dr. Andrea Jánosi

Criminal procedural law aspects of free movement in the European Union with special regard to the questions of proof

(Summary of PhD Thesis)

Miskolc

2012

University of Miskolc
Faculty of Law
Deák Ferenc Postgraduate Law School

---

dr. Andrea Jánosi

Criminal procedural law aspects of free movement in the European Union with special regard to the questions of proof

(Summary of PhD Thesis)

Miskolc, 2012

I. INTRODUCTION OF THE SUBJECT AND PURPOSE

My aim was to prepare a thesis as a result of my research that presents and lines up all elements of the free movement in the European Union that can be relevant for the criminal proceedings. This aim has inspired me in selecting the title of my thesis, and also establishes the connection between the fields/topics examined therein.

The problems associated with cross-border crime could be classified as one of the negative consequences of the freedom of movement, as the abolition of internal borders and the unrestricted free movement of persons in general resulted in a security deficit in the European Union which definitely urges legislators to act.

This activity that can be rated as pressure to act should be examined from different aspects. On one hand, the possible grounds for *the limitation of free movement* should be examined. This question deserves special attention so that we can perceive those justifications which can be relied on by the Member States when limiting the freedom of free movement. What considerations can serve as a basis for a Member State to conclude that he will not allow a citizen of another Member State into its territory or to expel another Member State's citizen from its territory. The scope of the possible legal grounds – as it was presented in my thesis – is rather limited, as this includes restrictions only on grounds of public order, public security or public health, and the restrictive measures always have to satisfy the proportionality principle. In addition to this, as the Court of Justice of the European Union has repeatedly concluded while the principle of freedom of movement is broad, it imposes on the Member States a narrow range of possible reasons for limiting it. If we take the case of either the determination of the content or the definition of public policy or public security the Member States are entitled to a degree of autonomy, however the European Union is restraining with the help of several tools definitions that are arbitrary or take economic considerations into account. If we examine these possible limitations, the question that rightfully arises is that can these tools be considered sufficiently effective in suppressing or preventing the "*free movement of criminals*".

Obviously, the legitimatization such restrictive measures – as demonstrated by practice – do not provide a solution in itself to make the more than a half century long fight against crime more effective in the European Union. This conclusion led me to be

formulate one of the core findings of my research, namely that the European Union can only be effective in the field of fight against crime if the Member States follow a coordinated, uniform and cooperative approach. This idea is not new, since it can be traced back up to the creation of the Maastricht Treaty, which with the creation of the three-pillar structure of the European Union, within the frame of the third pillar, namely home affairs and judicial cooperation, made judicial cooperation in criminal matters possible.

In my thesis I aim to present the development of *judicial cooperation in criminal matters* within the European Union by presenting the primary sources of law and founding treaties on the one hand, and by outlining the relevant action plans and their priorities on the other hand. I assess in detail the programs which are aiming to create the area of freedom, security and justice in Europe, both that have been already performed and are still ongoing, in order to provide a historical perspective. I am examining how the Maastricht, Amsterdam and Nice treaties, which are relieved by the operative provisions of the Lisbon Treaty, are providing more and more influence in the criminal justice systems of the Member States, which in some respects are eradicating the last remnants of their sovereignty. I also examine from Tampere to Stockholm Programme the tools with which they want to achieve more effective judicial cooperation. Considering this process numerous questions arise. Where to go from here? Can we limit the competence of Member States in settling the questions of criminal law and criminal procedure on the grounds of the efficiency objective, or on the grounds of the vision of creating freedom, security and justice? If we believe in the maximum advantage theory or in the utilitarian approach then the realization of deeper integration should be welcomed. I think that my work's *conditio sine qua non* also follows this line of thought.

After specifying this preconception the question simply is whether the existing tools are really the most appropriate ones and whether there is a need to criticize them. On the basis of the process of development there can be no doubt. Newer tools are constantly appearing in the repertoire of judicial cooperation in criminal matters which can be used during criminal investigations after recognizing the older tools and methods obsolescence, inefficient nature.

