

Europes Area Of Freedom Security And Justice Collected Courses Of The Academy Of European Law

European institutions are either loathed or underestimated. This book analyzes the role of EU institutions in the area of European internal security. From Justice and Home Affairs, this area has become more like an European Area of Freedom, Security and Justice. In this process, the European Commission has demonstrably played the role of an "engine of integration" in areas such a counter-terrorism, policing, asylum, migration and border management. This book uses the framework of supranational policy entrepreneurs (SPE), those who stand at the policy window in order to propose, lobby for and sell "their" policy proposal, and synthesizes it with insights from the literature on norm entrepreneurship. Because the idea of homeland security has been so controversial and difficult to approach due to its perceived links to the Bush administration, the body of literature on the subject is rather limited. In the case of internal security literature, most of the work has been done in the United States and focused mostly on the American context. Therefore, scholars and practitioners interested in European internal security are forced to build synergies and draw conclusions by themselves. Within the internal security and terrorism literature, the European dimension to internal security is absent. Most books so far focus on the USA, the UK or individual countries, but not the European Union. This book will be of great interest to scholars and practitioners interested in European internal security, European integration, terrorism, security studies and international relations. This book explains how member states of the EU confer powers to the Union through the

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founding treaties and the legal frame applicable to the Union's institutions, and the rules that apply to their functioning and the legal review of their action. It reviews the main fields of action of the EU – the internal market, area of freedom, security and justice, external action – and how law is shaping them. The interaction between the EU and its member states is also explained.

This book presents a collection of essays on key topics and new perspectives on the EU's Area of Freedom, Security and Justice (AFSJ) and has a Foreword by the President of the Court of Justice of the European Union, Prof. Dr. Koen Lenaerts. Europe's area of freedom, security and justice is of increasing importance in contemporary EU law and legislation. It is worthy of special research attention because of its high-stakes content (particularly from an individual and a state perspective) and because its development to date has tangentially thrown up some of the most important and contentious constitutional questions in EU law. As the AFSJ becomes more and more intertwined with 'mainstream' EU law, this edited collection provides a timely analysis of the merger between the two. Showcasing a selection of work from key thinkers in this field, the book is organised around the major AFSJ themes of crime, security, border control, civil law cooperation and important 'meta' issues of governance and constitutional law. It also analyses the major constitutional and governance challenges such as variable geometry, institutional dynamics, and interface with rights around data protection/secretcy/spying. In the concluding section of the book the editors consider the extent to which the different facets of the AFSJ can be construed in a coherent and systematic manner within the EU legal system, as well as identifying potential future research agendas. The European Union as an Area of Freedom, Security and Justice will be of great interest to

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students and scholars of European law and politics.

In this insightful book, Massimo Fichera provides an original account of European integration as a process. He argues that European constitutionalism has been informed from its earliest stages by a meta-rationale, which is expressed by security and fundamental rights as discourses of power. Employing this descriptive and normative conceptual framework to analyse the development of the EU as a polity, chapters cover significant recent events such as the Eurozone crisis, the refugee crisis, the rule of law crisis, Brexit and the constitutional identity crisis.

This book explores the relationship of mutual trust and fundamental rights in the Area of Freedom, Security and Justice (AFSJ) of the European Union and asks whether there is any role for proportionality. Mutual trust among Member States has long been presumed by the Court in a manner that mutual recognition was prioritised in regard to, but to the detriment of, the protection of fundamental rights. After thoroughly reviewing this relationship, this book offers a comprehensive framework of proportionality and explores its impact on the protection of fundamental rights in a mutual trust environment. It applies a theoretical and a normative framework of proportionality to two case studies (EU criminal and asylum law) by reference to several fundamental rights, enabling a carefully constructed analysis with useful parallels. The book argues that such analysis, based on proportionality, is not always desirable and helpful for the protection of fundamental rights in this area and thoroughly explores its impact on the protection of fundamental rights vis-à-vis mutual trust.

As the European Union has evolved, it has also begun to address policy questions which are closer to the very heart of the state. From cooperation in Justice and Home Affairs, originally

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conceived as the third pillar of European cooperation, has emerged the Area of Freedom, Security, and Justice (AFSJ). A unique aspect of policy in this area is the desire to integrate the internal and external dimensions of this policy area. One of the tensions in this policy area has been balancing the protection of fundamental rights and increasing security. The first part of this book focuses on the institutional relations of policymaking in AFSJ, both within member states and between member states, in particular the issues of national executive control, national parliamentary scrutiny and peer review across the member states with regard to AFSJ. The second part focuses on specific policy areas which are part of AFSJ. Two chapters highlight the tension found in this policy area between security and human or fundamental rights, the first related to data retention and the second on policing external borders. The final two chapters are concerned with data exchange among European countries and transatlantically with the US, and the interface between AFSJ and the Common Foreign and Security Policy (CFSP). The chapters contained in the book were presented at the Dutch Ministry of the Interior and Kingdom Relations and the Dutch national parliament (Tweede Kamer), making it of interest to scholars and practitioners alike.

