SUMMARY OF CONTENTS

Acknowledgements ................................................................. v
List of Abbreviations .............................................................. xix

INTRODUCTION

1. What is this book about? ......................................................... 1
2. Reasons to research .............................................................. 3
3. Central question ................................................................. 5
4. The structure of this book ..................................................... 6
5. Research methods .............................................................. 10

PART I. DEFINING MUTUAL RECOGNITION IN THE EUROPEAN UNION: BETWEEN COMMUNITY LAW AND UNION LAW

Chapter 1. The Principle of Mutual Recognition in European Community Law ................................................................. 17

1. Introduction ................................................................. 17
2. Mutual recognition in the internal market ................................ 19
3. Mutual recognition of judicial decisions in civil and commercial matters ................................ 33
4. Concluding remarks .......................................................... 43

Chapter 2. The Principle of Mutual Recognition in European Union Law ................................................................. 45

1. Introduction ................................................................. 45
2. Mutual recognition in the Third Pillar: from Tampere to Lisbon ................................................................. 46
3. The analogy between mutual recognition in different fields of competence ................................................................. 54
4. Defining mutual recognition in the context of criminal law ................................................................. 65
5. Implementing mutual recognition in criminal matters: the need for a specific approach ................................................................. 69
6. Concluding remarks .......................................................... 77
**TRANSITIONAL PART. THE IMPLEMENTATION PROCESS OF THE PRINCIPLE OF MUTUAL RECOGNITION IN UNION LAW: THE IDENTIFICATION OF OBSTACLES AND BOTTLENECKS**

Chapter 3. Implementing Mutual Recognition: Obstacles and Bottlenecks . . . .81

1. Introduction .................................................................81
2. Implementing the principle of mutual recognition: an overview of legal instruments ...................................................82
3. The scope of mutual recognition in the light of the parameters ........91
4. Obstacles and bottlenecks in implementing mutual recognition ..........111
5. Concluding remarks ......................................................126

**PART II. RECOGNITION OF JUDICIAL DECISIONS IN CRIMINAL MATTERS IN THE FEDERATIONS OF SWITZERLAND AND THE UNITED STATES OF AMERICA: LESSONS FOR THE EUROPEAN UNION**

Chapter 4. Recognition of Judicial Decisions in Criminal Matters: the Case of Switzerland .............................................129

1. Introduction .................................................................129
2. The federation of Switzerland .............................................130
3. The Swiss criminal justice system .......................................136
4. Mutual recognition of judicial decisions in criminal matters? ........144
5. Assessing the EU parameters .............................................157
6. Concluding remarks ......................................................172

Chapter 5. Recognition of Judicial Decisions in Criminal Matters: the Case of America .............................................175

1. Introduction .................................................................175
2. The United States of America .............................................176
3. The American criminal justice system ...................................182
4. Mutual recognition of judicial decisions in criminal matters? ........191
5. Assessing the EU parameters .............................................222
6. Concluding remarks ......................................................238

Chapter 6. Analysis: The European Union, Switzerland and the United States of America Compared ................................241

1. Introduction .................................................................241
2. The obstacles and bottlenecks in implementing mutual recognition: the European Union, Swiss and American approaches side by side ........242
3. The fundamental similarities and differences explained and assessed ...250
4. Lessons for the future of mutual recognition in the European Union ...266
5. Concluding remarks ......................................................285
Summary of Contents

Epilogue ............................................................................................................ 287
Summary ........................................................................................................... 291
Bibliography ..................................................................................................... 301
Table of Cases ................................................................................................... 315