

ISSN 2785-5228



EUWEB

EU-WESTERN BALKANS

Cooperation on Justice and Home Affairs



EUWEB Legal Essays
Global & International Perspectives
Issue 1/2025

EDITORIALE
SCIENTIFICA

ES

EDITOR-IN-CHIEF

Teresa Russo, University of Salerno (Italy)

MANAGING EDITOR

Ana Nikodinovska Krstevska, University “Goce Delčev” of Štip (North Macedonia)

ASSOCIATED EDITORS

Francesco Buonomenna, University of Salerno (Italy)

Gaspere Dalia, University of Salerno (Italy)

Erjon Hitaj, University of Vlore “Ismail Qemali” (Albania)

Rossana Palladino, University of Salerno (Italy)

EDITORIAL COMMITTEE

Giuseppe Cataldi, University of Naples “L’Orientale” (Italy)

Angela Di Stasi, University of Salerno (Italy)

Elżbieta Feret, University of Rzeszów (Poland)

Pablo Antonio Fernández Sánchez, University of Sevilla (Spain)

Olga Koshevaliska, University “Goce Delčev” of Štip (North Macedonia)

Pietro Manzini, Alma Mater Studiorum University of Bologna (Italy)

Nebojsa Raicevic, University of Niš (Serbia)

Giancarlo Scalse, University of Cassino and Southern Lazio (Italy)

Anna Lucia Valvo, University of Catania (Italy)

Jan Wouters, University of KU Leuven (Belgium)

SCIENTIFIC COMMITTEE

Paolo Bargiacchi, KORE University of Enna (Italy)

Ivana Bodrožić, University of Criminal Investigation and Police Studies, Belgrade (Serbia)

Valentín Bou Franch, University of Valencia (Spain)

Elena Crespo Navarro, University Miguel Hernández Elche (Spain)

Luigi Daniele, University of Roma Tor Vergata (Italy)

Jordi Nieva Fenoll, University of Barcellona (Spain)

Luigi Kalb, University of Salerno (Italy)

Anja Matwijkiw, Indiana University Northwest (United States of America)

Massimo Panebianco, University of Salerno (Italy)

Ioannis Papageorgiou, Aristotle University of Thessaloniki (Greece)

Nicoletta Parisi, Catholic University of the Sacred Heart of Milan (Italy)

Francisco Pascual Vives, University of Alcalà, Madrid (Spain)

Dino Rinoldi, Catholic University of the Sacred Heart of Milan (Italy)

REVIEWING COMMITTEE

Ersi Bozheku, University of Tirana (Albania)

Marco Borraccetti, University of Bologna (Italy)

Federico Casolari, University of Bologna (Italy)

Francesco Cherubini, University of Luiss Guido Carli, Rome (Italy)

Fabio Coppola, University of Salerno (Italy)

Jasmina Dimitrieva, University “Goce Delčev” of Štip (North Macedonia)

Miroslav Djordjevic, Institute for Comparative Law, Belgrade (Serbia)

Angela Festa, University of Campania “L. Vanvitelli” (Italy)

Jelena Kostić, Institute for Comparative Law, Belgrade (Serbia)

Ivan Ingravallo, University of Bari “Aldo Moro” (Italy)

Elena Maksimova, University “Goce Delčev” of Štip (North Macedonia)

Daniela Marrani, University of Salerno (Italy)

Francesca Martinez, University of Pisa (Italy)
Marina Matić Bošković, Institute of Criminological and Sociological Research, Belgrade (Serbia)
Heliona Miço Bellani, EPOKA University of Tirana (Albania)
Pietro Milazzo, University of Pisa (Italy)
Stefano Montaldo, University of Turin (Italy)
Giuseppe Morgese, University of Bari “Aldo Moro” (Italy)
Niuton Mulleti, EPOKA University of Tirana (Albania)
Amandine Orsini, Université Saint-Louis, Brussels (Belgium)
Mario Panebianco, University of Salerno (Italy)
Leonardo Pasquali, University of Pisa (Italy)
Christian Ponti, University of Milano (Italy)
Valentina Ranaldi, University “Niccolò Cusano” of Rome (Italy)
Fabio Spitaleri, University of Trieste (Italy)
Ismail Tafani, University of Barleti (Albania)
Maria Torres Perez, University of Valencia (Spain)
Paolo Troisi, University of Rome Tor Vergata (Italy)

