

CALL FOR PAPERS

FOR AN INTERDISCIPLINARY CONFERENCE ON

EU CRIMINAL JUSTICE POLICY AND PRACTICE- REFLECTIONS AND PROSPECTS

LEIDEN INSTITUTE OF CRIMINAL LAW & CRIMINOLOGY, 26-27 JUNE 2017

Confirmed Speakers:

Thomas Elholm (University of Southern Denmark), Dennis de Jong (Member of the European Parliament), Michael Levi (Cardiff University), Joanne van der Leun (Leiden University), Valsamis Mitsilegas (Queen Mary University London), Nina Peršak (Ghent University), Nick Tilley (University College London), Anne Weyembergh (Université Libre de Bruxelles), Nina Peršak (Ghent University).

European Union integration has had serious implications for the Member States. Even a Member State's previously unquestioned competence to define criminal offences and the applicable criminal sanctions is no longer a question outside the influence of EU law. The EU Treaties envisage broad competences for the EU to enact legislation in several areas of crime, such as human trafficking, organised crime, terrorism, EU-fraud, etc. It is presumed that EU-level criminal legislation is an effective method to prevent and tackle specific forms of crime.

As ten years have elapsed since the adoption of the current legal framework, the time is ripe **to evaluate the EU's initiatives in the field of EU criminal law and to discuss the challenges ahead**. One question is whether the concerns relating to 'competence creep' and 'repressive' EU criminal policy have been realized. In this regard, it must be particularly examined **to what extent the EU legislator has kept itself within the limits of its powers under the Treaties when legislating under Article 83 TFEU**. It is also necessary to consider **what characterizes the EU's new criminal policy**. What is the strategic focus and what are the driving forces behind the EU legislator's criminal law initiatives? Has the Commission been able to live up to its 'Communication' in 2011 to produce more evidence-based legislation?

In this regard, **scholars also need to reflect on what works and what doesn't in criminalisation and punishment and how (empirical) research in this area should influence EU legislation in the field of criminal law**. Is criminal law an effective tool for dealing with violations of the Union's substantive policies? And, what should be the consequences if adopted legislation in this field turns out not to be effective? Finally, it is appropriate to consider the effects of EU criminal law in the national legal orders. Has the enactment of EU criminal law directives led to more criminalization and more repression, as was predicted by scholars? How do the Member States' criminal justice systems cope with the new initiatives? In this regard, it is particularly important to consider whether the EU's criminal law initiatives have been able to foster compliance and deter individuals from engaging in illegal activities as envisaged by the European Commission.

The question of the EU's criminal policy is too important to be confined to debates within the field of EU lawyers and criminal lawyers. **EU lawyers and criminal lawyers** have to a large extent focused on giving a precise account of the dynamic evolution of EU criminal law and reflecting on the constraints that should be imposed on supra-national interventions. **Criminologists and political scientists** are only just beginning to direct their attention to the rapidly changing EU criminal policy. Criminological research can shed light on the effectiveness of EU criminal policy whilst political scientists can provide insights into the driving forces behind the EU's current criminalization efforts. Moreover, **legal philosophers** can give their verdict on the normative justifications for criminal law and criminalisation. EU lawyers and criminal lawyers may in their turn reflect on how the lessons from political science, criminology and philosophy are used (or not) when legislation is adopted at the EU level and how these lessons should be used to construct an appropriate EU criminal policy. **Cross-pollination between different disciplines** is likely to give a more advanced understanding of the developments of EU criminal policy and the moral, empirical or constitutional limits to this development. Therefore, **this conference will bring together lawyers interested in EU law and criminal law, criminologists, political scientists, and philosophers to jointly reflect on the development of the EU's criminal policy**.

Paper proposals

We welcome proposals for papers falling within the scope of one of the themes below. It is expressly encouraged if these topics are approached from various areas of law (EU law, criminal law) and various

disciplines (criminology, sociology, political science)! Also, proposals may concern general EU criminal law and policy, but may also focus on a specific area of crime.

1. Criminal policy, objectives and criminalization principles
E.g.: Do the EU institutions adhere to criminalization principles when legislating? What are the driving forces behind the EU's criminalization initiatives? Is there an EU criminal policy? What are the rationales and justifications for criminalizing at the EU level – or for *not* criminalizing?
2. The role of the European Parliament, the Council, national parliaments and the Court of Justice
3. Effectiveness of EU criminal law
E.g.: What works? Have the EU's criminal law initiatives been able to deter individuals from committing crime? Are criminal sanctions more effective than non-criminal sanctions? Is criminal law an effective tool for dealing with violations of the Union's substantive policies? What should be the consequences if legislation turns out to be ineffective in achieving its goals?
4. Evidence-based legislation in the field of EU substantive criminal law
E.g.: Has the Commission been able to live up to its 2011 Communication to produce more evidence-based legislation? On what aspects should evidence be required? What is the potential, and what are the limits of (empirical) evidence in the stages of law-making and evaluation of legislation?
5. Constitutional limits to EU criminalization
E.g.: Do legislative initiatives under Article 83 TFEU raise concerns regarding subsidiarity and proportionality? Has the EU legislator been able to keep within the limits of the Treaties when legislating in the post-Lisbon environment? What is the impact of the emergency brake and the opt outs?
6. EU sanction levels
E.g.: Should the EU also engage in prescribing minimum sanctions? Should the EU engage in prescribing other types of sanctions than imprisonment?

Paper proposals (maximum one page) need to be submitted by **1 February 2017** at the latest to j.g.h.altena@law.leidenuniv.nl. Please indicate under which of the six themes you would like to present and please include your contact details. Submitted paper abstracts will be reviewed by the conference committee. You will be notified of acceptance by **1 March 2017** at the latest.

Presentations

Accepted abstracts will be placed in a panel of contributions with a common theme and will be chaired by a discussant. A panel session consists of three or four presenters. Panel sessions will last approximately 90 minutes, so participants will be granted no more than 20 minutes to present their papers followed by comments by the discussant and a general discussion.

Conference practicalities

The conference will start with registration and lunch on 26 June 2017 at 12.00

The conference will end on 27 June 2017 at 15.45

A detailed conference programme will be published in March 2017.

(Please note that these times are provisional. If the number of good quality abstracts allows us to schedule more sessions, the conference will start in the morning of the 26th)

Presenters pay a reduced conference fee of € 25,00. They must cover their own travel and accommodation expenses. Of course you are also welcome to participate without presenting a paper. Information on registration will follow soon on the conference website:

<https://www.universiteitleiden.nl/en/news/2016/10/eu-criminal-justice-policy-and-practice--reflections-and-prospects>.

Organisation and contact

The conference committee consists of Jannemieke Ouwerkerk (Leiden University), Jacob Öberg (Örebro University), Samuli Miettinen (Tallinn University), Annika Suominen (University of Bergen), and Judit Altena (Leiden University). Questions concerning practical arrangements should be addressed to: Judit Altena, j.g.h.altena@law.leidenuniv.nl.

Acknowledgements

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