................. 413
art 270ter .......................................... 415
Decree-Law No 286/1998 ........................ 428
art 10a ............................................. 309–10
Decree-Law No 274/2000 on the criminal jurisdiction of the magistrates’ court,
art 53 .................................................. 310
Decree-Law No 89/2011 on urgent measures to implement Directive
2004/38/EC ........................................ 310
Decree-Law No 7/2015 ............................ 420
Law No 468/99, art 14 ........................... 310
Law No 155/05 .................................. 411
Law No 129/11 .................................. 310
art 10bis .......................................... 303
Law No 1560/12, art 8 II ......................... 308

Latvia
Administrative Violations Code, art 190 ... 309
Criminal Code
s 15 ..................................................... 415
s 284 .................................................. 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>
<thead>
<tr>
<th>Country</th>
<th>Legislation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Spain</td>
<td>Constitution</td>
</tr>
<tr>
<td></td>
<td>art 24 ......................................................................................... 127</td>
</tr>
<tr>
<td></td>
<td>art 25(1) .................................................................................... 127</td>
</tr>
<tr>
<td></td>
<td>Organic Immigration Act, art 53 ................................................................ 309</td>
</tr>
<tr>
<td></td>
<td>Organic Law No. 10/2011 amending the Law on Foreigners .................................. 428</td>
</tr>
<tr>
<td>Sweden</td>
<td>Aliens Act, Ch 20</td>
</tr>
<tr>
<td></td>
<td>s 1 ......................................................................................... 309</td>
</tr>
<tr>
<td></td>
<td>s 4 ......................................................................................... 309</td>
</tr>
<tr>
<td></td>
<td>Constitution, Ch 2, s 10 ...................................................................... 127</td>
</tr>
<tr>
<td></td>
<td>Environmental Code, Ch 29, s 3(2) ................................................................ 327</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>Anti-Social Behaviour, Crime and Policing Act 2014, s 157 .......................... 154</td>
</tr>
<tr>
<td></td>
<td>Competition Act 1998 ........................................................................... 259</td>
</tr>
<tr>
<td></td>
<td>Criminal Justice and Data Protection (Protocol No. 36) Regulations 2014 (SI</td>
</tr>
<tr>
<td></td>
<td>2014/3141) .................................................................................... 89</td>
</tr>
<tr>
<td></td>
<td>Data Retention and Investigatory Powers Act 2014 .................................... 222</td>
</tr>
<tr>
<td></td>
<td>Enterprise Act 2002, s 188 .................................................................... 263</td>
</tr>
<tr>
<td></td>
<td>European Union Act 2011 ......................................................................... 94</td>
</tr>
<tr>
<td></td>
<td>Extradition Act 2003 ............................................................................. 154</td>
</tr>
<tr>
<td></td>
<td>s 21A ......................................................................................... 154</td>
</tr>
<tr>
<td></td>
<td>s 21A(1)(b) .................................................................................... 154</td>
</tr>
<tr>
<td></td>
<td>Immigration Act 1971, s 24A .................................................................... 309</td>
</tr>
<tr>
<td></td>
<td>Magna Carta, Art 39 ............................................................................... 154</td>
</tr>
<tr>
<td></td>
<td>Police and Criminal Evidence Act 1984, s 58 ......................................... 186</td>
</tr>
<tr>
<td></td>
<td>Regulation and Investigatory Powers Act 2000 ........................................ 222</td>
</tr>
<tr>
<td></td>
<td>Theft Act 1968, s 9 ........................................................................... 425</td>
</tr>
<tr>
<td>United States</td>
<td>Act to Prevent Pollution from Ships, 33 USC 1901 et seq. .......................... 277</td>
</tr>
<tr>
<td></td>
<td>Constitution, Fifth and Sixth Amendments ............................................. 126</td>
</tr>
<tr>
<td></td>
<td>Foreign Intelligence Surveillance Act Amendments of 2008 ........................ 210</td>
</tr>
<tr>
<td></td>
<td>General Crimes Act (1817), 18 USC s 1152 ............................................ 584</td>
</tr>
<tr>
<td></td>
<td>Indian Civil Rights Act (ICRA) 1968 25 USC s 1302 .................................... 584</td>
</tr>
<tr>
<td></td>
<td>25 USC s 1302(a)(7)(c) ......................................................................... 584</td>
</tr>
<tr>
<td></td>
<td>25 USC s 1304(d)(4) ........................................................................... 585</td>
</tr>
<tr>
<td></td>
<td>Major Crimes Act (1885) 18 USC s 1153 ................................................. 584</td>
</tr>
<tr>
<td></td>
<td>Protect America Act of 2007 .................................................................. 210</td>
</tr>
<tr>
<td></td>
<td>Sherman Act 252–6, 259–60, 262, 265–6, .................................................. 268</td>
</tr>
<tr>
<td></td>
<td>Tribal Law and Order Act, Public Law 111-211, s 234 ................................ 584</td>
</tr>
<tr>
<td></td>
<td>Violence Against Women Reauthorization Act of 2013, Public Law 113–4, s 904 585</td>
</tr>
</tbody>
</table>