

# Clarifying the Concept of 'Issuing Judicial Authority' under the EAW

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**News**

In reaction to the judgments of the CJEU in joined cases C-508/18 (OG) and C-82/19 PPU (PI) and case C-509/18 (PF) on the interpretation of the concept of "an issuing judicial authority" within the meaning of Art. 6(1) Framework Decision 2002/584/JHA on the European Arrest Warrant and the surrender procedures between the Member States (FD EAW), Eurojust has set-up a questionnaire to assess the situation in the Member States. The [compilation of replies](#) with a country-by-country overview was now published in order to support national authorities in the Member States with the execution of EAWs.

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Member States give further information with regard to five questions, namely:

- Whether public prosecutors can issue an EAW in their countries?;
- Which entity ultimately takes the decision to issue an EAW?;
- Whether public prosecutors under their national law afford a guarantee of independence from the executive so that they are not exposed to the risk of being subject, directly or indirectly, to directions or instructions in a specific case from the executive, e.g. a Minister for Justice, in connection with the adoption of a decision to issue an EAW?;
- Is the Member State affected by the CJEU's judgments and which legal and/or practical measures has been taken or will be taken in order to prevent and address this issue?;
- Are there any other additional comments to be shared with the other Member States in view of the judgment?



All EU Member States provided replies to the questionnaire that may further be updated in the future.

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