

# Is there a future for the EU's area of freedom, security and justice?

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By Camilla Mortera-Mazzoni

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# Europe's Area Of Freedom Security And Justice

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## **Europe's Area Of Freedom Security And Justice:**

**The European Union as an Area of Freedom, Security and Justice** Maria Fletcher, Ester Herlin-Karnell, Claudio Matera, 2016-11-25 This book presents a collection of essays on key topics and new perspectives on the EU's Area of Freedom Security and Justice AFSJ and has a Foreword by the President of the Court of Justice of the European Union Prof Dr Koen Lenaerts Europe's area of freedom security and justice is of increasing importance in contemporary EU law and legislation It is worthy of special research attention because of its high stakes content particularly from an individual and a state perspective and because its development to date has tangentially thrown up some of the most important and contentious constitutional questions in EU law As the AFSJ becomes more and more intertwined with mainstream EU law this edited collection provides a timely analysis of the merger between the two Showcasing a selection of work from key thinkers in this field the book is organised around the major AFSJ themes of crime security border control civil law cooperation and important meta issues of governance and constitutional law It also analyses the major constitutional and governance challenges such as variable geometry institutional dynamics and interface with rights around data protection secrecy spying In the concluding section of the book the editors consider the extent to which the different facets of the AFSJ can be construed in a coherent and systematic manner within the EU legal system as well as identifying potential future research agendas The European Union as an Area of Freedom Security and Justice will be of great interest to students and scholars of European law and politics

**Constitutional Life and Europe's Area of Freedom, Security and Justice** Alun Howard Gibbs, 2016-05-23 The challenge of thinking about the place of constitutionalism beyond the conventional categories of the nation state has become a principal concern for legal and political scholars This book casts this issue in a different light by exploring the implications for the constitutionalism of legal integration in the European Union's area of freedom security and justice In doing so it makes a novel contribution to an understanding of the European Union as a political community beyond the state but in addition explores how this entails thinking differently about what is essential concerning constitutionalism The book argues that instead of seeking to theorise constitutional foundations we actually begin to encounter the constitutional life implied by political and legal practices in the European Union and as exemplified here by the area of freedom security and justice

**Supranational Governance of Europe's Area of Freedom, Security and Justice** Christian Kaunert, John Occhipinti, Sarah Leonard, 2016-03-17 This book examines the evolution towards increased supranational governance in the EU's Area of Freedom Security and Justice AFSJ At the end of 2009 a successor programme to the Tampere and Hague Programmes was developed under the Swedish Presidency Called the Stockholm Programme it was adopted at a special EU Council Summit on 10-11 December 2009 The new agenda covers the period 2010-2014 and emphasises six areas of priority In the context of these priorities as well as the innovations introduced by the Lisbon Treaty this edited book analyses policy change in the AFSJ especially as it has been affected by the rise of supranational governance

in this domain From police cooperation and crime fighting to border management and counter terrorism much has changed and the EU has taken yet another step forward in the direction of supranational governance However the various contributions also highlight that there are still problems and challenges remaining for the AFSJ Collectively this book considers how consequential the Lisbon Treaty has been for the AFSJ as well as how successful the EU has been in achieving its stated goals as expressed in the Stockholm Programme Thus this book makes a significant contribution to the scholarly investigation of the AFSJ but also to the study of European integration in general This book was published as a special issue of the Cambridge Review of International Affairs

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*The Constitutional Structure of Europe's Area of 'Freedom, Security and Justice' and the Right to Justification* Ester Herlin-Karnell, 2019-04-18 This book explores the implications of freedom as a non-domination oriented view for understanding EU security regulation and its constitutional implications At a time when the European borders are under pressure and with the refugee and migration crisis which escalated in 2015 the idea of exploring a constitutional theory for the Area of Freedom Security and Justice AFSJ might seem to be a utopian project This appears especially true in the light of the increased threat of terrorism in Europe and on a global scale and where the expanding EU security agenda is often advanced through the administrative law path in contrast to the constitutional trajectory Add to this the prolonged financial crisis which continues to cast a long shadow on the future development of EU integration and which suggests that Europe needs to re-invent itself beyond the sphere of economics Therefore it is precisely because of the current uncertainties regarding the progress of the EU and the constitutional law project that a constitutional take on the AFSJ is of particular importance The book investigates the meaning of non

