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 cooperation and enforcement.

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TOWARDS A EUROPEAN CRIMINAL RECORD

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EU criminal law is often misunderstood as an avant garde area of legal integration that lacks legal basis, consistency and legitimacy. This is not necessarily untrue. But any criticisms of that nature should be laid before the EU and national actors who have devised the relevant instruments in the manner observed so far. There is nothing ‘strange’, inconsistent or illegitimate about EU criminal law as a field of legal integration.

Consequently, research and analysis of aspects of EU criminal law is often presented as a risky business. This is true but again it must be attributed to the scattered, unimaginative and often borderline legitimacy of EU instruments. In an area where unanimity in decision making is often seen as a sanctification of any political and legal position that manages to reach consensus, commentators struggle with requirements of adherence to competence and data protection issues. The European Criminal Record is a paradigm of this state of affairs.

The Reform Treaty may contribute to the unlocking of this vicious circle. The abolition, finally, of the third pillar may, and in a way inevitably will, bring with it increased subsidiarity and proportionality tests and increased controls of competence and legitimacy issues. This is a very fluid, yet incredibly exciting time, for those promoting the EU ideal on a solid basis even in the field of EU criminal law.

This is a time when competencies in the field of criminal law will have to be revisited and defined clearly and concretely. We live in hope.

In view of this environment, the book presented difficulties beyond those commonly faced by academic writers. The balance of academic and practitioner authors is evident in the selection of contributors, as indeed is the editors’ success in recruiting authors of exceptional calibre from the majority of EU Member States. Without the difficult questions posed by the authors and the frequent challenge of the editors’ initial ideas, the intellectual process toward the completion of this book would have been boring and uninviting; the result would have been mundane and unimaginative. Similarly, without the limitless sources and support
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