

Contents

Part I Current Perspectives in EU Legislation. The European Investigation Order: Towards a European Cross-Border Investigative Procedure?

Introduction to the Proposal of a European Investigation Order: Due Process Concerns and Open Issues	3
Stefano Ruggeri	

Part II Critical Analysis of the EIO Proposal: General Issues

The European Investigation Order: A Rush into the Wrong Direction	29
Bernd Schünemann	

General Considerations on the European Investigation Order	37
Tommaso Rafaraci	

The European Investigation Order: Fundamental Rights at Risk?	45
Richard Vogler	

Collecting Criminal Evidence Across the European Union: The European Investigation Order Between Flexibility and Proportionality	51
Silvia Allegrezza	

Part III Critical Analysis of the EIO Proposal: Specific Issues

The Proposal for a Directive on the European Investigation Order and the Grounds for Refusal: A Critical Assessment	71
Lorena Bachmaier Winter	

Critical Remarks on the Proposal for a European Investigation Order and Some Considerations on the Issue of Mutual Admissibility of Evidence	91
Rosanna Belfiore	
European Investigation Order: The Defence Rights Perspective	107
Laura Autru Ryolo	
The Rules on Legal Remedies: Legal Lacunas and Risks for Individual Rights	111
Alessandro Arena	
The Defendant's Rights in the Hearing by Videoconference	119
Alessandra Grio	
The EIO Proposal and the Rules on Interception of Telecommunications	127
Simona Arasi	
The EIO Proposal for a Directive and Mafia Trials: Striving for Balance Between Efficiency and Procedural Guarantees	139
Paola Maggio	
European Investigation Orders and Non-repeatability of Evidence in Cross-Border Cases: The Italian Perspective	151
Diego Foti	
Part IV Cross-Border Criminal Inquiries in Europe: Solution Models and Human Rights Challenges	
Solution Models and Principles Governing the Transnational Evidence-Gathering in the EU	161
Bernd Schünemann	
Criminal Evidence and Respect for Fair Trial Guarantees in the Dialogue Between the European Court of Human Rights and National Courts	181
Richard Vogler	
Transnational Investigations and Prosecution of Cross-Border Cases in Europe: Guidelines for a Model of Fair Multicultural Criminal Justice	193
Stefano Ruggeri	
Annex	229

<http://www.springer.com/978-3-319-12041-6>

Human Rights in European Criminal Law
New Developments in European Legislation and Case
Law after the Lisbon Treaty
Ruggeri, S. (Ed.)
2015, X, 317 p., Hardcover
ISBN: 978-3-319-12041-6