Regarding cross-border crimes the first serious problem that authorities have to face with, is to decide whether they have *jurisdiction* in the matter. This may be especially interesting, if more than one Member State determines that it has right to start proceedings

in the matter. How should we decide on this issue? The *ne bis in idem principle* would basically lead to the outcome, that Member State which acts sooner in a case, produces a decision faster would win in the question of jurisdiction (on the basis of *"First come, first served"* principle). However, the deciding factor in the question of jurisdiction cannot be this. The spirit of competition should not be the deciding criteria. This is a much more complex issue which in the case of a positive conflict is preceded by a multi-step process.

The so-called ne bis in idem principle that restricts the possibility for double prosecution and which is declared in numerous international law documents for the protection of human rights and known as a fundamental right also in the legal system of our country, also has to be considered as an obstacle to be able to start criminal proceedings in a given matter. This legal principle has to be also examined in the context of the laws of the European Union, both in connection with the question of jurisdiction and also as an obstacle to the state *ius puniendi*. While this legal principle has been declared already in the Schengen Convention and has been incorporated into the legal order of the Union by the Treaty of Amsterdam, it still raises a number of interpretation issues, which necessitated the analysis of the judgments of the Court of Justice of the European Union in this respect. Although if we look at the Court of Justice of the European Union case law, its decisions are consistent, however, I take the view that the Court not always chooses the solution that would come from following the principle of legality.

The issue of freedom of movement should be examined also in respect of the decisions made in criminal proceedings. The requirement to apply the principle of mutual recognition in judgments in criminal cases and in the decisions of pre-trial stages of the proceedings is already present for decades. An essential prerequisite for the application of this legal principle in practice is that the Member States mutually trust in each other's legal systems. As a result, there will be a free flow decisions just like goods in a free market.

There is no doubt that the application of this principle raises the most difficulties in the field of criminal law. After all, how it could we compare a sentence of imprisonment, a decision in a criminal issue or any alternative sanction with a commodity or a product. However, the advantages that the application may bring cannot be denied either. They speed up, simplify and increase the efficiency of procedures, and the use of new tools would also mean the replacing of conventional tools based on mutual recognition for the Member States.

In addition to the analysis of the above issues, in my thesis I focus on the *question of proof* in relation to the freedom of movement. I present several legal institutions (such as: joint investigation teams, European Union of orders freezing property or evidence, european evidence warrant, european investigation order) that play or probably will play role in ensuring the *„free movement of evidences”*. The main issue which can be fairly problematic in this context is whether the evidences obtained by a Member State will be accepted as admissible evidence by other Member States, in other words *the issue of acceptability and usability*. How can it be achieved, with the application of which rules, that the Member State who have different traditions and different procedural rules will use in their procedures the evidence supplied by another Member State? The existing legal rules are rather diverse and complex, which constitute a major challenge for practicing lawyers. Therefore, my research hypothesis on the basis of the above is that the legal institutions based on mutual legal assistance need to be simplified and replaced by legal institutions based on the principle of mutual recognition. However, I am of the view that even these proposed measures alone would not be enough to enable the smooth gathering and use of evidences in cross-border criminal matters, and a certain degree of harmonization would also be required regarding procedural rules. All of this can be justified through the negative points of tools based on the principle of mutual recognition.

Thereafter I expand my research also to the *criminal record database of the European Union*, as a crucial element of the effective prevention of cross-border crimes is to ensure that the criminal justice authorities of the Member States possess the necessary amount of relevant information. I am of the view that the existence of the aforementioned database could be considered as one aspect of the freedom of movement.

While the idea to create a European Public Prosecutor's Office is not without any history, in my views it would be the appropriate tool to successfully achieve the necessary level of cooperation in criminal law matters. As it is mentioned in the Lisbon Treaty, the European Public Prosecutor's Office can be established by developing further and transforming the Eurojust, however, regarding its structure and function, still several alternatives exist. Accordingly, the next element of my thesis relates to this institution. In such a way that besides the tools based on the principle of mutual recognition and as an addition to them it would be appropriate to set up the organization of the European Public

Prosecutor's Office, for which the basis for its operating mechanism, structure and design principles, on the grounds of my preconceptions, centralization would be the most appropriate. Notwithstanding any of the above, any legal institution in this field may serve adequately its original purpose only, if beside of the regulation of those institutions and persons in the judicial system that have function in the investigation and prosecution, the defense and the rights of the accused persons are also adequately ensured and protected. During my research I also focused on finding an adequate solution for this question.

