

Europeanization of Criminal Law

Abstract

The topic of this diploma thesis is europeanization of criminal law. It can be described as a process of approximation of criminal legislation of european countries. This process typically gets set in motion by organizations in which european countries associate. Said organizations use europeanization as one of the tools for achieving their goals.

The goal of the thesis is to analyze how the process of europeanization of criminal law developed so far and to examine the tools which the organizations use in order to approximate the legislation of their member states. At the same time it also aims to point out some practical challenges which arise both generally in the organizations themselves and specifically as part of the application of selected tools.

The first chapter is concerned with the tools the most important European organizations, the Council of Europe and the European Union, use to approximate their member states' criminal law legislation in general. It provides a brief look into their history and into the changes of the tools used throughout it. It also points out that not all the member states of the organizations might participate in their cooperation methods to the same extent. The second chapter then examines the most important institutions which operate directly in the area of criminal law more closely. It concentrates on their legal basis, their mission, and structure, but it also offers examples of specific cases on which these institutions worked.

Third and fourth chapter focus more closely on criminal law legislation. The third chapter specifically covers procedural law, whereas the fourth takes on substantive law. Each of them first examines the impact of the work of the Council of Europe on europeanization of criminal law. Then they shift their focus to the European Union and inspect some of its tools more closely. In the procedural law chapter these are the most important tools which facilitate the conduct of criminal proceedings across the member states of the European Union, for example European Arrest Warrant or European Investigation Order. The substantive law chapter picks three areas, among them corruption, where the European Union harmonizes its member states' legislation while it has a different reason for doing so in each of the areas.

Key words: European Union, International Judicial Cooperation, Europeanization