



PROCEEDINGS OF THE SEMINAR

**The Significance of EU Criminal Law  
in the 21<sup>st</sup> Century:  
The Need for Further Harmonisation  
or New Criminal Policy?**

(SHORT PAPERS)

28-29<sup>th</sup> January, 2021 Vilnius University Faculty of Law

Virtual seminar



Faculty of  
Law

**Eclan**  
European Criminal Law Academic Network



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[SHORT PAPERS]

Virtual seminar, 28-29<sup>th</sup> January, 2021  
Vilnius University Faculty of Law

## INFORMATION ABOUT THE SEMINAR

Platform: Virtual Seminar

Date: 28-29 January 2021

## SCIENTIFIC COMMITTEE OF THE CONFERENCE

Prof. dr. Anne Weyembergh (*Université Libre de Bruxelles*)

Prof. dr. Katalin Ligeti (*University of Luxembourg*)

Prof. dr. Sabine Gless (*University of Basel*)

Prof. dr. Pedro Caeiro (*University of Coimbra*)

Prof. dr. Robert Kert (*Vienna University*)

Prof. dr. Valsamis Mitsilegas (*Queen Mary University of London*)

Prof. habil. dr. Gintaras Švedas (*Vilnius University*)

All submitted short papers have been reviewed.

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## Foreword by the Dean

Vilnius University Faculty of Law

Vilnius University Faculty of Law was honoured to host the 9<sup>th</sup> European Criminal Law Academic Network (ECLAN) PhD Seminar on European Criminal Justice “*The Significance of EU Criminal Law in the 21st Century: The Need for Further Harmonisation or New Criminal Policy?*” on 28-29 January 2021. This was the first time the ECLAN seminar was organised in Lithuania, which in the midst of the global pandemic was made possible (virtually) with the joint effort of the ECLAN and the members of Criminal Department of the Faculty of Law.

The Seminar provided aspiring scholars with an invaluable opportunity not only to share their research in various topics, inter alia, the rule of law, cross-border legal cooperation in criminal matters, mutual recognition instruments and institutional framework, the impact of Brexit on EU criminal law and future cooperation with the UK, issues related to EU substantive criminal law, recent trends in the case law of the Court of Justice, and rights of defendants and victims in criminal proceedings, but also to receive feedback from recognised legal minds who moderated the panels of the event members (Prof. dr. Anne Weyembergh (*L'Institut d'études européennes de l'Université libre de Bruxelles*), Prof. dr. Katalin Ligeti (*Université du Luxembourg*), Prof. dr. Sabine Gless (*Universität Basel*), Prof. dr. Pedro Caeiro (*Universidade de Coimbra*), Prof. dr. Robert Kert (*Universität Wien*), Prof. Valsamis Mitsilegas (*Queen Mary University of London*), Prof. habil. dr. Gintaras Švedas (*Vilniaus universitetas*)). Moreover, the participants of the Seminar had a unique opportunity to attend a guest lecture given by Prof. Valsamis Mitsilegas (*Queen Mary University of London*) on the topic: “*Brexit and Legal Cooperation with the UK*”.

Therefore, this year, it was decided to finalise the event with a publication of short papers on the findings of the participants' original research. Thus, the reader is presented with this relatively brief publication of the collection of the peer reviewed short papers on the topic of the future of the EU criminal law. Hopefully, this edition of short papers will be a perfect way to deepen knowledge in the subtle matter of many EU criminal law's modern aspects and will be helpful for students, scholars and practitioners.

Prof. dr. Tomas Davulis, L.L.M.

## Seminar Programme



### ECLAN PhD Seminar 2021

# The Significance of EU Criminal Law in the 21<sup>st</sup> Century: The Need for Further Harmonisation or New Criminal Policy?

Vilnius University Faculty of Law

*Online on MS Teams*

28–29 January, 2021



**Vilnius  
University**

## Thursday, 28 January 2021

### 10.00-10.15 **Opening remarks**

*Dean Prof. dr. Tomas Davulis (Vilnius University)*

*Prof. dr. Anne Weyembergh (Université Libre de Bruxelles, ECLAN)*

#### **1st Panel: EU substantive criminal law and its national implementation**

**Moderators:** *Prof. dr. Anne Weyembergh (Université Libre de Bruxelles)*

*Prof. habil. dr. Gintaras Švedas (Vilnius University)*

### 10.15-10.45 **Two Steps Forwards, One Step Back With the Harmonisation of Substantive Criminal Law: the Environmental Crime Directive**

*Ieva Marija Ragaišytė (Vilnius University)*

### 10.45-11.15 **The Impact of European Union Law on the Distinction Between Tax Evasion and Fraud in the Criminal Code of the Republic of Lithuania**

