

Editorial

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The idea for a special issue of the EJLR on EU criminal law came as a result of an EU funded AGIS project, titled ‘Seminar for EU Judges in the Recent Developments of EU Criminal Law’ (2004/AGIS/035), which was held at the Institute of Advanced Legal Studies (University of London) in November/December 2005.

EU criminal law is a relatively new field in the study of the EU and even though it is part of an intergovernmental pillar developments and initiatives seem to be coming at a steady pace. Yet, harmonisation of national criminal law provisions is a vexed issue. For the older generation of legal experts the mere thought of attempting to harmonise national criminal law and criminal procedure with those of another state – let alone another 25 states – was anathema. Their training and expertise revolved around the legal order which they served, understood and respected. Doctrinal questions and the ability of the legal system to cope with harmonisation were deemed as impossible hurdles. Any decisions concerning criminal law and criminal procedure were seen as the sole and exclusive domain of national legislatures. Not surprisingly criminal law was placed in an EU intergovernmental pillar and emphasis was on the useful, acceptable and risk-free cooperation of national judicial authorities. In recent years, though, the experts’ view seems to be changing. International conventions and initiatives from international organisations have slowly had an impact on domestic courts and scholarly thinking. In the context of the EU, criminal law harmonisation and procedural cooperation through the mutual recognition of judgements are gradually becoming part of everyday life. In addition, institutional developments, such as Eurojust, are making the scope of cooperation even wider.

This special issue of the EJLR aims to address a wide spectrum of issues of EU criminal law. Helen Xanthaki looks at Eurojust, one of the EU’s institutional developments, and attempts to assess its first five years of operation. Dionysios Spinellis examines a specific field, Extradition, and so does Anne Weyembergh who looks at the 2000 MLA Convention and telecommunications. Stefano Manacorda provides a very interesting account of the Berlusconi case and its repercussions while Steve Peers explores the *ne bis in idem* principle. Finally, there are three articles looking at more general issues in EU criminal law; Valsamis Mitsilegas explores EU/EC Constitutional principles and EU criminal law, Ilias Bantekas tackles the international legal nature of EU criminal law provisions and finally I look at EU criminal law and integration theory. All the experts who contributed

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to this volume have produced high quality work, which – I hope – will stimulate further discussions and perhaps contribute to the wider debate about the future of EU criminal law while the Constitutional Treaty remains in limbo.