

| | |
|--------------------------|---|
| 1. Record Nr. | TD20012147 |
| Autore | MANFREDINI, FRANCESCA |
| Titolo | MANDATO D'ARRESTO EUROPEO E TUTELA DEI DIRITTI FONDAMENTALI: IL CONTROLLO DI PROPORZIONALIT'; [Tesi di dottorato] |
| Editore | Universit'; degli Studi di Milano, 2019-02-27 |
| Lingua di pubblicazione | Italiano |
| Formato | Tesi di dottorato |
| Livello bibliografico | Monografia |
| Note | diritti: info:eu-repo/semantics/openAccess In relazione con info:eu-repo/semantics/altIdentifier/hdl/2434/627518 |
| Sommario | The European Arrest Warrant (EAW) represents the first instrument based on the principle of mutual recognition in criminal matters. Its approval aimed expressly at replacing the lengthy extradition procedures that existed among European countries, in order to achieve a more effective cross-border judicial surrender procedure. According to the statistics concerning the use of the EAW, this goal has been accomplished. Anyway, its great success has risen many issues concerning the correct balance between freedom and security. From this perspective, this PhD Thesis analyses the Framework Decision 2002/584/GAI, the Italian implementation law, as well as the most significant judgments of the Italian Supreme Court and of the European Court of Justice. In the last chapter, the Author focuses on the related problem consisting in the excessive use of the EAW, suggesting the introduction of a proportionality test 'led by the issuing judicial authority as well as by the executing one' which could represent a suitable path to reach a balance between repressive needs and protection of fundamental rights. |
| Localizzazioni e accesso | http://memoria.depositolegale.it/*/http://hdl.handle.net/2434/627518 |

