

International And European Criminal Law

EU Criminal Law and Policy Harmonization of Criminal Law in Europe European Criminal Law EU Criminal Law and Justice The Cambridge Companion to European Criminal Law Legitimizing European Criminal Law Research Handbook on EU Criminal Law Research Handbook on EU Criminal Law The Needed Balances in EU Criminal Law Human Rights in European Criminal Law EU Criminal Law after Lisbon Essential Texts on International and European Criminal Law Materials on European Criminal Law EU Criminal Law The Constitutional Dimension of European Criminal Law The Legitimacy of EU Criminal Law Mutual Recognition of Judicial Decisions in European Criminal Law EU Criminal Justice Limits to EU Powers EU Criminal Justice, Financial & Economic Crime Joanna Beata Banach-Gutierrez Erling Johannes Husab©₁ André Klip Maria Fletcher Kai Ambos Merita Kettunen Valsamis Mitsilegas Valsamis Mitsilegas Chloé Brière Stefano Ruggeri Valsamis Mitsilegas Gert Vermeulen André Klip Valsamis Mitsilegas Ester Herlin-Karnell Irene Wieczorek Libor Klimek Tommaso Rafaraci Jacob Öberg Marc Cools

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the eu now possesses a clear legal basis for taking action on criminal law matters and steering the policy and practice of member states in relation to crime and criminal law however for what is now an important area of law there remains a striking absence or uncertainty regarding its theoretical basis its legitimacy and its conceptual vocabulary this book offers a review of the significance of eu criminal law and crime policy as a rapidly emerging phenomenon in european law and governance bringing together an international set of contributors the book questions the nature role and objectives of such criminal law its relationship with other areas of eu policy and law and the established rules of criminal law and criminal justice at the member state level taking up such subjects as the application of criminal law across national boundaries and in the broader european context effective enforcement and the working out of a new european policy

the book helps to structure an increasingly significant subject in law which is still finding its direction the book will be of great use and interest to researchers and students of eu law criminal justice and criminology

colloquium was held at the faculty of law university of bergen on 20 21 february 2004 p v

this text presents a coherent picture of the influence of union law in national criminal law and criminal procedure and also tries to sketch the contours of the emerging european criminal justice system of the union

this book fills a significant gap in the english language literature and must be read by all who seek to understand why profound reflection is needed on the theoretical underpinnings of eu criminal justice samuli miettinen journal of common market studies the book contains a number of interesting arguments and comments on the development of eu criminal law the authors efforts to provide a generalist book in this ever growing increasingly important and still under researched field of eu law must be welcomed valsamis mitsilegas the edinburgh law review today eu criminal law and justice constitutes a significant body of law potentially affecting most aspects of criminal justice this book provides a comprehensive accessible yet analytically challenging account of the institutional and legal developments in this field to date it also includes full consideration of the prospective changes to eu criminal law contained in the recent lisbon treaty while broadly speaking the authors welcome the objectives of eu criminal law they call for a profound rethinking of how the good of criminal justice however defined is to be delivered to those living in the eu at present despite sometimes commendable initiatives from the institutions responsible the actual framing and implementation of the area of freedom security and justice afsj suffers from a failure to properly consider the theoretical implications of providing the good of criminal justice at the eu level written shortly before the recent entry into force of the lisbon treaty eu criminal law and justice comprises a full overview of the key legal developments and debates and includes a user friendly guide to the institutional changes contained in the treaty this timely book will be of interest to both undergraduate and postgraduate students as well as to legal practitioners and policy makers at national and eu levels

european criminal law has developed into a complex jagged subject matter which at the same time has become increasingly important for everyday criminal law practice on the one hand this work aims to do comprehensive justice to the complexity of the matter without sacrificing readability in order to achieve this the book s structure enables legal scholars and experienced practitioners to access the information relevant to them in a targeted manner and at the same time enables less oriented readers to gain access to european criminal law thus the volume both answers basic questions and offers discussion in more specialised areas written by experts in the field the book offers discussions which are both of the highest academic standards and accessibly readable

