Towards Justice Systems Built on Confidence: The CCBE's Proposal for the Future of EU Criminal Procedure.

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Abstract
The High-Level Forum on the Future of EU Criminal Justice, convened by the European Commission together with the Polish and Danish Council Presidencies, met throughout 2025 in four plenary sessions (4–5 March, 20–21 May, 1–2 October and 1 December 2025). It brought together more than one hundred participants from the EU institutions, Member States, EU agencies, the Council of Bars and Law Societies of Europe (CCBE), the European Criminal Bar Association (ECBA), civil society, practitioners and academia, with the aim of shaping a shared vision for future EU criminal justice policy. Within this process, the CCBE submitted a comprehensive contribution arguing that mutual recognition and effective judicial cooperation can only function sustainably where they rest on robust, enforceable procedural safeguards. The CCBE contribution calls for a new Roadmap on procedural rights under Article 82 TFEU and sets out a detailed legislative agenda across four main areas: judicial cooperation and mutual recognition, procedural safeguards, EU agencies and bodies and digitalisation of criminal justice. This paper summarises those proposals. It highlights, in particular, the need for targeted reform of the European Arrest Warrant and European Investigation Order, EU-level rules on pre-trial detention, exclusionary standards and defence investigations, stronger protection of legal professional privilege, clearer defence guarantees in the operation of Eurojust and the EPPO, and a fundamental-rights-centered approach to artificial intelligence and videoconferencing in criminal proceedings.

Das sog. „hochrangige Forum zur Zukunft der EU-Strafjustiz" („High Level Forum on the Future of EU Criminal Justice"), das von der Europäischen Kommission gemeinsam mit der polnischen und der dänischen Ratspräsidentschaft einberufen wurde, trat im Laufe des Jahres 2025 zu vier Plenarsitzungen zusammen (4.–5. März, 20.–21. Mai, 1.–2. Oktober und 1. Dezember 2025). Es brachte mehr als hundert Teilnehmer aus den EU-Institutionen, den Mitgliedstaaten, den EU-Agenturen, dem Rat der Anwaltschaften Europas (CCBE), der European Criminal Bar Association (ECBA), der Zivilgesellschaft, der Praxis und der Wissenschaft zusammen, um eine gemeinsame Vision für die künftige Strafrechtspolitik der EU zu entwickeln. Der CCBE beteiligt sich mittels einer umfangreichen Stellungnahme vom Oktober 2025 am High-Level Forum und fordert einen neuen Fahrplan zur Stärkung der Verfahrensrechte gem. Art. 82 AEUV. Der CCBE fordert u.a., dass der Europäische Haftbefehl um grundrechtsbasierte Ablehnungsgründe ergänzt werden soll, die sich an der EuGH-Rechtsprechung orientieren. Künftig soll ein strenger Verhältnismäßigkeitsmaßstab mit höheren Deliktsschwellen und der Pflicht zur Prüfung milderer Maßnahmen wie Europäische Ermittlungsanordnung oder Europäische Überwachungsanordnung gelten. Alte Bagatellfälle sollen überprüft, Haftbedingungen unionsweit verbessert, regelmäßig kontrolliert und durch Zusicherungen abgesichert werden. Die Nutzung der Europäischen Überwachungsanordnung soll gestärkt werden, um Haft zu vermeiden. Für die Europäische Ermittlungsanordnung fordert der CCBE stärkere Verteidigungsrechte, Zugang zu Unterlagen, Beteiligung an Beweiserhebungen, Rechtsmittel sowie eine doppelte Vertretung in grenzüberschreitenden Fällen. Verbindliche Fristen, Sanktionen bei Verzögerungen und klare Folgen bei unrechtmäßiger Überwachung sollen eingeführt werden. Zudem soll die Untersuchungshaft als Ultima Ratio gelten, mit Höchstdauern und alternativen Maßnahmen wie elektronischer Fußfessel. Es bedarf EU-weiter Mindeststandards für menschenwürdige Haftbedingungen, Besuchsrechte für Anwaltskammern und eines Präventionsmechanismus. Beweise, die durch Folter oder Misshandlung erlangt wurden, sollen absolut unverwertbar sein. Das Berufsgeheimnis muss unionsweit geschützt und die Anwesenheit von Verteidigern bei Durchsuchungen sichergestellt werden. Verteidigergeführte Ermittlungen sollen grenzüberschreitend möglich sein. Im Bereich Vermögenseinziehung fordert der CCBE Höchstdauern und Entschädigungsstandards. Der Einsatz von KI im Strafverfahren bedarf klarer Regeln; Predictive Policing und Profiling sollen verboten, richterliche Kontrolle stets gewährleistet sein.

