

UČNI NAČRT PREDMETA / COURSE SYLLABUS

Predmet:	Kazensko pravo EU
Course title:	

Študijski program in stopnja Study programme and level	Študijska smer Study field	Letnik Academic year	Semester Semester
Študijski program za izpopolnjevanje: Specializacija znanj s področja prava	Modul: Kazensko pravo	1	1

Vrsta predmeta / Course type Obvezni predmet

Univerzitetna koda predmeta / University course code:

Predavanja Lectures	Seminar Seminar	Vaje Tutorial	Klinične vaje work	Druge oblike študija	Samost. delo Individ. work	ECTS
10	5			15	45	3

Nosilec predmeta / Lecturer: Prof. dr. Katja Šugman Stubbs

Jeziki / Languages: Predavanja / Lectures: Slovenski
Vaje / Tutorial:

Pogoji za vključitev v delo oz. za opravljanje študijskih obveznosti:

Ni posebnih pogojev.

Prerequisites:

No special prerequisites.

Vsebina:

1. Zgodovina razvoja kazenskega prava EU in predmet preučevanja
 - zgodovina razvoja tretjega stebra
 - kazensko pravo EU po Lizbonski pogodbi - - pojem kazenskega prava EU
 - pristojnosti EU na kazenskopravnem področju
 2. Vzajemno priznavanje kazenskih sodnih odločb (*mutual recognition*)
 - Evropski nalog za prijetje in predajo
 - Evropsko dokazno pravo (EDN, EPN)
 - drugi instrumenti, temelječi na NVP
 3. Evropski javni tožilec
 - Zgodovinski razvoj
 - Institucionalni okvir

Content (Syllabus outline):

1. Historical development of EU criminal law and scope of the subject
 - history of the third pillar
 - post Lisbon-Treaty criminal law
 - scope of the subject
 - EU jurisdiction on a criminal law field
 2. Mutual recognition of criminal judgements
 - European arrest warrant
 - European evidence law
 - Other mutual recognition based documents
 3. European Public Prosecutor
 -Historical roots
 - Institutional framework

- Procesne rešitve
- Preiskovalna pooblastila
- 4. Načrti za krepitev procesnih pravic osumljenih
 - Pravica do tolmačenja in prevoda
 - Pravica do informaciji o pravicah
 - Pravica do pravne pomoči
 - Pravica priprte osebe do komunikacije
 - Pravica zaščite ranljivih prič
- 5. Skupne preiskovalne skupine in policijsko sodelovanje
- 6. Posamezna področja
 - Varovanje finančnih interesov EU
 - Terorizem
 - Organizirana kriminaliteta
 - Varstvo osebnih podatkov
- 7. Vloga različnih organov: Evropski javni tožilec, Eurojust, Europol, Evropska pravosodna mreža, Olaf

- Procedural solutions
- Investigative powers
 - 4. Roadmap on strenghtening procedural rights of suspctets
 - The right to interpretation and translation
 - The rights to information about rights
 - The right to legal advice
 - The right for the detained person to communicate
 - The right to protection for vulnerable suspects
 - 5. Joint investigation teams and police cooperation
 - 6. Specific fields
 - Protection of EU financial interests
 - Terrorism
 - Organized crime
 - Data protection
 - 7. Roles of different bodies: Eurojust, Europol, EJM, Olaf

Temeljni literatura in viri / Readings:

V. Mitsilegas, EU Criminal Law, Hart, Oxford, 2009.
 S. Peers, EU Justice and Home Affairs Law, Oxford, Oxford University Press, 2013.
 S. Miettinen, Criminal law and policy in the EU, Routledge, London, 2014.
 K. Šugman, P. GORKIČ, Z. Fišer, Primož. Evropski nalog za prijetje in predajo: teoretični in praktični vidiki (European Arrest Warrant: theoretical and practical aspects). GV založba, Ljubljana 2010, 210 pp.

Cilji in kompetence:

Cilj predmeta je študentom zagotoviti pregled in kritičen vpogled v hitro razvijajoče področje kazenskega prava EU. Študent spozna temeljne rešitve kazenskega prava EU in njegova načelna izhodišča. Hkrati študent primerja strukturo in načelno ureditev nacionalnega pravnega reda s tem, ki ga razvija EU. Posebej se spodbuja vrednostna presoja različnih rešitev, upoštevajoč načelo sorazmernosti ter sposobnost razumeti razmerja med nacionalnim pravom in pravom EU na kazenskopravnem področju.

