

Editorial

The world has changed considerably during the past months. Definitely! The USA moved further away from the European Union than could have anticipated after the presidential elections in November 2016. President Trump does not tire to openly display or twitter to the world that he does not share the common values of what could be called the former West. “America first” is his explicit guiding principle – no matter what the consequences for the rest of the world are. In June 2017 he even decided to pull out of what seemed to be the common denominator of all rational thinking statesmen – the global cooperation in order to stop the negative consequences of the undeniable climate change. As a consequence Trump will “withdraw” from the Paris climate agreement, a pact intended to curb climate-changing emissions worldwide. This is a step which clearly separates the USA from the rest of the world – the US will join a unique club of Paris rejecting countries: with only Syria and Nicaragua at its side! What a shame!

But the isolation of the US is just one part of the changing world in which we are living. Also in Europe itself the coordinates which had been taken for granted during many years suddenly have changed fundamentally. Most clearly the Brexit procedure marks an undeniable and deplorable setback in the EU’s integration efforts. Of course it will still take some months until the UK will effectively cease to be a Member State of the EU; even though Theresa May’s Conservative Party lost the recent general elections there is no indication of any reversal of the UK citizens’ decision to leave the EU.

Although the latest elections in Austria, the Netherlands and France produced evidence that there is still no anti-European majority in those countries, one should not underestimate the fact that the right wing populist minorities were alarmingly successful. Moreover there seems to be a fatigued acceptance that certain Member States such as Poland and Hungary are not willing to support further integration, even the enthusiasm for the EU membership as such seems to have dwindled. This stance becomes particularly visible when looking in vain for the European flag next to the Polish or Hungarian one on official occasions.

Thus the question arises: Is there a future for Europe in the changing world? And important for the EuCLR and all of our colleagues: Is there a future for European criminal law at all? Despite of all imponderabilities I dare to answer this question in the affirmative, convinced that in a world, where the US and the UK drift more and more away from the European Union, there is a chance for the remaining and willing states within the EU to carry on, perhaps even quicker and more intensively than before. The agreement to found an EPPO which is now backed by (a modest number of) 20 of the - currently - 28 Member States at least shows a potential way: A Europe of various speeds. As long as new institutions as the EPPO and other acts of intensified cooperation are open to the rest of the Member States there is at least a good chance, that in the end – if everything works fine and the instruments prove to be successful – more and more States will join.

And finally – Europe has a very, very long history with many ups and downs. No doubt it will also survive the current crisis and find its way back to the visions and hopes of the founders of the European Communities. Of course today, we are faced with the fact that all these Trumps, Orbans, Erdogans and Mays are in power. But we can remain patient– and meanwhile we should not twiddle our thumbs but we should make plans for the future and strive for an amelioration of the structures and the possibilities of a future EU criminal law system.

Helmut Satzger, editor-in-chief of the EuCLR