*Martynas Dobrovolskis (Vilnius University)*

### 11.15-11.45 **Is there the Need for Further Harmonisation on Corruption Offences in the European Union?**

*Laura Mickevičiūtė (Vilnius University)*

### 11.45-12.15 **Principle of Efficiency in EU Criminal Law**

*Rasa Volungevičienė (Vytautas Magnus University)*

### 12.15-13.00 **Lunch break**

#### **2nd Panel: Combating organised crime and the EPPO**

**Moderators:** *Prof. dr. Katalin Ligeti (University of Luxembourg)*

*Prof. dr. Sabine Gless (University of Basel)*

### 13.00-13.30 **A Network Perspective on the Law of Organised Crime: A Case Study of England and Wales**

*Santiago Wortman Jofre (Queen Mary University of London)*

### 13.30-14.00 **European Investigation Order as an Instrument for The Fight Against Organised Crime**

*Serena Cacciatore (University of Burgos and the University of Palermo)*

### 14.00-14.30 **EPPO**

*Dimitris Nomikos (Democritus University of Thrace Greece)*

### 14.30-15.00 **Coffee break**

### 15.00-15.30 **Defence in Cross-Border Investigations of the EPPO**

*Merve Yolaçan (University of Freiburg)*

### 15.30-16.00 **European Investigation Order Directive: What About Defence Rights?**

*Chloé Fauchon (University of Strasbourg and University of Salamanca)*

- 16.00-16.30 **The Independence of Prosecutors and the Rule of Law**  
*Simone Rivabella (University of Luxembourg)*
- 16.30-17.00 **Guest lecture. Brexit and legal cooperation with the UK.**  
*Prof. dr. Valsamis Mitsilegas (Queen Mary University of London)*

## Friday, 29 January 2021

### 3rd Panel: Criminal policy and human rights

**Moderators:** *Prof. dr. Pedro Caeiro (University of Coimbra)*  
*Prof. habil. dr. Gintaras Švedas (Vilnius University)*

- 10.00-10.30 **Human Smuggling, Penal Populism and the Rule of Law: Lessons from Italy**  
*Marta Minetti (Queen Mary University of London)*
- 10.30-11.00 **Criminal Law & Populism - Is There a Place for Human Rights?**  
*Pavlo Demchuk (Ivan Franko National University of Lviv)*
- 11.00-11.30 **Reshaping Plea Bargaining in European Criminal Justice**  
*Simona Garbatavičiūtė (Ljubljana University)*
- 11.30-12.00 **The Right to Legal Assistance in Criminal Proceedings**  
*Oaskars Kulmanis (University of Latvia)*
- 12.00-12.45 **Lunch break**

### 4th Panel: Cooperation in criminal matters and other legal instruments

**Moderators:** *Prof. dr. Robert Kert (Vienna University)*  
*Prof. Valsamis Mitsilegas (Queen Mary University of London)*

- 13.00-13.30 **Civil Asset Confiscation Law – New Criminal Policy or Restrictions out bounding Criminal Procedure?**  
*Laura Martinaitytė (Vilnius University)*
- 13.30-14.00 **Bail as Social phenomena's Applicability in Legal Liability Forms**  
*Justinas Bagdžius (Vilnius University)*
- 14.00-14.30 **Assessment of Social Rehabilitation as the Main Purpose of Framework Decision 2008/909/JHA on the Transfer of Prisoners in the Light of the Lithuanian Experience**  
*Ugnė Markevičiūtė (Vilnius University)*
- 14.30-15.00 **Closing remarks**  
*Prof. dr. Valsamis Mitsilegas (Queen Mary University of London)*  
*Prof. dr. Anne Weyembergh (Université Libre de Bruxelles, ECLAN)*



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## TABLE OF CONTENTS

<b>Foreword by the Dean</b> .....	3
<b>Seminar Programme</b> .....	4
<b>Two Steps Forward, One Step Back with the Harmonisation of Substantive Criminal Law: The Environmental Crime Directive</b> .....	9
<i>Ieva Marija Ragaišytė (Vilnius University)</i>	
<b>The Impact of European Union Law on the Distinction Between Tax Evasion and Fraud in the Criminal Code of the Republic of Lithuania</b> .....	15
<i>Martynas Dobrovolskis (Vilnius University)</i>	
<b>Is there the Need for Further Harmonisation on Corruption Offences in the European Union?</b> .....	21
<i>Laura Mickevičiūtė (Vilnius University)</i>	
<b>Principle of Efficiency in EU Criminal Law</b> .....	28
<i>Rasa Volungevičienė (Vytautas Magnus University)</i>	
<b>European Investigation Order as Instrument for the Fight Against Organised Crime</b> .....	34
<i>Serena Cacciatore (University of Burgos and the University of Palermo)</i>	
<b>EPPO (From a Federal and Protection of Human Rights Perspective)</b> .....	39
<i>Dimitris Nomikos (Democritus University of Thrace Greece)</i>	
<b>European Investigation Order Directive: What About Defence Rights?</b> .....	42
<i>Chloé Fauchon (University of Strasbourg and University of Salamanca)</i>	

<b>Criminal Law &amp; Populism - Is There a Place for Human Rights?</b>	
Pavlo Demchuk ( <i>Ivan Franko National University of Lviv</i> ) .....	49
<b>Reshaping Plea Bargaining in European Criminal Justice</b>	
Simona Garbatavičiūtė ( <i>Ljubljana University</i> ) .....	56
<b>The Right to Legal Assistance in Criminal Proceedings</b>	
Oskars Kulmanis ( <i>University of Latvia</i> ) .....	65
<b>Civil Asset Confiscation Law- New Criminal Policy or Restrictions Out Bounding Criminal Procedure?</b>	
Laura Martinaitytė ( <i>Vilnius University</i> ) .....	74
<b>Bail as Social Phenomena’s Applicability in Legal Liability Forms</b> .....	80
Justinas Bagdžius ( <i>Vilnius University</i> )	
<b>Assessment of Social Rehabilitation as the Main Purpose of Framework Decision 2008/909/JHA on the Transfer of Prisoners in the Light of the Lithuanian Experience</b> .....	87
Ugnė Markevičiūtė ( <i>Vilnius University</i> )	
<b>Scientific Committee of the Conference</b> .....	95