

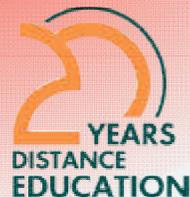
Jean Monnet Chair “EU Institutions, Rights and Judicial Integration”

EU Law Digest

HIGHLIGHTS ABOUT THE UNION WE LIVE IN
FEBRUARY – AUGUST 2023



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- **Table of content:**
 1. Jean Monnet Chair – Courses
 2. Research activities
 3. Legislation
 4. Case-law
 5. News

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Our Courses

Fundamental Rights in the EU

This is a new undergraduate course with the aim of introducing students to basic concepts of human rights and the EU human rights protection system. Upon completion of the course, the students will be able to understand the mechanisms of fundamental rights protection in the EU, understand the relationship between the EU and the ECHR, assess the role of the EU as a global actor in the field of fundamental rights protection.

Institutional Law of the European Union

The post-graduate course aims to understand the institutional structure of the European Union and the basic principles that govern it. In particular, the idea of the creation of the European Union and the course of European integration to date are examined; the composition, function and responsibilities of the institutions of the European Union; the types, characteristics and legal consequences of European legislation.

Judicial Protection in the EU

During the course, the structure and composition of the Court of Justice of the European Union are first analyzed. The jurisdiction of the Court, the General Court and the Civil Service Tribunal are also studied. Judicial and extrajudicial mechanisms for the protection of Union rights are then examined.

EU Human rights protection

The course explores the historical development of the protection of human rights in EU law, its differentiation and its association with that provided by the Council of Europe and in particular by its main body, the European Court of Human Rights (ECHR). The following is a study of the institution of citizenship and the principle of non-discrimination, certain categories of rights (political, social), specific sub-rights (traffic, personal data protection, ne bis in idem principle).

EU law and policies against racism and discrimination (seminar)

The seminar will examine how the foundational texts of the European Union as well as several EU Directives, as interpreted through the case law of the Court of Justice of the EU (CJEU), conceptualise the prohibition of discrimination, in what areas of social and economic life these norms are applicable and how they work in practice.

EU International relations and Human rights (seminar)

The seminar will examine the role of the EU in the international system. It will provide learners with new insights and additional knowledge regarding the EU decision making process regarding the foreign policy of the EU, the EU international agreements, economic relations with third countries and security cooperation with third countries.

Research activities

The activities of the Jean Monnet Chair include a broad range of short-term and long term research projects

Research Project EU promotion of human rights and democracy in the world

The aim of the research activity is to explore the role of the European Union in the world especially the EU policies of promoting and protecting human rights and democratic principles. Human rights are at the heart of EU relations with other countries and regions. The research will explore the means and instruments that the EU employs in the following policies:

- promoting the rights of women, children, minorities and displaced persons
- opposing the death penalty, torture, human trafficking and discrimination
- defending civil, political, economic, social and cultural rights
- inclusion of human rights clauses in all agreements on trade or cooperation with non-EU countries
- defending human rights through active partnership with partners and civil society

Although, the theme employs a large proportion of the academic society, there is still a large bibliography deficit since all facts in Europe undergoes a large transformation. The activity will increase the level of knowledge and provide a considerable impetus and added value to the already existing research that has taken place worldwide. Furthermore, it will stimulate reflection and research by identifying controversies and new research questions. In addition the research activity will foster the role of the EU in the world by promoting its success.

Protection of whistleblowers

Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law

PE/78/2019/REV/1

OJ L 305, 26.11.2019, p. 17–56

The directive aims to provide comprehensive protection to individuals who report breaches of EU law, promoting transparency, accountability, and the fight against corruption and wrongdoing. The directive applies to a wide range of sectors, including public administration, financial services, money laundering, product safety, public health, and environmental protection. It covers both private and public sector employees, as well as self-employed individuals, shareholders, and volunteers. Key provisions of the directive include:

1. **Scope and Definitions:** The directive defines the types of breaches that can be reported, such as violations of EU law in areas like public procurement, consumer protection, and data protection. It also provides definitions for key terms, including whistleblower, reporting person, and relevant authorities.
2. **Reporting Channels and Procedures:** The directive requires member states to establish safe and accessible reporting channels, both within organizations and through external reporting mechanisms. It encourages reporting internally first, but also allows for external reporting to competent authorities and, in certain cases, to the public.
3. **Protection of Whistleblowers:** The directive establishes safeguards to protect whistleblowers from retaliation, such as dismissal, demotion, and harassment. It prohibits any form of retaliation and requires member states to provide effective remedies for whistleblowers who suffer from retaliation.