The question of evidencing, the cooperation in criminal matters and the freedom of movement have to be examined in my opinion together, as they are in whole-part relationship. Further, in my views the analysis requires the in-depth examination of legislative measures in this area, and also the legal policy considerations behind these measures. Therefore, I have structured my thesis in a way that makes it possible to draw conclusions and to make suggestions in respect of the evidencing on the basis of the overview of the entire relevant European Union legal norms.

II. DESCRIPTION OF THE RESEARCH METHODOLOGY

During my research I have tried to combine my analytical activities with critical and comparative outlook.

Elements of this that are worth mentioning first are the *sources used*. The primary sources used for the preparation for the thesis were all those European legal documents which are relevant in the free movement aspect of criminal procedure and in the acquisition of evidence. This includes the founding treaties of the European Union, the various action plans, framework decisions, Green Papers, etc. It was also necessary to take into account the case law and judgments of the Court of Justice of the European Union on the subject. Besides these sources it was also important to look at and study already existing scientific studies in this subject which were the secondary sources that were used as pillars during my work.

Secondly, I wanted to enforce the *comparative perspective* along the discourse histories timeline. That is why I have compared the base treaties declared objectives that wanted to improve the criminal judicial cooperation and the related action plans priorities. As a result we can clearly see the ambitions and aspirations, and the changes that are behind them. The comparison is also there between the various legal tools that are used to acquire evidence. In those cases, I attempted to mainly compare legal institutions based on the principle of mutual recognition of traditional tools based on mutual legal assistance primarily from the point of view of efficiency.

Thirdly, I wanted to enforce the *analytical activities* in the choice of jurisdiction, by the application of the ne bis in idem principle, in presenting the principle of mutual recognition and in the chapters presenting the tools of the acquisition of evidence. The analysis, beyond describing legal documents, also based on their interpretation complemented by the enforcement of *critical attitude*. Since the latter is the basis for formulating proposals later.

Last but not least, during a scientific research it is necessary to determine what the *synergic surplus* that the thesis itself means is. I believe that this is satisfied by the *de lege ferenda* proposals which also serve as a confirmation or a refutation to the premises that are outlined in the hypothesis.

III. SUMMARY OF THE RESEARCH FINDINGS

III.1. Proposals formulated in the study area

In my dissertation I have wanted to demonstrate free movement's criminal procedural aspects in the European Union, with particular attention to the current issues of evidence gathering. After researching this topic, I can with certainty say that in the future we will witness the rapid progression of the criminal justice cooperation, which will have the goal of more effective crime prevention, law enforcement and criminal proceedings. This development is expected to have an impact on the evidence issues of cross-border crime, for which an alternative could be the adoption of the European Investigation Order or the approximation, harmonization and the outlining of common procedural guarantees of the Member States criminal procedures.

I wanted to show how this progress was taking place in the first two chapters of my dissertation. The regulation of the criminal judicial cooperation in the main treaties clearly suggests that besides economic considerations political objectives are gaining ground which has grown into the intention of creating a free and secure European Union. The priorities that were declared and the ones that can be found in various programs are also backing this, which are increasingly prove the first part of my research hypothesis that *the European Union's law enforcement can only be effective if a coordinated and cooperative approach is pursued.*

The principle of free movement – surpassing its initial target – also seems to prevail in the criminal justice co-operation stage. The first aspect of this is *the free movement of persons*, which – with the abolition of internal borders, as well as its direct consequence – carries the possibility of the free movement of offenders, allowing for cross border crime's wider appearance. The deepening cooperation in criminal justice also serves as a response to this.

During the analyzing of the free movement of persons I have tried to illustrate all the options that are available to the Member States which helps them to prevent a person entering their territories or to deport them. In this respect, it can be seen that the Member States have a rather narrow autonomy. They can only deport a person solely on the grounds

of public order, public security and public health who is a threat to their society even if has committed a crime on several occasions. For this however several other conditions must be fulfilled.

