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Rapports

- Austrian Constitutional Court Uses Charter of Fundamental Rights of the European Union as Standard of Review: Effects on Union Law *Reinhard Klaushofer & Rainer Palmstorfer* 747
- German Constitutional Law Cases 2010–2012 *Katharina Berner* 759

Scrutiny

- Changes in Austrian State Liability Law under the Influence of European Law *Michael Potacs & Claudia Mayer* 797
- Axa V. Lord Advocate: Putting The Axa to Parliamentary Sovereignty *Paolo Ronchi* 807

Featured Articles

- Article 6 ECHR, Civil Rights, and the Enduring Role of the Common Law *Gordon Anthony* 821
- Counter-Terrorism and European Human Rights since 9/11: The United Kingdom Experience *David Bonner* 843
- The French Parliament: A European Scrutineer or National Actor? *Davor Jančić* 875

Regional Governance, Subsidiarity and Accountability within the EU's Multi- Level Polity	<i>Adam Cygan</i> 907
A Separation of Powers Approach to Non- efficiency Goals in EU Competition Law	<i>Francis Kieran</i> 935
<i>Book Reviews</i>	957

BOOK REVIEWS

Steve Peers, *EU Justice and Home Affairs Law* (3rd Edition) (Oxford: Oxford University Press, 2011) cxix + 981 pp., ISBN 978-0-19-960490-6 (hb) or 978-0-19-965997-5 (pb), hb or pb, GBP 105 (hb) or GBP 40 (pb).

Steve Peers is an academic pioneer in the area of the European Union's justice and home affairs law. The increase in the size of Peers' book from the first to the third edition reflects the growth in the last ten years of the work of the Justice and Home Affairs Commission along with bodies associated with it such as Europol and Eurojust. In his preface, Peers explains why this is the case. He highlights how from an operational aspect not only has there been a growth in the workload of justice and home affairs bodies and agencies (particularly in the area of counter-terrorism provisions), but also there has been a substantial and correlative growth in the law emanating from the Justice and Home Affairs Council and Commission. This is reflected in the impact and changes brought about in the Treaty of Lisbon on justice and home affairs law.

The book begins with an overview of the institutional framework of justice and home affairs law. There is an excellent coverage of the EU Treaties' applicability to justice and home affairs. The discussion of how the Treaty of Amsterdam and the Treaty of Lisbon amended the Treaty of European Union in relation to asylum, border control, criminal law as well as the role of the EU's policing agency, Europol and the EU's criminal judicial agency, Eurojust, is particularly impressive. Peers writes in a style which allows the reader to see how institutional framework regarding justice and home affairs issues has expanded in line with increased political concerns over the threat that terrorism (both national and international terrorism) poses to the security of the Member States in the EU. It is not just the Al Qaeda attack on the USA in September 2001 that brought about this concern for public safety. Al Qaeda's attacks on EU Member States in Madrid in 2004, and London in 2005 also drive the present policy agenda. In addition to the terrorist threat, Peers also demonstrates the correlation between the increase in legal provisions promulgated by the Justice and Home Affairs Commission with the increase in criminality and illegal immigration.

The book flows with a natural progression into chapter three, which is in essence an analysis on the institutional framework on justice and home affairs

issues. The author effectively links these with other areas of EU law including the free movement of goods and border controls. This can raise a dilemma for the EU as it relaxes border controls to facilitate ease of trade; it also opens the borders facilitating the ease of criminal and terrorist activity. Peers' coverage of this issue is excellent. He applies international human rights law, in particular the European Convention on Human Rights (ECHR) in his analysis of how the EU justifies increased legislation and policy provision to secure an area of justice, freedom and security. One illustration he gives is his explanation of why there has been an increase in the demand for travellers to provide biometric information for EU passports and how this can be done within the parameters set by the provisions of the ECHR. Peers considers the requirements of the ECHR, not only in relation to criminal activity and terrorism but also to migration issues. A good example of how he covers this is his consideration of Article 8 ECHR (right to privacy and family life) to demonstrate the delicate balance the EU must achieve, via justice and home affairs bodies and agencies, in securing borders while protecting migrants from outside the EU.

A great strength of Peers' book is his coverage of criminal law. This is a contentious issue regarding Member States' sovereignty, where individual governments are traditionally seen as responsible for protecting the security of their citizens. As Peers demonstrates, there is a threat to all Member States from international terror groups requiring an EU led response to filter into the legal and policing systems of the Member States. Terrorism is not the only activity requiring a collective response. Serious criminal activity, for example the trafficking of drugs, firearms and human beings, also require a collective response if states are to deal effectively with this type of criminal activity. Peers leads the reader through cooperation between the Member States on these issues prior to the Treaty of Amsterdam to what followed after the conclusion of the Treaty of Amsterdam. This includes the passing of Framework Decisions on a wide range of criminal activity, mainly organized crime where the offences are seen as serious, i.e., those carrying long prison sentences on conviction. This includes perhaps the most effective Framework Decision to date – that dealing with the European Arrest Warrant. Working through these areas, Peers seamlessly demonstrates the impact of the Treaty of Lisbon on criminal law in the EU. Framework Decisions requiring a unanimous vote from the Justice and Home Affairs Council that are not scrutinized by the European Parliament are now in effect redundant as the EU's democratic deficit is lessened with criminal law taking the form of Directives that are now scrutinized by the European Parliament.

The book concludes with an examination of the development of policing and security within the EU. This is perhaps the weakest part of the book as the roles of two agencies; Europol and Eurojust are not considered in detail. In crime

prevention, investigations and counter-terrorism, the workload of both these bodies has grown significantly in the last few years, and Peers' work does not truly reflect this. That said, Peers covers the role and function of Europol, along with how it facilitates cooperation between Member States' policing agencies and cross-border operations (including the Schengen Information System and the Customs Information System). A main focus throughout the chapter is on anti-terrorist sanctions. This is understandable as wider police powers can clash with human rights law. Again, Peers' coverage on this is excellent as he explains how anti-terror operations can work within the legal framework and not violate human rights law. There is little in the chapter on other criminal activities such as drug trafficking, human trafficking and the trafficking of firearms, or the role that Europol and Eurojust play in assisting the policing agencies and judiciary in the Member States in respect of these issues. These are equally serious crimes and ones where Europol and Eurojust have been increasingly active alongside the EU Member States as they implement justice and home affairs law and the policies of the Justice and Home Affairs Council and Commission. Although bordering on it, this book is not a socio-legal study, which may explain why there is no in-depth study on the operational activity of Europol and Eurojust. The discussion in the chapter might be characterized as primarily a 'black letter' analysis of the law.

Overall, this is an excellent text and possibly the most substantial and analytical book covering justice and home affairs law available at the moment. Every aspect of the law is covered, and the book is written in a style that is accessible for practitioners and academics new to the area of justice and home affairs in the EU. There is also much of use and interest to those who have experience and knowledge in the area. As a text for students, this book would be eminently suitable for postgraduate programmes concerning international law or EU law. Where applicable, it would be equally suitable for undergraduate students for modules concerning similar topics. For those of us who are academics and researchers in this area, Peers' book should be a central point of reference.

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