The European Union is constantly changing, both in the number of countries it embraces and in policy areas where it plays a major role. The new millennium has witnessed two major changes in the EU's scope. On 1 May 2004, it enlarged to include ten new member states; and the new European Constitution defines providing citizens with an 'area of freedom, security and justice' as one of its primary aims. This book is unique in analyzing the interplay of the two spheres.

This book explores the viability of future UK-EU internal security arrangements in

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light of Brexit, including their impact on the UK's and the EU's security and international standings. The authors discuss on-going negotiations and address the main political and legal concerns of possible future arrangements. As the UK prepares to leave the EU, the country is faced with having to develop new cooperation models with its neighbours to fight growing transnational security threats, as well as new strategies to maintain its leading role as an international security actor. In exploring these issues, the book aims to contribute to the general knowledge on the risks and opportunities associated with the disentanglement of the UK from European internal security cooperation; to shed more light on the debates surrounding the negotiations; and to inform the policy discussions that form the basis of proposed cooperation models and that are likely to significantly shape the future UK-EU security relationship.

The EU plays an increasingly important role in issues such as the fight against organised crime and the management of migration flows, transforming the Area of Freedom, Security and Justice (AFSJ) into a priority of the EU's political and legislative agenda. This book investigates whether institutional change - the gradual communitarisation of the AFSJ - has triggered policy change, and in doing so, explores the nature and direction of this policy change. By analysing the role of the EU's institutions in a systematic, theory-informed and comparative

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way, it provides rich insights into the dynamics of EU decision-making in areas involving high stakes for human rights and civil liberties. Each chapter contains three sections examining: the degree of policy change in the different AFSJ fields, ranging from immigration and counter-terrorism to data protection the role of EU institutions in this process of change a case study determining the mechanisms of change. The book will be of interest to practitioners, students and scholars of European politics and law, EU policy-making, security and migration studies, as well as institutional change.

The volume examines how diversity in Member States' legal cultures is being addressed in the development of EU criminal justice.

This title assesses EU law and policy using a novel and alternative framework based on the notion of humaneness.

Privacy and data protection in police work and law enforcement cooperation has always been a challenging issue. Current developments in EU internal security policy, such as increased information sharing (which includes the exchange of personal data between European law enforcement agencies and judicial actors in the area of freedom, security and justice (Europol, Eurojust, Frontex and OLAF)) and the access of EU agencies, in particular Europol and Eurojust, to data stored in European information systems such as the SIS (II), VIS, CIS or Eurodac raise

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interesting questions regarding the balance between the rights of individuals and security interests. This book deals with the complexity of the relations between these actors and offers for the first time a comprehensive overview of the structures for information exchange in the area of freedom, security and justice and their compliance with data protection rules in this field.

The development of the Area of Freedom, Security and Justice has transformed the European Union and placed fundamental rights at the core of EU integration and its principles of mutual recognition and trust. The impact of the AFSJ in the development of an EU standard of fundamental rights, which has come to the fore since the Treaty of Lisbon, is a topic of great theoretical and practical importance. This is the first systematic academic study of the AFSJ and its implications from the point of view of fundamental rights. The contributions to this collection examine the normative and jurisprudential development of the AFSJ in order to assess its effects on the overall construction of the scope and standards of protection of EU fundamental rights in this particularly complex and sensitive field of integration. The expert contributors systematically map and critically assess this area of EU law, together with the relevant case-law.

This book examines the evolution towards increased supranational governance in the EU's Area of Freedom, Security and Justice (AFSJ). At the end of 2009, a

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successor programme to the Tampere and Hague Programmes was developed under the Swedish Presidency. Called the 'Stockholm Programme', it was adopted at a special EU Council Summit on 10-11 December 2009. The new agenda covers the period 2010-2014 and emphasises six areas of priority. In the context of these priorities, as well as the innovations introduced by the Lisbon Treaty, this edited book analyses policy change in the AFSJ, especially as it has been affected by the rise of supranational governance in this domain. From police cooperation and crime fighting to border management and counter-terrorism, much has changed, and the EU has taken yet another step forward in the direction of supranational governance. However, the various contributions also highlight that there are still problems and challenges remaining for the AFSJ. Collectively, this book considers how consequential the Lisbon Treaty has been for the AFSJ, as well as how successful the EU has been in achieving its stated goals as expressed in the Stockholm Programme. Thus, this book makes a significant contribution to the scholarly investigation of the AFSJ, but also to the study of European integration in general. This book was published as a special issue of the Cambridge Review of International Affairs.

