

# New Journal of European Criminal Law

VOLUME 4 / 2013 / 01-02 / Special Edition – The Future of Prosecution after Lisbon

## IN THIS ISSUE

**3** The European Union as a Criminal Law System

**7** The European Union as a Criminal Law System: A Comment

**22** The European Union as a Criminal Law System: A Comment

**40** The European Union as a Criminal Law System: A Comment

**59** The European Union as a Criminal Law System: A Comment

**82** The European Union as a Criminal Law System: A Comment

**99** The European Union as a Criminal Law System: A Comment

Towards the Free Movement of  
Prosecutors

**120** The European Union as a Criminal Law System: A Comment

**134** The European Union as a Criminal Law System: A Comment

**154** The European Union as a Criminal Law System: A Comment

**168** The European Union as a Criminal Law System: A Comment

**180** The European Union as a Criminal Law System: A Comment

**185** The European Union as a Criminal Law System: A Comment



# CONTENTS

## SPECIAL EDITION THE FUTURE OF PROSECUTION AFTER LISBON

### EDITORIAL

- Prosecution, National Legal Diversity and Human Rights after Lisbon**  
VALSAMIS MITSILEGAS 3

### ARTICLES

- The European Public Prosecutor's Office: Towards a Truly European Prosecution Service?**  
KATALIN LIGETI and MICHELE SIMONATO 7
- Towards a *Decentralised* European Public Prosecutor's Office?**  
SIMONE WHITE 22
- European Public Prosecutor's Office – *Cui Bono*?**  
LADISLAV HAMRAN and EVA SZABOVA 40
- Resolving Conflicts of Jurisdiction in Criminal Proceedings: Interpreting *Ne Bis in Idem* in Conjunction with the Principle of Complementarity**  
GERARD COFFEY 59
- Running before We Can Walk? Mutual Recognition at the Expense of Fair Trials in Europe's Area of Freedom, Justice and Security**  
EMILY SMITH 82
- Onward Transfer under the European Arrest Warrant: Is the EU Moving Towards the Free Movement of Prisoners?**  
SAMULI MIETTINEN 99
- The European Arrest Warrant under the Scrutiny of the Italian Constitutional Court**  
COSTANTINO GRASSO 120

<b>Probation Measures and Alternative Sanctions in Europe: From the 1964 Convention to the 2008 Framework Decision</b>	
SULIANE NEVEU	134
<b>Globalised Criminal Justice in the European Union Context: How Theory Meets Practice</b>	
JOANNA BEATA BANACH-GUTIERREZ	154
<b>ANALYSIS AND OPINION</b>	
<b>The Proportionate Application of Article 8 of the ECHR on Execution of a Request for Surrender of a Person with Children</b>	
DAVID J. DICKSON	168
<b>The Italian Court of Cassation Delivers its Ruling in the <i>Abu Omar</i> Case. The Court's Decision</b>	
PIETRO INSOLERA and IRENE WIECZOREK	180
<b>Cornerstones for a Draft Regulation on the Establishment of a European Public Prosecutor's Office ("EPPO") in Accordance with Article 86 Par. 1–3 TFEU</b>	
EUROPEAN CRIMINAL BAR ASSOCIATION	185