The Whistleblower Directive represents a significant step towards strengthening the protection of whistleblowers across the European Union, encouraging the reporting of wrongdoing, and ensuring a more transparent and accountable society.



Protection of victims

Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA
OJ L 315, 14.11.2012, p. 57–73

The Victims' Rights Directive establishes minimum standards on the rights, support and protection of victims of crime and ensures that persons who have fallen victim to crime are recognised and treated with respect. They must also receive proper protection, support and access to justice. The Directive considerably strengthens the rights of victims and their family members to information, support and protection. It further strengthens the victims' procedural rights in criminal proceedings. The Directive also requires that EU countries ensure appropriate training on victims' needs for those officials who are likely to come into contact with victims.

Key provisions of the directive include:

1. **Information and support:** Member States are required to provide victims with information about their rights, available support services, and the criminal justice system. Victims should have access to support services that address their specific needs, such as medical and psychological assistance.
2. **Protection measures:** Member States must ensure that appropriate protection measures are available to victims, especially those who are particularly vulnerable, such as children and victims of gender-based violence. This includes measures to ensure the safety and privacy of victims during criminal proceedings.
3. **Participation in criminal proceedings:** Victims should have the right to participate in criminal proceedings and be treated with respect and sensitivity. They should be informed about the progress and outcome of their case and have the opportunity to express their views and concerns.
4. **Compensation:** Member States should establish systems to provide compensation to victims of crime, including through state-funded schemes or by ensuring that offenders compensate their victims.
5. **Restorative justice:** The directive encourages the use of restorative justice practices, which allow victims to participate in the resolution of their case and seek redress or reconciliation with the offender.

The directive sets out a framework for cooperation between Member States to ensure the effective implementation of victims' rights and support services. It emphasizes the importance of training and awareness-raising for professionals working with victims of crime.

Case law

Judgment of the Court in Case C-107/23 PPU

Combating fraud against the European Union's financial interests: national rules on limitation periods for criminal liability must allow effective prevention and punishment. National courts are required, in principle, to disregard national rules or case-law which create a systemic risk of such offences going unpunished .

Judgment of the Court Case C-87/22

Wrongful removal of a child: although the court of the Member State in which the child was habitually resident has jurisdiction to rule on rights of custody, it may exceptionally request the transfer of the case to a court of the Member State to which the child has been removed. *It is however necessary that the child have a particular connection with that other Member State, that the other court be better placed to hear the case and that the transfer be in the best interests of the child .*

Judgment of the Court in Joined Cases C-615/20 | YP and Others and C- 671/20

National courts are required to disapply an act ordering, in breach of EU law, a judge's suspension from his or her duties.

Judgment of the Court in Case C-823/21

Hungary has unduly hindered the possibility of making an asylum application. By making the possibility of making an application for international protection subject to the prior submission of a declaration of intent to an embassy located in a third country, Hungary has failed to fulfill its obligations under EU law .

Judgment of the General Court in Case T-141/21

Restrictive measures against Belarus: the General Court dismisses the action brought by Mr Aleksandr Vasilevich Shakutin against the restrictive measures imposed on him. The factual evidence produced by the Council is sufficiently concrete, precise and consistent to establish that Mr Shakutin benefits from and supports the Lukashenko regime .

Judgment of the Court in Case C-204/21

Rule of law: the Polish justice reform of December 2019 infringes EU law. The value of the rule of law is an integral part of the very identity of the European Union as a common legal order and is given concrete expression in principles containing legally binding obligations for the Member States.

Rule of Law Report 2023: Progress on 65% of recommendations, but further action needed

5 July 2023

The Rule of Law Report published by the European Commission provides a comprehensive assessment of the rule of law situation in each EU Member State. The report acknowledges that while progress has been made in addressing previous recommendations, there are still systemic concerns in certain countries.

