

Cambridge University Press

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

Index

[More information](#)

INDEX

- accountability, 41, 104, 125–6, 187
- accounting and auditing standards, 58
- active personality principle, 152
- Advocaten voor de Wereld* case, 143, 209–10, 211, 214, 218, 228–9
- al-Qaida, 131
- Amnesty International, 238
- Anti-Corruption Convention, 56, 59–60, 64
- anti-corruption measures, 43–74; *see also* corruption
- assessment of, 72–5
 - and banking secrecy, 65
 - convention on, 161
 - and corruption of third country officials, 68
 - Framework Decision on combating corruption, 61, 64, 151–2
 - Joint Action on combating corruption, 60–1
 - measuring the scale of corruption, 69, 70, 75
 - and money laundering, 52–3, 66–8
 - monitoring process for, 45–53, 61, 73
 - and mutual recognition, 63, 74
 - national policies, 57, 68, 70
 - recent developments, 68–72
 - standards, 45, 73
 - Ten Principles for Improving the Fight against Corruption in Acceding, Candidate and other Third Countries, 68
 - Twenty Guiding Principles for the Fight Against Corruption, 47–9, 71
- anti-money laundering measures, 5, 45–53, 76–96; *see also* money laundering
- and anti-corruption measures, 52–3, 66–8
 - collection and sharing of information, 117–21
 - compliance, 126
 - cooperation of private parties, 110
 - costs of, 121
 - customer due diligence standards, 85, 109
 - development of, 78–85
 - Directives on, 67–8, 104–6, 107–8
 - Third Money Laundering Directive, 76, 80, 83–4, 88, 108–10, 134
 - effectiveness, 80, 104, 113, 121–3, 126
 - enforcement of, 114–17, 124–5
 - extraterritorial reach of, 53
 - implementation of, 110–14
 - private actor implementation, 124
 - in Sweden, 112–14
 - in the UK, 111–12
 - issues of concern, 117–23
 - national financial intelligence units, 85, 115
 - obligations of credit and financial institutions, 67
 - preventive measures, 67, 84, 109
 - private initiatives, 102–4, 117, 123–4
 - procedural guarantees, 123
 - public and private cooperation, 5–6, 97–126
 - public initiatives, 101–2
 - regulatory framework, 100–17

Cambridge University Press

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

Index

[More information](#)

302

INDEX

- anti-money laundering
 - measures (*cont.*)
 - risk-based approach, 76, 83–4, 85–9, 125
 - statistics, 80
 - suspicious transaction reports, 114, 121
- and the Treaty of Lisbon, 93–6
- Area of Freedom, Security and Justice agencies, 293–5
- conclusion of international agreements by its agencies, 294, 297, 298
- constitutional legitimation and boundaries, 277
- criminal justice in, 14–17
- emergence of the external dimension of, 278–86
- establishment of, 1, 39, 226
- external competences in, 286–99
 - current, 297–9
- external dimension of, 8, 272–300
- Hague Programme, 69, 230, 283
- implementation of, 39, 62
- internal and external dimensions of, 276–8
- judicial control, 249
- legal coherence of, 21
- objectives of, 15, 128, 274, 275
- policy areas covered by, 273
- priorities of, 285
- programmes, 278
- role of the EU as facilitator, 3
- shared competences, 32
- specific nature of, 272–6
- Stockholm Programme, 285–6
- and the Tampere mandate, 279–81
- transparency and accountability of its agencies, 295
- and the Treaty of Lisbon, 15
- Armas* case, 200
- Artogodan* case, 86
- Austria, 205
- banking secrecy, 65, 107, 120–1
- Basel Committee on Banking Supervision, 102, 103–4, 123
- Belgium, 209–10
- Bergström, Maria, 5–6, 97–126
- Brademas, J., 43
- bribery, 43, 45–7, 59–60; *see also* anti-corruption measures, corruption
- Bulgaria, 187, 188, 190
- Cassis de Dijon* case, 225, 244
- Centro-Com* case, 252
- Charter of Fundamental Rights, 3, 16, 152, 158
- ‘Citizenship’ Directive, 211
- citizenship, national and EU, 206, 208
- Commission v. Council* case, 78, 95
- Commission v. France* (‘Spanish Strawberries’) case, 252
- competences
 - in criminal justice, 24, 31–8, 42
 - division of, 8, 32, 262, 264, 270, 291 of the European Court of Justice, 291, 292
 - of EU agencies, 286
 - external, 297–9
 - extraterritorial, 289, 297–9
 - legislative competences, 94, 222, 225, 250, 252, 267
 - and money laundering, 98–100
 - and the Treaty of Lisbon, 31–8, 57, 286–95
- Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, 45–7
- Convention on the fight against corruption, 161
- Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime, 52, 53, 101
- Convention on Mutual Assistance in Criminal Matters, 230
- Convention on the Protection of EC financial interests, 161
- Convention for the Suppression of the Financing of Terrorism, 151
- Coreper, 280, 281
- Corpus Juris* project, 90

