

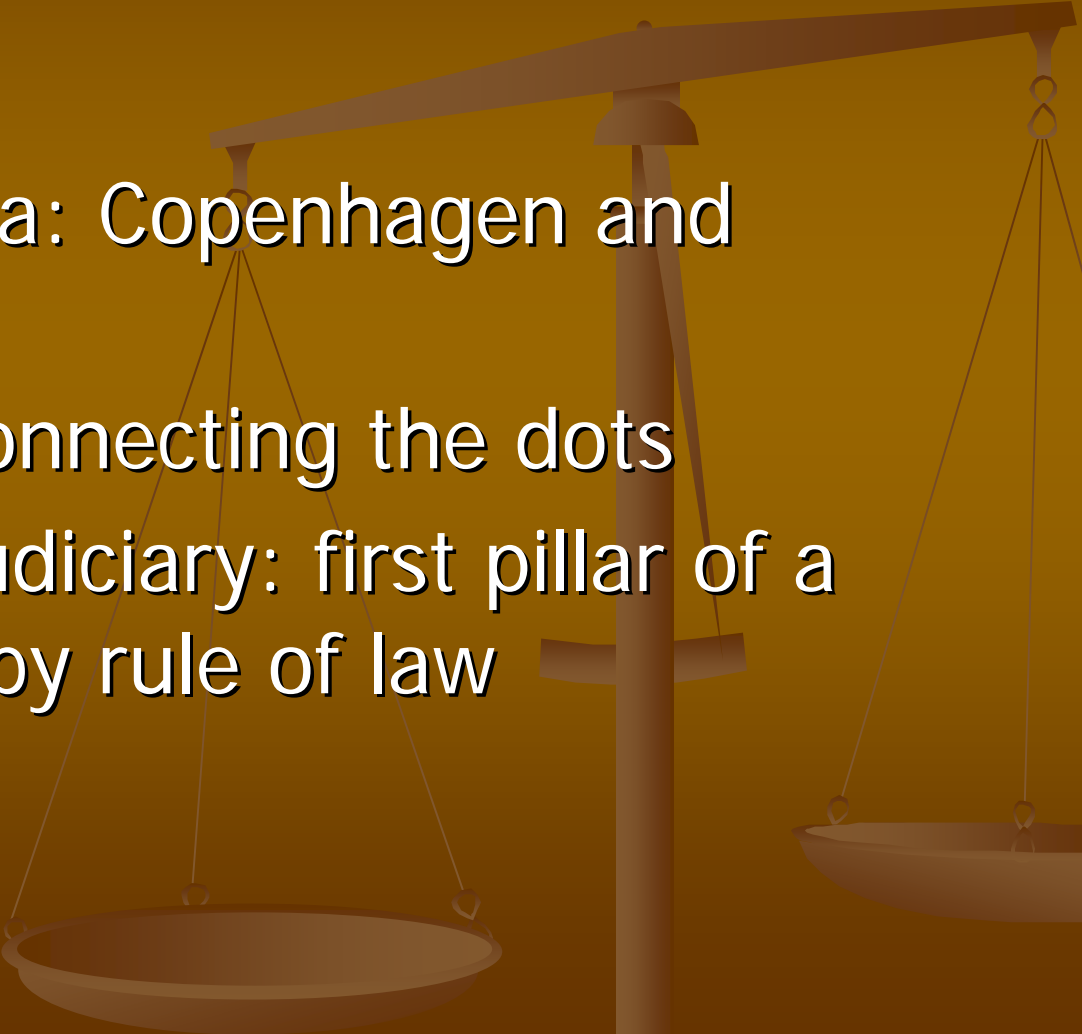


Summer school for junior magistrates from South Eastern Europe

European Standards in Justice and Home Affairs

Reform of the judiciary and anticorruption as challenges of the EU accession process