EDITORIAL ASSISTANTS

Stefano Busillo, University of Salerno (Italy)
Elisabetta Lambiase, University of Bari “Aldo Moro” (Italy)
Miriam Schettini, University of Pisa (Italy)
Gabriele Rugani, University of Pisa (Italy)
Emanuele Vannata, University of Salerno (Italy)
Ana Zdraveva, University “Goce Delčev” of Štip (North Macedonia)

Rivista semestrale on line EUWEB Legal Essays. Global & International Perspectives

www.euweb.org

Editoriale Scientifica, Via San Biagio dei Librai, 39 – Napoli

Registrazione presso il Tribunale di Nocera Inferiore n° 5 del 23 marzo 2022

ISSN 2785-5228

Index
2025, No. 1
Special Issue

Promoting Public Awareness on the Fight Against Transnational Crimes, the Role of Police and Judicial Cooperation and Respect for Fundamental Rights in the Prospect of the EU Enlargement (EUVALWEB 2nd Edition Final Conference)

May 30, 2024

Institute of Criminological and Sociological Research
Belgrade (Serbia)

EDITORIAL

Marina Matić Bošković, Jelena Kostić

EU Police and Judicial Cooperation: Safeguarding Fundamental Rights and Advancing the EU Accession Process 7

PREFACE

Teresa Russo

The “Multifacetedness” of EU Enlargement at International, European and National Level 17

ESSAYS

Ivana P. Bodrožić

Problematic Issues in Criminalization of Transnational Crimes at EU and National Level. Terrorism Related Offences in Criminal Legislation of Serbia 24

Olga Koshevaliska, Elena Maksimova

The Efforts of the Republic of North Macedonia in Improving the Fight Against Gender-Based Violence by Harmonizing the National Legislation with International and European Standards 39

Heliona Mičo Bellani, Bojana Hajdini

Combating Corruption in the Albanian Judiciary: Promoting Due Process 57

Aleksandar Mihajlović

Discrimination Based on Sexual Orientation and the Recognition of Same-Sex Relationships in the Western Balkans. Legal and Economic Analysis 68

Darko Simović, Radomir Zekavica

The Right to an Independent and Impartial Court as a Presumption of the Rule of Law in Light of the Constitutional Changes in the Republic of Serbia 79

FOCUS

Aleksandra Ilić

Priorities in Fight Against Organized Crime in Europe 94

Miomira Kostić

Representation of Transnational Crime Victims and Their Legal Protection in the Serbian Media. Public Awareness or Indifference 107

COMMENTS

Gaetano Calcagno

Ljubljana-The Hague Convention: An Important Tool for Judicial Cooperation with Western Balkans 120

Benedetta Minucci

Toward an Expansion of EPPO's Competences? 133

Rosita Silvestre

On the Role of the European Agency for Fundamental Rights on the Measurement of the Compliance of Fundamental Rights Indicators with the Shared Values ex Art. 2 TEU 143

Elena Trajkovska

Analysis of North Macedonia's Readiness to Implement European Legal Decisions: A Review Through the Prism of ECtHR Practice 160

Editorial

EU POLICE AND JUDICIAL COOPERATION: SAFEGUARDING FUNDAMENTAL RIGHTS AND ADVANCING THE EU ACCESSION PROCESS

by Marina Matić Bošković* and Jelena Kostić**

SUMMARY: 1. Introduction. – 2. The EU Enlargement and Police and Judicial Cooperation. – 3. Benefits from Alignment with EU standards in Police and Judicial Cooperation. – 4. Rule of Law as EU Fundamental Value. – 5. Protecting Fundamental Rights in Police and Judicial Cooperation. – 6. Conclusions.

1. Introduction

Police and judicial cooperation in the EU represent a cornerstone of the EU's efforts to address transnational crime and ensure the security and justice within the EU's borders¹. The interconnected nature of modern crime, such as organized crime syndicates, human trafficking networks, cybercriminal organizations and terrorism, demands a collaborative approach. These challenges transcend national borders, making it imperative for Member States to adopt mechanisms and frameworks that allow for seamless cooperation. Through pooling resources, intelligence, and expertise, the EU has established a dynamic framework that enhances the ability of Member States to combat crime, ensure security, protect citizens, and uphold the rule of law.