Cambridge University Press

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

Index

[More information](#)

INDEX

303

- corruption, 43–74; *see also* anti-corruption measures, bribery
 - Civil Law Convention on Corruption, 49
 - cooperation between police and judicial authorities, 62–6
 - Criminal Law Convention on Corruption, 49, 52
 - criminalisation of, 43, 60, 73, 210
 - definition, 44, 64
 - domestic, 46
 - effect of, 53
 - EU policy against, 5
 - international agencies and, 44, 45–53
 - mandate to fight, 55–7
 - measurement of, 69, 70, 75
 - and money laundering, 52–3
 - network against, 71
 - and organised crime, 69, 166, 186
 - passive, 59
 - prevention, 61, 73
 - in the private sector, 60–1
- counter-terrorism, 6, 36, 79, 155, 281
 - and the complexity of the EU legal order, 147–9
 - cooperation on, 149
 - coordination of policies, 137, 157
 - criminal justice approach to, 150–1
 - dialogue between governments and courts, 145, 156
 - and the European Arrest Warrant, 193, 198
 - European strategy on, 6, 127–58, 281
 - exchange of information, 149, 158
 - Framework Decision on, 241
 - harmonisation and cooperation on, 153, 158
 - and human rights, 145
 - and the institutional set-up of the EU, 146–7
 - intelligence cooperation, 136–8
 - and international law, 149
 - Joint Situation Centre, 131
 - legality of measures, 144
 - listing and sanctioning private individuals as suspects, 139
 - Member States' responsibilities, 129–32, 149–50
 - national counter-terrorism policies, 129
 - prevention of, 61
 - and the protection of rights, 151–3, 155, 158
 - quality and quantity of activity aimed at, 127
 - sanctions against private individuals, 154–6
- credit and financial institutions, 67
 - client confidentiality, 120–1
 - cooperation in anti-money laundering, 106
 - customer due diligence, 68, 112, 124
 - customer identification, 67, 106, 110
 - politically exposed persons, 68, 110
 - procedures of internal control and communication, 106
- crime, Europeanisation of the fight against, 4
- crime prevention measures, 36
- crimes, thought and opinion, 212–13
- criminal justice, 10–41
 - cooperation in, 12, 163, 184, 221, 224, 246, 265, 275
 - diversity of systems and cultures, 42, 131, 168, 211, 237
 - EU competence over, 31–8
 - evaluation mechanisms, 39, 238
 - implementation of mutual recognition, 63
 - judicial and police cooperation, 74
 - lack of trust in, 241, 242–3, 247
 - legal and political frameworks, 11–14
 - and mutual recognition, 33, 34
 - mutual trust, 229
 - national parliaments and, 40
 - procedures, 34
 - resistance to legislation, 242
 - statistics on crime rates, 90
 - and the Stockholm Programme, 245
 - substantive criminal law, 34–6
- criminal law, 77–8, 96, 135, 215
 - approximation of, 59
 - communitarisation of, 15, 191, 222

Cambridge University Press

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

Index

[More information](#)

304

INDEX

criminal justice (*cont.*)