the book examines how and according to which principles the enactment of european criminal legislation is legitimate the approach adopted here focuses on the constitutionalization of

criminal law i.e. the growing importance of constitutional elements of the EU legal order and the ECHR regime within criminal law further it shows how and why criminal law has a unique nature and why it should not be equated with other fields of EU law the book explains the basic research questions and methodologies before turning to the nature of criminal law at the level of national law and addressing the different levels of justification for criminal law further it examines the most prominent features of European criminal law and the difference between general EU law and EU criminal law as well as the theoretical ideals for European constitutional structures and criminal law examples of how the law in practice might not always be in keeping with these normative ideals serve to round out the coverage

EU criminal law is one of the fastest evolving but also challenging policy areas and fields of law this handbook provides a comprehensive and advanced analysis of EU criminal law as a structurally and constitutionally unique policy area and field of research with contributions from leading experts focusing on their respective fields of research the book is preoccupied with defining cross border or euro crimes while allowing member states to sanction criminal behaviour through mutual cooperation it contains a web of institutions agencies and external liaisons which ensure the protection of EU citizens from serious crime while protecting the fundamental rights of suspects and criminals students and scholars of EU criminal law will benefit from the comprehensive research present in this handbook national and EU policy makers as well as judges defence lawyers and human rights lawyers will find the analysis of current legal action combined with proposed solutions useful to their work

this thoroughly revised second edition provides an advanced analysis of EU criminal law as a structurally and constitutionally distinct policy area and field of research EU criminal law is one of the fastest evolving and most challenging fields of law and this research handbook contains new and substantially updated chapters to assess recent legislative developments and CJEU case law

this important volume provides an up to date overview of the main questions currently discussed in the field of EU criminal law it makes a stimulating addition to literature in the field while offering its own distinctive features it takes a four part approach firstly it addresses issues of a constitutional nature such as the EU competence in the field of criminal law the importance of the principle of subsidiarity and the role played by the different EU institutions secondly it looks at issues linked to the quest of the right balance between diversity and unity and focuses in particular on the special relationship between approximation and mutual recognition thirdly it focuses on the balance between security and freedom or in other words between the shield and sword functions of EU criminal law special attention is given here to transatlantic cooperation data protection terrorism the European arrest warrant and the European investigation order finally it examines the importance of balanced relations between criminal justice actors

this book deals with human rights in European criminal law after the Lisbon Treaty doubtless the Lisbon Treaty has constituted a milestone in the development of European criminal justice not only has the reform following the Treaty given binding force to the EU Charter of Fundamental Rights but furthermore it has paved the way for unprecedented forms of supranational legislation in this scenario the enforcement of individual rights in criminal matters has become a core goal of EU legislation alongside these developments new interactions between national and

supranational jurisprudences have emerged which have significantly contributed to a human rights oriented approach to european criminal law the book analyses the main developments of this complex phenomenon from an interdisciplinary perspective criminal and procedural law constitutional law and comparative law must thus be combined to achieve a full understanding of these developments and of their impact on national law

this monograph is the first comprehensive analysis of the impact of the entry into force of the treaty of lisbon on eu criminal law by focusing on key areas of criminal law and procedure the book assesses the extent to which the entry into force of the lisbon treaty has transformed european criminal justice and evaluates the impact of post lisbon legislation on national criminal justice systems the monograph examines the constitutionalisation of eu criminal law after lisbon by focusing on the impact of institutional and constitutional developments in the field including the influence of the eu charter of fundamental rights on eu criminal law the analysis covers aspects of criminal justice ranging from criminalisation to judicial co operation to prosecution to the enforcement of sanctions the book contains a detailed analysis and evaluation of the powers of the union to harmonise substantive criminal law and the influence of european union law on national substantive criminal law of the evolution of the europeanisation of prosecution from horizontal co operation between national criminal justice to forms of vertical integration in the field of prosecution as embodied in the evolution of eurojust and the establishment of a european public prosecutor s office of the operation of the principle of mutual recognition by focusing in particular on the european arrest warrant system and its impact on the relationship between mutual trust and fundamental rights of eu legislation in the field on criminal procedure including legislation on the rights of the defendant and the victim of the relationship between eu criminal law and citizenship of the union and of the evolution of an eu model of preventive justice as exemplified by the proliferation of measures on terrorist sanctions throughout the book the questions of the uk participation in europe s area of criminal justice and the feasibility of a europe à la carte in eu criminal law are examined the book concludes by highlighting the possibilities that the lisbon treaty opens for the development of a new paradigm of european criminal justice which places the individual and not the state and the protection of fundamental rights and not security at its core

