



Current developments in digitalisation in criminal proceedings

Training for defence

Vilnius, 7-8 November 2024



EXCELLENCE IN
EUROPEAN LAW¹

Speakers

Ciprian Băban, Defence Lawyer, Bucharest

Wendy De Bondt, Professor of Special Criminal Law, Ghent University

Raimundas Jurka, Professor, Mykolas Romeris University; Defence Lawyer, Vilnius

Jiří Novák, Defence Lawyer, Prague

Marie Poirot (tbc), Attorney-at-Law, BONIFASSI Avocats, Paris

Vahur Verte (tbc), State Prosecutor, Office of the Prosecutor General of the Republic of Estonia, Tallinn

Key topics

- The impact of the new legal framework on digitalisation of EU judicial cooperation in criminal matters on defence lawyers
- The EU law on video-conferencing in criminal matters
- Getting e-evidence from abroad and its admissibility
- The impact of the EncroChat case
- The rights of targeted persons under the European Preservation and Production Orders
- Artificial Intelligence and its use in criminal proceedings: challenges, experiences, pros and cons

Language

English and Lithuanian (simultaneous interpretation)

Event number

324DT109

Organisers

ERA (Cornelia Riehle) in cooperation with the Lithuanian Ministry of Justice and the Lithuanian Bar Association

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Thursday, 7 November 2024

08:45 Arrival and registration of participants

09:00 **Welcome and introduction to the programme**
Representative of Lithuania & Cornelia Riehle (ERA)

PART I: Setting the scene

Chair: Cornelia Riehle

09:05 **The new legal framework on digitalisation of EU judicial cooperation in criminal matters: Impact for defence lawyers in practice**

- European e-Justice Strategy 2024-2028
- Regulation (EU) 2023/2844 on the digitalisation of judicial cooperation and access to justice in cross-border civil, commercial and criminal matters
- Directive (EU) 2023/2843 as regards digitalisation of judicial cooperation
- European electronic access point
- e-Codex, eEDES and other projects to digitalise cross-border criminal proceedings

Jiří Novák

10:00 Discussion

10:15 Coffee break

10:45 **Virtual courts? The EU law on videoconferencing in criminal matters**

- CJEU case law and the right to be present (Directive 2016/343)
- Beyond gathering evidence: EAW and EIO
- Requirements under Regulation (EU) 2023/2844 to use videoconferencing or other distance communication technology

Wendy De Bondt

11:30 **The new rules on videoconferencing in criminal matters in practice: the perspective of the defence**
NN

12:15 Discussion

12:30 Lunch

PART II: The use of e-evidence

Chair: NN

13:30 **Beyond mutual recognition: getting e-evidence from abroad**

- Directive 2023/1544
 - The admissibility of evidence: the EIO and e-evidence: case examples
- Wendy De Bondt*

14:15 Discussion

14:30 Coffee break

15:00 **The EncroChat case and its impact for criminal defence in Europe**

- Judgement C-670/22 of 30 April 2024
- C-675/23 (pending)

Marie Poirot

15:30 Discussion based on experience in the Member States

16:00 **Regulation 2023/1543 on European Preservation and Production and Orders: the rights of the targeted persons**

Raimundas Jurka

Objective

Training of defence lawyers with special regard to European criminal law has gained more and more importance over the years. This seminar will look at current and forthcoming issues regarding the gathering of evidence, e-evidence and digitalisation for the judicial cooperation in criminal matters in the EU. Participants will have the possibility to get to know each other and make contact with colleagues from all over the EU to further their professional networks.

About the Project

This seminar is part of a large-scale project co-financed by the European Commission entitled "European Criminal Law for Defence Lawyers". Fifteen interactive, practice-oriented activities will be implemented within this project ranging from face-to-face seminars and conferences to webinars and eLearning tools. For more information, see: <https://training-for-defence.era.int/>

Who should attend?

Defence lawyers, who are citizens of eligible EU Member States participating in the EU Justice Programme (Denmark does not participate), Albania and Kosovo*.

* This designation is without prejudice to positions on status and is in line with UNSCR 1244/1999 and the ICJ opinion on the Kosovo declaration of independence.

Venue

Ministry of Justice
Conference Hall
Gedimino pr. 30
01104 Vilnius
Lithuania

CPD

ERA's programmes meet the standard requirements for recognition as Continuing Professional Development (CPD). Participation in the full programme of this event corresponds to **10 CPD hours**. A certificate of participation for CPD purposes with indication of the number of training hours completed will be issued on request. CPD certificates must be requested at the latest 14 days after the event.

