JUDICIAL COOPERATION BETWEEN THE EU AND NON-MEMBER STATES

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ABSTRACT

More and more, the EU looks beyond its member states when enhancing judicial cooperation in criminal matters. For example, it recently concluded agreements on extradition and mutual legal assistance with the USA and a mutual legal assistance agreement with Japan; the Stockholm Programme calls for more such agreements to be negotiated in future. Their potential direct applicability and the partial abolishment of classic safeguards cause constitutional implications, which were already tested in Hungary and may pose a severe issue in future cases before the German Constitutional Court. In order to truly create a “Europe that protects”, a stronger emphasis needs to be put on a union-wide territoriality exception and a ground for refusal based on EU citizenship.

Keywords: judicial cooperation; external relations; extradition; mutual legal assistance

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