- community-method of decision-making, 18, 24
- confiscation of criminal proceeds, 80
- culpability, 92
- definition of offences and sanctions, 35, 79–80, 94
- direct effect and, 19
- double criminality, 64
- EU competences in, 24
- Europeanisation of, 8, 214
- harmonisation of, 3, 56, 98, 239–42
- judicial scrutiny, 21
- minimum, standards in procedure, 240
- and mutual recognition, 244
- policy on, 12, 90
- and the precautionary principle, 92–3
- predicate offences, 79, 102
- prevention of crime, 85, 90, 94
- regulatory, 35, 94
- risk-based approach, 84, 86–9, 92, 95
- and the Stockholm Programme, 245

criminology, 86, 89, 90, 93, 159

Croatia, 189

Croissant v. Germany, 218

Cyprus, 205, 206

Czech Republic, 130, 208, 237

data protection, 16, 93, 118–20, 135

Data Retention Directive, 119, 135, 242

Denmark, 26, 212, 243

Donckerwolke case, 288*Dory* case, 253, 268

double criminality, and the European Evidence Warrant, 232–4

e-privacy Directive, 118, 119

Eckes, Christina, 1–3, 127–58

ECOWAS case, 291, 298

effectiveness, 35, 38, 41, 78, 228, 241

Egmont Group, 116, 117

Elsinore case, 212, 213*ERT* case, 264*ERTA* doctrine, 287, 297

EU

- Action Plan to fight organised crime, 163, 164
- Action Plan to fight terrorism, 134
- agencies with external competences, 286
- anti-corruption strategy, 53, 57–62, 74
- anti-money laundering 5–6, 76–96, 104–10
- Charter of Fundamental Rights, 3, 16
- Common Commercial Policy, 288
- Common Foreign and Security Policy, 149, 277, 291, 299
- community-method of decision-making, 12, 18
- conditions for accession, 54, 68, 185
- constitutional arrangements, 193, 205, 245, 269, 272
- constitutions of Member States, 205
- cooperation with the US, 281
- Crime Prevention Network, 36
- crime statistics, 69, 90
- democratic legitimacy, 8, 19, 28, 41, 57, 77, 159, 222
- differences in security culture, 151, 153, 158
- diversity of legal systems and traditions, 153, 194, 214, 244
- double-staged procedures, 152
- enlargement and relations with third countries, 184–90
- executive power in, 19
- external relations, 277, 279
- free movement rights, 257, 275
- as a global actor, 277, 299
- harmonisation/approximation in, 160
- identification principle, 182
- immigration policy, 275, 287, 288–9, 297
- institutional arrangements, 278
- integration of, 159, 275
- internal and external activities, 148
- and the internal market, 101, 105
- and international agreements, 289–93

Cambridge University Press

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

Index

[More information](#)

