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Funded by the
Erasmus+ Programme
of the European Union

JEAN MONNET
CENTRE OF EXCELLENCE
CONSTITUTIONAL VALUES OBSERVATORY

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News Report 1

HIGHLIGHTS ABOUT THE UNION WE LIVE

February 2016 – April 2016

EU STRENGTHENS RIGHT TO THE PRESUMPTION OF INNOCENCE

On 12 February 2016, the Council adopted a directive on the strengthening of certain aspects of the presumption of innocence and the right to be present at trial in criminal proceedings. The purpose of the directive is to enhance the right to a fair trial in criminal proceedings by laying down minimum rules concerning certain aspects of the presumption of innocence and the right to be present at the trial. In this way, the directive will complement the legal framework provided by the European Convention of Human Rights and the Charter of Fundamental Rights.

The directive will strengthen mutual trust and confidence between the judicial authorities of the member states and will facilitate the mutual recognition of decisions in criminal matters.

According to the directive, member states will have to ensure that suspects and accused persons are presumed innocent until proven guilty under the law. The Directive provides two rights linked to this principle: the right to remain silent and the right not to incriminate oneself. In addition, member states will have to respect the following related obligations: before the final judgement, suspects and accused persons should not be presented as being guilty through the use of measures of physical restraint and the burden of proof is on the prosecution while any reasonable doubts as to the guilt should benefit the accused. The right to be present at one's trial is also addressed by this directive. Moreover, member states will have to ensure that suspects and accused persons have an effective remedy if their rights under this directive are breached. Member states will have two years after the publication of the directive to bring into force the laws, regulations and administrative provisions necessary to comply with it.

Source: <http://www.consilium.europa.eu/en/press/press-releases/2016/02/12-eu-strengthens-right-to-presumption-of-innocence/>

Judgment of the Court of Justice in Case C-695/15 Mirza

The Court observed, that the right to send an applicant for international protection to a safe third country may also be exercised by a Member State after that Member State has admitted to being responsible, pursuant to the Dublin III Regulation and within the context of the take back procedure, for examining an application for international protection submitted by an applicant who left that Member State before a decision regarding the substance of his first application for international protection has been taken

PANAMA PAPERS: WHAT WE KNOW SO FAR



Should there be more EU legislation tackling tax avoidance or it should be dealt with at the national level?

The leaked documents (11.5 millions) include emails, shareholder registers, bank statements, internal reports, passport scans and company certificates. They cover nearly 40 years of business transiting by a Panama-based law firm showing numerous ways to exploit secretive offshore tax regimes to hide opaque transactions.

BRUSSELS BOMBINGS

NEW SECURITY DILEMMAS FOR EUROPE

European nations quickly declared solidarity with Belgium after the deadly bombings in Brussels. But the attacks may widen divisions within the EU over how to handle immigration and security.

The bombings came to confirm what many Europeans suspected after the November 2015 Paris attacks. The EU has failed dramatically to protect its citizens from terrorism. Many European countries dealt with terrorism before, although not always effectively.

Under these circumstances, what is needed is an honest and fair debate about European integration, immigration and internal security.

Source:

<http://www.aljazeera.com/indepth/opinion/2016/03/future-europe-brussels-attacks-isis-160323093901813.html>

<http://www.csmonitor.com/World/Europe/2016/0322/Brussels-bombings-put-the-whole-of-Europe-under-attack>

University of Macedonia, Jean Monnet Centre of Excellence, Round Table Discussion: EU as an International Actor – Internal and External Security Dimensions

A debate on security on the European Union was held on Monday, April 18, 2016 at the University of Macedonia. The Jean Monnet Centre of Excellence organized roundtable on "The European Union as a global actor: Internal and External Security Dimensions". In the discussion eminent experts were invited from abroad: Ambassador Mara Marinaki, the European External Action Service, Chief Consultant on gender issues and on UNSCR / 1325 on Women, Peace and Security and Professor Sven Biscop, from the Egmont Royal Institute for International Relations.



Constitutional Values Observatory Highlights

RESEARCH NOTE 1: THE GAY BLOOD DONOR CONTROVERSY IN THE ECJ: DISCRIMINATION OR HEALTH PROTECTION?

A much awaited judgment delivered by the European Court of Justice triggered the question of blood donation and homosexuality, an issue that perpetuates the debates about human rights and sexual orientation at national, European and international level. The Léger case concerned the compatibility of blanket exclusions of blood donations by men who had or have sexual relations with other men with the law of the European Union. The case sheds light to a broad range of socio-legal questions of equality and exclusion. Moreover, the case highlights the pivotal role of scientific evidence on a court's assessment and the dynamics between legal discourse, scientific knowledge and biased assumptions.

RESEARCH BRIEF 1: BENEFICIARIES OF INTERNATIONAL PROTECTION AND THE "PLACE OF RESIDENCE" CONDITION

Can a Member State restrict the freedom of movement within the host country of beneficiaries of subsidiary protection in receipt of social security benefits? The Court of Justice ruled on the relationship between the freedom of movement of beneficiaries of international protection and measures intended to facilitate their integration. The Court concluded that the Qualification Directive does not prevent beneficiaries of subsidiary protection status from being subject to a residence condition for the purpose of promoting their integration, even if that condition does not apply to other non-EU citizens legally resident in Germany.