T. Stefan
Sovata, July 2006

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- Accession criteria: Copenhagen and Madrid
 - ECJ case law: connecting the dots
 - Reform of the judiciary: first pillar of a state governed by rule of law

Independence of judiciary

- Basic principles
- EU law
- Other international instruments
- Principles and rules set forth by the Council of Europe



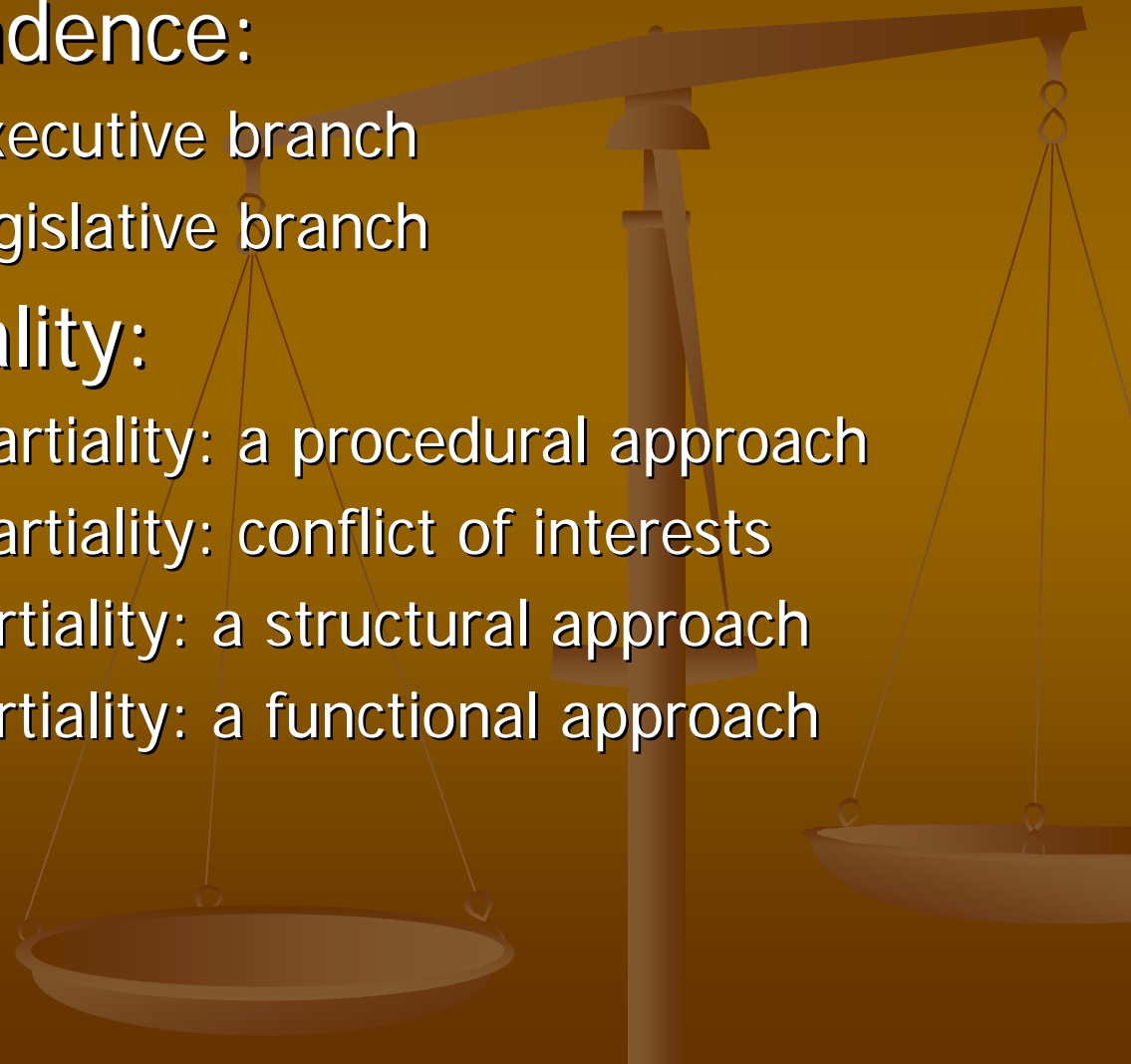
Judicial impartiality

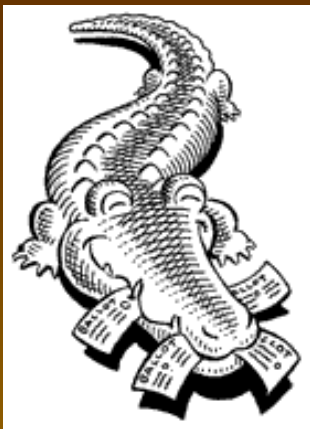
- International instruments
- Structural mechanisms and ethical duties



European Court of Human Rights case law

- Judicial independence:
 - Vis-a-vis the executive branch
 - Vis-a-vis the legislative branch
- Judicial impartiality:
 - Subjective impartiality: a procedural approach
 - Subjective impartiality: conflict of interests
 - Objective impartiality: a structural approach
 - Objective impartiality: a functional approach



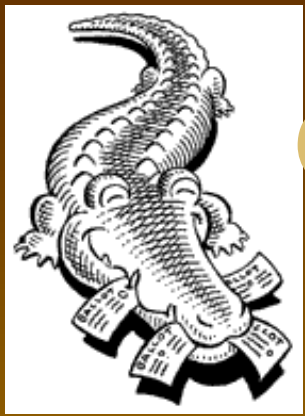


EU initiatives in the fight against corruption

Initiatives before 2000

- Convention against corruption of Communities officials
- Convention on the protection of the European Communities' Financial Interests and its additional protocols

