

CALL FOR PAPERS

THE **THIRD** CHALLENGE TRAINING SCHOOL

POLICE AND JUDICIAL COOPERATION IN CRIMINAL MATTERS IN THE EU:

WHICH FUTURE FOR EU'S THIRD PILLAR?

Centre for European Policy Studies (CEPS)

Conference Room

Place du Congrès, 1

1000 Brussels, Belgium

13-14 April 2007

ABOUT CHALLENGE

“The Changing Landscape of European Liberty and Security” (CHALLENGE), is a European Commission-funded project that seeks to facilitate a more responsive and responsible assessment of rules and practices of security.

The objectives of CHALLENGE are: To understand the merging between internal and external security and evaluate the changing character of the relationship between liberty and security in Europe; To analyse the role of different institutions in charge of security and their current transformations; To facilitate and enhance a new interdisciplinary network of scholars who have been influential in the re-conceptualising and analysis of many of the theoretical, political, sociological, legal and policy implications of new forms of violence and political identity.

THE RATIONALE OF THE CHALLENGE TRAINING SCHOOL

The training seminars will bring together young researchers from universities, research institutes and think tanks to deepen and widen their knowledge in subjects dealing with freedom, security and justice. This is the third training seminar out of six that will be organized by CEPS during the CHALLENGE project.

The training seminars constitute a good opportunity for researchers to see how experts confront their position on these contested issues. It will involve experts from both the academia and policy making worlds. As young researchers rarely have the opportunity to approach experts in these fields, this training seminar will enable them to interact intensively with experts whose perspectives affect their own position.

STRUCTURE AND THEMES

Each training school is organized thus: Five panels each composed of three papers maximum and a discussant who is an expert on the issues being examined. The training schools will address the following subjects:

1. Perspectives on the European Neighbourhood Policy.
2. Borders, biometrics and security.
- 3. Police and judicial cooperation in criminal matters in the EU.**
4. The politics of recognition and integration of migrants in the EU.
5. Migration, asylum and free movement: Social and economic issues.
6. The nexus between internal and external security: the EU anti-terrorism activities.

An expert panel is jointly organized around problems investigated by young researchers in the training school.

THE EU'S THIRD PILLAR: WHAT FUTURE FOR POLICE AND JUDICIAL COOPERATION IN AN AFSJ?

Many years have passed since the Treaty of Maastricht introduced the so-called “Third Pillar” into the European Union’s architecture. This pillar became gradually “communitarised” with the entry into force of the Amsterdam Treaty in 1999, covering now only those provisions related to “Police and Judicial Cooperation in Criminal Matters”, and in fact those mostly related to “the security dimension” within the context of an Area of Freedom, Security and Justice (AFSJ). Embedded in an intergovernmental context, the Constitutional Treaty sought to bring these highly sensitive areas into a genuine European frame with more effective procedures and an enforced role of the European Parliament and the European Court of Justice: a step towards further European integration that has been considered urgent and which is now pending for an undetermined period of time after the blows received in the French and Dutch referenda.

The Hague Programme (2005) restated the need to build a “European Area of Justice” and ensuring effective access to justice and mutual recognition of judicial decisions as key strategic policy objectives for the years to come. New concepts and general principles have therefore progressively evolved, like the principle of mutual recognition and “confidence building and trust” in judicial cooperation in criminal matters and – concerning the exchange of information in the field of security - the principle of availability.

As regards, concrete policy steps, following the example of the European arrest warrant (EAW) a number of legislative acts and proposals have built on this first and paradigmatic application of the mutual recognition principle. However, the EAW has given rise to serious constitutional difficulties in some member states. Since then a tangible slow down of the cooperation process is perceivable. Member states seem to be reluctant to further follow the path they committed themselves in the aftermath of the dramatic events in New York, London and Madrid.

At the same time a reduced number of member states have chosen to deepen their cross-border cooperation in the field of “terrorism, cross-border crime and illegal migration” outside the community method. A good example of this intergovernmental cooperation in these areas is “the Treaty of Prüm”. A number of questions may be raised regarding this and other similar initiatives: Do these kinds of measures strengthen trust and solidarity in an enlarged EU? And further, what is the role and capacities of the existing bodies, such as Europol and Eurojust, in these fields towards a European AFSJ based on confidence and trust?