The basis in the introduction of the legislation concerning *the restriction of freedom of movement* were the primary and secondary legislation sources and the case law of the Court of Justice of the European Union, on which grounds I have come to the conclusion that it would be appropriate to:

1. *Preparation of an EU legislation which aim is the unification of the legal practice concerning restrictions on the basis of public order and safety.*

After examining the possibilities of restrictions on the basis of public order and safety, to me it appears justified to prepare a legislation that will provide Member States with guidance. Because of the very large number of cases where Member States are puzzled as to how to interpret the concept of public order and public security and don't know which criteria's should be maintained. In my opinion, this would be eliminated with the preparation of a document which will decrease the authority of the Member States; however it will also provide clear and precise terms which will reduce the burden on the Court of Justice of the European Union.

I think that I have discovered similar need in the execution of the *ne bis in idem* principle:

2. *Preparation of an EU legislation which aim is the unification of the legal practice concerning the ne bis in idem principle.*

I see this as a necessity after looking at all the problematic points that from time to time arise before the Court of Justice of the European Union during preliminary ruling procedure, however, it gives a more precise and compulsory guidance than the Green Paper on Conflicts of Jurisdiction and the Principle of ne bis in idem in Criminal Proceedings. This would certainly contribute to the achievement of *legal certainty* and in the same manner as described above, would reduce the number of cases referred to the Court of Justice of the European Union. I consider it as a crucial point to define precisely the notion of the same cause of action or its effect if the underlying legal procedure has been terminated as a result of diversion by the public prosecutor during the pre-trial stage.

In respect to cross-border crime a more frequently occurring problem is that cases in which more than one Member State would like to have jurisdiction are multiplying. In order to eliminate double jeopardy my suggestions are:

3. Resolution of the dissolution of positive conflicts of jurisdiction.

As it was presented in the „*Problem of the positive conflict of jurisdiction.*" chapter, this problems settlement on EU level cannot be considered satisfactorily solved because the available legislation offers no alternative that would actually resolve the conflict that emerges concerning jurisdiction.

In the Convention implementing the Schengen Agreement declared *ne bis in idem* does not provide specific guidance for the case when more than one procedure is ongoing about one act against one defendant. So in case of ongoing procedures it does not settle the question. *Council Framework Decision on prevention and settlement of conflicts of exercise of jurisdiction in criminal proceedings* was made in order to solve this problem, but if we examine the rulings it is clear that this does not offer a permanent solution. Although, it does make contact, exchange of information and consultation procedure between the competent authorities mandatory, however if this is not enough the only alternative it provides is to refer the problem to the Eurojust. Then the Eurojust only provides an opinion on the question of jurisdiction, which isn't legally binding. And with this the existing enforceable EU rules repository is exhausted.

I consider it essential to create an EU level legal document –mainly as a directive- which will permanently determine for the authorities of the Member States how they should decide who has the jurisdiction in a case. It should specifically include the criteria under which it can be determined with absolute certainty which Member State has jurisdiction in a case.

In my opinion a solution for this might be a greater intervention in the sovereignty of the Member States. Member States would give up their rights to *extraterritorial jurisdiction* and so determining which authority has the right will be based on the territorial principle. This would definitely be simpler, but this would still not solve the problem of

jurisdiction in cases where one person committed crimes in more than one Member State or for that matter the problem of forum shopping.

I believe that the solution for this should be the development of an *open and clear criteria system* which would provide specific guidance on how to determine jurisdiction. Precisely defining the criteria's used to decide in which Member Sate jurisdiction it is appropriate to have the proceeding. There are only indication for these criteria and they are currently only found in framework decisions preamble and as a reference in the 2003 Eurojust report's guidelines. In the criteria system I, just like the last one, think that it is necessary to take into account the defendant's residency, the victim's interests as well as evidences criteria. I also think that it is necessary to take into consideration the defendant's interests more, because the current legislation says nothing about it and it doesn't take it into consideration as a determining factor.

One condition that has to be fulfilled in order for all of this to work is for Member States to have sufficient information about investigation that other Member State's authorities could be doing about a crime. The Council framework decision contains that Member States have an obligation to provide information, but I think that this is not enough. *The registers of criminal records need improvements* in this regard even in the ongoing proceedings.