The necessity for such cooperation is underscored by the scope and complexity of transnational crimes. These illicit activities not only threaten the stability and security of the EU but also have far-reaching economic and societal consequences. Organized crime groups exploit gaps in border enforcement and inconsistencies in legal systems, making coordinated responses essential. Human trafficking, for example, thrives on cross-border vulnerabilities, while cybercriminals exploit digital interconnectedness to launch attacks that affect multiple jurisdictions simultaneously. The EU's mechanisms of police and judicial cooperation are designed to dismantle such criminal networks by addressing these gaps and fostering a unified response.

Central for this effort is Europol, the EU's law enforcement agency, which serves as the hub for intelligence sharing and operational coordination among Member States. Europol provides analytical support and ensures that national police forces have access to critical information. By centralizing information and expertise, Europol enhances the capacity of individual states to combat serious crimes that they might otherwise struggle to address independently.

On the judicial side, Eurojust plays a pivotal role in ensuring the efficient management of cross border legal challenges. As the EU's judicial cooperation institutions, Eurojust coordinates complex investigations and prosecutions that span

* Ph.D., Senior Research Fellow – Institute of Criminological and Sociological Research, Belgrade (Serbia). E-mail: maticmarina77@yahoo.com.

** Ph.D., Senior Research Fellow – Institute of Comparative Law, Belgrade (Serbia). E-mail: j.kostic@iup.rs.

¹ M. MATIĆ BOŠKOVIĆ, *Krivično procesno pravo EU*, Institute of Criminological and Sociological Research, 2022, p. 9.

multiple jurisdictions. A key function of Eurojust is to facilitate gathering of evidence across borders, and ensure that legal procedures are harmonized.

One of the most significant tools for judicial cooperation is the European Arrest Warrant (EAW), which has revolutionized the process of extradition within the EU.² The EAW simplifies and standardize procedure for transferring of suspects or defended between Member States, eliminating the lengthy and politically fraught extradition process of the past. By introducing a streamlined framework, the EAW ensures that individuals cannot evade justice by fleeing to another Member States. This tool exemplifies the principle of mutual recognition of judicial decisions, which lies at the heart of the EU's judicial cooperation framework.

These mechanisms do more than enhance operational efficiency, they also foster trust and solidarity among Member States. The mutual recognition of judicial decisions is a cornerstone of this trust, requiring Member States to respect and enforce each other's legal rulings as if they were their own. This principle ensures that judicial cooperation is not only effective but also equitable, with all parties adhering to shared standards of justice and fundamental rights. By upholding these principles, the EU's cooperative framework reinforces the rule of law, ensuring that security measures do not come at the expense of individual liberties.

Moreover, the success of these mechanisms relies on the alignment of Member States' legal and operational standards. Regular evaluation and capacity-building initiatives help ensure that all Member States meet the necessary benchmarks, creating a level playing field. Training programs, funded through EU instruments, enhance the skills and knowledge of law enforcement and judicial personnel, ensuring they are equipped to operate within this integrated framework.

Police and judicial cooperation in the EU is not merely a response to transnational crime, it is a proactive strategy that reflects the EU's commitment to security, justice, and the rule of law. As transnational challenges continue to evolve, these cooperative mechanisms will remain vital in ensuring the safety and justice that EU citizens expect and deserve.

2. The EU Enlargement and Police and Judicial Cooperation

The enlargement of the European Union goes beyond just territorial expansion³. It encourages the development of new politics, shapes the institutional organization of the EU, and influences legal acts in both member states and candidate countries. The incorporation of new Member States requires alignment with the EU's comprehensive legal framework, particularly in areas related to justice and security. This alignment is critical, as it ensures that new Member States can effectively participate in and contribute to the EU's collaborative efforts in combating transnational crime and upholding the rule of law.

