

## SUBJECT DETAILS

Data on the subject	
Name	EU Cross-Border Corporate and Financial Crime
Degree	Postgraduate in Master in International and European Business Law
Year	2016-2017
Nature	Fall
ECTS Credits	1 credit
Department	Law
Area	Law
Teaching staff	María Massó Moreu

Data on the teaching staff	
Teaching staff	María Massó Moreu
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Tutoring Schedule	Upon request from students

## SPECIFIC DATA ON THE SUBJECT

Pre-requisites
Notions about EU Law and Criminal Law
Contribution of the degree to the professional profile
Knowledge about substantial and procedural instruments of EU Criminal law.

## COMPETENCES TO BE IMPROVED

Generic Competences
Instrumental
Basic legislation and enforcement procedures of criminal law across the EU
Systemic

Global understanding of the functioning of EU law in criminal matters
<b>Specific competences of the subject</b>
<b>Conceptual (knowing)</b>
Understanding the principles of EU mutual recognition, EU Policy in Criminal matters
<b>Procedural (doing)</b>
Basic procedures on European Arrest Warrants, European Assets Forfeiture Warrants, European Ne Bis in Idem
<b>Professional (knowing how)</b>
Filing motions and defending petitions on European Arrest Warrants, European Assets Forfeiture Warrants, European Ne Bis in Idem

## THEMATIC AREA AND CONTENT

<b>AREA 1:</b>
<b>Theme 1:</b>
<p>THE EUROPEAN CRIMINAL LAW SITUATION PRIOR TO THE LISBON TREATY</p> <p>I.1.- Introduction</p> <p>I.2.- Preliminary issues</p> <p>    I.2.1. EU Criminal law, Europeanized Criminal Law and European Criminal Law: “ante portas” or “intra muros?”</p> <p>I.3.- Crime policy</p> <p>    I.3.1.- Introduction</p> <p>    I.3.2.- European Criminal Policy</p> <p>I.4.- Criminal law scholarship</p> <p>    I.4.1.- Introduction</p> <p>    I.4.2.- European criminal law scholarship</p> <p>I.5.- The Fundamentals of Europeanized Penal Law: The Principle of Mutual Recognition</p> <p>    I.5.1.- Introduction</p> <p>    I.5.2.- The Application of the Principle of Mutual Recognition to the Criminal Law Field</p> <p>        I.5.2.1.- Introduction</p> <p>        I.5.2.3.- It had it coming: The Ruling of the German Constitutional Court on 18<sup>th</sup> July 2005</p>
<b>Theme 2:</b>
<p>THE FEDERAL CRIMINAL LAW DIMENSION IN THE LISBON TREATY</p> <p>II.1.- Introduction</p> <p>II.2 The First Federal Dimension of the Unions’ criminal law: Crimes affecting the Unions’ interests</p> <p>    II.2.1.- Introduction</p>

- II.2.2.- The Protection of the EU's financial interests (art. 325 TFEU)
- II.3. - The Second Federal Dimension of the Unions' Criminal Law: Interstate Criminality and the Enforcement of the Unions' Policies
  - II.3.1.- Introduction
  - II.3.2.- Interstate Criminality
    - II.3.3.1.- Introduction
    - II.3.3.2.- EU's serious cross-border criminality (Art. 83)
  - II.3.4.- Enforcement of Unions' Policies
    - II.3.4.1.-Introduction
      - II.3.4.1.2- Effective Implementation of a EU Policy (Art 83.2 TFEU)
- II.4.- The Enforcement Federal Dimension in the Unions' criminal law
  - II.4.1.- Introduction
  - II.4.2.- European Public Prosecution Office (Article 86)
- II.3.5.- The Legitimacy Federal Dimension of the Unions' criminal law
  - II.3.5.1.- Introduction
  - II.3.5.2.- EU's Legitimacy on criminal law: the democratic deficit debate

### Theme 3:

#### TESTING THE ALLEGED LACK OF FEDERALISM

##### III.1.- INTRODUCTION

##### III.2. - INTERSTATE EXTRADITION

###### III.2.1. Introduction

###### III.2.2. European Arrest Warrant

##### III.3. DOUBLE JEOPARDY

###### III.3.1. Introduction

###### III.3.2. Article 54 Schengen Agreement ne bis in idem

##### III.4. CRIMINAL LAW HARMONIZATION

###### III.4.1. Introduction

###### III.4.2. Mandatory Harmonization (EU): European Directives

#### THE FEDERAL DIMENSION OF FUNDAMENTAL RIGHTS

##### III.5. INTRODUCTION

##### III.6. CASE STUDY: EUROPEAN DUE PROCESS IN ACTION: THE CASE OF THE SPANISH SECRECY COURT PROCEEDINGS

## BIBLIOGRAPHY AND RESOURCES

### Basic Bibliography

#### Text books

- CARLOS GÓMEZ-JARA DÍEZ, EUROPEAN FEDERAL CRIMINAL LAW, 2014.
- ANDRE KLIP, EUROPEAN CRIMINAL LAW: AN INTEGRATIVE APPROACH. 2<sup>ND</sup> ED. (2012);
- HELMUT SATZGER, INTERNATIONAL AND EUROPEAN CRIMINAL LAW (2012);
- ESTER HERLIN-KARNELL, THE CONSTITUTIONAL DIMENSION OF EUROPEAN CRIMINAL LAW (2012);
- VALSAMIS MITSILEGAS, EU CRIMINAL LAW (2009);

SUMMARY OF STUDENT WORK HOURS			
Activity	Number of contact hours	Number of independent study hours	Total number of hours
Lecture	7		
Practical class	3		
Debate			
In class presentation			
Individual work		10	
Work in collaboration		15	
Evaluation: one minute paper			
Evaluation: class test			
Evaluation: exam			
Evaluation: exam review			
Others			
<b>ECTS Credits:</b>	<b>10</b>	<b>25</b>	

### GRADE EVALUATION AND CRITERIA

Evaluation Activities	Generic Competences	Indicators	Evaluation Weighting
Individual work	Case Law Review	Review arguments and articulate possible solutions	10%
Work in collaboration			
Debate	Thorough understand of the basic concepts of EU criminal law	Ability to convey complex arguments in simple statements	30%
Class presentation			
Attendance			10%
Evaluation: exam	Motion before the European Court of Justice related to EU criminal law issues	Arguments raised, structure of the brief, management of ECJ case law	50%

Grades