My second research hypothesis in the next aspect of the freedom of movement is linked to the *free flow of decisions and evidence*. In this I made a reference that it is indeed necessary to replace and simplify institutions based on mutual legal assistance, for which the best tools are the solutions based on the principle of mutual recognition. However, I feel that these alone are not enough to make the gathering and using of evidence go without trouble in cross-border related crimes. A certain degree of harmonization is required in procedural rules. All this can be justified through the negative, weak points of the existing tools based on the principle of mutual recognition.

To this end, I tried to outline the tools based on mutual legal assistance and mutual recognition that serve to obtain evidence. In the former case the excessive complexity, casuistic nature is the most often mentioned criticism. While in the latter case the usage is justified with their uniformity, speed and their low chance of being not recognized and enforced, and that the examination of dual criminality criteria continues to be underplayed.

Besides these benefits however we also often have to take into account it's questionable, weak points. To overcome these I propose the following:

4. *Needed are the unification of tools based on the principle of mutual recognition that help criminal judicial cooperation, and if applied the broadening of rights for the accused.*

I consider all those tools, legal institutions which are in the criminal judicial cooperation sphere and their working mechanism is based on the principle of mutual recognition to be really great at advancing the creation of freedom, security and justice in the European area.

During my research I have come to the conclusion that with regard to many details it would be appropriate to *standardize the rules* of these legal institutions. Such as rules specifying issuing authorities, the rules to ignore dual criminality criteria, the grounds for non-recognition or non-execution. Namely if they are viewed from this aspect the diverse nature of these rules are making an undue burden on the judicial authorities of the Member States.

Particularly in respect of any institutions that serve to gather evidence, to increase their efficiency I find it necessary that the different procedural rules on gathering of evidence should be brought closer together. As I see it, the prerequisite for Member States mutual trust in each other's justice systems is that national provisions on evidence should be brought closer together at least on the level of procedural guarantees.

In respect to all legal institution the *right of defense* and its enforcement, in my opinion is violated, not sufficiently emphasized, and give the impression that their role is to make only the prosecutor work easier and more efficient. Accordingly, among issuing authorities only judicial bodies are listed and we aren't informed how the defendant and his lawyer receive the information about the issuing, whether he is or not entitled to make comments or petitions. This is definitely an issue I think should be eliminated, which should be recorded in EU legal document. I imagine that the creation of this document should be modeled after Council Framework Decision on enhancing the procedural rights of persons and fostering the application of the principle of mutual recognition to decisions rendered in the absence of the person concerned at the trial. This would namely provide an

opportunity to amend the existing framework decisions by creating a single legal document.

Enforcement of the right to information has been declared according to the format of the 2012 directive (Directive 2012/13/EU of the European Parliament and of the Council on the right to information in criminal proceedings.). However, this only includes the suspects and defendants' rights to be informed during criminal proceedings about their rights and about the charges against them, as well as the rights of people who have subject to a European Arrest Warrant

Another important question is the existence of *language competence*. I would like to highlight the role for two reasons. On one hand as described in the thesis regarding tools of evidence acquisition it is listed as a requirement that documents have to be forwarded translated into the official language of the receiving Member State. This can be a problem for Member States, but they have to solve it themselves. On the other hand in the proceedings of cross-border crime in order to enforce the rights of the accused overcoming language barriers plays a key role. The importance of ensuring this was also recognized by the European Union lawmakers, which resulted in the Directive 2010/64/EU of the European Parliament and of the Council on the right to interpretation and translation in criminal proceedings. However, this only relevant in criminal proceedings and in proceedings for the execution of a European arrest warrant.

To make the right for defense more effective – and taking into account the possibility of the establishment of a European Public Prosecutor's Office – it may be appropriate to increase the effectiveness of the relationship between criminal defense attorneys and maybe even the development of a central department. Accordingly, the following is my suggestion:

5. *Ensuring of the right of defense's emergence in a wider range.*

The defense lawyers during cross-border crime proceedings face challenges which require great preparation and a lot of research. The available EU-wide legislations complexity, often casuistic nature makes the work of practicing lawyers very difficult, which is further intensified by the Court of Justice of the European Union, and now it is even heightened by the requirement of learning the European Court of Human Rights case

law. Researching the tools based the principle of mutual recognition, however it can be seen that the right for defense only plays a secondary role.

