

Abstract

Europeanization of Criminal Law

This thesis deals with Europeanization of Criminal Law. The topic itself is broad, selected issues of Europeanization of Criminal Procedural Law are therefore emphasized.

In the introduction, certain problems which accompany the Europeanization in a Criminal Law field are presented. The biggest obstacle is a close connection of Criminal Law with state sovereignty, which is something that states are reluctant to restrict in favour of European Union. Another hindrance to Europeanization is a difference among national criminal regulations, which make an achievement of a compromise regarding the harmonization harder. The first chapter concentrates on the terms Europeanization of Criminal Law, European Criminal Law and Criminal Law of the European Union. Their definition and differentiation is provided. The second chapter discusses in brief the evolution of Europeanization of Criminal Law prior to the adoption of Schengen treaties. The informal cooperation in criminal matters took place in this era. Unlike the one in the chapter three, which already addresses the formal cooperation in criminal matters. It describes gradual development from Schengen cooperation, through the cooperation under Maastricht, Amsterdam and Nice Treaty, up to the cooperation on the basis of Lisbon Treaty. Basic conceptual documents are introduced too as their objective is to put the aims in the field of criminal law cooperation embedded in primary law into practice. The character of these documents is merely political, they are not legally binding. The fourth chapter is focused on the principle of mutual recognition which has become a leading power of criminal law cooperation, even though it was to the detriment of harmonization of criminal law regulations at the beginning. European Arrest Warrant is also presented in this chapter as it is a particular manifestation of this principle. It is further inspected, how European Arrest Warrant works in practice. At the end, the impact of Radu and Melloni judgments on its functioning will be discussed. The fifth chapter is dedicated to suspected and accused persons and to their rights awarded them by European directives. These directives have been adopted on a basis of so called roadmaps. The conformity of the law of the Czech Republic with these directives or their proposals in

the form of general approach is examined. The same structure is applied also in the sixth chapter. This one turns its interest in directives strengthening rights of victims of crimes. At last, the seventh chapter points out some shortcomings in the field of European Criminal Procedural Law and tries to anticipate a prospective future development.