During the major enlargements of 2004, 2007, and 2013, which collectively brought 13 new countries into the EU, significant emphasis was placed on the alignment of police and judicial systems with EU standards. These enlargements demonstrated the critical

² M. FICHERA, *The Implementation of the European Arrest Warrant in the European Union: Law, Policy and Practice*, Intersentia, 2011, p. 67.

³ M. MATIĆ BOŠKOVIĆ, J. KOSTIĆ, *The Role of the EU in the Reform of Justice Systems*, in *Iberoamericana Electronic Journal*, Vol. 18, No. 2, 2024, p. 220.

role of justice and security reforms in the accession process⁴. Candidate countries were required to overhaul their legal systems, strengthen law enforcement agencies, and establish mechanisms for cross border cooperation to meet EU requirements.

The EU employs conditionality as a methodology during the accession process to ensure that candidate countries adhere to the requirements outlined in the EU acquis. The acquis comprises the body of EU laws, including those governing police and judicial cooperation. Conditionality ensures that candidate countries undertake necessary reforms and establish institutional frameworks that align with EU standards.

One of the primary areas of focus is the adoption and implementation of measures to combat organized crime, corruption, and terrorism. Candidate countries are also required to demonstrate their ability to manage external borders, ensuring that they can contribute to the overall security of the EU. Additionally, they must align their judicial systems with the EU principles of independence, impartiality, and efficiency.

Throughout the accession process, the EU monitors progress through regular assessment and benchmarks. These evaluations provide a clear roadmap for candidate countries, identifying areas requiring further reform and offering support where needed. Successful compliance with these benchmarks is essential for advancing the accession process and ultimately achieving EU membership.

Aspiring EU Member States face the crucial task of aligning their legal, institutional, and operational frameworks with the EU acquis. This alignment is not merely a procedural requirement, it is a demonstration of the candidate country's commitment to adopting the principles, values, and operational standards that underpin the European Union. Establishing institutions and mechanisms that facilitate effective cooperation among law enforcement agencies and judicial authorities is a cornerstone of this process.

The foundation of these obligations lies in the need to strengthen police forces and judicial systems. Candidate countries must invest in capacity-building measures to ensure their law enforcement and judicial entities are equipped to address the complexities of modern challenges. This involves targeted training programs that enhance the skills and competencies of personnel. Additionally, the integration of advanced technologies, such as electronic case management systems and digital evidence tools, is essential for fostering operational efficiency. Beyond technical improvements, cultivating a culture of professionalism and accountability is critical for building trust among citizens and international partners.

A significant component of this alignment involves the harmonization of national legislation with EU directives and regulations. This legislative convergence ensures consistency in the application of laws across Member States and candidate countries. Particular attention must be paid to legal instruments such as the European Arrest Warrant, which streamlines the extradition process, and directives addressing data protection and victims' rights⁵. By enacting laws that reflect these EU standards, candidate countries enhance their ability to participate effectively in the EU's cooperative framework.

Cross-border cooperation is another fundamental obligation. Candidate countries must develop robust mechanisms for the exchange of information, mutual legal assistance, and joint operational initiatives. These mechanisms are indispensable for

⁴ M. MATIĆ BOŠKOVIĆ, M. KOLAKOVIĆ BOJOVIĆ, *New Approach to the EU Enlargement Process. Whether Covid-19 Affected Chapter 23 Requirements?*, EU and Comparative Law Issues and Challenges Series (ECLIC), Vol. 6, 2022, p. 330.

⁵ M. MATIĆ BOŠKOVIĆ, T. RUSSO, *Novelties proposed by the European Commission on Victims' Rights Protection and its relevance for Serbian authorities*, in M. KOLAKOVIĆ BOJOVIĆ, I. STEVANOVIĆ (eds.) *The Position of Victims in the Republic of Serbia, International Scientific Conference*, Palić, Institute of Criminological and Sociological Research, 2024, p. 31.

addressing transnational crimes that transcend national borders. The seamless integration of candidate countries into the EU's cooperative systems ensures that justice and security objectives are pursued collectively. For example, establishing databases compatible with EU systems and ensuring real-time data sharing with Member States contribute to strengthening these cooperative ties.

