



For your information and for distribution

Freiburg, 8 December 2023

**eucrim 2/2023:
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/2023-02/>

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. Website Appearance

This is the second issue with the **new design and subtitle** for *eucrim*. On our website, where we pre-publish the eucrim contents online, we have adapted the fonts and headers to the new style and we've optimised the navigation area to make it more user-friendly.

II. The Current Issue

Issue 2/2023 focuses on **Electronic Evidence**, in particular Regulation (EU) 2023/1543 laying down the rules for the preservation and production of electronic evidence for the purpose of carrying out criminal proceedings and Directive (EU) 2023/1544 on the designation of legal representatives by the service providers in order to ensure receipt, compliance with, and enforcement of e-evidence orders (both legislative acts form the "EU e-evidence package" that was published end of July 2023 in the Official Journal). The **guest editorial** was written by MEP *Birgit Sippel*, who conducted the negotiations on the e-evidence package for the European Parliament as its rapporteur for the dossier. She reports, *inter alia*, on the Parliament's efforts to strive for a more fundamental rights-driven approach in the legislation.

In the **news section** (which covers the period 1 May to 15 October 2023), 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 "Rule of Law" news section (under "Foundations"): the Commission's 2023 Rule of Law Report (pp. 110-111);
- In the news section "Area of Freedom, Security and Justice": the 2023 EU Justice Scoreboard with its focus on fighting corruption (p. 114);

- In the news section “Institutions > European Public Prosecutor’s Office”: the Advocate General’s Opinion in Case C-281/22 (*G.K. and Others*) – the first case before the CJEU on interpretation of the EPPO Regulation (p. 123);
- In the news section “Specific Areas of Crime > Financial and Economic Crime” (a new overarching news category): the first Europol threat assessment report on financial and economic crime (p. 134);
- In the news section “Specific Areas of Crime > Protection of Financial Interests”: the 34th Annual PIF Report (p. 135) and the ECJ’s judgment in the “*Lin*” case (C-107/23 PPU), clarifying that national rules on limitation periods for criminal liability must allow effective prevention from and punishment of serious fraud affecting the EU’s financial interests (pp. 135-136);
- In “Specific Areas of Crime > Corruption”: the Commission’s anti-corruption package, in particular the proposal for a new directive on combating corruption (pp. 140-141);
- On data protection (under “Procedural Law”): the Commission’s adequacy decision on data transfers from the EU to the USA (pp. 152-153);
- On *ne bis in idem*: the ECJ’s judgment in Case C-27/22 in the Volkswagen diesel scandal case (pp. 155-156);
- On victim protection: the Commission proposal for a reform of the victims’ rights directive (p. 158);
- In the news section “Cooperation”, the following news items are of high interest:
 - The Commission proposals for a comprehensive reform of the Customs Union (pp. 158-159);
 - The ECJ judgment in Case C-71/22 (“*KT*”) on the possibilities to refuse extradition on fundamental rights grounds under the EU-Iceland/Norway Surrender Agreement (pp. 159-161);
 - The Advocate General’s Opinion in Case C-261/22 (“*GN*”) on the recognition of the child’s best interests when it comes to the execution of a European Arrest Warrant (p. 163);
 - A summary of the EU e-evidence Regulation and Directive (under “Law Enforcement Cooperation” at the end of the news section, pp. 165-168).

The **articles** are related to the latest developments in the area of “e-evidence” and offer a wide range of insights into this subject, including future perspectives and to date neglected research topics. For an introduction to the subject matter and contents of the articles, please refer to the **fil rouge** (written by *Prof. Dr. Stanisław Tosza*, University of Luxembourg) at the beginning of the article section on **page 169**.

In addition, we have published two “Beyond the Focus” articles that deal with other, currently hotly debated topics: *Hans-Holger Herrnfeld* critically analyses the above-mentioned Advocate General’s Opinion on the interpretation of Arts. 31/32 of the EPPO Regulation, and *Vagelis Papakonstantinou* and *Evangelos Zarkadoulas* take a critical stance towards the European Parliament’s position on remote biometric recognition and emotion inference applications in the context of negotiations on the AI Act.

III. Your Contributions

We invite you to contribute to any of the next issues of *eucri*m. You can find an overview of the focal themes for **upcoming issues**, including suggestions and deadlines, at:

[As our open section “Beyond the focus” shows, we are also happy to receive articles/**contributions that go beyond the scope of the focal theme**. We aim to publish interesting contributions that provide information on unique developments in your country, debate “hot issues”, comment on court decisions, report on a conference/research project, etc. Submissions for articles are **accepted in English, French, and German**. Feel free to contact us at:](https://eucrim.eu/service/submissions-and-author-guidelines/ > What are the focal topics of the upcoming issues?</p></div><div data-bbox=)

[### IV. Evaluation](mailto:info@eucrim.eu</p></div><div data-bbox=)

We can only improve *eucri*m 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 *eucri*m with us. The form is available on the *eucri*m 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 *eucri*m as a journal and the online content on the *eucri*m website. You have the option of rating specific aspects and leaving comments.

V. Practical Issues

We encourage all recipients of this issue to distribute *eucri*m via 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 *eucri*m 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 *eucri*m and stay up to date, please visit:

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Thomas Wahl, Managing Editor of *eucri*m