INDEX

305

- involvement with international organisations, 147
- Joint Situation Centre, 131, 136
- law and order, 249–69
 - provisions in the First Pillar, 251–8
 - provisions in the Third Pillar, 258–63
- listing and sanctioning private individuals as suspects, 154, 155
- Member States' obligations, 4, 267, 274
- national courts and security issues, 141
- national financial intelligence units, 106, 126
- Police and Judicial Co-operation in Criminal Matters, 132, 142, 149, 289, 291
- policy convergence, 2
- policy for the South Caucasus, 187
- political impact of 9/11, 281–3, 289
- promotion of integrity and ethical standards, 61
- proportionality, 57
- protective principle, 152
- Public Procurement Directives, 58–9
- Regulations, Directives and Decisions, 19
- right of establishment, 105
- role of national parliaments, 28, 57
- security issues, 1, 262–3
- security strategy, 81, 132, 133, 148, 151, 162, 186
- Stabilisation and Association Agreements, 189
- Strategy for the Beginning of the new Millennium, 181
- subsidiarity principle, 22, 28, 41, 57, 222
- Title IV EC and Title VI EU, 286–9
- trust between judicial authorities, 216
- visa policy, 287
- EU law
 - better regulation, 85, 92
 - constitutional principles of, 23
 - criminal law, 96
 - executive power in, 12
 - harmonisation, 89
 - impact assessments, 85, 87–8
 - legal and judicial cooperation under, 2
 - precautionary principle, 92
 - risk-based approach, 86, 95
- Eurobarometer surveys, 54
- Eurojust, 28, 38, 40, 66, 181, 277, 293
 - conclusion of international agreements, 294
 - external powers, 294
 - transparency and accountability, 295
- European Arrest Warrant, 7, 63, 132–3, 166, 184
 - absence of definitions in the list of offences, 210–15
 - accuracy and attention to detail in preparation of, 201–3
 - challenges to national implementation of, 142
 - cooperation in enforcement, 242–3 and counter-terrorism measures, 193, 198
 - and double criminality, 64, 194, 198–203, 210
 - evaluation report, 240, 242
 - exclusion of executive power, 198
 - extradition of own nationals, 204
 - Framework Decision on, 166, 184, 192, 205, 228
 - and fundamental rights, 216–20
 - grounds for refusal of execution, 194, 199
 - implementation of, 208, 229
 - mutual recognition and mutual trust, 216–20, 236–44
 - and the *ne bis in idem* principle, 195–6
 - and organised crime, 171
 - and pre-trial detention, 220
- problems of, 210
- proportionality test, 214
- rationale behind, 226
- reception by national legislatures and judiciaries, 236

Cambridge University Press

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

Edited by Christina Eckes and Theodore Konstantinides

Index

[More information](#)

306

INDEX

- European Arrest Warrant (*cont.*)
 safeguards, 243
 ‘specialty rule’, 199, 203
- European Border Agency *see* Frontex
- European Charter of Fundamental Rights, 3, 16, 152, 158
- European Commission
 enforcement powers, 29, 61
 expert group on policy, 91
 Green Paper on Mutual Recognition of Non-Custodial Pre-Trial Supervision Measures, 220
 mechanism of cooperation and verification of progress, 187
 Observatory for the Prevention of Crime, 36
 powers of, 146
 priorities for the AFSJ, 284
 public consultation on priorities in the AFSJ, 55
 role of, 29, 41
 security strategy, 30
 and the Stockholm Programme, 29
- European Convention for the Protection of Human Rights and Fundamental Freedoms, 16
- European Convention on Extradition, 161, 163, 204
- European Convention on Human Rights, 3, 237
- European Council
 and the Area of Freedom, Security and Justice, 281
 Civil Law Convention on Corruption, 49
 Criminal Law Convention on Corruption, 49, 52
 division of expertise and political priorities, 147
 Hague Programme, 3
 influence in law-making, 29
 model code of conduct for public officials, 48, 73
 recommendations on funding of political parties and campaigns, 48, 73
 resolutions on witness protection, 180
 rotating Presidency, 146
 security strategy, 30, 31–8
 Stockholm Programme, 3
 Tampere Council, 3
 and the Treaty of Lisbon, 30–1
- European Court of Human Rights, 17, 145, 179, 217, 218, 237, 244
- European Court of Justice
 application of EC rules to Member States’ decisions, 268
 ‘battle of the pillars’, 23, 32
 cases of sanctions against individuals, 140
 communitised role of, 298
 competences, 291, 292
 and counter-terrorism measures, 143–4, 155
 dialogue with national courts, 144
 and the European Arrest Warrant, 210, 228–9
 enforcement of anti-corruption measures, 62
 extended jurisdiction under the Lisbon Treaty, 21–4
 and human rights-compliant criminal justice, 17
 infringement actions, 266
 judicial cooperation in criminal matters, 99
 jurisdiction of, 4, 18
 in law, order and security, 250, 251, 260, 261, 264–5, 268, 270
 over criminal justice, 41
 and national courts, 23, 260, 268, 270
 preliminary reference procedure, 21–3
 preliminary ruling procedure, 259, 261, 270
 principle of legality, 233
 role as interpreter of EU law, 260, 261, 263, 266, 268
 role in counter-terrorism, 138–45
 role in establishing the EU, 145
 and visa, asylum and immigration policy, 141
- European Evidence Warrant, 7, 135, 224–47