I. The High-Level Forum and the Role of the Legal Profession

The High-Level Forum on the Future of EU Criminal Justice was launched in February 2025 to assess the state of EU criminal justice and to identify priorities for the new institutional cycle after 2024. It focused on four interconnected areas: substantive criminal law, procedural criminal law (including mutual recognition), digitalisation of criminal justice, and the role of EU agencies and bodies.

Four plenary meetings were held in 2025 (4–5 March, 20–21 May, 1–2 October and 1 December). The Forum

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brought together high-level representatives of the Member States, the Commission, the Council, the European Parliament, bodies such as OLAF, EPPO, Eurojust, Europol, the EJN, eu-LISA, the EU Agency for Fundamental Rights, as well as external stakeholders including the Council of Bars and Law Societies of Europe (CCBE), the European Criminal Bar Association (ECBA), , the Confederation of European Probation, EuroPris, Fair Trials Europe, academia and practitioners.

The CCBE, representing European bars and law societies at European and international level, participated actively in both the plenary and technical meetings, through the Chair (Salvador Guerrero Palomares) and the Legal Advisor of its Criminal Law Committee (Peter McNamee). CCBE Secretary-General, Simone Cuomo, intervened in the second plenary meeting, as a guest to express the CCBE views on digitalization of criminal justice. The CCBE written contribution aims to ensure that future EU criminal justice policies "*strike the right balance between effective law enforcement and the essential role that lawyers play in ensuring the rule of law and the protection of fundamental rights*".

The Forum is not a decision-making body. Nonetheless, as the Commission prepares recommendations for legislative and non-legislative measures, the CCBE regards this process as a unique opportunity to place defence rights and procedural safeguards at the centre of the next phase of EU criminal justice policy.

II. A New Roadmap on Procedural Safeguards: "Justice Systems Built on Confidence"

The CCBE roots its proposals in the post-Lisbon constitutional landscape. The Treaty of Lisbon rendered the EU Charter of Fundamental Rights (CFR) binding primary law, while human rights under the ECHR remain minimum standards within the Union. EU institutions and bodies – including the EPPO – and the Member States when implementing EU law are therefore bound by the Charter. At the same time, the Treaty enshrined mutual recognition of judicial decisions in Articles 67 and 82 TFEU.

Mutual recognition presupposes mutual trust, and trust in turn presupposes minimum standards in criminal proceedings. The 2009 Roadmap on procedural rights has improved trust, but, in the CCBE's view, its measures are incomplete and insufficient to address evolving legal and technological realities.

Against this backdrop, the CCBE calls for a new EU Roadmap under Article 82 TFEU specifically aimed at progressively strengthening procedural safeguards. The step-by-step approach of the 2009 Roadmap is considered successful and should be replicated. High procedural safeguards are not an obstacle to effective law enforcement but a precondition for "*legally sound convictions*", reduction of wrongful convictions, and reinforcement of trust in cross-border cooperation.