Engagement with EU agencies such as Europol and Eurojust represents an essential aspect of fulfilling these obligations. Candidate countries must establish liaison officers within these agencies to facilitate communication and operational coordination. Active participation in Europol's intelligence-sharing network and Eurojust's judicial cooperation initiatives underscores a candidate country's readiness to integrate into the EU's law enforcement and judicial frameworks. Additionally, collaboration with other agencies like the European Anti-Fraud Office (OLAF) further demonstrates a commitment to protecting the financial interests of the EU.

3. Benefits from Alignment with EU standards in Police and Judicial Cooperation

Combating corruption and dismantling organized crime networks are among the most critical priorities for candidate countries. These issues pose significant threats to the integrity of legal systems and economic stability. Candidate countries must adopt comprehensive anti-corruption policies and establish specialized units capable of investigating and prosecuting complex organized crime cases. Demonstrating tangible results in these areas through successful prosecution and asset recovery strengthens their case for EU membership and signals a commitment to upholding the rule of law.

For candidate countries, the alignment with EU standards in police and judicial cooperation offers numerous tangible and intangible benefits that extend beyond meeting accession requirements. This alignment serves as a catalyst for fostering security, economic growth, and international trust, ultimately contributing to the overall stability and prosperity of the nation.

One of the most immediate benefits is enhanced security. By strengthening their capacity to combat transnational crimes, such as terrorism, human trafficking, and cybercrime, candidate countries contribute to a safer environment for their citizens. The integration of advanced technologies and collaborative systems ensures that law enforcement agencies can respond swiftly and effectively to emerging threats. Moreover, the alignment process facilitates the exchange of intelligence and resources, creating a unified front against criminal networks operating across borders.

Economic stability is another significant advantage. Corruption and organized crime are major impediments to economic growth, as they undermine investor confidence and distort market dynamics⁶. By addressing these issues through compliance with EU standards, candidates create an environment conducive to foreign investment and sustainable economic development. The transparent and predictable legal framework established during this process also fosters trust among domestic businesses and international partners.

International credibility is greatly enhanced when a candidate country aligns itself with EU standards. This compliance demonstrates a commitment to the principles of democracy, justice, and the rule of law, positioning the country as a reliable partner on the global stage. The adoption of EU norms signals that the candidate country shares the values and priorities of the EU, further strengthening diplomatic and economic ties.

⁶ M. MATIĆ BOŠKOVIĆ, J. KOSTIĆ, *Track Record in Fight Against Corruption in Serbia. How to Increase Effectiveness of Prosecution?*, in *Journal of the University of Latvia*, Vol. 17, 2024, p. 5.

Additionally, candidate countries benefit from financial and technical support provided by the EU to facilitate reforms in the justice and security sectors. Instruments such as the Instrument for Pre-accession Assistance (IPA) offer funding for capacity-building initiatives, infrastructure development, and training programs. This support not only accelerates the alignment process but also ensures the sustainability of reforms by addressing resource constraints and institutional challenges.

While aligning with EU standards presents significant opportunities, it is not without challenges. Institutional inertia, limited resources, and resistance to change can impede progress. However, these obstacles can be overcome through a combination of political will, international support, and public engagement. The EU's robust monitoring and benchmarking mechanisms ensure that candidate countries remain on track, providing guidance and identifying areas for improvement.

Opportunities also abound. By aligning with EU standards, candidate countries not only fulfill accession requirements but also lay the foundation for long-term stability, prosperity, and the rule of law. Moreover, participation in EU police and judicial cooperation fosters a sense of shared responsibility and mutual trust among Member States, strengthening the overall fabric of the EU.

Police and judicial cooperation serve as a bridge that connects candidate countries to the broader European community, fostering a safer and more just continent for all.

4. Rule of Law as EU Fundamental Value

The European Union is based on values such as respect of human dignity, freedom, democracy, equality, rule of law and respect of human rights, including the rights of minorities. Those values are, in accordance with art. 2 of the Treaty on the European Union, common to member states in a society in which pluralism, non-discrimination, tolerance and respected rights prevail, solidarity and equality between women and men. If the values of the European Union are being violated, the Council may, with the reasoning of the third of the member states, the European Parliament or the European Commission, determine, in accordance with art. 7 of the Treaty on the European Union, the existence of a clear risk of a serious violation of the values of the European Union by the member state and may give her specific recommendations for overcoming such a situation.

