



# **Handbook on the European Arrest Warrant**

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# **Handbook On The European Arrest Warrant**

**Valsamis Mitsilegas, Elena Fasoli, Fabio  
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## **Handbook On The European Arrest Warrant:**

**Handbook on the European Arrest Warrant**, 2007 Handbook on the European Arrest Warrant Rob Blekxtoon, Wouter van Ballegooij, 2005 With a Preface by Antonio Vitorino Member of the European Commission responsible for Justice and Home Affairs On 13 June 2002 the Framework Decision on the European Arrest Warrant and Surrender Procedures between Member States of the European Union EAW was adopted by the Council of the European Union The Framework Decision is to be implemented by all current and future members of the European Union in their respective legal systems The new surrender regime replaces the system of extradition between the Member States The present Handbook offers an introduction to the EAW its origin and its implications The book sets out on the history of extradition as a legal system and compares the EAW with the old system It includes the full text of the EAW with commentaries per paragraph Attention is paid to procedural rules as well as to special issues such as the principles of reciprocity and mutual trust *ne bis in idem* verdicts in absentia and the double criminality rule The relation of the EAW with other relevant legal instruments including those concerning human rights and procedural safeguards is also covered A keyword index enhances the accessibility of the book The Handbook on the European Arrest Warrant is written by legal experts practitioners and academics for government officials judges and public prosecutors legal practitioners academics and everyone else involved in the implementation of the EAW on the national level Judge Rob Blekxtoon was Presiding Judge of the Extradition Division of the Amsterdam District Court for more than eighteen years and was charged with establishing the Surrender Division of that Court which is designated to handle all surrender cases in the Netherlands **European Union Law** Damian Chalmers, Gareth Davies, Giorgio Monti, 2010-06-24 This eagerly awaited new edition has been significantly revised after extensive user feedback to meet current teaching requirements The first major textbook to be published since the rejuvenation of the Lisbon Treaty it retains the best elements of the first edition the engaging easily understandable writing style extracts from a variety of sources showing the creation interpretation and application of the law and comprehensive coverage In addition it has separate chapters on EU law in national courts governance and external relations reflecting the new directions in which the field is moving The examination of the free movement of goods and competition law has been restructured Chapter introductions clearly set out what will be covered in each section allowing students to approach complex material with confidence and detailed further reading sections encourage further study Put simply it is required reading for all serious students of EU law European Arrest Warrant Libor Klimek, 2014-09-23 This book examines the European arrest warrant as a successful and effective instrument for 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 the European arrest warrant The book analyses its genesis main features surrender procedure case law implementation and the latest developments Instead of focusing solely on a criminal law approach it also considers the

subject from the perspective of European Union law and constitutional law      The European Arrest Warrant and EU Citizenship Joske Graat, 2022-09-09 This book offers an in depth analysis of the relationship between EU citizenship the European arrest warrant EAW and the legality principle It focuses on the role of the EAW in relation to two foreseeability problems with which EU citizens especially those who exercise free movement rights could be confronted These problems concern the foreseeability of specific national criminal laws at the time of the offense on the one hand and forum decisions on the other The first part of the book addresses the extent to which these foreseeability problems and the role of the EAW therein are viewed as legality problems at the EU level and in three national legal orders the Netherlands Germany and England and Wales In turn the second part of the book critically examines the current scope and content of the legality principle in light of the EU s objective to offer its citizens an Area of Freedom Security and Justice AFSJ in which both safety and free movement are guaranteed As EU citizens often encounter foreseeability problems when exercising their free movement rights it is argued that they should be protected by a transnational framework of fundamental rights The book subsequently makes recommendations for a transnational interpretation of the legality principle one which fits the normative context of the AFSJ as described in Article 3 2 TEU On the basis of the evolution of EU citizenship over time the book also develops two EU citizenship narratives and explains how they could contribute to transnational fundamental rights protection and a solution to foreseeability problems With regard to arriving at concrete solutions the book offers recommendations for EU legislation that could adequately remedy foreseeability problems and the role of the EAW therein      Crime within the Area of Freedom, Security and Justice Christina Eckes, Theodore Konstadinides, 2011-01-20 The Europeanisation of the fight against crime is a broad and much contested notion This in depth analysis of the role of the EU in fighting crime within the area of freedom security and justice explores the impact of EU policies in the Member States the progressive convergence of Member States criminal law systems the emergence of mutual recognition as an alternative to harmonization and the incremental development of the ECJ s jurisdiction The essays also explore the limitations inherent in EU counter crime policies and the changes brought about by the introduction of the Treaty of Lisbon These changes are discussed both collectively and within individual substantive areas in which the EU has taken an active role in fighting crime such as corruption money laundering terrorism organised crime and extradition      International Criminal Law Ilias Bantekas, Susan Nash, 2009-06-02 Providing an introduction to and detailed examination of substantive enforcement and procedural aspects of international criminal law this book s examination of international and transnational crimes under treaty and customary law has been fully updated and revised Exploring the enforcement of international criminal law through an investigation of the practice of the Security Council based tribunals for Yugoslavia and Rwanda the International Criminal Court and other hybrid tribunals such as those for Cambodia Sierra Leone Lockerbie and truth commissions the authors look at terrorism offences against the person piracy and jurisdiction and immunities amongst a variety of other topics New to this edition are

four additional chapters on various forms of liability and participation in international crime war crimes crimes against humanity genocide and illegal rendition This is an ideal text for undergraduate and postgraduate students of law or international relations practitioners and those interested in gaining an insight into international criminal law

