

Understanding Europe's Role in the Area of Liberty, Security, and Justice as an International Actor

Authors : Barrere Sarah

Abstract : The area of liberty, security, and justice within the European Union is still a work in progress. No one can deny that the EU struggles between a monistic and a dualist approach. The aim of our essay is to first review how the European law is perceived by the rest of the international scene. It will then discuss two main mechanisms at play: the interpretation of larger international treaties and the penal mechanisms of European law. Finally, it will help us understand the role of a penal Europe on the international scene with concrete examples. Special attention will be paid to cases that deal with fundamental rights as they represent an interesting case study in Europe and in the rest of the World. It could illustrate the aforementioned duality currently present in the Union's interpretation of international public law. On the other hand, it will explore some specific European penal mechanism through mutual recognition and the European arrest warrant in the transnational criminality frame. Concerning the interpretation of the treaties, it will first, underline the ambiguity and the general nature of some treaties that leave the EU exposed to tension and misunderstanding then it will review the validity of an EU act (whether or not it is compatible with the rules of International law). Finally, it will focus on the most complete manifestation of liberty, security and justice through the principle of mutual recognition. Used initially in commercial matters, it has become "the cornerstone" of European construction. It will see how it is applied in judicial decisions (its main event and achieving success is via the European arrest warrant) and how European member states have managed to develop this cooperation.

Keywords : European penal law, international scene, liberty security and justice area, mutual recognition

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