this notebook comprises the principal policy documents and multilateral legal instruments on international and european criminal law with a special focus on europol and eurojust as well as on initiatives aimed at combating international or organized crime or terrorism it is meant to provide students as well as practitioners judicia and law enforcement authorities lawyers researchera throughout europe with an accurate up to date and low budget edition of essential texts on these matters these texts have been ordered according to the multilateral cooperation level within which they were drawn up either prum the european union comprising also schengen related texts the council of europe or the united nations within each of these four parts they have been included in chronological order with a view to strengthening internal coherence however certain texts have been inserted immediately following the text they modify supplement or otherwise re late to this compilation containing over 10 newly added texts for the fourth edition has been brought up to 15 august 2005

materials on european criminal law is a collection of legal instruments including all legal materials that are relevant for the practice of the member states of the european union in one concise volume it is useful for practitioners academics and student alike back cover

this is the second edition of eu criminal law which has become since its publication in 2009 a key point of reference in the field the second edition is updated and substantially expanded to take into account the significant growth of eu criminal law as a distinct legal field and the impact of the entry into force of the lisbon treaty on european integration in criminal matters the book offers a holistic and in depth analysis of the key elements of european integration in criminal matters including eu powers and competence to criminalise the evolution of judicial co operation under the principles of mutual recognition and mutual trust eu action in the field of criminal procedure including legislation on the rights of the defendant and the victim the evolving role of european bodies and agencies such as europol eurojust and the european public prosecutor s office in european criminal law and the development of eu wide surveillance and data gathering and exchange mechanisms several chapters are devoted to the external dimension of eu action in criminal matters including transatlantic counter terrorism cooperation and the impact of brexit on eu criminal law throughout the volume the constitutional and fundamental rights implications of european integration in criminal matters are highlighted covering all the key principles of eu law with clear explanation and rigorous analysis this will give scholars students policy makers and legal practitioners interested in the subject a strong understanding of this fascinating but sometimes complex field

criminal law is one of the most rapidly changing areas of contemporary eu law and integration the treaty of lisbon has elevated it to a central place in the constitution of the eu within the dynamic area of freedom security and justice the phenomenon of eu criminal law as such is however far from new but has developed on an ad hoc basis not least as a result of the case law of the european court of justice central to the court s reasoning in this area has been the principle of effectiveness a main theme running through the book is therefore the role of the axiom of effectiveness which is critically examined with particular attention to its use by the european court of justice in recent leading cases this book explores the constitutional principles underlying it both those determining the substantive values it embodies and those determining its scope and extent other chapters consider the phenomenon of preventative criminalisation at eu level and the protection of subsidiarity and proportionality in eu criminal law the balance between effective eu action proper control of competence and adequate protection of individual rights is of growing importance as eu criminal law expands but as this book suggests has not yet been fully articulated or entrenched by the institutions of the eu

this book traces the history of the eu competence eu policy discourse and eu legislation in the field of criminalisation from maastricht until the present day it asks why eu criminal law looking at what rationales the treaty policy document and legislation put forth when deciding whether a certain behaviour should be a criminal offence to interpret the eu approach to criminalisation it relies on both modern and post modern theoretical frameworks on the legitimacy of criminal law read jointly with the theories on the functions of eu harmonisation of national law the book demonstrates that while eu constitutional law leans towards an effectiveness based enforcement driven understanding of criminal law the eu has in fact in more than one instance adopted symbolic eu criminal law ie criminal law aimed at highlighting what values are important to the eu but which is not fit to actually deter individuals from harming such values the book then questions whether this approach is consistent or in contradiction with the values based constitutional identity the eu has set for itself