Cambridge University Press

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

Index

[More information](#)

INDEX

307

- and the abolition of dual criminality, 232–4
- actual and designated judicial authorities, 235
- admissibility of evidence extracted through torture, 219
- approaches of different constitutional courts to, 237–8
- cooperation in enforcement, 242–3
- definition of evidence, 231
- definition of offences and sanctions, 232
- development of, 225–9
 - and dual criminality, 241
 - evaluation report, 242
 - and existing mutual legal assistance measures, 231
 - Framework Decision on, 230
 - general scheme, 231–2
 - legislation for, 229–36
 - and mutual recognition and trust, 236–44
 - safeguards, 236, 243
 - safeguards in Member States, 234
 - transfer of evidence, 234–6, 246
- European External Action Service, 299
- European Judicial Network, 66, 164
- European Parliament
 - and the Area of Freedom, Security and Justice, 299
 - and Europol and Eurojust, 29, 40
 - and the fight against organised crime, 164
 - and organised crime, 180
 - powers of, 146, 294
 - role of in EU legislation, 19, 41, 77, 98
- European Partners Against Corruption, 72
- European Public Prosecutor's Office, 26, 66, 94
- European Security and Defence Policy, 151, 291
- European Security Strategy, 133, 186
- Europol, 65–6, 94, 135, 137–8, 163, 183–4, 277, 293
 - conclusion of international agreements, 294
- European Organised Crime Threat Assessment Reports, 65
- external powers, 294
- Member States' obligations, 106
- monitoring of, 28, 38, 40
- responsibilities of, 137
- shift from 'organised' to 'serious' crime, 190
- transparency and accountability, 295
- and the US, 282
- extradition
 - Convention on, 161, 163, 204
 - development of the European Evidence Warrant, 225–9
 - Europeanisation of, 192–222
 - extradition of own nationals, 204
 - modernisation of the procedure, 194–210
 - political aspects of, 227
 - sovereign right to refuse, 204
- Fair Trials International, 216
- Familiapress* case, 264
- Fichera, Massimo, 6–7, 159–91
- Financial Action Task Force on Money Laundering, 67, 79, 100
 - Forty Recommendations, 53, 79, 102
 - risk-based approach, 88
 - special recommendations on terrorism financing, 82, 108
- financial system, protection of, 100; *see also* credit and financial institutions
- Fletcher, Maria, 5, 10–41
- Framework Decision on combating corruption, 61, 64, 153
- Framework Decision on combating terrorism, 241
- Framework Decision on the European Arrest Warrant, 166, 184, 192, 205, 228
- Framework Decision on the European Evidence Warrant, 230
- Framework Decision on the Execution of Orders Freezing Property or Evidence, 134
- Frontex, 135, 277, 293
 - external powers, 294, 295

Cambridge University Press

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

Index

[More information](#)

