

German Bar Association Calls for Further Strengthening of Procedural Safeguards in EU

Thomas Wahl

The German Bar Association (Deutscher Anwalt Verein – DAV) called on the establishment of additional minimum guarantees for procedural rights within the EU. In its [statement No 5/20 of January 2020](#), the association assesses the state of play of procedural safeguards in the EU on the basis of the six Directives implemented since the 2009 Roadmap. According to the statement, without effective control mechanisms to implement these directives, the introduction of new instruments will only lead to limited improvement in procedural rights in the EU. The right to access case materials, enshrined in Art. 7 of Directive 2012/13, for instance, requires further concretisation. Given that the existing directives only cover part of the (minimum) harmonisation, the German Bar Association advocates new initiatives. In this context, the statement expressly welcomes the proposals for a new Roadmap 2020 by the ECBA (see *Matt*, guest editorial, [eucrim 1/2016](#), p. 1). Among the measures proposed, the German Bar Association considers the following three areas important for new EU initiatives:

- Minimum standards for pre-trial detention;
- Conflicts of jurisdiction and *ne bis in idem*;
- Admissibility and exclusion of evidence.

The German Bar Association also calls for revision of the Framework Decision on the European Arrest Warrant, ideally to take into account the CJEU's case law in this area, correct the existing deficits, and introduce effective remedies against the issuance of a EAW in the issuing State

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