The CCBE notes a certain reluctance among some Member States within the Forum to extend safeguards, preferring instead to concentrate exclusively on implementation of existing instruments. The CCBE considers that such a stance is incompatible with the dynamic nature of EU criminal justice: rights protection must evolve with new challenges, including digitalisation, AI-enabled evidence and increasingly complex forms of cross-border cooperation. Divergent standards risk undermining public confidence and incentivising forum shopping.

Soft-law tools such as guidelines, training and recommendations are valuable but insufficient. For fundamental rights to be meaningful and accessible, the CCBE insists that they must be enshrined in clear, binding law, rather than left to practice or administrative discretion.

III. Judicial Cooperation and Mutual Recognition in Criminal Matters

1. European Arrest Warrant: towards rights-conscious efficiency

The CCBE acknowledges the European Arrest Warrant (EAW) as one of the EU's most effective tools for cross-border judicial cooperation. Yet, more than twenty years after its introduction, the instrument still reflects its origins in the post-11 September security context, where procedural safeguards received limited attention. The CCBE therefore advocates a rights-conscious "*second generation*" EAW that fully incorporates CJEU case law, the Stockholm Programme roadmap on procedural rights and the Charter.

The CCBE contribution identifies several structural concerns:

- Inconsistent protection of fundamental rights. The application of refusal grounds based on fundamental rights is uneven. Effective protection often requires lengthy appellate proceedings, which may prolong detention in the issuing or executing State.
- Weak proportionality control. EAWs are sometimes issued for minor offences, for very old facts or at a premature stage of the investigation, leading to unnecessary arrests and the de facto use of pre-trial detention as a default measure.

- Insufficient use of alternatives. The European Supervision Order (ESO) and the European Investigation Order (EIO) are under-used, resulting in an over-reliance on surrender and custody even where less intrusive instruments could achieve the same aims.
- Detention conditions and monitoring. The practice of relying on assurances without effective follow-up is criticised as inadequate in light of the CJEU's case law on detention conditions and fundamental rights.
- Schengen Information System (SIS) alerts and compensation. Alerts may remain in the system without systematic review, and there is no harmonised EU framework for compensation for wrongful detention or unjustified EAW-related deprivation of liberty.

To remedy these deficiencies, the CCBE proposes inter alia:

- Codification of fundamental-rights-based refusal grounds reflecting CJEU jurisprudence, including the two-step assessment for real, specific and well-founded risks to fair-trial or detention standards.
- Strengthened proportionality requirements, with higher offence thresholds, a duty to consider less intrusive measures before issuing an EAW, and restrictions on surrender for minor and very old offences.
- Promotion of the ESO and EIO as genuine alternatives to surrender, to avoid unnecessary resort to custodial measures.
- Systematic review of SIS alerts and the introduction of a harmonised compensation regime for wrongful detention or manifestly disproportionate EAW use.

Overall, the objective is not to weaken the EAW, but to anchor it more firmly in fundamental-rights protection so as to reinforce mutual trust and the legitimacy of surrender decisions.

2. European Investigation Order: rebalancing equality of arms

From the perspective of defence lawyers, the European Investigation Order (EIO) presents a more subtle, but equally significant, challenge to equality of arms. The CCBE points to a structural imbalance in favour of the prosecution:

- Judicial oversight is inconsistent across Member States.
- Defence remedies are limited; suspects are often not systematically notified of EIOs affecting them.
- Access to supporting material underlying an EIO is frequently restricted by secrecy rules.
- Cross-border surveillance and data interception can exploit divergences between national safeguards, creating risks of forum shopping.

Delays in execution undermine the right to trial within a reasonable time and may erode the practical effectiveness of defence rights.

