



For your information and for distribution

Freiburg, 8 August 2023

eucrim 1/2023: European Law Forum: Prevention, Investigation, Prosecution

Dear Sir or Madam, dear Colleagues,

I am happy to present you with the most recent issue of *eucrim*.

It is available free of charge at: <https://eucrim.eu/issues/2023-01/>

Please also visit our website at: <https://eucrim.eu>

The various items in each issue can easily be navigated by using the side bar of the pdf viewer or by clicking the links on the contents page.

I. Editor's Remarks

2023 kicks off with a **brand-new design and subtitle** for *eucrim*. They underline *eucrim*'s ambition of inviting both legal practitioners and academics to share their views on topical issues of European "criministrative" law. These updates also pick up on suggestions from our readers. Please find more information from the *eucrim* editors and editorial board on what has changed and why these changes were made on page 2 of this issue.

II. The Current Issue

Issue 1/2023 could not be more en vogue with the focus on **Artificial Intelligence (AI)**, in particular its use in a law enforcement setting. The **guest editorial** was written by *Prof. Dr. Sabine Gless* from the University of Basel & *Prof. Dr. Katalin Ligeti* from the University of Luxembourg, who have conducted several studies with the aim of understanding the pros and cons of AI for criminal law and criminal procedure. They stress that humans must take responsibility based on scientific research to avoid a future in which AI recalls us as an extinct species.

In the **news section**, we would like to draw your attention to the “**Spotlights**”. This section captures important developments in the protection of the EU’s financial interests and the Area of Freedom, Security and Justice – something we consider particularly worth reading.

In this issue, the Spotlights include:

- In the new news section “Artificial Intelligence” (under “Foundations”): Europol’s flash report on the impact of ChatGPT on law enforcement and the Fundamental Rights Agency’s report on the use of AI in predictive policing and offensive speech detection (pp. 12-13);
- In the news section “Specific Areas of Crime > Protection of Financial Interests”: The European Court of Auditors’ report on the design of the Commission’s control system to the Recovery and Resilience Facility (pp. 25-26);
- In “Specific Areas of Crime > Corruption”: The handbook of good practices in the fight against corruption (pp. 27-28);
- On data protection (under “Procedural Law”): The critical statements by the European Data Protection Board and the European Parliament on the Commission’s draft adequacy decision for data transfers to the USA (pp. 33-34);
- On *ne bis in idem*: The ECJ’s judgment of 23 March 2023 in Case C-365/21 (*MR/Generalstaatsanwaltschaft Bamberg*) on the validity of Art. 55 CISA stipulating derogations from the ban of double jeopardy (pp. 34-35);
- In the news section “Cooperation” (Police Cooperation, Judicial Cooperation, and European Arrest Warrant), the following news items are worth highlighting:
 - The new Directive on the exchange of information between the law enforcement authorities of Member States and repealing Council Framework Decision 2006/960/JHA (pp. 36-39);
 - The final report on the ninth round of mutual evaluations dedicated to mutual recognition instruments in the field of deprivation or restriction of liberty (pp. 39-40);
 - The Commission’s proposal for a Regulation on the transfer of proceedings in criminal matters between EU Member States (p. 40);
 - Two ECJ judgments on the protection of fundamental rights in European Arrest Warrant proceedings: Judgment of 31 January 2023 in Case C-158/21 (*Puig Gordi and Others* – surrender case of Catalan politicians) on pp. 41-43 and Judgment of 18 April 2023 in Case C-699/21 (*E.D.L.*), on pp. 43-44.

For an introduction to the topics and the contents of the **articles**, please refer to the fil rouge (written by *euocrim*’s editor *Dr. Anna Pinggen*) at the beginning of the article section on page 54. The articles cover a range of topical issues on Artificial Intelligence. In addition, we have published three “Beyond the Focus” articles that deal with other, currently hotly debated topics.

III. Your Contributions

We invite you to contribute to any of the next issues of *euocrim*. You can find an overview of the focus themes of the **upcoming issues** with suggestions and submission deadlines [here](#). As our open section “Beyond the focus” shows, we are also happy to receive articles/**contributions that go beyond the scope of the focus theme**. We publish

interesting contributions that provide information on unique developments in your country, debate “hot issues”, comment on court decisions, report on a conference, etc. Submissions for articles are **accepted in English, French, and German**. Feel free to contact us at:

info@eucrim.eu

IV. Evaluation

As the Editor’s Remarks on page 2 of this issue stress, we can only improve *eucrim* if we receive feedback from you as readers and users of the journal. We invite you to take 5-10 minutes to fill out an evaluation form and share your thoughts on *eucrim* with us. The form is available via the *eucrim* homepage (>Tools & Feedback >Evaluation) or directly at the following link: <<https://survey.academiccloud.de/index.php/162758>>. You can be guided through the questions in German, English or French (select language on the initial page). Questions take into account both *eucrim* as a journal and the online content on the *eucrim* website. You have the option of rating aspects and leaving comments.

V. Practical Issues

We encourage all recipients of this issue to distribute *eucrim* by e-mail to other members of the Associations of European Lawyers and to any persons to whom it might be of interest. The concept of *eucrim* is at its best when the publication is supported and used by many legal scholars and practitioners from many European countries and institutions.

For further information on how to receive *eucrim* and staying up to date, please visit:

<https://eucrim.eu/service/subscription/>

Enjoy navigating the *eucrim* website and reading this new issue!

Thomas Wahl, Managing Editor of *eucrim*