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Abstract

This paper reviews the extent to which the development of instruments that implement the principle of mutual recognition of judicial decisions in criminal matters, particularly the European arrest warrant (EAW), may be considered valuable tools for effectively combating cross-border crime in the European Union. In addition, we assess how these policy orientations may or may not overcome the persistent mistrust and lack of confidence among the member states, while at the same time respecting human rights and civil liberties. In particular, this paper analyses: 1. EU judicial cooperation in criminal matters: does it fight and prevent cross-border crime effectively in the EU? 2. The European arrest warrant – is it an improved method to replace extradition? Does the EAW provide a better solution to the practical complexities and difficulties that characterise the current extradition system? What are the inherent gaps in the proposed new surrender procedure under the EAW? 3. Does the EAW guarantee a good balance between efficiency and judicial protection of the individualâ€™s fundamental rights? Does the Green Paper on procedural safeguards for suspects and defendants in criminal proceedings throughout the EU provide the right way forward? Does the EAW involve a real risk to the legal position and human rights of suspected individuals? 4. What is the added value of EU judicial cooperation against cross-border crime?

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of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of judicial cooperation in criminal matters in the EU and identify areas which need consolidation and/or revision; "Anticipating and analysing the possible consequences of future changes in the institutional framework, including the setting up of the EPPO, and in light of the above analysis developing recommendations as to the advisability of harmonising certain areas of criminal law and criminal procedure; where appropriate, suggest specific provisions. International cooperation in criminal matters. This study examines the legal and political implications of the forthcoming end of the transitional period, enshrined in Protocol 36 to the EU Treaties, applicable to legislative measures dealing with police and judicial cooperation in criminal matters and adopted before the entry into force of the Lisbon Treaty. Particular attention is paid to its multifaceted consequences of 'Lisbonisation' as regards supranational legislative oversight and judicial scrutiny, not least by the European Parliament in this context, as well as its relevance at times of rethinking the relationship between the principle of mutual recognition of judicial decisions and the fundamental rights of the defence in criminal matters in the AFSJ. 1. Introduction: EU judicial cooperation in criminal matters – fighting and preventing cross-border crime effectively in the EU? 1.2. The European arrest warrant: An improved method to replace extradition? A good testing ground for mutual recognition in the enlarged EU? CEPS Policy brief n. 46/February 2004.