**Proportionality in Crime Control and Criminal Justice** Emmanouil Billis,Nandor Knust,Jon Petter Rui,2021-04-22

This edited volume seeks to reassess the old and to analyse and develop novel approaches to the notion of proportionality in criminal matters and the new security architecture The discourse is not limited to conventional constitutional constellations and standard problems of sentencing in traditional criminal proceedings Rather the book offers an interdisciplinary and cross jurisdictional exploration of highly topical proportionality related issues pertinent to penal theory and legal philosophy criminalisation policies security and anti terrorism strategies alternative types of justice delivery and supranational enforcement as well as human rights and international criminal and humanitarian law In today s global risk society with its numerous visible and invisible enemies of the state and the individual balancing freedom and security has become nothing less than an attempt at untying a Gordian knot Against this background the proportionality of measures of crime prevention and repression is unquestionably an issue of utmost importance which basic research and legal policy in rule of law based systems are urgently called to address The timely and fascinating contributions in this book covering jurisdictions from both the common law and the civil law as well as hybrid and international jurisdictions will appeal to academics researchers policy advisers and practitioners working in the areas of national and international criminal law comparative criminal justice criminology and legal philosophy as well as constitutional and security law European Evidence Warrant John A. E. Vervaele,2005 The transnational gathering and use of criminal evidence is a complex and sensitive matter that affects basic principles inherent in national criminal justice systems Replacing the mutual assistance regime letters rogatory by a mutual recognition regime intends to facilitate the admissibility of evidence obtained from the territory of another Member State How much harmonization of criminal procedure is needed to guarantee the free movement of criminal evidence in the EU Do we have to develop common procedural safeguards in the EU or can we build in human rights clauses or procedural public order clauses by which respect for fundamental rights can be a ground for the non recognition non execution or postponement of the order from the issuing state John Vervaele is Professor in Economic and Financial Criminal Law at the University of Utrecht and Professor in European Criminal Law at the College of Europe of Bruges The main topics in his research field are enforcement of Union law standards of due law procedural safeguards and human rights criminal law and procedure an regional integration comparative economic and financial criminal law He has realized a lot of research in these areas both for Dutch Departments and European Institutions and also worked as a consultant for them Mutual Recognition of Judicial Decisions in European Criminal Law Libor Klimek,2016-12-09 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 EU Charter of Fundamental Rights** Steve Peers,Tamara Hervey,Jeff Kenner,Angela Ward,2021-11-18 this most thorough commentary must be regarded as the Bible on the Charter Peter Oliver Common Market Law Review This second edition of the first commentary of the EU Charter of Fundamental Rights in English written by experts from several EU Member States provides an authoritative but succinct statement of how the Charter impacts upon EU domestic and international law Following the conventional article by article approach each commentator offers an expert view of how each article is either already being interpreted in the courts or is likely to be interpreted Each commentary is referenced to the case law and is augmented with extensive references to further reading This is a much welcomed new edition of the authoritative guide to the Charter

**Proportionality of Criminal Penalties in EU Law** Lorenzo Grossio,Stefano Montaldo,Valsamis Mitsilegas,2025-02-06 This book develops a systematic analysis of the principle of proportionality of penalties in EU law Until now the principle has been mainly assessed from a criminological point of view By departing from existing literature the book advances an original EU law perspective on proportionality of penalties which underlies the analysis of its theorisation place and influence on domestic criminal systems Building upon this approach scholarly contributions in the book systematically delve into the various implications of the principle in EU law while paying particular attention to its profound interaction with criminal law concepts      **The Principle of Mutual Recognition in EU Law** Christine Janssens,2013-10-31 Examining the principle of mutual recognition in the EU legal order this book takes a cross policy approach to focus on the principle in the internal market and in the criminal justice area It asks whether the principle of mutual recognition as developed in relation to the free movement provisions internal market can equally be applied in judicial cooperation in criminal matters the area of freedom security and justice and if such a cross policy application is desirable Divided into three parts the book first looks at the way this principle functions in the internal market Part II examines how the principle works in judicial cooperation in criminal matters with the final part answering the book s central questions In each part further related questions are asked What is the object of the principle of mutual recognition Who are the main actors involved How does the mechanism of

mutual recognition operate with an emphasis on the existing limits to mutual recognition How does mutual recognition relate to harmonization and to mutual trust What is the relevance of equivalence requirements and the distribution of competence between the home issuing State and the host executing State What are the main characteristics of the principle of mutual recognition And is it a workable principle Through an in depth analysis of the relevant Treaty provisions EU legislation EU case law and EU policy documents the book comes to the conclusion that a cross policy application of the principle of mutual recognition is both feasible and desirable

