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978-1-107-00215-9 - Crime within the Area of Freedom, Security and Justice: A European Public Order

Edited by Christina Eckes and Theodore Konstadinides

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CRIME WITHIN THE AREA OF FREEDOM, SECURITY AND JUSTICE

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 harmonisation, 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.

CHRISTINA ECKES is an assistant professor at the Amsterdam Centre for European Law and Governance (ACELG), University of Amsterdam, where her research interests include the external relations of the European Union and the development of European constitutional law.

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The origins of this volume lie in a long-discussed idea between the editors to find common ground in their research and work together in a pertinent area of EU law. The foundations were laid in Spring 2008. Since then, our aim has been to capture so far as possible the development of a rapidly growing area of law. Being our first ever edited collection we met a number of unique challenges. There were times when we felt as if we were holding a camera which had only a few shots left, and yet we were trying, from different angles, to take vivid pictures of a fast moving unidentifiable object. This volume is thus a product of hard labour (sometimes until the early morning hours); compromise; long e-mail correspondence; meetings in London and Amsterdam; trial and error. To this end we have had the pleasure and privilege of consulting and working with numerous remarkable academics.

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ABBREVIATIONS

AFSJ	Area of Freedom, Security and Justice
AG	Advocate-General
AML	Anti-Money Laundering
ATCSA	Anti-Terrorism, Crime and Security Act 2001
BCBS	Basel Committee on Banking Supervision
BVerfG	<i>Bundesverfassungsgericht</i>
CDD	customer due diligence
CEECs	Central and Eastern European countries
CFI	Court of First Instance
CFSP	Common Foreign and Security Policy
CFT	Combating the Financing of Terrorism
CJEU	Court of Justice of the European Union
CTG	Counter-Terrorist Group
CVM	Commission within the so-called ‘mechanism of cooperation and verification of progress’
EAW	European Arrest Warrant
EC	European Community
ECHR	European Convention on Human Rights
ECJ	European Court of Justice
ECR	European Court Reports
ECtHR	European Court of Human Rights
EEAS	European External Action Service
EEW	European Evidence Warrant
EJN	European Judicial Network
EP	European Parliament
EPP	European Public Prosecutor’s Office
ESDP	European Security and Defence Policy
EU	European Union
EU(Lis)	Treaty on the European Union post-Lisbon
EUMM	European Union Monitoring Mission
Europol	European Police Office
FATF	Financial Action Task Force

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ABBREVIATIONS

FIU	Financial Intelligence Unit
Frontex	European Border Agency
FSA	Financial Services Authority
FSMA	Financial Services and Market Act
GG	<i>Grundgesetz</i> (German Constitution)
GRECO	Group of States Against Corruption
IOSCO	International Organization of Securities Commission
JHA	Justice and Home Affairs
JMLSG	Joint Money Laundering Steering Group
MLAC	Money Laundering Advisory Committee
MLIU	Money Laundering Investigation Unit
OECD	Organisation for Economic Cooperation and Development
OPC	Observatory for the Prevention of Crime
PEPs	politically exposed persons
PJCCM	Police and Judicial Cooperation in Criminal Matters
Phare	The Programme of Community aid to the countries of Central and Eastern Europe
SARs	suspicious activity reports
SBA	Swedish Banking Association
SC res	Security Council resolution
SitCen	Joint Situation Centre
SOCA	Serious Organised Crime Agency
TACT	The Terrorism Act 2000
TEC	Treaty Establishing the European Community/EC Treaty
TEU	Treaty on European Union
TFEU	Treaty on the Functioning of the European Union
UK	United Kingdom
UN	United Nations
UNC	UN Charter
UNCAC	UN Convention Against Corruption
UNTOC	United Nations Convention on Transnational Organised Crime Convention