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The Jurisprudence of the Court of Justice of the European Union in Criminal Matters as a Vector of Transformation of National Law: Between Binding Interpretation and the Creative Effect of Eu Norms

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Abstract

The Court of Justice of the European Union (CJEU) represents the primary vector for ensuring the uniform application of European Union law within the legal orders of the Member States. In the field of criminal law, although the Union's competences remain formally limited and largely complementary, the CJEU's expansive interpretative approach has contributed to the emergence of a genuinely "creative" dimension of EU law, capable of influencing domestic criminal justice systems in substantive ways.

This article examines the mechanisms through which CJEU jurisprudence contributes to the transformation of national criminal law, focusing on two main avenues: the binding interpretation of EU norms and the innovative, sometimes quasi-normative, effects generated by judicial reasoning. Particular attention is given to landmark judgments such as *Kolpinghuis Nijmegen*, *Berlusconi*, *Taricco*, *Melloni*, *LM*, and *Spetsializirana prokuratura*, which have progressively shaped the contours of European criminal law. These decisions illustrate how the Court has navigated tensions between the effectiveness of EU law and fundamental constitutional principles, including legal certainty and the protection of individual rights.

The analysis further explores the impact of this jurisprudence on the Romanian legal order, particularly in relation to the principle of legality, the proportionality of sanctions, and the safeguarding of fundamental rights. It highlights how national courts are increasingly required to engage in a complex process of harmonization, balancing domestic constitutional identity with supranational obligations.

The general conclusion is that CJEU jurisprudence functions not merely as an instrument of uniform interpretation, but as a dynamic and evolving source of legal development. It plays a pivotal role in

shaping European criminal law at the intersection of national sovereignty and supranational integration, redefining the boundaries of judicial influence in a multi-level legal system.

Keywords: Cjeu; European Criminal Law; Direct Effect; Consistent Interpretation; Principle of Legality; Judicial Harmonization; Criminal Sovereignty