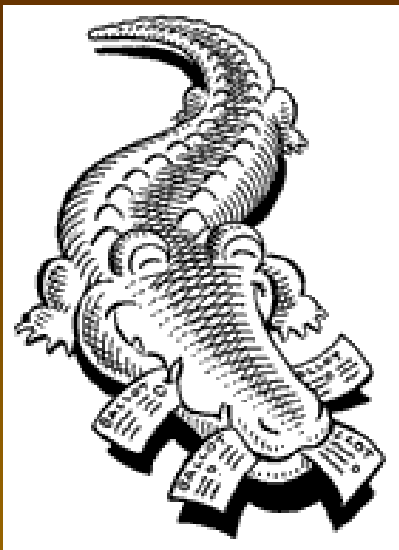




Other international instruments

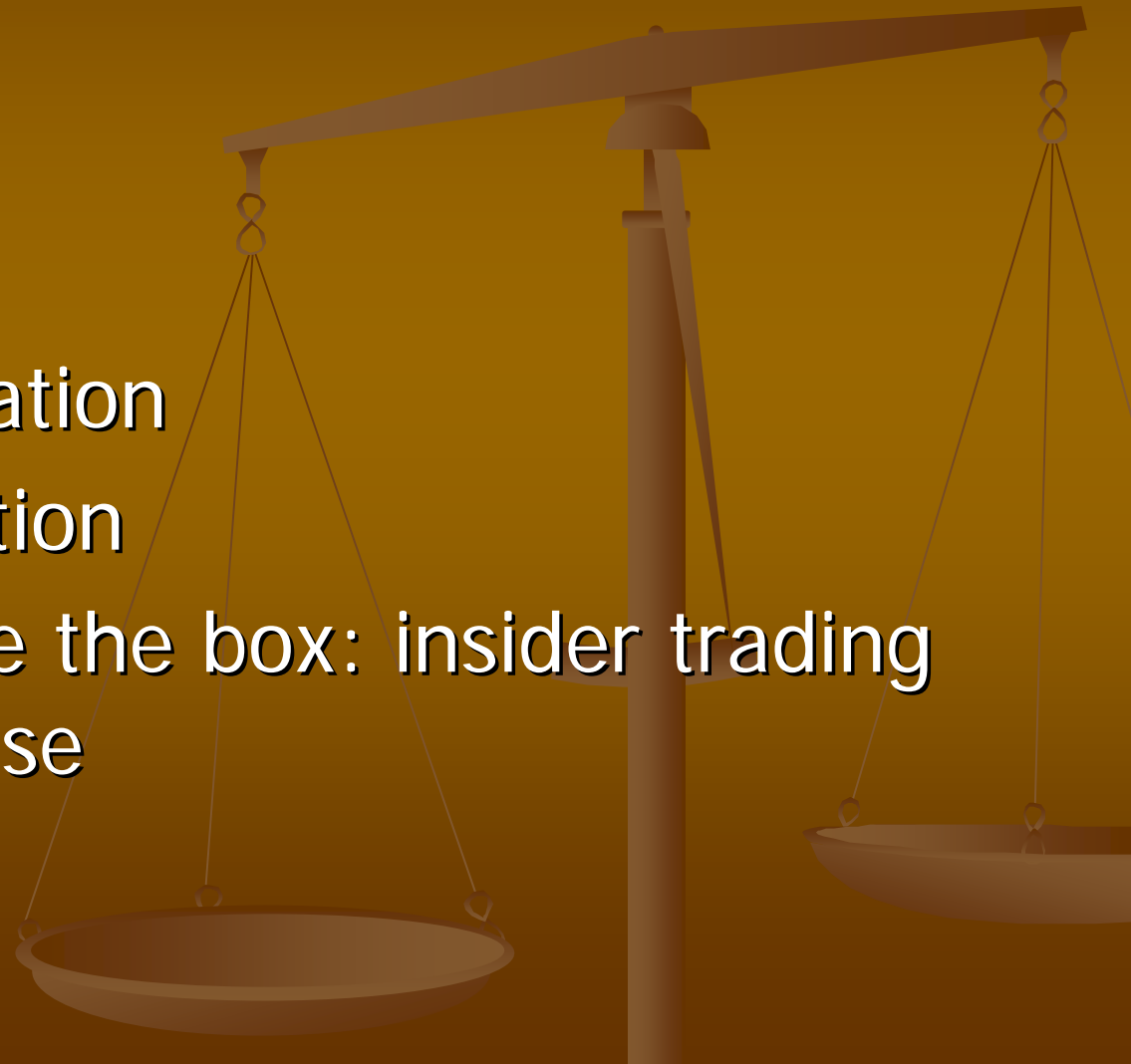
- OECD
- United Nations
- Council of Europe
- Soft law