In the context of European integration, the rule of law is often mentioned as one of the criteria for joining the European Union, which was defined at the Council of Europe in Copenhagen in 1993. The so-called "Copenhagen criteria" defined that, in addition to the political and economic criteria, the candidate country must meet the requirements that guarantee democracy, the functioning of the rule of law, respect for human rights and respect and protection of minorities. The European Commission assesses the fulfilment of conditions in the process of accession of new countries to the European Union. However, respect for the principle of the rule of law is also significant at the level of member states.

The essence of the rule of law was originally attributed to Aristotle, according to whom "government should be by law, not by people", but there is an opinion that the very concept of the rule of law is not easy to define⁷.

There is no official definition of the rule of law, so the content of this term depends on the countries. In the broadest sense, it can be defined as the legally limited state and

⁷ R. STEIN, *What Exactly is the Rule of Law?*, in *Houston Law Review*, Vol. 57, Issue 1, 2019, p. 187.

its authorities with the imposition of certain freedoms to make the state function more efficiently and protect citizens from arbitrariness and abuse of power by the authorities. That is why the rule of law is a prerequisite of modern democracies.

The complete fulfillment of the concept of “rule of law” can never be fully realized in practice, but that it should be continuously strived for. Violation of the above-mentioned concept disrupts the functioning of states and therefore can negatively affect the functioning of the European Union, as well as other values on which the community is based.

That is why it is very important to strengthen institutional capacities to respect the rule of law. It implies that every person is provided with equal protection of his rights. Equality before the law is guaranteed by international standards, while at the same time any form of discrimination is prohibited. This right is guaranteed by the International Covenant on Civil and Political Freedoms and Rights⁸, the Covenant on Economic, Social and Cultural Rights⁹, the International Convention on the Elimination of All Forms of Racial Discrimination¹⁰, the Convention on the Elimination of All Forms of Discrimination against women¹¹, the European Convention for the Protection of Human Rights and Fundamental Freedoms of the Council of Europe¹² and the Protocol number 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms¹³.

The application of the concept of the rule of law requires taking measures to ensure respect for the law, equality and responsibility before the law, fairness in the application of the law, separation of powers, participation in decision-making, legal certainty, avoidance of arbitrariness and respect for procedural and legal transparency.

Although it cannot be clearly defined, the concept of the rule law rests on different principles. Accordingly, the Law must be predictable and clear to limit the government’s discretion to apply the law in an arbitrary manner. In addition, it must be applied equally to all persons in similar circumstances and there must be a separation of powers. Law must be sufficiently clear and precise, so that there is no possibility for their discretionary evaluation and application.

⁸ Art. 14 of the International Covenant on Civil and Political Freedoms and Rights, adopted on 16 December 1966 by the General Assembly resolution 2200A (XXI), available at <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>.

⁹ Arts. 3, 7 and 13 of the Covenant on Economic, Social and Cultural Rights, adopted on 16 December 1966, by the General Assembly resolution 2200A (XXI), <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights>, 23.1.2025.

¹⁰ Arts. 2 and 5 of the International Convention on the Elimination of All Forms of Racial Discrimination, adopted on 21 December 1965 by the UN General Assembly resolution 2106 (XX), available at <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-elimination-all-forms-racial>.

¹¹ Arts. 2 and 15 of the Convention on the Elimination of All Forms of Discrimination against Women, adopted on 18 December 1979 by the United Nation General Assembly Resolution 34/180, available at <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women>.

¹² Arts. 5, 6 and 7 of the Convention for the Protection of Human Rights and Fundamental Freedoms, adopted in Rome on 4 November 1950.

¹³ The Protocol was adopted in Rome on 4 November 2000, available at https://www.echr.coe.int/documents/d/echr/library_collection_p12_ets177e_eng.

5. Protecting Fundamental Rights in Police and Judicial Cooperation

Human rights can be particularly sensitive in criminal proceedings. That is why it is important to provide adequate protection to all participants in it. The European Union has only since the beginning of the 21st century become a significant actor in the field of human rights protection in criminal proceedings¹⁴.