308

INDEX

- transparency and accountability, 295
- fundamental rights, 260, 300
 - protection of, 210, 216–20, 286
 - and security, 300
- Germany
 - counter-terrorism, 130
 - data protection, 119–20
 - and the European Evidence Warrant, 237, 241, 243
 - extradition, 205, 207–8, 209
 - mutual recognition, 239
 - and organised crime, 169
- Global Anti-Money Laundering
 - Guidelines for Private Banking, 120
- globalisation, 43, 101
- Greece, 54, 212
- Group of States Against Corruption (GRECO), 48–9, 52, 71, 72
 - EU accession to, 70, 71
 - evaluations of anti-corruption measures, 71
- Hague Programme, 3, 13, 230, 279, 283
 - counter-terrorism objective, 136
 - and the European Evidence Warrant, 230
 - evaluation report, 240
 - links between corruption and organised crime, 69
 - need for empirical data, 90
 - and organised crime, 166
- Herlin-Karnel, Ester, 5, 76–96
- Hilali* case, 201–3
- Hinarejos, Alicia, 7–8, 249–69
- Hosseini v. France*, 200
- human rights, 84, 151
 - compliance with standards, 238
 - and counter-terrorism measures, 145, 151
 - in the EU, 152
 - and extradition, 209
 - standards of, 217
- human rights law, 181, 237
- Hunt v. Belgium*, 200
- illegal immigration, and terrorism, 131
- International Accounting Standards, 58
- International Convention for the suppression of the Financing of Terrorism, 156
- International Organization of Securities Commission, 103
- International Standards on Auditing, 58
- Irastorza Dorronsoro* case, 219
- Ireland, 26, 27, 179
- Italy, 170, 179, 233
- Joint Money Laundering Steering Group, guidance notes, 112, 124
- judicial cooperation, 1, 289
- Klaus Bourquain* case, 196
- Konstadinides, Theodore, 1–3, 192–222, 237
- Kozloseki* case, 211
- Kreil* case, 253
- Krombach v. Bamberski*, 217
- La Torre* case, 171
- law, accessibility and foreseeability of, 233
- law and order, 7–8, 262–3;
 - see also* public order
 - provisions in the first pillar, 251–8
 - provisions in the third pillar, 258–63
- law enforcement services, 259–61, 275
- legal aid, 216, 218
- legal profession, and anti-money laundering measures, 84, 120
- legality, principle of, 233
- Marin, Luisa, 8, 272–300
- Matera, Claudio, 8, 272–300
- money laundering; *see also* anti-money laundering measures
 - and corruption, 52–3
 - definition, 79, 101–4, 105–6, 107, 122
 - EU competence to regulate, 98–100
 - EU regulatory framework on, 100–17
 - reverse money laundering, 82
 - and terrorism, 81–5, 121–3

Cambridge University Press

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

Index

[More information](#)

INDEX

309

- Murphy, Cian, 7, 224–47
- mutual recognition, 77, 190, 245
- among judiciaries, 237–9
 - arguments against its transfer to criminal justice, 225
 - and cooperation, 227, 229
 - and criminal justice, 33, 34
 - and double criminality, 203
 - and the European Arrest Warrant, 214, 216–20
 - and the European Evidence Warrant, 225–9
 - full application of the principle, 39
 - and harmonisation, 193
 - harmonisation argument, 226, 237, 243
 - implementation of, 63, 194–8
 - and judicial cooperation, 31, 33, 39
 - of judicial decisions and judgments, 197, 220
 - qualitative difference argument, 226, 239, 243
 - and trust, 237–9, 243–4
- national emergency, 145, 220
- national sovereignty, 17, 32, 204, 222, 249, 264, 268, 273
- ne bis in idem* principle, 195–6, 236
- Observatory for the Prevention of Crime, 36
- OECD
- anti-corruption standards, 45–7, 73
 - Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, 52
 - prevention of corruption, 61
 - recommendations on combating bribery, 45
 - recommendations on harmful tax practices, 107
 - Working Group on Bribery, 47, 52, 72
- Ordre des Barreaux francophones* case, 84
- organised crime, 159–91, 277
- active membership, 169, 176
 - ad hoc* agencies dealing with, 178–9
 - changing and diversified phenomenon of, 190
 - concept of a ‘criminal organisation’, 173
 - concept of a ‘structured association’, 173
 - ‘conspiracy’ method, 169, 175
 - and corruption, 166, 169, 174, 186
 - dangers of, 165
 - definition, 159, 167–77
 - development of the fight against, 161–7
 - economic impact of measures against, 162
 - establishment of special courts, 179–80
 - EU fight against, 161–7
 - focus on organisations, 176
 - Framework Decision on, 173, 182, 183, 191
 - and fundamental rights, 177
 - importance of, 190
 - investigation and prosecution, 177–84
 - Joint Action on, 172, 182
 - judicial and law enforcement cooperation, 185
 - legislation on, 180, 181
 - and money laundering, 107
 - objectives of, 167
- organised criminal associations, 169
- participation in, 174, 176, 213
 - policy on, 56, 191
 - protection of victims and witnesses, 177–8, 181, 183
 - and rules of evidence gathering, 180
 - and ‘serious’ crime, 190, 191
 - and terrorism, 186
 - transnational nature of, 168, 184
- Passenger Name Record* case, 143
- Pfizer* case, 86
- Pizza Connection* case, 171
- PNR case, 292, 298