**EU Justice and Home Affairs Law** Steve Peers, 2016 The aim to this series is to publish important and original studies of the various branches of EU law Each work provides a clear concise and critical exposition of the law in its social economics and political context at a level which will interest the advanced student the practitioner the academic and government and community officials Formerly the Oxford European Community Law Library Book jacket

*Crime, Criminal Law and Criminal Justice in Europe* Hans-Jörg Albrecht, André Klip, 2013-02-15 This unique collection of essays celebrates the twentieth anniversary of the seminal journal the European Journal of Crime Criminal Law and Criminal Justice as well as the outstanding and uninterrupted work over that period of its founding Editor in Chief Professor Cyrille Fijnaut The volume consists of a selection of some of the most ground breaking articles published over the past twenty years covering the three areas of focus of the journal problems of crime developments in criminal law and changes in criminal justice It thus explores such diverse issues as the problems of crime in Central and Eastern Europe after the disappearance of the Soviet Union and the collapse of Yugoslavia the allocation of criminal law power in the European Union police cooperation in the border areas of the Member States the criminalization of white collar crime the establishment of European police services and of a European Public Prosecutor s Office new forms of criminal justice cooperation between the Member States and many others The journal s unique multidisciplinary approach and its commitment to offer insights from a wide variety of European countries and language areas ensure that a varied range of perspectives are offered on the topics discussed The result is an enlightening and highly readable anthology shedding light on the extraordinary developments that have taken place in the area of crime and punishment in Europe

*The Needed Balances in EU Criminal Law* Chloé Brière, Anne Weyembergh, 2017-12-28 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      The Oxford Handbook of Criminal Process Darryl K. Brown, Jenia Iontcheva Turner, Bettina Weisser, 2019-02-22 The Oxford Handbook of Criminal Process surveys the topics and issues in the field of criminal process including the laws institutions and practices of the criminal justice administration The process begins with arrests or with crime investigation such as searches for evidence It continues through trial or some alternative form of adjudication such as plea bargaining that may lead to conviction and punishment and it includes post conviction events such as appeals and various procedures for addressing miscarriages of justice Across more than 40 chapters this Handbook provides a descriptive overview of the subject sufficient to serve as a durable reference source and more importantly to offer contemporary critical or analytical perspectives on those subjects by leading scholars in the field Topics covered include history procedure investigation prosecution evidence adjudication and appeal      The Development of Transnational Policing John McDaniel, Karlie Stonard, David Cox, 2019-10-10 This book draws together the insights of eminent academics and specialists to present an overview of past and present approaches to transnational policing throughout the Anglophone world It aims to revitalize the study of transnational policing by showing that past and present developments in this field remain poorly understood while also suggesting future avenues of research Containing chapters on police history police accountability gendered hate crime in an increasingly online world counter radicalisation strategies being pursued around the world internet facilitated sex trafficking and changes in organised crime amongst others the authors adopt revisionist orthodox and progressive views in order to challenge our understanding and appreciation of developments in transnational policing All of the chapters in the book use policing models employed within the UK as either their focal point or as a point of comparison so that direct comparisons and contrasts can be examined The Development of Transnational Policing illustrates distinctive and separate aspects of what remains an undoubtedly complex and dynamic field but also forms an overview of developments and the dearth of academic research which surround them in order hopefully to inspire researchers policymakers and practitioners alike      *EU Criminal Law* Valsamis Mitsilegas, 2009-03-16 EU Criminal Law is perhaps the fastest growing area of EU law It is also one of the most contested fields of EU action covering measures which have a significant impact on the protection of fundamental rights and the relationship between the individual and the State while at the same time presenting a challenge to State sovereignty in the field and potentially reconfiguring significantly the relationship between Member States and the EU The book will examine in detail the main aspects of EU criminal law in the light of these constitutional challenges These include the history and institutions of EU criminal law including the evolution of the third pillar and its relationship with EC law harmonisation in criminal law and procedure with emphasis on competence questions mutual recognition in criminal matters including the operation of the European Arrest Warrant and accompanying measures action by EU bodies facilitating police and judicial co operation in criminal matters such as Europol



Eurojust and OLAF the collection and exchange of personal data in particular via EU databases and co operation between law enforcement authorities and the external dimension of EU action in criminal matters including EU US counter terrorism co operation The analysis is forward looking taking into account the potential impact of the Lisbon Treaty on EU criminal law

The Legal Regulation of Environmental Crime Valsamis Mitsilegas, Elena Fasoli, Fabio Giuffrida, Malgosia

Fitzmaurice, 2022-01-17 The Legal Regulation of Environmental Crime The International and European Dimension provides a comprehensive analysis of the international and EU legal regimes for tackling environmental crime The book includes an in depth analysis of the major international conventions as they relate to the regulation of environmental crime CITES Basel MARPOL and provides a holistic overview of the evolution and content of EU law in the field of environmental crime covering substantive criminal law harmonisation judicial cooperation and the role of EU criminal justice bodies and agencies Europol Eurojust and the EPPO in fighting environmental crime Further the book addresses key recent policy and legislative developments in the field and offers a timely contribution to legal reform in view of the publication of new proposals on legislation on environmental crime at EU level

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