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Editorial

EDITORIAL

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Dear Readers,

Over two decades have passed since the EU's first attempt to harmonise procedural rights in criminal proceedings across the bloc. The [2009 Roadmap](#), adopted under the Swedish Council Presidency, led to six key directives: on [interpretation and translation](#), [information rights](#), [access to a lawyer](#), [presumption of innocence](#) and the right to be present at trial, [safeguards](#) for children, and [legal aid](#). Two recommendations followed, addressing [vulnerable persons](#) and [pre-trial detention conditions](#).

Yet, despite these advances, the EU still lacks a coherent and equal system of procedural rights. While the existing instruments might give the impression of a developing European code of criminal procedure, this is far from the reality. In practice, individuals and corporations continue to face significant disparities in legal protections depending on where they are investigated or prosecuted.

Basic elements remain fragmented. Just to give a few examples: whether a person whose assets are frozen may access case materials to contest the measure, and by what means; whether a lawyer can be present during a search; whether the accused is granted access to a copy of a seized device containing digital evidence; whether intercepted communications may be used in subsequent prosecutions; whether *hacking for evidence* is admissible; whether a poor person can choose their own lawyer; whether defence lawyers are permitted to conduct independent investigations; whether an accused person residing in another Member State may attend their trial remotely, etc.

The 2009 Lisbon Treaty expanded the EU's competence in the field of criminal justice, providing for minimum rules in areas such as mutual admissibility of evidence, the rights of individuals and victims, and other procedural aspects. It also laid the foundation for the creation of the European Public Prosecutor's Office (EPPO). Since then, the EU criminal justice landscape has evolved dramatically: the EPPO is now operational, mutual recognition instruments are widely used, and the mandates of both Europol and Eurojust have grown – with [further expansion under discussion](#).

In this context, claiming that no further EU action is needed is not only short-sighted but also undermines the Union's commitment to justice and fundamental rights. As [I have previously stated](#): "There is no such equal and effective protection throughout the EU. Even well-established rights at national level become blurred in cross-border or EU-led prosecutions." This legal uncertainty weakens both the protection of rights and the effectiveness of justice. It is no longer acceptable that individuals or companies can be subject to cross-border investigations – often led by EU bodies – without consistent procedural protections or access to EU-funded legal aid.

We urgently need a new generation of EU rules to address the following key areas:

- The [right to legal assistance and legal aid, including in cross-border cases](#);
- [Legal privilege and confidentiality](#);
- Safeguards for interception measures, especially those not tied to a specific territory;
- [Procedural rights concerning digital evidence](#);
- Access to the case file;
- [Remote participation in proceedings](#);
- [Pre-trial detention standards](#);

- Effective remedies, including exclusionary rules for evidence obtained in violation of rights;
- Harmonised safeguards in EPPO proceedings;
- Mutual recognition of protective decisions such as extradition refusals;
- A meaningful right to judicial review before the CJEU, particularly regarding EPPO acts.

We must move toward a truly European framework of defence rights – one that reflects the digital age, the transnational nature of crime, and the evolving role of EU institutions.

The ongoing High-Level Forum on the Future of Criminal Justice is a unique opportunity to shape this vision. The EU must be bold and resolute in advancing the area of freedom, security, and justice. A new roadmap for procedural rights, adapted to today's realities and built to last, is not only necessary, but long overdue.

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Editorially reviewed articles published in English, French, or German, are complemented by timely news and analysis of legal and policy developments across Europe.

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