

Abstract

This thesis entitled „Europeanisation of criminal law“ focuses on the approximation of procedural criminal law of European countries under the influence of the European Union and the Council of Europe. Europeanisation of criminal law is a process of adopting common European standards for substantive and procedural criminal law.

The thesis is divided into five main chapters. First, introductory, chapter defines basic terms, e.g. europeanisation of criminal law, European criminal law, and points out some of the basic issues with the attention to main development lines of europeanisation. Second chapter provides a comprehensive overview of the historic development of europeanisation of criminal law and the development of police and judicial cooperation in criminal matters. This chapter describes the progress of the idea of approximation of criminal law of European countries with the emphasis on the influence of the Council of Europe and the European Union upon procedural criminal law. It also contains the comparison of legal instruments of these international organisations and points out possible linked issues. Third chapter of the thesis is aimed at the protection of the human rights that is closely connected with the process of europeanisation of criminal law and criminal law in general. It also evaluates the influence of the protection of human rights on the process of europeisation and possible conflict between the European Court of Human Rights and the Court of Justice of European Union. Fourth chapter examines selected legal instruments adopted mostly in the European Union, e.g. European arrest warrant, European evidence warrant and European confiscation order. The thesis in this chapter also focuses on the fundamental rights of the accused and the protection of victims of crime. The last, fifth, chapter summarises the findings about authorities and bodies of police and judicial cooperation in criminal matters, e.g. about Europol, Eurojust and OLAF.

The thesis aims to introduce the issues of europeanisation of criminal law and prepare a comprehensive overview and analysis of the most important legal instruments adopted in the Council of Europe and the European Union in the area of procedural criminal law. The contents of the thesis informs that while the view of europeanisation of criminal law has been changing in time, countries have always agreed on the necessity to approximate the legal systems to enable effective combat against cross-border and organized crime.