It might provide a solution for this problem the preparation of a law that is kind of like a subsidiary. Beyond the declaration of the right to defense, which has played a central role even in EU lawmaking, I deem it necessary that the defense attorney's should have a sufficient level of skill in respect of cross-border crime. To do this, beyond the opportunities offered by the Penalnet system, I find it necessary the development of a central body, which function will be to prepare defense attorneys in cases like these.

This idea is not without any precedence, since within the AGIS program, whose results was published in 2006, the developed design proposes a so-called Eurodefence institution[1] by which they want to insure a balanced procedure and they also want to specially strengthen the defenses side. It would be a separate, independent organization composed of lawyers, whose supervision would be divided between the European Parliament and the Council of Administration; the latter would be composed of representatives of each Member State's law chambers. Its task would be to separate into two strictly limited classes, the „legal defense" and „supporter", which the firsts task would be supporting the accused interests and latter would support the defense.

Along with the creation of a central organization I consider that more emphasis must be given to the training of people who fill the role of defense in cases that reach cross borders, on informing them about the most recent news and on organizing training courses. Thereby ensuring their competence and proficiency. The „European Criminal Bar Association" organization could serve as a model for the institution, in my opinion, however, making the training courses mandatory or the requirement of participating as a defender in the proceedings – not forgeting to respect the basic right of the defendants to choose their defense lawyer – would have a greater effect.

In order to make procedures more efficient I support the establishment of the institution of the European Public Prosecutor's Office. Besides the Tools Based on the

[1] *SCHÜNEMANN, Bernd* (ed.): Ein Gesamtkonzept für die europäische Strafrechtpflege. Carl Heymanns Verlag, Köln – Berlin – München, 2006. pp. 166-203.

principle of mutual recognition and as an addition to them I find it justified to establish this institution. Based on this my proposal is the following:

6. *Establishment of a European Public Prosecutor, and broadening its jurisdiction.*

There were already a number of suggestions present about how the operating mechanism, structure and the organizations design could be and I tried to introduce these ideas in my thesis. After looking at all of the alternatives I think that the most efficient alternative will be the centralized organizational structure. Its operation would provide an opportunity to look at jurisdictional problems resulting from the conflict of jurisdictions immediately and solve them at the start. This would also serve as a guarantee for the acceptability and usability of evidence. However it is justified in my opinion to look at the things that are in its competence and if possible these things should be expanded. I feel that in the case of so called „catalogue offenses" this is especially well founded, in which case using the tools based on mutual recognition we can't even examine the double criminality criterion. However, it is important to complement the suggestions about the how it should operate with the statement that it can only fulfill the original goal when it protects not only those whose role in the justice system is the investigative and judicial functions but also adequately represents the defense and the accused.

After predicting the European Union's future judicial cooperation in criminal procedures – looking at the operating mechanism and structure – in my opinion there are two extreme options that are available. While the first is the federal, the second is based on the cooperative approach. The former option might be useful to overcome all obstacles and solve all the difficulties that right now appear in this area, from the allocation of jurisdiction, to the lack of mutual trust and the admissibility of evidence, but Member States – especially in the area of criminal law – insistence on sovereignty is something that will limit it greatly. While this somewhat contradicts my idea of setting up a European Public Prosecutor Office. Because of this – though it is undeniable that it would provide more effective crime enforcement and prevention – I think that it is far less feasible. I believe that in the future cooperation will be based on the cooperation form; we only have to identify the tools and methods that will provide a more efficient approach. I think that wider application of the principle of mutual recognition is a method like that, just like the establishing of a single central criminal database that is directly accessible by Member States authorities.

III.2. Utilization of research results

The dissertation is an analytical, synthetic work that introduces through the guidance of free movement in the European Union implemented judicial cooperation's more and more efficient forms and tools and also the related case law of Court of Justice of the European Union. As a result, the topic is presented from an angel that was missing from the domestic and foreign professional literature. The topic is relevance is supported by the EU legislative activity in this area, which relevance to the Hungarian legal practice and legal developments is undeniable. The literature's base for the most part is EU legal documents, international studies, analyzing studies which also suggests that the area of research is the focus of international attention.