domination and the idea of justice and justification in the area of EU security regulation In doing so it focuses on the development of an AFSJ what it means and why it represents a fascinating example of contemporary constitutional law with interacting layers of security regulation human rights law and transnational legal theory at its core *The Constitutional Structure of Europe's Area of 'freedom, Security and Justice' and the Right to Justification* Ester Herlin-Karnell, 2019 This book explores the implications of freedom as a non domination oriented view for understanding EU security regulation and its constitutional implications At a time when the European borders are under pressure and with the refugee and migration crisis which escalated in 2015 the idea of exploring a constitutional theory for the Area of Freedom Security and Justice AFSJ might seem to be a utopian project This appears especially true in the light of the increased threat of terrorism in Europe and on a global scale and where the expanding EU security agenda is often advanced through the administrative law path in contrast to the constitutional trajectory Add to this the prolonged financial crisis which continues to cast a long shadow on the future development of EU integration and which suggests that Europe needs to re invent itself beyond the sphere of economics Therefore it is precisely because of the current uncertainties regarding the progress of the EU and the constitutional law project that a constitutional take on the AFSJ is of particular importance The book investigates the meaning of non domination and the idea of justice and justification in the area of EU security regulation In doing so it focuses on the development of an AFSJ what it means and why it represents a fascinating example of contemporary constitutional law with interacting layers of security regulation human rights law and transnational legal theory at its core Bloomsbury Publishing **Challenges and Prospects for the EU's Area of Freedom, Security and Justice: Recommendations to the European Commission for the Stockholm Programme** ,2009 **Europe's Area of Freedom, Security, and Justice** Neil Walker, 2004 This collection brings together leading specialists in the areas of European Union law which are now organized under the Area of Freedom Security and Justice AFSJ **Constitutional Life and Europe's Area of Freedom, Security and Justice** Alun Howard Gibbs, 2011 This book considers the constitutional implications of legal integration regarding internal security matters in the EU It argues that constitutional theory is crucial to addressing legality and accountability concerns raised by the legal practices of the EU s Area of Freedom Security and Justice AFSJ

*Supranational Governance of Europe's Area of Freedom, Security and Justice* Christian Kaunert, John Occhipinti, Sarah Leonard, 2020-12-20 This book examines the evolution towards increased supranational governance in the EU s Area of Freedom Security and Justice AFSJ At the end of 2009 a successor programme to the Tampere and Hague Programmes was developed under the Swedish Presidency Called the Stockholm Programme it was adopted at a special EU Council Summit on 10 11 December 2009 The new agenda covers the period 2010 2014 and emphasises six areas of priority In the context of these priorities as well as the innovations introduced by the Lisbon Treaty this edited book analyses policy change in the AFSJ especially as it has been affected by the rise of supranational governance in this domain From police cooperation and

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**The External Dimension of the European Union's Area of Freedom, Security and Justice** Marise Cremona, 2011

During the last decade the rapid growth of justice and home affairs as an internal policy making domain of the European Union has led to the Union emerging as an increasingly important international actor in this field This book covers the institutional and legal framework of the external dimension of EU justice and home affairs issues of policy interaction as well as specific challenges policy responses and results in the fields of migration policy judicial cooperation counter terrorism and cooperation with major international partners Taking into account the changes introduced by the Treaty of Lisbon as well as the priorities set by the 2010 2014 Stockholm Programme the book provides an in depth exploration of the political and legal dynamics of a major new dimension of the EU *European Internal Security* Christian Kaunert, 2018-07-30 European institutions are either loathed or underestimated This book analyses the role of EU institutions in the area of European internal security From Justice and Home Affairs this area has become more like a European Area of Freedom Security and Justice In this process the European Commission has demonstrably played the role of an engine of integration in areas such as counter terrorism policing asylum migration and border management This book uses the framework of supranational policy entrepreneurs SPE those who stand at the policy window in order to propose lobby for and sell their policy proposal and synthesises it with insights from the literature on norm entrepreneurship This book will be of great interest to scholars and practitioners interested in European internal security European integration terrorism security studies and international relations

