

International And European Criminal Law

Harmonization of Criminal Law in Europe EU Criminal Law and Policy The Future of EU Criminal Justice Policy and Practice Legitimizing European Criminal Law Research Handbook on EU Criminal Law The Cambridge Companion to European Criminal Law The Needed Balances in EU Criminal Law European Criminal Law EU Criminal Law after Lisbon EU Criminal Law EU Criminal Law and Justice Essential Texts on International and European Criminal Law Materials on European Criminal Law Research Handbook on EU Criminal Law The Legitimacy of EU Criminal Law Human Rights in European Criminal Law Mutual Recognition of Judicial Decisions in European Criminal Law Substantive Criminal Law of the European Union The Constitutional Dimension of European Criminal Law The Court of Justice and European Criminal Law Erling Johannes Husab©i Joanna Beata Banach-Gutierrez Jannemieke Ouwerkerk Merita Kettunen Valsamis Mitsilegas Kai Ambos Chloé Brière André Klip Valsamis Mitsilegas Valsamis Mitsilegas Maria Fletcher Gert Vermeulen André Klip Valsamis Mitsilegas Irene Wieczorek Stefano Ruggeri Libor Klimek André Klip Ester Herlin-Karnell Valsamis Mitsilegas

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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

eu criminal justice is a fast developing and challenging area of eu law and policy that requires scholars from different disciplines to join forces this book is a first attempt to establish such synergies coming from different angles the authors deal with questions in the area of eu substantive criminal law such as when criminalisation of conduct is an appropriate choice how the process of de criminalisation could be advanced what the role of evidence could be in this regard and what consequences criminalisation decisions at eu level have for national legal orders the book concludes with a demonstration of how similar issues arise in the field of procedural 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

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

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

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 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 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 book examines the main aspects of eu criminal law in the light of recent constitutional challenges

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

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 coherent 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 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 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 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 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

the book is the result of the conference substantive criminal law of the european union organised by the criminal law department of maastricht university on 20 and 21 january 2011 with the generous support of the faculty of law of maastricht university the koninklijke nederlandse academie van wetenschappen the department of criminal law and criminology of maastricht university and the hague institute for the internationalisation of law hil

criminal law is one of the most rapidly changing areas of contemporary eu law and integration this book explores the constitutional principles underlying it substantively and in terms of its scope and extent

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

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