



Università degli Studi di Salerno
FACOLTÀ DI GIURISPRUDENZA

DOTTORATO DI RICERCA

in

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TESI DI DOTTORATO IN

***Il rafforzamento della cooperazione giudiziaria in materia
penale: da Eurojust al pubblico ministero europeo***

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The need for judicial cooperation in criminal matters in the European Union has manifested itself since the achievement of the early successes achieved in the context of community building, and continues to manifest itself more than ever now expected the spread of transnational crime. Just the single market - namely, an area without internal frontiers in which the four fundamental principles which ensure the free movement of goods, persons, services and capital - has, in fact, given an exponential growth in crime and an extension not only quantitative but especially spatial it. If, in particular, the globalization of socio-economic liberalization of rules on the movement of people and goods and, most recently, the development of human relations, (thanks to technological tools) and information technology have enabled a more rapid social progress, at the same time, have facilitated the authors of various crimes, allowing them to extend their criminal activities across borders, thus involving both individual and collective interests relating to most national laws. In this context, a role he assumed the difference between the criminal laws of the Member States, which, in combination with the individual freedom of movement, led to a sort of forum shopping crime, allowing "criminals" to choose the jurisdiction Law and Criminal Justice at the most advantageous way by subtracting the self and the illegal proceeds obtained. In this new and complex social reality and criminology, have become obsolete with the principles of territoriality of law and jurisdiction, as they have proved totally inadequate and unsuitable tools traditionally adopted in the field of international judicial cooperation (characterized by the principle of the request, whereby a sovereign state makes a request to another sovereign state, which then decides whether to give or not), both for their slowness, both for their complexity with respect to the development as "criminal" of the European Union. This location has meant that the courts gradually began to have a dialogue with each other, and over time, this perspective has changed by several factors: the effectiveness of Community rules on

reflected national, and the identification of goods supranational legal (it Consider the issue of the environment); the needs of judicial cooperation. These were the three main engines that led to the construction of an area of freedom security and justice within the objectives indicated by the Amsterdam European Union's founding. Twenty-seven EU countries accounted for the space in which we tried, with a construction often hard, creating a security perspective, freedom and justice. In this process of "transformation of the national rights" has been added to Eurojust, a body which has facilitated and judicial cooperation in transnational investigations.