Criminal law dimension of european integration

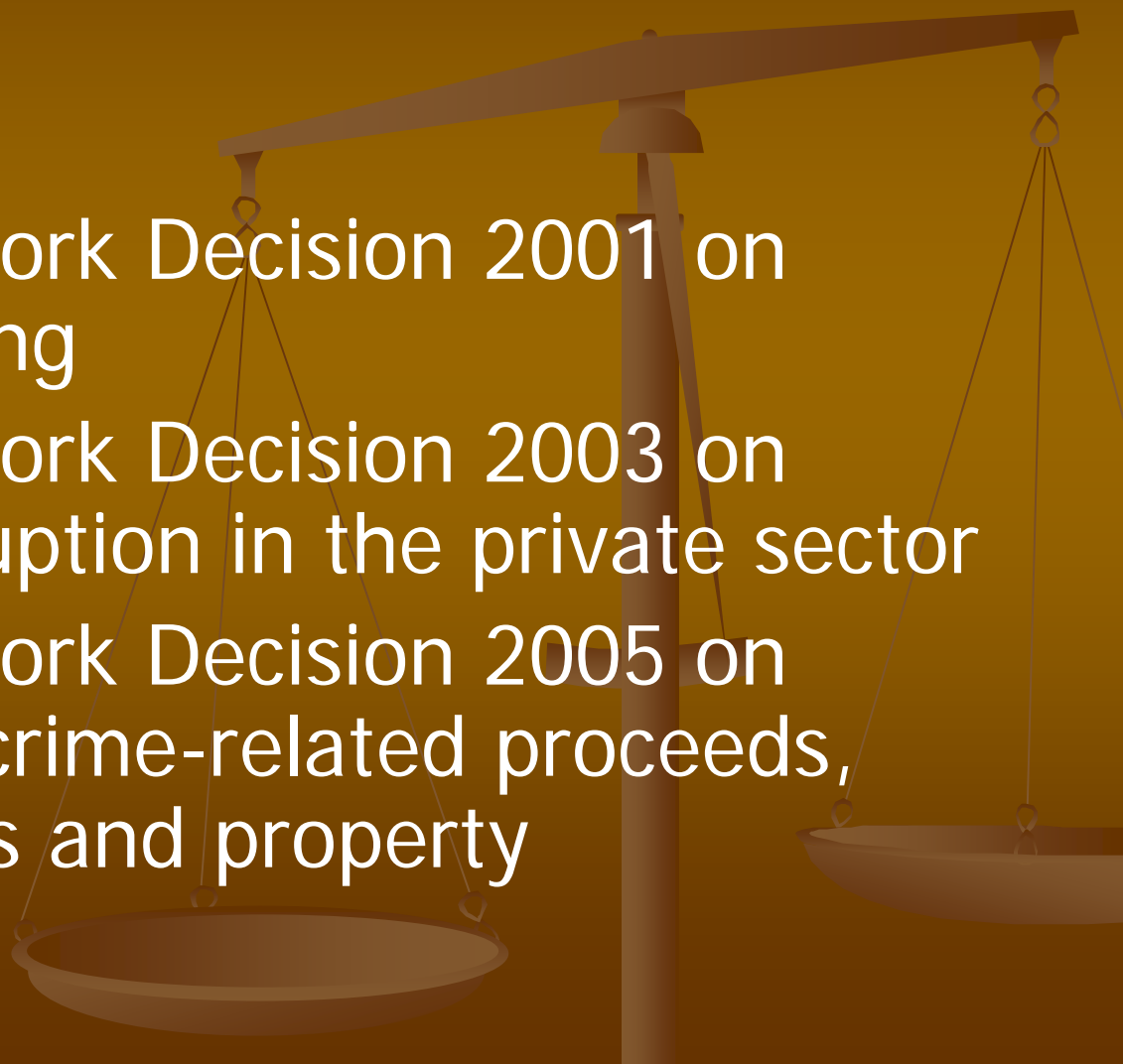
- ECJ case law
- Negative integration
- Positive integration
- Thinking outside the box: insider trading and market abuse





