

CCBE Concerned over Defence Rights in EPPO Proceedings

Thomas Wahl

News

In a [statement published on 10 December 2021](#), the Council of Bars and Law Societies of Europe (CCBE) voiced concerns over the position of the defence and procedural rights during EPPO proceedings. The CCBE identified four issues of major concern:

- Since the EPPO Regulation lacks specific provisions on defence and procedural rights, proceedings at the national level may not be fairly conducted and lack consistency;
- Since there is no regression clause, some Member States implemented the EPPO Regulation in a way that suspects do not enjoy the same rights than in purely national criminal proceedings which leads to the non-equal treatment of suspects in Member States;
- Since there are no uniform standards as regards the handling of information in the case file, the right to access to the case file is jeopardised. In particular with regard to the Content-Management-System of the EPPO, "electronic equality of arms" and "access to justice" must be ensured, e.g. by giving an effective, certified, checked and traceable digital access to all and updated materials of the case for any individual defence lawyer involved in an EPPO proceeding.
- Since the EPPO Regulation does not exclude the possibility of forum shopping (Art. 26 of Regulation 2017/1939), legal uncertainty occurs. As a minimum, the EPPO regulations should provide for a right of the accused to be heard before such a jurisdictional change, and a right for the accused to apply for a jurisdictional change.

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ISSN: 1862-6947
<https://eucrim.eu>



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The project is co-financed by the [Union Anti-Fraud Programme \(UAFP\)](#), managed by the [European Anti-Fraud Office \(OLAF\)](#).



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