The Euro Area, the Schengen Area, and Airbus - the 'Anglosphere', the Franco-German 'motor' and Nordic cooperation – each illustrates how differentiation has

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become a pervasive feature of European integration. Which Europe? offers an authoritative and comprehensive examination of differentiated integration in its functional and its territorial aspects. It focuses on its implications for both the practice and the theory of European integration. Is it strengthening or weakening the EU and its Member States? Are territorial identities being undermined or strengthened? Are new theories of integration required? In particular, this book looks at the relationship between the growth in use of differentiated integration and the widening of European Union membership, the broadening in its policy scope, and the deepening in integration.

National Courts and EU Law examines both how and why national courts and judges are involved in the process of legal integration within the European Union. As well as reviewing conventional thinking, the book presents new legal and empirical insights into the issue of judicial behaviour in this process. The expert contributors provide a critical analysis of the key questions, examining the role of national courts in relation to the application of various EU legal instruments. The 'Europeanisation' of the fight against crime is a broad and much-contested notion. This in-depth analysis of the role of the EU in fighting crime within the area of freedom, security and justice explores the impact of EU policies in the Member States, the progressive convergence of Member States' criminal law

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systems, the emergence of mutual recognition as an alternative to harmonization, and the incremental development of the ECJ's jurisdiction. The essays also explore the limitations inherent in EU counter-crime policies and the changes brought about by the introduction of the Treaty of Lisbon. These changes are discussed both collectively and within individual substantive areas in which the EU has taken an active role in fighting crime, such as corruption, money laundering, terrorism, organised crime and extradition.

This collection brings together leading specialists in the areas of European Union law which are now organized under the Area of Freedom, Security and Justice (AFSJ).

Europe's Area of Freedom, Security, and Justice Oxford University Press on Demand

European institutions are either loathed or underestimated. This book analyses the role of EU institutions in the area of European internal security. From Justice and Home Affairs, this area has become more like a European Area of Freedom, Security and Justice. In this process, the European Commission has demonstrably played the role of an 'engine of integration' in areas such as counter-terrorism, policing, asylum, migration and border management. This book uses the framework of supranational policy entrepreneurs (SPE), those who stand at

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the policy window in order to propose, lobby for and sell `their' policy proposal, and synthesises it with insights from the literature on norm entrepreneurship. This book will be of great interest to scholars and practitioners interested in European internal security, European integration, terrorism, security studies and international relations.

This book brings together the views of key practitioners and policymakers who have played a prominent role in shaping an Area of Freedom, Security and Justice (AFSJ) in the European Union. Ten years ago, the member states transferred competences to the European Union for law and policymaking in the fields of immigration, asylum, and border controls and are now beginning the same process for criminal justice and policing. This decade of European cooperation on AFSJ policies has experienced dynamic convergence, the enactment of a large body of European law, and the setup of numerous EU agencies working in these domains. The dilemmas that lie ahead relate to an effective institutional framework under the Treaty of Lisbon, stronger judicial scrutiny through a greater role for national courts and the Court of Justice in Luxembourg, better mechanisms for evaluating and monitoring the implementation of EU AFSJ law, and a more solid fundamental rights strategy. This insightful book analyzes the evolution of the operational tasks and

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cooperation of the European Border and Coast Guard Agency (FRONTEX), the European Asylum Support Office (EASO) and the European Union Agency for Law Enforcement Cooperation (EUROPOL). Exploring the recent expansion of the legal mandates of these decentralized EU agencies and the activities they undertake in practice, David Fernández-Rojo offers a critical assessment of the EU migration agencies.

From the viewpoint of migration and asylum policy and the fight against terrorism, justice and home affairs is a key policy area. It is also an area that raises important challenges and questions with regard to the preservation of fundamental freedoms. This engaging volume examines the emerging European Union area of freedom, security and justice at a time when key policy priorities are taking shape within the EU. Bringing together contributors from different backgrounds, the volume is ideal for students and scholars of European studies, law, political science, political theory and sociology.