**Reasoned Balance in Europe's Area of Freedom, Security and Justice** Alun Howard Gibbs, 2011 This article considers how we might understand a constitutional balancing of goods In doing so the article considers the EU's Area of Freedom Security and Justice AFSJ which poses the challenge as to how we balance our desire to feel secure with commitments to freedom and justice The approach taken will be to argue that a balance is a reasoned judgment which must be understood in both a symbolic sense but at the same time also rooted in the practice of our constitutional decision making This enables a political community to make sense of its value commitments so as to achieve a reflective balance between them The article concludes that if the EU is to achieve an area of freedom security and justice then it must be capable of developing a balance that can be a reasoned understanding of this constitutional commitment **Living in an Area of Freedom, Security, and Justice** European Commission, 2001 European Union procedures and laws on justice and home

affairs touch on some of the most sensitive questions facing the EU today They deal with issues such as asylum immigration drugs crime and cross border legal questions As businesses and individuals increasingly take up their right to live and work anywhere in the EU European aspects of court proceedings and citizens rights will become ever more important It is important for Europe s citizens that the objectives of justice and home affairs policies freedom security and justice are interlinked and balanced as freedom loses much of its meaning if it cannot be enjoyed in a secure environment and if it is not backed up by a fair and smoothly functioning legal system

**Fundamental Rights in the EU Area of Freedom, Security and Justice** Sara Iglesias Sánchez, Maribel González Pascual, 2021-07-29 The development of the Area of Freedom Security and Justice has transformed the European Union and placed fundamental rights at the core of EU integration and its principles of mutual recognition and trust The impact of the AFSJ in the development of an EU standard of fundamental rights which has come to the fore since the Treaty of Lisbon is a topic of great theoretical and practical importance This is the first systematic academic study of the AFSJ and its implications from the point of view of fundamental rights The contributions to this collection examine the normative and jurisprudential development of the AFSJ in order to assess its effects on the overall construction of the scope and standards of protection of EU fundamental rights in this particularly complex and sensitive field of integration The expert contributors systematically map and critically assess this area of EU law together with the relevant case law

Freedom, Security and Justice in the European Union Ronald L. Holzhaecker, Paul Luif, 2013-08-28 As the European Union has evolved it has also begun to address policy questions which are closer to the very heart of the state From cooperation in Justice and Home Affairs originally conceived as the third pillar of European cooperation has emerged the Area of Freedom Security and Justice AFSJ A unique aspect of policy in this area is the desire to integrate the internal and external dimensions of this policy area One of the tensions in this policy area has been balancing the protection of fundamental rights and increasing security The first part of this book focuses on the institutional relations of policymaking in AFSJ both within member states and between member states in particular the issues of national executive control national parliamentary scrutiny and peer review across the member states with regard to AFSJ The second part focuses on specific policy areas which are part of AFSJ Two chapters highlight the tension found in this policy area between security and human or fundamental rights the first related to data retention and the second on policing external borders The final two chapters are concerned with data exchange among European countries and transatlantically with the US and the interface between AFSJ and the Common Foreign and Security Policy CFSP The chapters contained in the book were presented at the Dutch Ministry of the Interior and Kingdom Relations and the Dutch national parliament Tweede Kamer making it of interest to scholars and practitioners alike

*Europe's Area of Freedom, Security and Justice Through the Prism of Constitutionalism*, 2014

Security Versus Freedom? Thierry Balzacq, 2016-04-01 From the viewpoint of migration and asylum policy and the fight against terrorism justice and home affairs is a key policy area It is also an area that raises

important challenges and questions with regard to the preservation of fundamental freedoms This engaging volume examines the emerging European Union area of freedom security and justice at a time when key policy priorities are taking shape within the EU Bringing together contributors from different backgrounds the volume is ideal for students and scholars of European studies law political science political theory and sociology      **The Institutional Dimension of the European Union's Area of Freedom, Security and Justice** Jörg Monar, 2010 Since the Treaty of Amsterdam the European Union's area of freedom security and justice has become one of the most dynamic and fastest expanding European policy making domains This book brings out the dynamics of institutional change and their impact on policy making      **Freedom, Security, Justice**, 1999

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