The CCBE accordingly recommends a series of targeted reforms:

- Enhanced defence participation and remedies. Defence counsel should have access to the EIO and its supporting materials, a right to be heard on its execution and the possibility of an effective post-execution challenge.
- Dual legal representation. Borrowing from the EAW model, suspects should have access to lawyers in both the issuing and executing State to navigate the complexities of dual legal systems.
- Strict time-limits and consequences for unjustified delays, to safeguard the right to proceedings within a reasonable time.
- Cumulative application of safeguards. The use and admissibility of evidence should be made conditional on compliance with both issuing and executing State standards, not merely with the lex loci of the investigative measure.
- Clarification of the consequences of unlawful interception or non-notification, including explicit rules on exclusion or other sanctions.
- Express incorporation of the principle of speciality within the EIO framework, as recommended in the Council's mutual evaluation reports.

In addition, the CCBE warns against a situation in which third countries or Member States participating in EAW/EIO mechanisms are not bound by the full EU acquis on procedural safeguards and cannot request preliminary rulings from the CJEU. It therefore argues that participation in such mutual recognition instruments should be conditional on full adherence to EU instruments on procedural safeguards and fundamental rights.

3. Conflicts of jurisdiction and legal certainty

The CCBE regards the determination of jurisdiction as the "starting point" for the protection of human rights and procedural safeguards, given that levels of protection differ significantly between Member States. The current system of voluntary consultations under Framework Decision 2009/948/JHA is described as conducive to forum shopping, legal uncertainty and potential breaches of *ne bis in idem*, and may also lead to inefficiencies when national authorities are reluctant to take a case.

It is therefore "surprising", in the CCBE's view, that the Union has adopted a fully-fledged Regulation on conflicts of jurisdiction in civil matters (Regulation 1215/2012), but not in criminal matters. Building on existing non-binding guidance by Eurojust, the CCBE proposes the adoption of a **new Regulation on conflicts of jurisdiction in criminal proceedings**, providing:

- clear criteria for jurisdictional allocation,
- a judicially reviewable decision on jurisdiction that can be challenged by the suspect and the victim, and
- rules designed to prevent both forum shopping and multiple prosecutions contrary to *ne bis in idem*.

Such an instrument would, in its view, significantly enhance legal certainty – a core element of the rule of law – and reinforce mutual trust.

IV. Strengthening Procedural Safeguards in EU Criminal Proceedings

Section 2 of the CCBE contribution articulates a set of six urgent priorities for EU legislation on procedural safe-

guards: pre-trial detention and detention conditions; exclusionary rules; legal professional privilege; the presence of a lawyer at searches and seizures; defence investigations; and freezing of assets and confiscation.

1. Pre-trial detention and detention conditions

Prison overcrowding and widely divergent detention conditions across the EU raise acute concerns for fundamental rights, including the presumption of innocence, human dignity and the right to a fair trial. The CCBE considers that **pre-trial detention should be a measure of last resort**, subject to strict proportionality assessment, clear maximum time limits, and effective use of alternatives such as the European Supervision Order and electronic monitoring.

Relying on Article 82 TFEU, the CCBE argues that the Union has competence to adopt binding minimum rules on detention conditions insofar as they facilitate mutual recognition and judicial cooperation. It proposes:

- EU-wide binding minimum standards on humane detention conditions, covering inter alia contact with family, access to legal assistance and healthcare, hygiene, nutrition, cell size and other aspects of human dignity.
- Inspection rights for Heads of Bars and Law Societies and their delegates, enabling the legal profession to observe conditions in all places of deprivation of liberty and to engage in dialogue with the authorities.
- The establishment of a European preventive mechanism, modelled on national preventive mechanisms but endowed with powers to conduct unannounced inspections, in contrast to the advance-notice practice of the CPT.

The CCBE calls upon the Commission to move beyond recommendations and consider legislative measures establishing binding minimum standards, as well as promoting a wider use of alternatives to pre-trial detention and strengthening oversight mechanisms.

2. Exclusionary rules: closing a critical gap

A central theme of the contribution is the absence of **EU-wide minimum exclusionary rules** for unlawfully obtained evidence, despite the explicit competence under Article 82(2)(a) TFEU on mutual admissibility of evidence. In an EU where evidence circulates freely between Member States, this gap has become particularly visible in cases such as Encrochat and Sky ECC.