Brexit will have significant consequences for the country, for Europe, and for global order. And yet much discussion of Brexit in the UK has focused on the causes of the vote and on its consequences for the future of British politics. This volume examines the consequences of Brexit for the future of Europe and the European Union, adopting an explicitly regional and future-oriented perspective

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missing from many existing analyses. Drawing on the expertise of 28 leading scholars from a range of disciplines, *Brexit and Beyond* offers various different perspectives on the future of Europe, charting the likely effects of Brexit across a range of areas, including institutional relations, political economy, law and justice, foreign affairs, democratic governance, and the idea of Europe itself. Whilst the contributors offer divergent predictions for the future of Europe after Brexit, they share the same conviction that careful scholarly analysis is in need – now more than ever – if we are to understand what lies ahead for the EU. Praise for *Brexit and Beyond* 'a wide-ranging and thought-provoking tour through the vagaries of British exit, with the question of Europe's fate never far from sight...Brexit is a wake-up call for the EU. How it responds is an open question—but respond it must. To better understand its options going forward you should turn to this book, which has also been made free online.' *Prospect Magazine* 'This book explores wonderfully well the bombshell of Brexit: is it a uniquely British phenomenon or part of a wider, existential crisis for the EU? As the tensions and complexities of the Brexit negotiations come to the fore, the collection of essays by leading scholars will prove a very valuable reference for their depth of analysis, their lucidity, and their outlining of future options.' - Kevin Featherstone, Head of the LSE European Institute, London School of Economics 'Brexit and Beyond is a

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must read. It moves the ongoing debate about what Brexit actually means to a whole new level. While many scholars to date have examined the reasons for the British decision to leave, the crucial question of what Brexit will mean for the future of the European project is often overlooked. No longer. *Brexit and Beyond* bundles the perspectives of leading scholars of European integration. By doing so, it provides a much needed scholarly guidepost for our understanding of the significance of Brexit, not only for the United Kingdom, but also for the future of the European continent.' - Catherine E. De Vries, Professor in the department of Government, University of Essex and Professor in the department of Political Science and Public Administration Free University Amsterdam 'Brexit and Beyond provides a fascinating (and comprehensive) analysis on the how and why the UK has found itself on the path to exiting the European Union. The talented cast of academic contributors is drawn from a wide variety of disciplines and areas of expertise and this provides a breadth and depth to the analysis of Brexit that is unrivalled. The volume also provides large amounts of expert-informed speculation on the future of both the EU and UK and which is both stimulating and anxiety-inducing.' -Professor Richard Whitman, Head of School, Professor of Politics and International Relations, Director of the Global Europe Centre, University of Kent

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A state-of-the-art analysis of the contentious areas of EU law that have been put in the spotlight by populism.

This timely book provides an astute assessment of the institutional and constitutional boundaries, interactions and tensions between the different levels of governance in EU criminal justice. Probing the conceptual and theoretical underpinnings of the EU's approach to transnational crime, it proposes improved mechanisms for public participation in the governance of EU criminal law, designed to ensure better transparency, accountability and democratic controls. EU Criminal Law is perhaps the fastest-growing area of EU law. It is also one of the most contested fields of EU action, covering measures which have a significant impact on the protection of fundamental rights and the relationship between the individual and the State, while at the same time presenting a challenge to State sovereignty in the field and potentially reconfiguring significantly the relationship between Member States and the EU. The book will examine in detail the main aspects of EU criminal law, in the light of these constitutional challenges. These include: the history and institutions of EU criminal law (including the evolution of the third pillar and its relationship with EC law); harmonisation in criminal law and procedure (with emphasis on competence questions); mutual recognition in criminal matters (including the operation of the

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European Arrest Warrant) and accompanying measures; action by EU bodies facilitating police and judicial co-operation in criminal matters (such as Europol, Eurojust and OLAF); the collection and exchange of personal data, in particular via EU databases and co-operation between law enforcement authorities; and the external dimension of EU action in criminal matters, including EU-US counter-terrorism co-operation. The analysis is forward-looking, taking into account the potential impact of the Lisbon Treaty on EU criminal law.

During the last decade the rapid growth of justice and home affairs as an internal policy making domain of the European Union has led to the Union emerging as an increasingly important international actor in this field.
 This book covers the institutional and legal framework of the external dimension of EU justice and home affairs; issues of policy interaction as well as specific challenges; policy responses and results in the fields of migration policy; judicial cooperation; counter-terrorism; and cooperation with major international partners.
 Taking into account the changes introduced by the Treaty of Lisbon as well as the priorities set by the 2010-2014 Stockholm Programme the book provides an in-depth exploration of the political and legal dynamics of a major new dimension of the EU.

