

International And European Criminal Law

The Court of Justice and European Criminal Law Essential Texts on International and European Criminal Law 8th edition, updated until 1 January 2015 EU Criminal Law and Policy Towards a European Criminal Record International and European Criminal Law EU Criminal Justice and the Challenges of Diversity EU Criminal Law European Criminal Law The Court of Justice and European Criminal Law Legitimizing European Criminal Law EU Criminal Law and Policy The Legitimacy of EU Criminal Law Essential texts on international and European criminal law (9th edition) Essential Texts on International and European Criminal Law (10th revised edition) Limits to EU Powers Redefining Organised Crime: A Challenge for the European Union? EU Criminal Law after Lisbon Materials on European Criminal Law European Criminal Procedures EU Criminal Justice Valsamis Mitsilegas Gert Vermeulen Joanna Beata Banach-Gutierrez Constantin Stefanou Helmut Satzger Renaud Colson Valsamis Mitsilegas Kai Ambos Valsamis Mitsilegas Merita Kettunen Joanna Beata Banach-Gutierrez Irene Wieczorek Gert Vermeulen Gert Vermeulen Jacob Öberg Stefania Carnevale Valsamis Mitsilegas André Klip Mireille Delmas-Marty Tommaso Rafaraci

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the aim of this book is to provide an insight into the landmark rulings of the court of justice of the european union cjeu in european criminal law ecl as in other areas of eu law the decisions of the cjeu have been a driving force for development and integration by analysing the impact of these leading cases on eu and national law the book provides a diachronic and multifaceted

picture of the court's approach to criminal law

this volume 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 the texts have been ordered according to the multilateral co operation level within which they were drawn up either prüm the european union comprising also schengen related texts the council of europe or the united nations it is meant to provide students as well as practitioners judicial and law enforcement authorities lawyers researchers throughout europe with an accurate up to date edition of essential texts on these matters

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

the success of the four core freedoms of the eu has created fertile ground for transnational organised crime innovative transnational legal weapons are therefore required by national authorities the availability of data on criminal convictions is at the forefront of the debate but which mechanism for availability can be used effectively while at the same time respecting an increasingly higher level of data protection at national level in the fluid post reform treaty environment the eu is moving towards the creation of a european criminal record which will ultimately secure availability of criminal data beyond the weaknesses of mutual legal assistance mechanisms examining the concept of a european criminal record in its legal political and data protection dimensions this multidisciplinary study is an indispensable exploration of a major initiative in european criminal law which is set to monopolise the debate on eu judicial co operation and enforcement

the volume examines how diversity in member states legal cultures is being addressed in the development of eu criminal justice

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

since their creation the european union and the council of europe have worked to harmonise the justice systems of their member states this project has been met with a series of challenges european criminal law offers a compelling insight into the development and functions of european criminal law it tracks the historical development of european criminal law offering a detailed critical analysis of the criminal justice systems responsible for its implementation while the rapid expansion and transnationalisation of criminal law is a necessary response to the growing numbers of free movement of persons and goods it has serious implications for the rights of european citizens and needs to be balanced with rights protections with its close analysis of secondary legislation and reliance on a wide variety of original sources this book provides a thorough understanding of european criminal law and the institutions involved

the aim of this book is to provide an insight into the landmark rulings of the court of justice of the european union cjeu in european criminal law ecl as in other areas of eu law the decisions of the cjeu have been a driving force for development and integration by analysing the impact of these leading cases on eu and national law the book provides a diachronic and multifaceted picture of the court s approach to criminal law

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

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

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 volume 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 the texts have

been ordered according to the multilateral co operation level within which they were drawn up either prüm the european union comprising also schengen related texts the council of europe or the united nations it is meant to provide students as well as practitioners judicial and law enforcement authorities lawyers researchers throughout europe with an accurate up to date edition of essential texts on these matters

this book comprises the principal multilateral legal instruments on international and european criminal law with a special institutional focus on europol and eurojust and a substantive focus on international organised and serious crime including terrorism given the relevance thereof for international information exchange in criminal matters relevant data protection instruments have also been included in the selection the texts have been ordered according to the corresponding multilateral co operation level either prüm the european union comprising schengen related texts the council of europe or the united nations this edition provides students as well as practitioners judicial and law enforcement authorities lawyers researchers throughout europe with an accurate and up to date edition of essential texts on international and european criminal law all texts have been updated until 20 december 2018

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

the definition of organised crime has long been the object of lively debate at national and international level sociological and legal analysis has not yet led to one definitive answer to the question of what exactly organised crime means nonetheless many instruments adopted both at international and national levels set forth special legal regimes designed to target criminal groups featuring a stable organisation which are perceived as particularly dangerous to society therefore identifying the notion of organised crime is crucial to establishing the scope of any legal instrument specifically designed for combating it the aim of this book is to reassess the scope the effectiveness and the overall coherence of existing definitions of organised crime and to identify any need for a reconsideration of these definitions specifically with reference to the eu legal order it will be of interest to academics practitioners and legislators working in the sphere of eu criminal law and of organised crime more generally

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

over the years the european union has expanded its legislation in the area of criminal law criminal procedure and co operation in criminal matters this process has led to an endless number of conventions framework decisions joint actions directives and other legal instruments 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 eu in one concise volume it will be useful for practitioners academics and students alike

revised by elena ricci

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

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