The CCBE identifies several problems:

- No general EU obligation for courts to exclude evidence obtained in serious violation of fundamental rights.
- Wide divergence in national approaches, generating legal uncertainty in cross-border cases.
- Application of a "non-enquiry" principle, whereby evidence lawfully obtained under the lex loci may be admitted even if it would be inadmissible in the forum.
- Limited and fragmented remedies for the defence to challenge cross-border evidence.

Building on a proposal of the European Law Institute (ELI), the CCBE supports a model that combines:

- Lex loci regit actum, subject to verification by authorities and defence in the forum that the evidence was indeed obtained in accordance with the law of the place of gathering.
- An exception where use of the evidence would infringe fundamental constitutional principles of the forum State.

It further endorses an approach under which evidence obtained by means of torture or ill-treatment, in violation of the right against self-incrimination or through deception is absolutely inadmissible, in line with Strasbourg case law.

For other rights interferences, the CCBE proposes a common EU proportionality test, drawing on CJEU doctrine and national models. Evidence would be admissible only where:

- the measure is established in law;
- normally ordered by a judicial authority, with prompt judicial ratification if initially ordered by another authority; and
- it meets cumulative requirements of specificity, suitability, exceptionality, necessity and proportionality in the strict sense.

Any solution based merely on ad hoc balancing without clear criteria risks, in the CCBE's view, diluting the rule of law and generating unsustainable legal uncertainty.

3. Legal professional privilege and professional secrecy

Despite broad consensus on the importance of legal professional privilege (LPP), national regimes differ considerably in scope, strength and practical application.

The CCBE recalls that the CJEU has long recognised lawyer-client confidentiality as a general principle of EU law and that both CJEU and ECtHR case law, read in light of the Charter (notably Articles 7 and 47) and Article 8 ECHR, underline its centrality to a fair trial. The CCBE notes, however, that the absence of specific EU legislation leaves considerable discretion to Member States and results in legal uncertainty, starkly illustrated by recent case law, including *Kulák v. Slovakia*.

The contribution therefore advocates EU legislation under Article 82 TFEU establishing minimum standards on LPP, including:

- rules on searches of law offices, interception and technological surveillance of lawyers;

- a clear **rule of inadmissibility** for evidence obtained in violation of professional secrecy;
- specific safeguards for lawyers when they are witnesses or defendants, including protection against being used as a conduit to circumvent privilege.

These measures are to be grounded in six principles, as proposed byHolger Matt and elaborated in the paper: strong legal protection for privilege; absolute confidentiality in defence cases; limits on client waiver; independence and procedural safeguards (such as sealing, bar presence and filtering mechanisms); the client's right to silence on privileged matters; and full protection for lawyers and their assistants when acting in a professional capacity.

4. The presence of a lawyer at searches and seizures

The CCBE links effective defence not only to court hearings, but also to critical investigative stages, including searches and seizures of premises. Directive 2013/48/EU grants suspects the right to a lawyer during certain investigative measures, but many Member States interpret its list of measures narrowly and do not allow the lawyer to attend searches.

The contribution argues that this practice is inconsistent with both the text and purpose of the Directive and with CJEU and ECtHR case law. Searches expose individuals to the risk of forced or accidental self-incrimination and often occur in circumstances where effective notification of rights, including the right to remain silent under Directive 2012/13/EU, is not verified.

The CCBE therefore proposes to amend Directive 2013/48/EU to explicitly include searches and seizures of premises belonging to, or accessible by, the accused within the list of measures at which the suspect has, at a minimum, the right for their lawyer to attend. Practical concerns – such as the need to start a search without delay – can be addressed by:

- an obligation to notify the known lawyer when a search is about to be implemented;
- a right for the person concerned to request a lawyer if they do not yet have one;
- the possibility to begin the search immediately, even if the lawyer has not yet arrived.

