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Editorial

In 2013, the European Criminal Policy Initiative published its "Manifesto on European Criminal Procedure Law" which gave reason and was topic for a conference at the University of Stockholm in June 2014. The speeches which were presented there are the main focus of our first issue in 2015.

In June 2014, an entire conference, organised by the University of Stockholm, dealt with the European Criminal Policy Initiative's "Manifesto on European Criminal Procedure Law" which was published in 2013. The essays resulting from the evaluations and critical remarks presented in Stockholm form the main part of our first issue of the EuCLR in 2015.

One of the key demands of the Manifesto concerns the limitation of the principle of mutual recognition. The principle of subsidiarity is considered as an important limitating factor which generally binds EU criminal law, including procedural law. Jacob Öberg analyses it critically in the context of the Directive 2012/29/EU on victims'rights. Pointing out that this legal instrument refers mainly to local victims' rights, he misses its cross-border dimension which is a basis for complying with the subsidiarity-principle.

Malin Thunberg Schunke considers the limitations demanded of mutual recognition from the vantage point of defence rights and requires the EU legislator to fully compensate for all shortcomings in relation to the defendant's legal positions which may result from cross-border procedures. Olaf Löfgren, being the Head of the International Unit of the Office of the Swedish Prosecutor General, complements the picture from a prosecutorial perspective. He shares several demands of the Manifesto when he develops explicit criteria for a better balance between efficiency of (cross-border) investigations on the one hand, and the rights of individuals – not only of the suspects but also the victims and third parties – concerned by such investigations, on the other hand. He points out that compared to traditional mutual assistance in criminal matters, mutual recognition contributes crucially to the effectiveness of international cooperation. Nevertheless, it cannot be an absolute principle; there must be room for the executing state to question the actions the issuing state requested for execution. Last but not least, Ole Träskman gives us his positive but in some points, critical Nordic academic perspective on the Manifesto on European Criminal Procedural Law.

Two complementary essays deal with more specific topics of EU procedural law: Firstly, Elisavet Symeonidou-Kastanidou presents an examination of the Directive 2013/48/EU on the right of access to a lawyer. Her conclusions are ambivalent insofar as the level of protection of this fundamental right will not be inferior to that provided by other, already effective international instruments and by the jurisprudence of the European Court of Human Rights. Secondly, Jamil Ddamulira Mujuzi analyses the UK position in relation to recognition of convictions in other EU member states. He points to the lack of convincing criteria for deciding which convictions from abroad can be admitted as evidence and which ones should be excluded because of concerns about the fairness of the preceding trial.

In the Varia-section Kai Ambos sheds light on the European fundamental rights when he comments on three essential decisions of the European Court of Human Rights. All these decisions are convictions of the responsible states. They can in fact be entitled 'groundbreaking', as merely assisting another state – namely the USA – in extraordinary renditions and torture results in violations of the ECHR. Starting with this issue, Stefano Zirulia will summarise and comment on recent case law of the European Court of Human Rights in the EuCLR on a regular basis.

Though transnational procedure law was the topic of the aforementioned Stockholm conference and the complementary essays in the main section of this issue, we must not lose sight of European substantive criminal law. As such, Maria Kaiafa-Gbandi draws attention to the recent activities of the EU legislator in this area. And it is the right moment to do so: EU legislation is in a phase of re-evaluation of the pre-Lisbon

conventions and framework decisions, replacing them with corresponding directives according to Article 83 TFEU. Due to the immense importance of EU substantive law, the current issue starts with this author's contribution.

The Editors