

Series editor's preface

When in 1991 the EC Member States negotiated the first Directive on money-laundering, they felt unable in the text of that Directive to make money-laundering a criminal offence; rather, they attached a statement that they would take all necessary steps to enact criminal legislation. Later that year, the Maastricht Treaty was negotiated, introducing an express competence in criminal matters not under the EC Treaty (the 'first pillar') but under a separate intergovernmental pillar of the EU Treaty on Home Affairs and Justice, largely outside the jurisdiction of the European Court of Justice, the so-called 'third pillar'. Under the Amsterdam Treaty, much of this pillar was transferred to the EC Treaty, leaving a third pillar concerned with Police and Judicial Cooperation in Criminal Matters, but under which framework decisions (rather like EC Directives) and decisions could be adopted, subject to the (limited) jurisdiction of the European Court. In the meantime, that Court has held that criminal penalties relating to matters governed by EC Law can (and should) be imposed under the EC Treaty itself; furthermore, the Lisbon Treaty signed in 2007 would largely eliminate the differences between the first and third pillars (subject to special treatment for the UK).

Against this constantly evolving background, there has been an exponential growth in EU and EC legislation concerned with criminal matters, partly reflecting the fact that an area without internal frontiers may increase the possibilities for cross-border crime, and also reflecting the growth of international terrorism. These developments are critically examined in the present book by Maria Fletcher, Robin Lööf and Bill Gilmore, which also studies the underlying principles. These include the way in which a concept of mutual recognition (akin to that used in internal market legislation) lies behind measures such as the European Arrest Warrant. This book represents an important contribution to the study of an area of growing importance in the context of EU law.

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