This two-day training school seeks to address these and other related aspects emanating from these developments at EU level.

CEPS invites submission of **Proposals for Papers** covering any of the following topics:

- **THEORY.** A dogmatic analysis of new concepts and principles linked with Judicial Cooperation in Criminal Matters and Police Cooperation in the EU.
 - a. What does trust and mistrust actually mean and imply in these areas of cooperation? What is the scope and the limits intertwined with trust and mistrust? What are the mechanisms by which confidence can be endangered and how can it be fostered? In which way is the development of trust influenced by EU enlargement? What about the individual, i.e. the suspect’s or the victim’s trust?
 - b. How can the principle of mutual recognition be perceived and interpreted? What does an improved and enhanced cooperation in the field of police imply? What are their conceptual limits and vulnerabilities? How can the exchange of information between security agencies be conceived?
- **INSTITUTIONAL ASPECTS.** A discussion and evaluation of the main institutional bodies, organs and agencies within these fields, their interactions, cooperation and weaknesses. The study may include the following bodies: e.g. Europol, Eurojust, European Judicial Network, European Police Chiefs Task Force, European Police College, European Crime Prevention Network, OLAF.
- **LEGISLATIVE ASPECTS.** A discussion and evaluation of recent community acts and proposals in the field of judicial cooperation in criminal matters and police. To which extent do they build on the principles of mutual trust and mutual recognition? What are lessons-learned from the EAW experience? What about the European Evidence Warrant? The nature of evidence, suspicion and the institutions which relate to them.
- **SUSPECT’S AND VICTIM’S RIGHTS.** What is the position of the individual in these fields of European cooperation? To which extent are suspect’s and defense rights duly guaranteed in recent acts and proposals? What is the relationship between security interests and the individual’s freedom? What about European efforts in protecting and assisting victims of crime? EU data protection on police and judicial matters.
- **HARMONIZATION OF PROCEDURAL AND/OR MATERIAL CRIMINAL LAW.** Is the principle of mutual recognition a long-term solution to avoid harmonization of procedural and/or material criminal law? What are the challenges towards a common European criminal law?
- **POLICE COOPERATION AND EXCHANGE OF INFORMATION.** A study of the methods and principles of cooperation at EU level in the field of police, and the legal and political instruments being used. What is at stake in police cooperation in Europe? Which are the tools and measures being used to put it forward? What are the trends and weaknesses in these areas? Which kinds of struggles are being experienced between the intergovernmental and community methods? The police and intelligence services and the arbiters - the Courts. What is the way forward?

- **THE EXTERNAL DIMENSION OF EU POLICE AND JUDICIAL COOPERATION.** What are the implications, scope and outputs of policy and judicial cooperation in criminal matters in the processes of enlargement and the wider European Neighborhood Policy? An assessment of Europol's cooperation agreements with non-EU member states and organizations. International peacekeeping forces staffed by EU police officers.
- **CASE STUDIES.** An analysis of major operational and joint activities carried out under the scope of European cooperation in these fields, such as for example FIFA World Championship 2006 – European police cooperation and major sporting events, Olympic Games, etc.

EXPERTS ROUNDTABLE

The experts invited for this roundtable will be responsible for discussing applicants' papers.

Elsbeth Guild, CEPS and Centre for Migration Law, Radboud University of Nijmegen, The Netherlands,
Sergio Carrera, Centre for European Policy Studies, CEPS, Belgium,
Thierry Balzacq, University of Namur, Belgium.

Other experts will be invited.

ELIGIBILITY CRITERIA

- Holding a university degree in law, political science, philosophy, sociology or international relations; and
- Currently studying or conducting a Ph.D./doctorate thesis in an EU member state.

APPLICATION DEADLINE: 1st FEBRUARY 2007

To apply, please send a short abstract of no more than 200 words, including your CV and full contact details to the following e-mail address: florian.geyer@ceps.be. Applications not fulfilling these requirements and the date of submission will not be taken into consideration.

Selected candidates will be informed about the final decision concerning their eligibility no later than 16th February 2007. Those who will then submit their final paper and give a presentation in the Training School will be allocated a fixed grant of 200 euros. Other expenses linked with the participation in the Training School will not be covered.

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