Cambridge University Press

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

Index

[More information](#)

310

INDEX

- Poland, 205–6, 214, 233
 precautionary principle, 86, 88
 and criminal law, 92–3
 and risk regulation, 86
 scope of, 93
 predicate offences, 79
 protective principle, 152
 public order, 2, 275, 276
- Ramda* case, 219
 rights; *see also* fundamental rights,
 human rights
 enforcement of, 23
 fundamental rights, 151, 155, 158,
 159, 177, 260, 300
 procedural rights, 31, 151, 155, 160,
 217
 protection of, 197
 protection of victims and witnesses,
 177
 right to a fair trial, 84, 121, 140, 218,
 238
 right to be heard, 152
 right to legal representation, 217
 right to privacy, 17, 118–20
 right to protection of personal data,
 17, 118–20
- risk
 and criminalisation, 89–93
 management, 87, 109
 assessment, 87, 96, 109
 communication, 87
 and security, 91–2
 risk regulation, 86
 Romania, 187, 188, 190
 Russia, 185
- Schengen Agreement, 27, 149, 162, 196,
 256
 security issues, 1, 262–3
 and external threats, 277
 judicial review of EU Member States’
 internal clauses, 7–8
 internal, 249–69, 284
 national security, 36
 and risk, 91–2
 and safety, 93
 strategy, 81, 132, 133, 148, 151, 162,
 186
- Sirdar* case, 253
 Spain, 169–70
 Stabilisation and Association
 Agreements, 189
 Stockholm Programme, 3, 10, 13–14,
 224, 245–7
 anti-corruption standards, 70
 application of mutual recognition,
 39
 crime prevention measures, 36
 and the European Commission, 29
 evidence-based approach to
 evaluation, 41
 external dimension of, 285–6
 implementation of, 14, 42
 need for empirical data, 91
 security strategy, 30, 37
 thematic priorities, 14
 transfer of evidence, 246
 Strasbourg Convention, 101
 subsidiarity, 22, 28, 57, 222
 ‘subsidiarity watchdog’ mechanism,
 28, 41
Sulzmann case, 254
 Sweden
 banking sector, 124
 data protection and privacy rights,
 119
 division of responsibility for anti-
 money laundering measures, 114
 Economic Crimes Bureau, 117
 enforcement of anti-money
 laundering measures, 116–17,
 122
 implementation of anti-money
 laundering measures, 112–14,
 124
 Swedish Agency for Public
 Management, 113
 Swedish Banking Association, 112, 114
 Swedish Financial Services Authority,
 114, 117, 122
 Swedish Financial Supervisory
 Authority, 114
 Switzerland, 291
 Szarek-Mason, Patrycja, 5, 43–74

Cambridge University Press

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

Index

[More information](#)