- 16:30 Discussion
- 17:00 End of first day
- 19:00 Dinner offered by the organisers

Friday, 8 November 2024

PART III: Artificial Intelligence and its use

Chair: Jiří Novák

- 09:00 **Participants' experience with AI**
Wendy De Bondt
- 09:15 **Challenges a lawyer faces in court and AI solutions to overcome them**
- Court transcription and translation practices and AI solutions
 - Access to and studying court files
 - Lawyer-Judge/ Lawyer-Clerks Relationship
 - Virtual lawyers
 - Preparation of judicial decisions
- Ciprian Băban*
- 10:00 **Sharing experience of defence lawyers with their jurisdiction: examples from Romania, Belgium, et al**
Ciprian Băban, Wendy De Bondt, NN, NN
- 10:45 Coffee break
- 11:15 **Is Artificial Intelligence able to replace the human factor in criminal sentences?**
Pros and Cons: discussion with the participants
- Equal treatment
 - Right to fair trial
 - Privacy issues
- Ciprian Băban*
- 12:00 **Predictive criminal law and AI: how is it used by investigators and prosecutors – legal challenges**
- Right to privacy
 - Presumption of innocence
 - Fair trial
- Vahur Verte*
- 12:30 Discussion
- 12:45 Closure
Cornelia Riehle
- 13:00 End of seminar

For programme updates: www.era.int
Programme may be subject to amendment.



Times indicated are EET
(Eastern European Time)

Your contacts



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Save the date

Data Protection & Cyber Security as Law Enforcement Core Business
The Hague, 16-17 September 2024

Understanding Bitcoins and Cryptocurrency Technologies
Online, 15-16 October 2024

Sanctions in the EU's External Relations
Trier & Online, 14-15 November 2024

Annual Conference on EU Criminal Justice 2024
Sofia & Online, 14-15 November 2024

Recent Case Law of the ECtHR in Criminal Law
Online, 2-3 December 2024

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Application

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Terms and conditions of participation

Selection

1. Participation is only open to lawyers in private practice from eligible EU Member States (Denmark does not participate in this EU Justice Programme), Albania and Kosovo*.

The number of open places available is limited (10 places). Participation will be subject to a selection procedure. Selection will be according to professional eligibility, nationality and then "first come, first served".

Interested defence lawyers from Croatia should apply via the Croatian Bar Association.
Interested defence lawyers from Hungary should apply via the Budapest Bar Association.
Interested defence lawyers from Latvia should apply via the Latvian Council of Sworn Advocates.
Interested defence lawyers from Lithuania should apply via the Lithuanian Bar Association.
Interested defence lawyers from Portugal should apply via the Portuguese Bar Association.
Interested defence lawyers from Spain should apply via ICAB.

2. Applications should be submitted before **20 September 2024**.
3. A response will be sent to every applicant after this deadline. **We advise you not to book any travel or hotel before you receive our confirmation.**

Registration Fee

4. €110 including documentation, coffee breaks, lunch and dinner.

Travel and Accommodation Expenses

5. Participants will receive a fixed contribution towards their travel and accommodation expenses and are asked to book their own travel and accommodation. **The condition for payment of this contribution is to sign all attendance sheets at the event.** The amount of the contribution will be determined by the EU unit cost calculation guidelines, which are based on the distance from the participant's place of work to the seminar location and will not take account of the participant's actual travel and accommodation costs.
6. Travel costs from outside Lithuania: participants can calculate the contribution to which they will be entitled on the European Commission website (<https://era-comm.eu/go/calculator>, table 2). The distance should be calculated from their place of work to the seminar location.
7. For those travelling within Lithuania, the contribution for travel is fixed at €20 (for a distance between 50km and 399 km). Please note that no contribution will be paid for travel under 50km one-way. For more information, please consult p.10 on <https://era-comm.eu/go/unit-cost-decision-travel>
8. Accommodation costs: International participants will receive a fixed contribution of €94 per night for up to two nights' accommodation. National participants travelling more than 50km one-way will receive a fixed contribution of €94 per night for one night accommodation. For more information, please consult p.14 on <https://era-comm.eu/go/unit-cost-decision-travel>.
9. These rules do not apply to representatives of EU Institutions and Agencies who are required to cover their own travel and accommodation.
10. Successful applicants will be sent the relevant claim form and information on how to obtain payment of the contribution to their expenses. Please note that no payment is possible if the registered participant cancels their participation for any reason.

Participation

11. Participation at the whole seminar is required and participants will be asked to sign attendance sheets daily.
12. A list of participants including each participant's address will be made available to all participants unless ERA receives written objection from the participant no later than one week prior to the beginning of the event.
13. The participant will be asked to give permission for their address and other relevant information to be stored in ERA's database to provide information about future ERA events, publications and/or other developments in the participant's area of interest.
14. A certificate of attendance will be sent electronically after the seminar.

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Language

English and Lithuanian

Contact

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