

ENGLISH SUMMARY

Harmonisation of criminal law in the dimension of the third pillar of the EU

The above mentioned text examines the harmonisation of criminal law in the European Union. Harmonisation of criminal law is a subject which provokes fierce debates. Within the European context, the discussion has been tempered until recently by the assurance of the European institutions that criminal law does not enter the Community's sphere of competence. At present harmonisation of criminal law is possible under the third pillar of the EU introduced by the Maastricht Treaty. This text aims to re-examine this issue in light of changes brought by the Reform treaty and by the jurisprudence of the European Court of Justice (ECJ).

The first chapter entitled „European integration and criminal law“ looks at the definition of the criminal law and its place in European integration. It explains why political integration within the EU, involving cooperation in criminal matters, was slower than economic integration by calling into mind the concept of state sovereignty in criminal matters.

The second chapter contains a brief explanation of the legal system in the European Union. It explains the pillar structure and the differences between community legislation (first pillar legislation) and European Union legislation (second and third pillar legislation).

The third chapter discusses the arguments for and against the acceptance of the “European criminal law” as a distinguished discipline.

The fourth chapter looks at criminal law within the context of the European Union by exploring the concept, instruments and functioning of the third pillar. In this respect a special attention is paid to the method of achieving harmonisation in national criminal legal systems.

The fifth chapter focuses on the evolution of judicial cooperation in criminal matters between the Member States of the European Union. The text follows a timeline showing how the different Treaties affected the provisions of criminal law of the Member States. The analysis also includes the obsolete Constitutional Treaty as well as the changes that could potentially be introduced if the Lisbon Treaty is ratified.

The sixth chapter analyses the recent cases heard by the European Court of Justice and demonstrates the unprecedented redrawing of the institutional boundaries by justifying

the increasing interference of the Community in criminal matters under the first pillar of the European Union.

The seventh chapter takes a closer look at the functioning of some of the most significant harmonisation instruments; the European arrest warrant and the European freezing order.

KEY WORDS: CRIMINAL LAW, HARMONISATION, EUROPEAN UNION

KLÚČOVÉ SLOVÁ: TRESTNÉ PRÁVO, HARMONIZÁCIA, EURÓPSKA ÚNIA