

AFTERWORD

by Teresa Russo

This Conference, which brought together academics, practitioners, students, and civil society representatives, highlighted the widespread belief that transnational organised crime can only be combated on a shared basis by developing a legal culture that promotes democracy, the rule of law, and human rights. Transnational crime, particularly transnational organised crime, poses several threats to all national legal systems and limits societies' economic and social development. It eludes precise regulatory typification, encompassing different conducts that are all serious and criminally relevant.

At the global level, international judicial cooperation developed within the United Nations through the instrument of conventions undoubtedly serves as the normative reference framework from which to begin, but it is at the regional level within the European Union and the Council of Europe that both preventive and repressive cooperation instruments have been developed that are readily applicable, thanks to the support of the Luxembourg and Strasbourg Courts.

Specifically, the European Union, relying on mutual trust in the common values that make up the identity of its legal system, as affirmed by the Court of Justice, has made the European Area of freedom, security and justice, and in particular judicial cooperation in criminal matters and police cooperation, the beating heart of its internal and external policies, i.e., with cross-cutting application, for example in the common foreign security policy and in relations with third states. Even more so with candidate states, where democratic reform of national systems, along with respect for the rule of law, human rights, and minorities, is a prerequisite for the start of negotiations. However, as evidenced by certain national reform policy choices, as well as international events, these objectives have become a real challenge for both existing member states and the European Union.

Cooperation between national judicial and police authorities, as well as between them and relevant Union agencies, combined with mutual recognition of judicial decisions and, where necessary, harmonisation of national criminal law, form a jigsaw puzzle of imperfectly fitting pieces. Differentiated integration in the form of enhanced cooperation remains one of the most commonly used instruments in this area, and proposals from some states as well as Union institutions support the prospect of greater flexibility.

The establishment of differentiated legal regimes clearly does not aid in the fight against transnational crime, which creeps into the cracks of the non-unitary system. On the other hand, overcriminalization to ensure effective implementation of EU law does not appear to be the appropriate response because, once again, it seeks to prioritise security over freedoms.

The European institutions have adopted a number of directives and regulations to increase the Union's efficiency in combating the most serious transnational crimes, but this must be done in tandem with the protection of all parties' procedural rights. Furthermore, the approach cannot be limited to criminal law but must be multidisciplinary, with "unity in diversity" as the fundamental concept to be respected.

As some of the young students pointed out, the different languages of the Union's peoples cause problems not just in terms of communication but also because of the different legal cultures of the Member States. In addition to the excellent translation

service of the Union's acts and the specification present in each act in the part on definitions, the Court of Justice continually emphasises the importance of the Community concept for framing the various questions submitted to its jurisdiction. Furthermore, it should not be forgotten that diversity is a value to be preserved because, as envisaged, the Union respects the richness of its cultural and linguistic diversity (Art. 3, para. 3) and is inspired by Europe's cultural, religious, and humanist heritage (Preamble of the TEU), while also respecting national identities inherent in their fundamental political and constitutional structure, including the system of local and regional self-government.

The Western Balkan countries as EU accession candidates (or potential candidates such as Kosovo) represent a geostrategic area for the Union's completion, but they also require their own regional identity in terms of promoting regional cooperation among the states in the area and resolving local conflicts. The Jean Monnet Chair on *Promoting Public Awareness, EU Values, and Western Balkans' Accession* (EUVALWEB) aims to bring future Union citizens closer together through cultural dialogue, scientific initiatives, and educational activities, not only to increase knowledge of the political and legal issues underlying enlargement but also to foster a culture of shared values while respecting different national identities.

Thus, let's work together to shape our future. This is one of the main goals set by the European Union, and it is also mine.