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Editorial

The elections of the new European Parliament in May 2014 were meant to enhance the democratic legitimacy of the European Union and thus the acceptance of EU law and its institutions among the public. It is highly doubtful that this aim has been achieved: The results of the election showed increasing support for EU-critical parties nearly all over Europe. In the aftermath of the elections, European party representatives, their so-called "Spitzenkandidaten" and the Heads of States or Governments with their continuous power-plays and disputes about the next EU Commissioner contributed to what is also known from interior politics as "disillusionment with politics" among the electorate.

For the purposes of criminal law, however, it is worth noting that some important progress has been made. First of all, the Directive on the European Investigation Order (Directive 2014/41/EU, OJ 2014 no. L 130, p. 1) has finally been adopted by the European Parliament and the Council. Furthermore, two important judgments by the Court of Justice of the European Union have further clarified the scope of the transnational *ne bis in idem* principle. In its judgment of 27 May, the Court ruled that the enforcement element of Art. 54 CISA – although not contained in Art. 50 of the Charter of Fundamental Rights – still applies (C-129/14 PPU [Spasic]). On 5 June, it held that after a finding of 'non lieu' in one Member State which allows for a re-opening of the case only if new facts or new evidence become available, such a renewed proceeding is only admissible in the Member State of the first decision (C-398/12 [M]).

Finally, the destiny of the proposal for a Regulation on the establishment of the EPPO does not seem as dismal as some thought it would be, when it was published in July last year. The European Parliament explicitly favoured the Commission proposal in March and during the ongoing Council negotiations, it seems that a vast majority of states does support the EPPO – at least in principle. The problem is that the ideas about what exactly the EPPO should look like and how it should function, still differ quite considerably. The Council – contrary to the Commission – favours a collegial structure of the EPPO; it rejects an exclusive competence of the EPPO to investigate offences against the financial interests of the Union and goes for a concurrent competence between EPPO and national authorities (Council of the European Union, Inter-institutional File 2013/0255 (APP), 9834/14 of 20.5.2014). More modifications are to be awaited upon and the EuCLR shall be presenting further articles on this thrilling topic.

In this edition of the EuCLR, we take a broader view on European Criminal Law: first, we start with the interesting question of whether the ECHR contains a specific limit against politically motivated criminal proceedings, using some of the most attention-grabbing cases from East European countries in recent years (by *Satzger/Zimmermann/Eibach*). Then we leave East Europe and turn to the far west. *Jenia Turner's* outline of Interstate Conflict and Cooperation in Criminal Cases in the United States opens up highly interesting perspectives for comparative law. Coming back to the EU, *Wendy de Bondt* rightly makes us aware of the interrelation between the different forms of sanctions in EU instruments and their use for EU cooperation in criminal matters. After that, and on a practical level, the most important alternative measures to detention are considered by *Panayotis Voyatzis* in relation to the European Court of Human Rights' case-law. Finally *Michaël Meysman* takes a closer – and also critical – look at the recent EU initiatives for procedural safeguards for vulnerable suspects and offenders.

We hope you enjoy the reading!

The Editors