

UČNI NAČRT PREDMETA / COURSE SYLLABUS

Predmet:	Kazensko pravo EU
Course title:	Criminal law of the EU

Študijski program in stopnja Study programme and level	Študijska smer Study field	Letnik Academic year	Semester Semester
Doktorski študij, 3. stopnja	Pravo	1.	2.
Doctoral studies, 3rd level	Legal studies	1.	2.

Vrsta predmeta / Course type

Univerzitetna koda predmeta / University course code:

Predavanja Lectures	Seminar Seminar	Vaje Tutorial	Klinične vaje work	Druge oblike študija	Samost. delo Individ. work	ECTS
23					102	5

Nosilec predmeta / Lecturer:

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

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

Izpolnjevanje pogojev za vpis na doktorski študij Pravo in osnovno znanje s področja predmeta, ki ustreza znanju na tem področju, pridobljenem na ravni prve in (ali) druge stopnje študija prava.

Prerequisites:

General conditions for enrolment into the Doctoral Programme in Legal Studies with a basic knowledge of the subject at the level of first and (or) second cycle programme in Legal Studies.

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
 Procesne rešitve
 Preiskovalna pooblastila

Content (Syllabus outline):

1. Historical development of EU criminal law and scope of the subject
 - history of the thirds 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
 Procedural solutions
 Investigative powers
 4. Roadmap on strengthening procedural

4. načrtu 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

rights of suspects
 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.
 ŠUGMAN, Katja, JAGER, Matjaž. Post 9/11 developments of the EU criminal law-related initiatives and their implications on some basic criminal law principles. In: DUYNE, P. C. van (Ed.), *Crime business and crime money in Europe : the dirty linen of illicit enterprise*. Nijmegen: Wolf, 2007, pp. 247-267.
 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 temeljit , predvsem pa 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 in druga načela. Sposoben je tudi razumeti razmerja med nacionalnim pravom in pravom EU na kazenskopravnem področju.

Objectives and competences:

The objective of the course is to provide students with thorough and critical insight into a 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:

Znanje in razumevanje:
 Po uspešno končanem študiju bodo študentje imeli pregledno znanje dogajanja na področju zgodovinskega razvoja kazenskega prava EU in poglobljeno razumevanje pooblastil, načel in

Intended learning outcomes:

Knowledge and understanding:
 After successful completion of studies a student will gain an overview of historical developments of EU criminal law and a deep understanding of powers, principles and mechanisms guiding criminal law of

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. Hkrati bodo sposobni kritičnega vrednotenja kazenskopravnih rešitev z uporabo temeljnih načel kazenskega prava. Razumeli bodo povezanost in prepletenost nacionalnega kazenskega prava in tistega, ki ga ustvarja EU.

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 be able to critically assess criminal law solutions with application of basic criminal law principles. They will gain an insight into connections and intertwinement between national criminal law and the EU one.

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.

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.

Delež (v %) /
Weight (in %)

Načini ocenjevanja:

Način (pisni izpit, ustno izpraševanje, naloge, projekt)
Pisni izpit.

100%

Assessment:

Type (examination, oral, coursework, project):
Written exam.

Reference nosilca / Lecturer's references:

ŠUGMAN, Katja, PETROVEC, Dragan. The European criminal record in Slovenia. In: STEFANO, Constantin (Ed.), XANTHAKI, Helen (Ed.), *Towards a European criminal record*. Cambridge: Cambridge University Press, 2008, pp. 226-241.

ŠUGMAN, Katja, JAGER, Matjaž. Europäisches Strafrecht als Instrument europäischer Integration?. *Krit. Vierteljahresschr. Gesetzgeb. Rechtswiss.*, 2008, jhrg. 91, 1, pp. 57-72.

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.), *Le contrôle juridictionnel dans l'espace pénal européen*. 3e ed. Bruxelles: Editions de l'Université de Bruxelles, 2009, pp. 23-36.

ŠUGMAN, Katja, GORKIČ, Primož. Abuse of the European arrest warrant system. In: KEIJZER, Nico (Ed.), SLIEDREGT, E. van (Ed.), *The European arrest warrant in practice*. Hague: TMC Asser Press, 2009, pp. 245-264.

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.), *The future of mutual recognition in criminal matters in the European Union*, (Etudes européennes). Bruxelles: Ed. de l'Université de Bruxelles, 2009, pp. 501-522.