Objectives and competences:

The objective of the course is to provide students with the overview of the rapidly growing field of EU criminal law. The student gets knowledge on basic ideas and developmental tendencies of the field and then gains an exhaustive overview of the topic and is able to critically compare different national law and EU law solution applying principle of proportionality and other criminal law principles. Students are able to understand the relationship between national and EU legal solutions on the criminal law field.

Predvideni študijski rezultati:

Intended learning outcomes:

<p>Znanje in razumevanje: Po uspešno končanem študiju bodo študentje imeli pregledno znanje na področju zgodovinskega razvoja kazenskega prava EU in razumevanje pooblastil, načel in načinov delovanja EU na tem področju. Seznanjeni bodo z delovanjem institucij, primerjavo mednarodnopravnih rešitev ter tistih, ki jih je uvedla EU ter z razvojem procesnih pravic osumljenca. Razumeli bodo povezanost in prepletenost nacionalnega kazenskega prava in tistega, ki ga ustvarja EU.</p>	<p>Knowledge and understanding: After successful completion of studies a student will gain an overview of historical developments of EU criminal law and an understanding of powers, principles and mechanisms guiding criminal law of the EU. They will gain good understanding of: functioning of different EU institutions, comparison between principles on which international law documents are based on and those on which EU documents are founded, and development of procedural rights of the suspect. They will gain an insight into connections and intertwinement between national criminal law and the EU one.</p>
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<p>Metode poučevanja in učenja: Predavanja – predavajo se izbrane teme. Seminar – na seminarju študentje predstavijo seminarske naloge na izbrano temo. Individualni študij za pripravo seminarske naloge in za izpit.</p>	<p>Learning and teaching methods: Lectures – lectures on selected topics. Seminar – students present their seminar papers on a chosen topic. Individual study and preparation for seminar paper and exam.</p>
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Načini ocenjevanja:	Delež (v %) / Weight (in %)	Assessment:
Način (pisni izpit, ustno izpraševanje, naloge, projekt) Pisni izpit.	100%	Type (examination, oral, coursework, project): Written exam.

<p>Reference nosilca / Lecturer's references:</p> <p>Šugman, Katja, Petrovec, Dragan. The European criminal record in Slovenia. In: Stefanou, Constantin (Ed.), Xanthaki, Helen (Ed.), <i>Towards a European criminal record</i>. Cambridge: Cambridge University Press, 2008, str. 226-241.</p> <p>Šugman, Katja, Jager, Matjaž. Europäisches Strafrecht als Instrument europäischer Integration?. Krit. Vierteljahresschr. Gesetzgeb. Rechtswiss., 2008, jhrg. 91, 1, str. 57-72.</p> <p>Šugman, Katja, Jager, Matjaž. Judicial resolution of "the battle of pillars" and the idea of using criminal law as the "self-evidently necessary" policy tool. In: Braum, Stefan (Ed.), Weyembergh, Anne (Ed.), <i>Le contrôle juridictionnel dans l'espace pénal européen</i>. 3e ed. Bruxelles: Editions de l'Université de Bruxelles, 2009, str. 23-36.</p> <p>Šugman, Katja, Gorkič, Primož. Abuse of the European arrest warrant system. In: Keijzer, Nico (Ed.), Sliedregt E. van (Ed.), <i>The European arrest warrant in practice</i>. Hague: TMC Asser Press, 2009, str. 245-264.</p> <p>Šugman, Katja, Mihelj Plesničar, Mojca. Mutual recognition in the context of Slovenian criminal law. In: Vernimmen-Van Tiggelen, Gisele (Ed.), Surano, Laura (Ed.), Weyembergh, Anne (Ed.), <i>The future of mutual recognition in criminal matters in the European Union</i>, (Etudes européennes). Bruxelles: Ed. de l'Université de Bruxelles, 2009, str. 501-522.</p> <p>Šugman, Katja, Galli, Francesca. Inchoate offences : the sanctioning of an act prior to and irrespective of the commission of any harm. V: Galli, Francesca (ur.), Weyembergh, Anne (ur.). <i>EU</i></p>

counter-terrorism offences : what impact on national legislation and case-law?, (Etudes Europeennes). Bruxelles: Editions de l'Universite de Bruxelles, cop. 2012, str. 291-303.