Initiatives post 2000

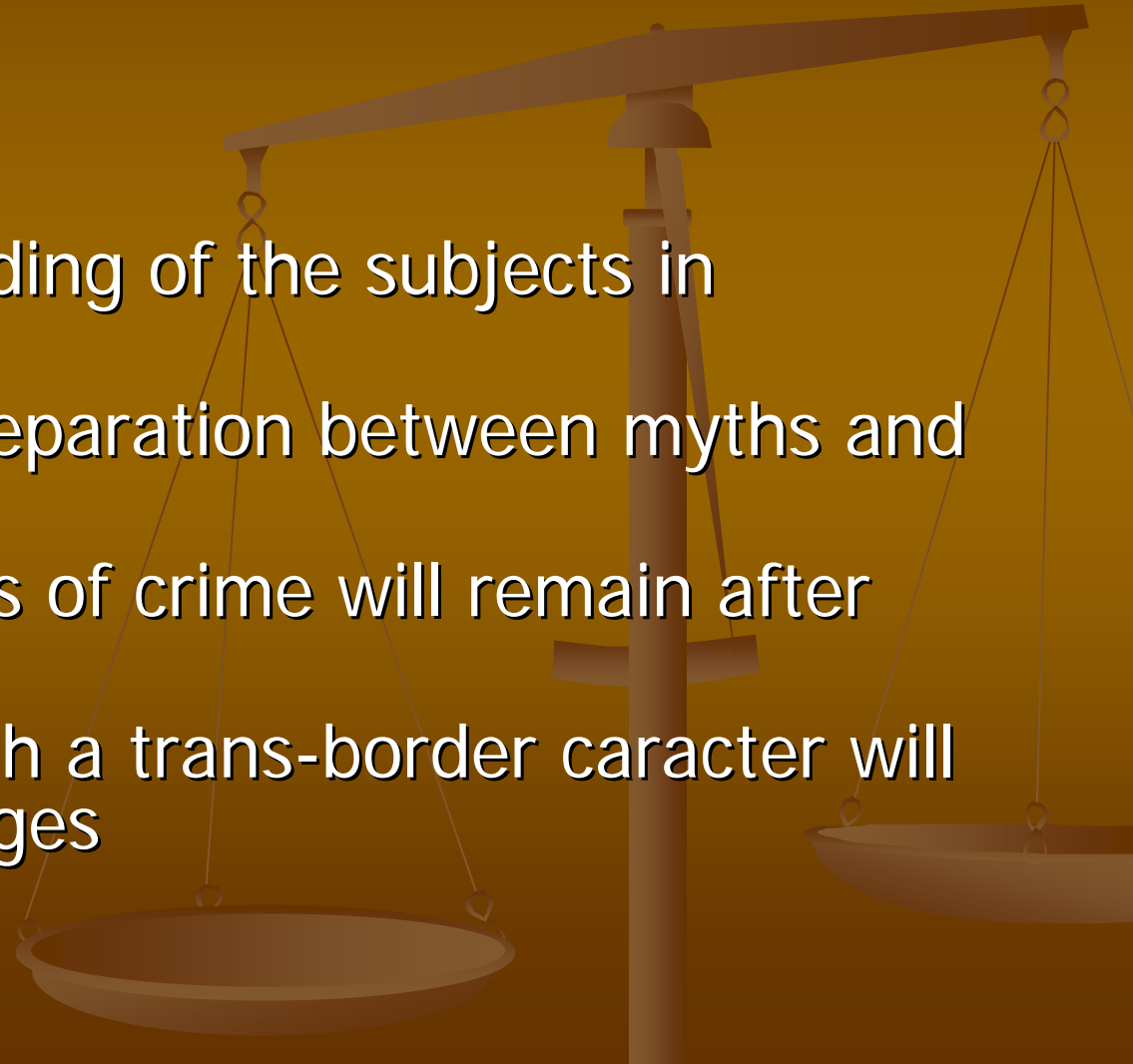
- Council Framework Decision 2001 on money laundering
- Council Framework Decision 2003 on combating corruption in the private sector
- Council Framework Decision 2005 on confiscation of crime-related proceeds, instrumentalities and property

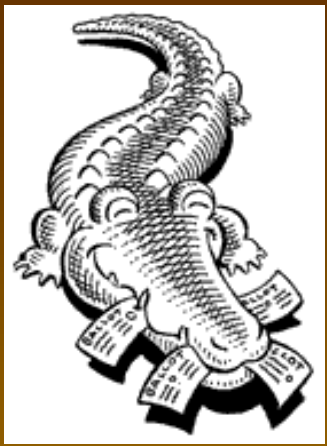




Scenarios of crime, law and justice in an enlarged Europe

- A clear understanding of the subjects in discussion
- A highly distinct separation between myths and realities
- Traditional aspects of crime will remain after enlargement
- Areas of crime with a trans-border character will bring new challenges





- Changing the mindset
- Training of magistrates
- Expanding the content knowledge