5. Defence investigations

The CCBE regards defence-led investigations as an essential element of equality of arms. It notes that many existing instruments and practices are "prosecution-driven" and that the defence often lacks the capacity – especially in cross-border cases – to gather exculpatory evidence on an equal footing.

The absence of a clear legal framework can lead to evidence gathered by the defence being treated as inadmissible or "illegal", undermining the adversarial nature of the process. The CCBE refers to the ECtHR judgment in *Vasaráb and Paulus v. Slovakia*, where conviction was based exclusively on prosecution evidence and none of the numerous defence requests for evidence were carried out. Defence investigations, where properly regulated, can:

- enhance the effectiveness and fairness of proceedings;
- reduce the burden on public authorities by avoiding unnecessary investigative steps by prosecutors or police;
- facilitate early case resolution, including by enabling defence counsel to advise clients realistically on their position.

The CCBE therefore supports the development of an EU-level framework, applicable both to domestic and cross-border proceedings, recognising the right of defence lawyers to conduct investigations and setting clear rules on the admissibility of defence-gathered evidence.

6. Freezing of assets and confiscation

With respect to Directive 2014/42/EU on freezing and confiscation of instrumentalities and proceeds of crime, the CCBE identifies a significant gap regarding property that is frozen but not ultimately confiscated. The Directive requires immediate return of such property, but leaves the conditions and procedures to national law and does not address the duration of freezing or compensation for the harm caused.

The CCBE proposes that the EU adopt a harmonised framework providing:

- Maximum time-limits for freezing orders, possibly differentiated according to the stage and complexity of proceedings, to prevent disproportionate interference with property rights.
- Minimum standards for compensation, including an automatic flat-rate compensation (a percentage of the property value per year) where frozen property is returned without confiscation, with the possibility of higher compensation where the owner proves greater loss.

Such rules would promote legal certainty, proportionality and equal treatment across the Union, including in cross-border cases where delays in mutual recognition procedures may prolong freezing.

V. EU Agencies and Bodies: Transparency, Accountability and Defence Rights

Section 3 of the CCBE paper addresses Eurojust and the European Public Prosecutor's Office (EPPO). While recognizing their vital role in combating serious cross-border crime, the CCBE expresses concern about **persistent**

opacity in aspects of their procedures, particularly where their interventions materially affect suspects and defence rights.

Key challenges identified include:

- interventions that significantly affect suspects or defendants but are not adequately documented or accessible;
- a lack of clarity and safeguards around data exchanges between Eurojust, the EPPO, Europol and national authorities;
- fragmented oversight mechanisms and gaps in accountability.

The CCBE does not seek disclosure of sensitive operational data, but calls for **reasoned, documented interventions** subject to enforceable procedural safeguards in line with Article 47 CFR. It recommends that any initiative to reinforce these agencies' roles be accompanied by:

- Formal recognition of defence rights and equality of arms in their legal frameworks;
- Procedural records of interventions materially affecting suspects, to be accessible under judicial control;
- Access mechanisms enabling defence lawyers to request clarifications or to contest an agency's role before a competent authority, including, where necessary, appointment of "special counsel" who are independent from the main defence and answerable to the court;
- Data-exchange safeguards, ensuring legality, proportionality and defence rights in all exchanges between agencies and national authorities;
- Independent oversight bodies with powers to monitor fundamental-rights compliance, particularly with respect to digital and cross-border data flows;
- Defence participation in jurisdiction-settlement discussions under Framework Decision 2009/948/JHA, as far as compatible with confidentiality;
- A complaints mechanism allowing individuals to challenge unjustified or disproportionate interventions by Eurojust or the EPPO.

These measures seek to ensure that any further empowerment of EU criminal justice agencies goes hand in hand with robust guarantees of defence rights.