The analyses and its results can be expected to help professional while the comments and criticisms made in the *de lege ferenda* proposals make the research utilizable in legislative work in the future. In addition, I believe that the thesis can be perfectly utilized in education activities by the Faculty of Law of the University of Miskolc.

IV. LIST OF PUBLICATIONS RELATED TO THE DISSERTATION

Criminal Records in the European Union. (in Hungarian) (Bűnügyi nyilvántartások az Európai Unióban.) In: *RÓTH, Erika* (ed.): Tanulmányok Dr.Dr.h.c. Horváth Tibor Professor Emeritus 85. születésnapja tiszteletére. Bűnügyi Tudományi Közlemények 9., Bíbor Kiadó, Miskolc, 2012. pp. 87-101.

Complex analysis of Criminal offense with the support of computer and communication tools – e-learning curriculum. (in Hungarian) (Büntetőjogi tényállások komplex elemzése informatikai és kommunikációs eszközök támogatásával – e-learning tananyag.) 2011. Co-author: Prof. Dr. Ákos Farkas. See: http://jogikar.uni-miskolc.hu/e-learning

Europol activities that are done in order to suppress human trafficking. (in Hungarian) (Az Europol emberkereskedelem visszaszorítás érdekében végzett tevékenysége.) In: Miskolci Egyetem, Doktoranduszok Fóruma, Miskolc, 2010. november 10., Állam- és Jogtudományi Kar Szekciókiadványa, 2011. pp. 41-47.

The European Evidence Warrant. (in English) In: Miskolci Egyetem, Doktoranduszok Fóruma, Miskolc, 2009. november 5., Állam- és Jogtudományi Kar Szekciókiadványa. 2010. pp. 51-56.

The principle of mutual recognition and the European Evidence Warrant. (in English) In: Policajné vedy a policajné činnosti 2009. Bratislava 2010. pp. 190-193. ISBN 978-80-8054-489-8

Free movement of persons and the tendency of crime in the European Union. (in English) In: VI. Kriminológiai Vándorgyűlés, Koncepciók és megvalósulásuk a rendszerváltozás utáni kriminálpolitikában. Magyar Kriminológiai Társaság, Bíbor Kiadó, Miskolc, 2009. pp. 137-143.

Bern Schünemann (ed.): Ein Gesamtkonzept für die Europäische Strafrechtspflege / A Programme for European Criminal Justice. (Az Európai Büntető-Igazságszolgáltatás

Koncepciója.) Book review. (in Hungarian) In: Európai Tükör, A Külügyminisztérium folyóirata. XIII. évfolyam, 12. szám, 2008. pp. 132-134.

Police co-operation and fight against crime in the European Union. (in English) In: Policajné vedy a policajné činnosti 2008., Bratislava 2009. pp. 77-82. ISBN 978-80-8054-470-6

Police co-operation and fight against crime in the European Union. (in English) In: *METENKO, Jozef* (ed.): Complementary Research Results from Middle Europe Researches Area Cooperated on EU SEC II. Bratislava 2011. pp. 55-60. ISBN 978-80-8054-506-2

Connection between free movement and the tendency of crime in the European Union. (in English) In: Miskolci Egyetem, Doktoranduszok Fóruma, Miskolc, 2008. november 13., Állam- és Jogtudományi Kar Szekciókiadványa. 2009. pp. 87-92.

Public safety, public order, public health, or the possible reasons for the restriction of freedom of movement. (in Hungarian) (Közbiztonság, közrend, közegészség, avagy a szabad mozgás korlátozásának lehetséges indokai.) In: Miskolci Doktoranduszok Jogtudományi Tanulmányai, Studia Iurisprudentiae Doctorandorum Miskolciensium. Tomus 9, Bíbor Kiadó, Miskolc, 2008., pp. 183-202.

Contribution: Public security, public policy and public health as potential grounds for imposing restrictions on the right of free movement. (in English) In: COFOLA 2008: Key points and ideas, Masarikova Univerzita, Prâvnická Fakulta, 2008 ISBN 978-80-210-4629-0, pp. 62-64.

Public security, public policy and public health as potential grounds for imposing restrictions on the right of free movement. (in English)

See: http://www.law.muni.cz/sborniky/cofola2008/files/pdf/evropa/janosi_andrea.pdf (download date: 20.10.2009.)