

Abstract

This dissertation examines the standing of the Court of Justice of the European Union in the area of police and judicial cooperation in criminal matters, which was formally included under the umbrella of the European Union as a result of the Maastricht Treaty in the early nineties. Yet this area was excluded from the Community framework, which had a significant impact on the jurisdiction and competencies of the Court of Justice. Despite limitations arising from the construct of the third pillar, the Court of Justice took an opportunity through case law to overcome some of these limitations. The most recent milestone in the development of this area is the entry into force of the Lisbon Treaty which removed the so-called pillar structure and further limitations disappeared with the end of the transitional period. Further, existing case law of the Court of Justice in this area has been closely linked to the framework decision on the European arrest warrant, which is based upon the principle of mutual recognition and mutual trust between the EU Member States, and thus became an important part of the case law of the Court of Justice. Given the scope of this framework decision, the Court of Justice has also been frequently dealing with the issue of fundamental rights, the protection of which plays an ever-increasing role in the European Union.

Keywords

Court of Justice of the European Union, police and judicial cooperation in criminal matters, third pillar, case law, preliminary ruling, framework decisions