this book examines the mutual recognition of judicial decisions in european criminal law as a cornerstone of judicial co operation in criminal matters in the european union providing

comprehensive content and combining theoretical and practical aspects it covers all of the major issues surrounding mutual recognition the book analyses its definition genesis principles case law implementation and evaluation special attention is given to mutual recognition measures namely european arrest warrant i e surrender procedure mutual recognition of custodial sentences and measures involving deprivation of liberty mutual recognition of probation measures and alternative sanctions mutual recognition of financial penalties mutual recognition of confiscation orders the european supervision order in pre trial procedures i e mutual recognition of supervision measures as an alternative to provisional detention the european investigation order i e free movement of evidence and the european protection order i e mutual recognition of protection orders instead of focusing solely on a criminal law approach the book also considers the subject from the perspectives of european union law and international criminal law

this volume discusses eu criminal justice from three perspectives the first concerns fundamental rights following the adoption of the directives that have progressively reinforced the cornerstone of procedural rights of suspects and defendants in national criminal proceedings in the eu member states so as to facilitate judicial cooperation the second perspective relates to transnational criminal investigations and proceedings which are seen as a cross section of the current state of judicial cooperation in the area of freedom security and justice with the related issues of efficiency coordination settlement of conflicts of jurisdiction and guarantees the third perspective concerns the development of a supranational justice system in the light of the recently established european public prosecutor s office whose european judicial nature still coexists with strong national components

praise for the book essential reading for anyone interested in the existence and exercise of eu powers in the field of criminal law Öberg s critical examination of the constitutional constraints to eu action also raises many questions that are of great interest in other areas of eu competence the book deserves a wide readership among scholars interested in the constitutional workings of the european union samuli miettinen university of helsinki tallinn university the main strength of this book lies in its comprehensiveness of dealing with the topical issue of eu regulatory criminal law from the fascinating perspective of limits to eu powers its particular contribution to existing scholarship in the field of eu criminal law concerns its focus on judicial checks on the exercise of competences as to which the book offers a convincing proposal for a stricter standard for judicial review in matters of regulatory criminal law and beyond professor jannemieke ouwerkerk leiden law school an excellent read on competence allocation in eu law and what it means in criminal law context this book guides the reader through very complex questions of the contours of subsidiarity national competences and the exact limits of eu powers it also supplies up to date case studies of financial crimes and the need for the eu to act effectively and thereby increase confidence in the market and the challenges it may cause for national systems a very timely contribution ester herlin karnell vu university amsterdam pursuant to the precepts of eu law eu policy makers are bound to ensure that any eu legislation must fall within the remit of the eu s competences this monograph looks at this highly contested issue with particular reference to european union criminal law it looks at the powers enjoyed by the eu to impose criminal sanctions to suggest mechanisms by which legislative powers could be kept in check the book argues that the main responsibility for providing checks against the exercise of eu power lies with the eu judiciary it argues that the most effective form of review is procedural and through the case study of sanctions provides the basis for such a review innovative engaging and rigorous this is an important publication both in the field of european criminal

and constitutional law

this fifth volume of the governance of security goes research paper series addresses a wide variety of topical issues focusing on european criminal justice and financial and economic crime the first cluster of articles is concerned with european criminal justice matters particularly relating to eu mutual recognition such as conceptualization unwanted effects in the context of prisoner transfer and sentence execution impact for cross border gathering and use of forensic expert evidence and interrogational fairness standards a second cluster of articles addresses the subjects of financial and economic crime ranging from informal economy among street children to formal informal economy vulnerability of the hotel and catering industry to crime and white collar crime phenomena like transnational environmental crime and corruption a final cluster groups together a variety of selected topical issues including juvenile offending and mental disorders desistance theories and sexually transmitted infections

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