

Draft for EP Resolution on EAW



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Thomas Wahl

News

On 3 September 2020, MEP *Javier Zarzalejos* (EPP, ES), member of the LIBE Committee, presented the first [draft of a resolution by the EP](#) on the implementation of the European Arrest Warrant. According to *Zarzalejos*, the EAW system is a success, and the limited problems that still exist do not put this into question. He also analysed targeted revisions of the tool, e.g., as regards the double criminality issue. He suggests thinking of the extension of the list of 32 offences for which double criminality checks do not take place or the approval of a “negative list,” in which Member States can convey the offences that have been decriminalised and that they do not wish to cooperate on. The latter model was already proposed at the very beginning in the Commission’s proposal on the EAW in 2001.

Zarzalejos stresses, however, that many problems can also be solved by soft-law mechanisms, practical guidance, and training. As regards the issue of fundamental rights, he calls on the Commission to supplement the FD EAW with further harmonisation of procedural safeguards, e.g., on the admissibility of evidence and prison conditions in pre-trial detention. An additional EU platform, including all EU Member States, should be considered, which aims at information exchange and learning, including an overview of the diverse national EAW case law.

The draft has not remained without controversy. Other committee members [submitted 235 amendments](#) by 5 October 2020. The [Committee on Constitutional Affairs](#) also handed in a comprehensive list of suggestions for the EP resolution on 12 October 2020.

The draft builds, *inter alia*, upon an exchange of information with stakeholders, such as the European Commission, Eurojust, FRA, academics (including the 2016 EP EAW report), and practitioners using the instrument; the Commission’s implementation report of July 2020 (→ [euclid 2/2020, 110](#)); and the comprehensive ex-post impact assessment by the EPRS, published in June 2020 (→ [euclid 2/2020, 111](#) and the article by *W. van Ballegooij*, [euclid 2/2020, 149-154](#)).

AUTHOR

Thomas Wahl

Senior Researcher
Max Planck Institute for the
Study of Crime, Security and
Law

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