

Editorial

This issue of the European Criminal Law Review reflects many of the most central questions as regards the current development of EU criminal law. At the same time, it reflects the width or diversity of EU criminal law.

Athina Giannakoula deals with the important question about harmonisation of penalties. This is an area where one gets right into the national values and traditions that are often highlighted as one of the reasons for being cautious as regards harmonisation of national criminal law. The contribution of Karel Beran focuses on criminal liability for legal persons and shows – using Czech law as an example – its dependence on the understanding of legal persons within private law. Henning Bang Fuglsang Madsen Sørensen writes about the possibilities for people who have been subject to a European Arrest Warrant to achieve compensation. In short he argues that the possibility for decisions on arrest to “travel freely across the Union” has no counterpart when it comes to decisions as regards liability for Arrest Warrant decisions. In this latter respect, borders still matter. Anže Erbežnik provides us with a critical assessment on the proposal for the establishment of the European Public Prosecutor’s Office and argues that we must not only focus on the details of the proposal, but also evaluate the instrument as such and as part of a broader framework.

For a long time the basic question of criminal law competence and correct legal basis has been a recurring theme in EU criminal law. In his contribution, Samuli Miettinen examines recent judgements from the Court of justice regarding the choice of legal basis and he argues that this case law suggests that “ancillary criminal competence may exist in the margins of other legal bases”, i. e. outside Article 83 TFEU. Last, but not least, there is the contribution from Vincenzo Tigano focusing on trafficking in human organs. Tigano argues that trafficking in human organs has the typical characteristics of transnational crime and that EU action “is fundamental for ensuring that the European Union will remain an Area of Freedom, Security and Justice”.

We hope that you will find the articles rewarding!

The Editors

