
FOREWORD

The present book is follow-up of the International conference on European criminal procedure law in service of the protection of European Union financial interests, which was organised in Dubrovnik in May 2015 by the Croatian Association of European Criminal Law. Within the framework of the HERCULE III programme, the European Anti-Fraud Office (OLAF) has financially supported the activities of the Croatian Association in 2015, and enabled the organisation of an international conference and the publication of this book. The conference was attended by prominent experts with backgrounds in judicial and prosecutorial practice, attorneys at law, academia, ministries of interior and justice, from over twenty European States as well as EU institutions. As key current issues related to European criminal law and the protection of the European Union financial interests three topics were chosen: Financial investigations – mechanisms to enhance exchange of information and mutual cooperation in asset recovery; procedural rights of defence – strengthening the rights of suspects in criminal proceedings; European institutions (OLAF, EUROJUST, EPPO) – recent developments and outlook for the future.

The first two sections of the conference had four rapporteurs and several commentators, from Luxembourg, the United Kingdom, Norway, Croatia, Slovenia and the EU institutions, as well as from other European countries in the region of South-east Europe, expected to access the European Union in the future: Bosnia and Herzegovina, Serbia and Macedonia. The third section was organized as a panel of experts, both academics and practitioners, from several countries of the European Union and the EU institutions. The conference topics were dealt with from the supranational level, but also from national perspectives by the commentators in each section. Thanks to the willingness of the conference speakers who were ready to prepare their contributions for the publication in this book, the Croatian Association was able to publish this book. The structure and the content of the book follow the topics and reflect key issues discussed at the conference. The first part of the book, dedicated to the procedural rights of defence, deals with the strengthening the rights of suspects in criminal proceedings. The papers discuss issues such as whether the Directive on the right to Access to a Lawyer in Criminal Proceedings is filling a human rights gap in the European Union legal order (*Đurđević*), as well as whether the Directive on the right to information in criminal proceedings means a *status quo* or a step forward in strengthening the rights of suspects (*Allegrezza, Covolo*). The papers reveal some theoretical problems regarding the assessment of evidence obtained abroad (*Šugman Stubbs*), and the need to build defence-oriented perspective regarding the position of the defence in transnational criminal proceedings (*Burić*). Strengthening procedural safeguards was analysed from national perspectives – Serbian (*Bejatović*)

and Croatian (*Kušan*) and on a general level through three recapitulations - strengthening as advancement, consolidation and downgrading (*Gorkič*). A particular contribution to the discussion on strengthening the procedural rights of the defence is given through the reflection on the European Public Prosecutor's Office and the role of OLAF in the future (*Ligeti, Marletta*).

The second part of the book, dedicated to financial investigations, deals with mechanisms to enhance the exchange of information and mutual cooperation in asset recovery. European cooperation in financial investigations is regarded through an overview of the legal framework and future challenges (*Boucht*), while a fragmented approach to asset recovery and financial investigations is analysed as a possible threat to effective international judicial cooperation (*Simonato, Lassalle*). Besides the Macedonian national overview of financial investigations and asset recovery regulations (*Lažetić-Bužarovska*), the Croatian overview points to some questionable features of confiscation proceedings, particularly regarding non-conviction based confiscation (*Ivičević Karas*) and extended confiscation (*Novoselec*). Particular attention is given to the legal framework for the protection of personal data in international police and judicial cooperation (*Pajčić*), and the role of police in the conduct of financial investigations (*Rošić*).

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Editors