The Charter of Fundamental Rights of the European Union¹⁵ guarantees the rights of suspects and accused persons in a similar way as the European Convention on Human Rights and Fundamental Freedoms¹⁶. It protects the right to a fair trial, and in particular the right to “consultation, defense and representation”¹⁷, as well as the presumption of innocence and guarantees “respect for the right to defense”¹⁸. In addition, the Charter prohibits torture, inhuman and degrading behavior¹⁹, while art. 7 guarantees respect for private and family life²⁰. However, the Charter is binding exclusively for the bodies and institutions of the European Union, while the member states have the obligation to apply the Charter exclusively when applying the law of the European Union.

Therefore, further activities were undertaken at the level of the European Union to strengthen the protection of the rights of suspects and defendants in criminal proceedings at the level of the European Union, which should have contributed to the improvement of the principles of mutual recognition and trust.

To improve the rights of suspects and defendants, the European Parliament and the Council adopted three important legal acts. In 2010, Directive 2010/64/EU on translation and interpretation in criminal proceedings²¹ was adopted, which established minimum standards in that area. Two years later, Directive 2012/13/EU on the right to information in criminal proceedings²² was adopted, and the following year Directive 2013/48/EU on the right of access to a lawyer in criminal proceedings and proceedings under a European arrest warrant and the right for a third party to be informed about deprivation of liberty and right to communicate with a third party and consular authorities in case of deprivation of liberty²³.

The activities of the European Union in terms of improving the rights of suspects and accused persons continued in the following period. Thus, in March 2016, Directive 2016/343/EU on strengthening certain aspects of the presumption of innocence and the right to participate in a search in criminal proceedings was adopted²⁴. In the same year, the European parliament and the Council of the European Union adopted Directive

¹⁴ M. MATIĆ BOŠKOVIĆ, *Uređenje procesnih prava osumnjičenih i okrivljenih u pravnim tekovinama Evropske unije*, in *Strani pravni život*, Vol. 1, 2020, p. 29.

¹⁵ Charter of Fundamental Rights of the European Union, in OJ C 326, of 26 October 2012, p. 391

¹⁶ Available at https://www.echr.coe.int/documents/d/echr/convention_ENG.

¹⁷ Art. 47.

¹⁸ Art. 48.

¹⁹ Art. 4.

²⁰ *Ibid.*, pp. 34 and 35.

²¹ Directive 2010/64/EU of the European Parliament and of the Council, *on the right to interpretation and translation in criminal proceedings*, of 20 October 2010, in OJ L 280, of 26 October 2010, p. 1.

²² Directive 2012/13/EU of the European Parliament and of the Council, *on the right to information in criminal proceedings*, of 22 May 2012, in OJ L 142, of 1 June 2012, p. 1.

²³ Directive 2013/48/EU of the European Parliament and of the Council, *on the right of access to a lawyer in criminal proceedings and in European arrest warrant proceedings, and on the right to have a third party informed upon deprivation of liberty and to communicate with third persons and with consular authorities while deprived of liberty*, of 22 October 2013, in OJ L 294, of 6 November 2013, p. 1

²⁴ Directive (EU) 2016/343 of the European Parliament and of the Council, *on the strengthening of certain aspects of the presumption of innocence and of the right to be present at the trial in criminal proceedings*, of 9 March 2016, in OJ L 65, of 11 March 2016, p. 1.

2016/800/EU on procedural safeguards for children who are suspected and accused persons in criminal proceedings²⁵. During October 2016, Directive 2016/1919/EU of the European Parliament and of the Council of 26 October 2016 on legal aid for suspects and accused persons in criminal proceedings and for requested persons in European arrest warrant proceedings was adopted²⁶.

The aforementioned instructions are of great importance, because they apply to all criminal proceedings, regardless of whether they have a cross-border element or not. High standards of fair trial must be applied in all member states, because only in this way mutual trust between judicial authorities is improved.

Victims and injured persons demand special protection of their rights in criminal proceedings both at the national level and at the level of the European Union.