This book examines the vision and strategy of the EU's Area of Freedom, Security and Justice

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(AFSJ), which has become one of the key objectives of the European Union (EU). Recent events have also highlighted the saliency of several of the policy issues at the heart of the AFSJ. Amongst them, one can mention the terrorist attacks in 2015 in Paris and 2016 in Brussels and the ongoing refugee crisis in the Mediterranean region. At the same time, the end of the Stockholm programme, which provided the strategic framework for the development of the AFSJ between 2010 and 2014, has been followed by the adoption of new 'strategic guidelines', which can only be described as a short, vague and general document. This book explores the implications of freedom as a non-domination-oriented view for understanding EU security regulation and its constitutional implications. At a time when the European borders are under pressure and with the refugee and migration crisis, which escalated in 2015, the idea of exploring a constitutional theory for the 'Area of Freedom, Security and Justice' (AFSJ) might seem to be a utopian project. This appears especially true in the light of the increased threat of terrorism in Europe (and on a global scale) and where the expanding EU security agenda is often advanced through the administrative law path, in contrast to the constitutional trajectory. Add to this the prolonged financial crisis, which continues to cast a long shadow on the future development of EU integration, and which suggests that Europe needs to 're-invent itself' beyond the sphere of economics. Therefore, it is precisely because of the current uncertainties regarding the progress of the EU and the constitutional law project that a constitutional take on the AFSJ is of particular importance. The book investigates the meaning of non-domination and the idea of justice and justification in the area of EU security regulation. In doing so, it focuses on the development of an AFSJ, what it means, and why it represents a fascinating example of contemporary constitutional law with

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interacting layers of security regulation, human rights law and transnational legal theory at its core.

This book brings together contributions from some of the leading authorities in the field of EU immigration and asylum law to reflect upon developments since the Amsterdam Treaty and, particularly, the Tampere European Council in 1999. At Tampere, Heads of State and Government met to set guidelines for the implementation of the powers and competences introduced by the Amsterdam Treaty and make the development of the Union as an area of freedom, security and justice a reality. Since 1999, a substantial body of law and policy has developed, but the process has been lengthy and the results open to critique. This book presents a series of analyses of and reflections on the major legal instruments and policy themes, with the underlying question, to what extent the ideals held out of 'freedom, security and justice accessible to all', are in fact reflected in these legislative and policy developments. Has freedom from terrorism and the spectre of illegal or irregular migration, and increasingly strict border securitisation and surveillance overshadowed the freedom of the migrant to seek entry or residence for legitimate touristic, work, study, or family reasons, a secure refuge from persecution, and effective access to justice? In 2004, the Heads of State and Government presented a programme for the next stage of development in these areas, the Hague Programme, and the Directives and Regulations that have been agreed are now being transposed and applied in Member States legal systems. What are the main challenges in the years ahead as the Hague Programme and the existing legislative *acquis* are implemented? Since its formation the European Union has expanded beyond all expectations, and this expansion seems set to continue as more countries seek accession and the scope of EU law

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expands, touching more and more aspects of its citizens' lives. The EU has never been stronger and yet it now appears to be reaching a crisis point, beset on all sides by conflict and challenges to its legitimacy. Nationalist sentiment is on the rise and the Eurozone crisis has had a deep and lasting impact. EU law, always controversial, continues to perplex, not least because it remains difficult to analyse. What is the EU? An international organization, or a federation? Should its legal concepts be measured against national standards, or another norm? The Oxford Handbook of EU Law illuminates the richness and complexity of the debates surrounding the law and policies of the EU. Comprising eight sections, it examines how we are to conceptualize EU law; the architecture of EU law; making and administering EU law; the economic constitution and the citizen; regulation of the market place; economic, monetary, and fiscal union; the Area of Freedom, Security, and Justice; and what lies beyond the regulatory state. Each chapter summarizes, analyses, and reflects on the state of play in a given area, and suggests how it is likely to develop in the foreseeable future. Written by an international team of leading commentators, this Oxford Handbook creates a vivid and provocative tapestry of the key issues shaping the laws of the European Union.

Since the Treaty of Amsterdam the European Union's area of freedom, security and justice has become one of the most dynamic and fastest expanding European policy-making domains. This book brings out the dynamics of institutional change and their impact on policy-making. The challenge of thinking about the place of constitutionalism beyond the conventional categories of the nation state has become a principal concern for legal and political scholars. This book casts this issue in a different light by exploring the implications for the constitutionalism of legal integration in the European Union's 'area of freedom, security and

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justice'. In doing so it makes a novel contribution to an understanding of the European Union as a political community beyond the state, but in addition explores how this entails thinking differently about what is essential concerning constitutionalism. The book argues that instead of seeking to theorise constitutional foundations we actually begin to encounter the constitutional life implied by political and legal practices in the European Union and as exemplified here by 'the area of freedom, security and justice'.

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