VI. Digitalisation of Criminal Justice: AI and Videoconferencing

1. Artificial Intelligence in criminal proceedings

Digitalisation is a central theme of the High-Level Forum. The CCBE recognizes the potential of AI and other digital tools to increase efficiency and facilitate cross-border cooperation, but stresses that their deployment in criminal justice raises serious risks for fundamental rights, equality of arms and the integrity of proceedings.

The contribution calls for EU rules on AI-generated and digital evidence, including:

- clear admissibility criteria ensuring the reliability and transparency of AI-driven forensic tools;
- strict protection of chain of custody for digital evidence;
- guaranteed defence rights to access, review and challenge AI-derived evidence, including disclosure of relevant technical information.

Human oversight is non-negotiable: judges must retain full decision-making responsibility, and AI systems should never replace judicial assessment. AI use must respect privacy, non-discrimination, the presumption of innocence and the confidentiality of lawyer–client communications.

The CCBE advocates a use-case-specific regulatory framework, grounded in human rights, transparency and accountability, and explicitly calls for a ban on high-risk technologies such as predictive and profiling AI tools in criminal justice.

2. Videoconferencing in cross-border criminal proceedings

Videoconferencing has become a prominent tool in cross-border proceedings, offering savings in cost and time. The CCBE, however, warns that it must not be normalised at the expense of fair-trial guarantees.

Its key positions include:

- Exceptionality for hearings on the merits. Videoconferencing should remain the exception, particularly in trial hearings on the merits, and should never be used solely for budgetary reasons.
- Informed consent and legal advice. Use of videoconferencing should require the informed consent of the accused, who must have the opportunity to consult with a lawyer and to challenge the decision to proceed by video.
- Confidentiality and interception. Harmonised safeguards are needed to prevent interception of lawyer–client communication during remote hearings, with breaches classified as criminal offences.
- In-person protections. The presence of defence counsel in prisons is important to prevent intimidation, and the possibility of face-to-face examination of witnesses must be preserved where required by fairness.
- Technical standards. The EU should develop mandatory minimum technical standards ensuring as realistic an interaction as possible, including high-quality audio-visual transmission that allows assessment of nuances in demeanour and secure handling of documents (with an independent person, such as a court clerk, present with the remote participant).
- Training. Adequate training for judicial and law-enforcement authorities and legal practitioners is essential for rights-compliant use of videoconferencing technologies.

The overarching message is that technological innovation must serve justice, not compromise it. Digital tools must be embedded in a legal framework that safeguards fair-trial rights and sustains public confidence in judicial outcomes.

VII. Conclusion: From Soft Law to Binding Guarantees

The CCBE's contribution to the High-Level Forum presents a coherent vision of EU criminal justice in which mutual recognition is genuinely built on confidence. That confidence cannot be decreed; it must be earned through robust, enforceable procedural safeguards that protect suspects, accused persons and lawyers throughout the criminal process, from investigation to execution of sanctions.

At the heart of this vision lies the call for a new Roadmap on procedural safeguards under Article 82 TFEU, moving decisively beyond reliance on soft law. Binding minimum standards on pre-trial detention and detention conditions, exclusionary rules, legal professional privilege, defence investigations and the presence of lawyers at searches, together with rights-conscious reform of the EAW, EIO and conflict-of-jurisdiction mechanisms, would, in the CCBE's view, significantly strengthen the legitimacy and effectiveness of EU criminal justice cooperation.

Similarly, any enhancement of the roles of Eurojust and the EPPO, and any further digitalisation of criminal justice through AI and videoconferencing, must be matched by reinforced defence guarantees, transparency and oversight mechanisms.

The High-Level Forum has highlighted both the opportunities and the tensions inherent in this agenda. For the CCBE, strengthening defence rights is not a special interest claim but the foundation of a fair and effective criminal justice system. The meetings throughout 2025 provide a vital platform for reform; the challenge now is to translate this platform into concrete legislative action. The future of EU criminal justice, as envisaged by the CCBE, remains firmly anchored in the rule of law, the protection of fundamental rights and justice systems built on confidence.