When it comes to their protection, the provision of the European Convention on Human Rights is important, which defines the right to a fair trial, especially through the right of access to court, but also through the right to a trial within a reasonable time. The European Convention on Human Rights does not contain specific provisions relating to the rights of victims, but the European Court on Human Rights provides protection through the protection of the right to a fair trial. However, some other acts at the level of the European Union regulate the position of victims in more detail. Directive 2012/29/EU of the European Parliament and the Council established minimum standards on the rights, support and protection of crime victims²⁷. In addition, the following EU standards are important for the protection and support of victims of crimes, such as: Directive 2004/80/EC of April 29, 2004, which enables compensation for victims of crimes²⁸, Directive 2011/36/EU of 5 of April 2011 on the prevention and fight against human trafficking and the protection of victims of such crimes²⁹, Directive 2011/93/EU of 13 December 2011 on the fight against sexual abuse and sexual exploitation of children and child pornography³⁰, Directive 2011/99/EU of 13 December 2011 on the European protection order³¹, Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA³², as and Recommendations of the Council of Europe Rec (2006)8³³.

²⁵ Directive (EU) 2016/800 of the European Parliament and of the Council, *on procedural safeguards for children who are suspects or accused persons in criminal proceedings*, of 11 May 2016, in OJ L 132, of 21 May 2016, p. 1

²⁶ Directive (EU) 2016/1919 of the European Parliament and of the Council, *on legal aid for suspects and accused persons in criminal proceedings and for requested persons in European arrest warrant proceedings*, of 26 October 2016, in OJ L 297, of 4 November 2016, p. 1.

²⁷ Directive 2012/29/EU of the European Parliament and of the Council, *establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA*, of 25 October 2012, in OJ L 315, of 14 November 2012, p. 57.

²⁸ Council Directive 2004/80/EC, *relating to compensation to crime victims*, of 29 April 2004, in OJ L 261, of 6 August 2004, p. 15.

²⁹ Directive 2011/36/EU of the European Parliament and of the Council, *on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA*, of 5 April 2011, in OJ L 101, of 15 April 2011, p. 1.

³⁰ Directive 2011/93/EU of the European Parliament and of the Council, *on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA*, of 13 December 2011, in OJ L 335, of 17 December 2011, p. 1.

³¹ Directive 2011/99/EU of the European Parliament and of the Council, *on the European protection order*, of 13 December 2011, in OJ L 338, of 21 December 2011, p. 2.

³² Council Decision 2005/671/JHA, *on the exchange of information and cooperation concerning terrorist offences*, of 20 September 2005, in OJ L 253, of 29 September 2005, p. 22.

³³ Council of Europe, Committee of Ministers, Recommendation No. Rec(2006)8 of the Committee of Ministers to Member States, *on assistance to crime victims*, of 14 June 2006, available at

6. Conclusions

Police and judicial cooperation in the EU is not merely a response to transnational crime; it is a proactive strategy that reflects the Union's commitment to security, justice, and the rule of law. By fostering collaboration among Member States through institutions like Europol and Eurojust, and by implementing tools such as the European Arrest Warrant, the EU has established a model for addressing the complexities of modern crime. This framework not only enhances the capacity of Member States to combat crime but also reinforces the values of trust, mutual respect, and legal safeguards that define the European Union. As transnational challenges continue to evolve, these cooperative mechanisms will remain vital in ensuring the safety and justice that EU citizens expect and deserve.

While aligning with EU standards presents significant opportunities, it is not without challenges. Institutional inertia, limited resources, and resistance to change can impede progress. However, these obstacles can be overcome through a combination of political will, international support, and public engagement. The EU's robust monitoring and benchmarking mechanisms ensure that candidate countries remain on track, providing guidance and identifying areas for improvement.

Ultimately, the alignment with EU standards in police and judicial cooperation is more than a procedural obligation, it is a transformative process that strengthens the fabric of governance and justice in candidate countries. By adopting and implementing these standards, candidate countries not only fulfill the criteria for EU membership but also lay the foundation for long-term stability, security, and prosperity. The benefits of this alignment extend beyond national borders, contributing to a safer and more just Europe for all its citizens.

Fundamental rights protection and police and judicial cooperation are not opposing forces but complementary pillars of the EU's legal framework. By prioritizing both security and justice, the EU sets a high standard for its Member States and aspiring members. The commitment to these principles ensures that the Union remains a bastion of democracy, rule of law, and human rights, even as it faces the evolving challenges of transnational crime and global security threats.