INDEX

311

- Tampere Council, 3, 13, 164, 279–81
- terrorism, 131, 241, 277
- Action Plan to fight, 127, 132
 - criminalisation of, 89–93
 - decentralised nature of, 131
 - as a European problem, 129–45
 - Europeanisation of the threat, 157
 - financing of, 79, 82, 89, 108, 121–3
 - Framework Decision on, 79, 82, 132–3, 174, 175–6
 - and illegal immigration, 131
 - and money laundering, 76, 81–9, 121–3
 - national differences in perception of, 158
 - and organised crime, 186
 - and other crime, 150
 - participation in, 202, 203
 - political aims of, 83, 150
 - political impact of 9/11, 281–3
 - psychological dimension, 83
 - a serious crime, 150
- thought or opinion crimes, 212–13
- Töben* case, 212–13
- Torture Evidence* case, 142
- transparency, 19, 41, 74, 77, 159, 187, 295
- Transparency International, 44, 55, 120
- Treaty of Amsterdam, 287
- Treaty Establishing the European Community/EC Treaty
- Article 62(1), 256–8
 - Article 64(1), 255
 - Article 68(2), 255
- Treaty on European Union
- Article 35(2), 262–3
 - Article 35(5), 259–61, 266, 270
- Treaty of Lisbon, 14–41
- and anti-corruption measures, 56
 - and approximation (harmonisation) of laws, 31–8
 - and the Area of Freedom, Security and Justice, 5
 - Article 70, 38–40
 - communitarising impact of, 10
 - competences, 31–8, 57
 - counter-terrorism, 36
 - crime prevention measures, 36
 - and criminal justice, 10–41
 - decision-making and the institutional framework, 18–31
 - definition of offences and sanctions, 78, 167
 - differentiation arrangements, 26–8
 - ‘emergency brake’ procedure, 25–8, 94
 - enforcement of anti-corruption measures, 61
 - European Public Prosecutor’s Office, 66
 - and Europol and Eurojust, 40
 - impact on executive power, 12
 - institutional arrangements, 41
 - judicial cooperation in criminal matters, 1
 - law and order and internal security after, 263–9
 - and money laundering, 93–6
 - monitoring and evaluation of criminal justice matters, 38–41
 - and mutual recognition, 31–8
 - new constitutional framework of, 4
 - as a normative framework, 42
 - ordinary legislative procedure, 18
 - resistance to, 26–8
 - right of initiative, 24
 - role of national parliaments, 41
 - role of the European Council, 30–1
 - Transition Provisions, 20–1, 81, 95
 - Transparency International, 81
- Treaty of Maastricht, 56
- Treaty on the Functioning of the European Union
- Article 27(6), 265–8, 270
 - Article 72, 264–5
- Judicial Cooperation in Crime, 15
- Police Cooperation, 15
- Trevi group, 12, 161, 281
- trust, mutual, 14, 237–9
- UK
- anti-money laundering measures, 122
 - enforcement of, 115–16, 125
 - implementation of, 111–12, 124
- Anti-Terrorism, Crime and Security Act 2001, 130

Cambridge University Press

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

Index

[More information](#)

312

INDEX

- banking sector, 125
- counter-terrorism, 130
- data protection and privacy rights, 118
- Extradition Act 2003, 171, 199, 200, 201, 220
- Financial Services and Markets Act 2000, 115
- Financial Services Authority, 114
- Freedom of Information Act 2000, 118
- Joint Money Laundering Steering Group, 111
- Money Laundering Advisory Committee, 111
- Money Laundering Investigation Unit, 115
- opt-out position from EU policing and criminal law measures, 26
- and organised crime, 171
- Prevention of Terrorism Act 2005, 130
- and the Schengen Protocol, 27
- Serious Organised Crime Agency, 116, 118, 179
- suspicious transaction reports, 121
- Terrorism Act 2000, 130
- Terrorism Act 2006, 130
- and the Treaty of Lisbon, 20
- Ukraine, 185
- UN Convention Against Corruption, 49–52, 60, 73
 - enforcement of, 51
 - Implementation Review Group, 51
 - monitoring process, 52
 - and prevention of corruption in both public and private sectors, 50
- UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 101
- UN Convention against terrorism, 241
- UN Convention against Transnational Organised Crime, 107
- UN Convention on Transnational Organised Crime, 172, 174, 175
- UN International Convention for the Suppression of the Financing of Terrorism, 108
- UN Resolutions on the Prevention and Suppression of the Financing of Terrorist Acts, 108, 283
- United Nations
 - listing and sanctioning private individuals as suspects, 155
 - prevention of corruption, 61
- US Money Laundering Control Act of 1986, 101
- Vienna Convention, 101
- Wessel, Ramses A., 8, 272–300
- Wolfsberg Group, 120
- Wolzenburg* case, 211
- Yugoslav Republic of Macedonia, 189
- Z/Yen, 122, 125
- Zak v. Regional Court of Bydgoszcz, Poland*, 215
- Zanotti and d’Orsi* case, 212