In terms of justice reforms, many Member States have taken significant steps to strengthen judicial independence. This includes legislative efforts to enhance the effectiveness of Councils of the Judiciary, improve judicial appointment procedures, and enhance the functioning of highest courts. Some countries are also working towards strengthening the autonomy of prosecution services. However, challenges remain in a few Member States regarding the independence of the judiciary.

The fight against corruption is another key focus area. The report highlights that corruption continues to be a significant concern for both citizens and businesses across the EU. While some Member States have made efforts to strengthen anti-corruption frameworks through criminal law reforms and the allocation of additional resources, there is still room for improvement. Recommendations for 2023 focus on strengthening preventive frameworks, such as lobbying and conflicts of interest rules, as well as ensuring effective investigation and prosecution of corruption cases.

Media freedom and pluralism are also addressed in the report. Several Member States have taken measures to improve journalists' safety and working conditions, as well as enhance transparency in media ownership. However, concerns persist regarding the lack of transparency in the distribution of state advertising, conflicts of interest, and access to public documents. The Commission has issued recommendations related to these challenges, including transparent and fair allocation of state advertising and ensuring the independent governance of public service media.

The report also examines institutional checks and balances. While Member States have made progress in improving legislative processes and strengthening independent authorities, some challenges remain. Stakeholder consultation frameworks are lacking or not sufficiently followed in some countries, and civil society organizations and human rights defenders face funding issues and operating restrictions. The report emphasizes the importance of an open operating framework for civil society and includes recommendations to address these challenges.

The Commission calls on the European Parliament, the Council, national parliaments, civil society, and other stakeholders to engage in debates and continue national and European dialogues on the rule of law. The Commission stands ready to assist Member States in implementing the recommendations and addressing the identified challenges.

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Commission proposes to strengthen the rights of victims of crime

12 July 2023

The proposed update of the Directive aims to improve the support and protection provided to victims of crime.

One key aspect is ensuring that victims are well informed of their rights and have the necessary resources to report a crime. This includes establishing a universal victims' helpline with an EU-wide telephone number (116 006) and creating a comprehensive website that allows for chats and emails. The reform also focuses on enhancing safety measures for vulnerable victims. This involves conducting individual assessments of victims' protection needs from the first contact with authorities and expanding the list of available protection measures. For example, protection orders can be implemented, and law enforcement authorities can be present to ensure safety.

Access to specialized support services is another crucial element of the proposed update. Vulnerable victims, such as children, elderly persons, persons with disabilities, victims of hate crimes, or victims in detention, should have access to free psychological support for as long as necessary based on their individual needs.

Facilitating access to justice is another key objective. The proposal ensures that victims receive sufficient assistance in court and have the ability to challenge decisions made during criminal proceedings that affect their rights. This empowerment of victims is independent of their status during the proceedings. Effective access to compensation is also addressed in the reform. Victims should have the right to obtain a decision on compensation from the offender as part of the criminal proceedings, eliminating the need for separate legal proceedings. The state would then pay the compensation directly to the victim and seek reimbursement from the offender afterward.

Source: https://ec.europa.eu/commission/presscorner/detail/en/ip_23_3724

**New book by the Chairholder,
Associate Professor Alexandros Tsadiras**

Introduction to European Union Law through practical exercises, Sakkoulas Publications 2022 (in Greek)

The penetration of EU Law into national legal systems and, by extension, into our daily lives is so drastic that it is now unthinkable for anyone to adequately perceive the reality surrounding them without possessing basic knowledge regarding how this Law is produced, interpreted, and applied in practice. This book aims to provide the reader with the necessary knowledge and familiarize them with the resolution of practical problems arising both from EU Law itself and from its coexistence with National and International Law.

Through a plethora of practical topics, which cover a large part of the General EU Law syllabus, the beneficial connection between legal theory and practice is achieved, while also highlighting the methodology for addressing complex legal issues through well-documented answers and case references.

This work is addressed to students (undergraduate and postgraduate), School of Judges students, researchers, political scientists, lawyers, judges, academics, legal professionals in general, and anyone else who wishes to acquire useful knowledge regarding the interpretation and application of European Union Law in practice.

