

# ECJ: EAW Possible When Police Supervision Is Converted into Custodial Sentence

## News

Thomas Wahl

In its [judgment](#) of 9 October 2025 in [Case C-798/23 \(Abbottly\)](#), the ECJ ruled on the execution of a European Arrest Warrant (EAW) in the case of court decisions rendered *in absentia*. The case at issue specifically concerned the interpretation of the term "trial resulting in the decision" within the meaning of Art. 4a(1) of Framework Decision 2002/584/JHA on the European arrest warrant.

The starting point was a Latvian judgment which provided for three years of police supervision after the serving of a prison sentence. As the defendant failed to comply with the conditions governing the police supervision, a Latvian court converted the remaining unserved term of police supervision (2 years and to days) into a custodial sentence, whereby two days of police supervision were counted as one day of deprivation of liberty. As the person concerned did not appear at the hearing, an EAW was issued against him. The Irish courts initially refused extradition. They classified the conversion as an enforcement measure based on the prison sentence and supervision order already imposed. The mere absence of the person concerned could therefore block enforcement.

However, after the Irish Supreme Court had referred the case for a preliminary ruling, the ECJ ruled that the decision by the Latvian court to impose an additional sentence was an independent decision. It was decisive that the courts of the issuing state exercise their discretion and thus decide on an independent prison sentence based on the violation of the conditions. This constitutes a "decision" within the meaning of Art. 4a(1). Extradition may therefore not be based solely on the absence of the person concerned, unless an exception under the article applies.

### AUTHOR

**Thomas Wahl**

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

---

Published in  
2025, Vol. 20(3) eucrim

ISSN: 1862-6947

<https://eucrim.eu>

---



---

## About eucrim

eucrim is the leading journal which regularly informs about current developments in European criminal and "criministrative" law.

All news items are freely accessible at: <https://eucrim.eu/news/>

Stay informed by emailing to [eucrim-subscribe@csl.mpg.de](mailto:eucrim-subscribe@csl.mpg.de) to receive alerts for new releases of issues.

The project is co-financed by the [Union Anti-Fraud Programme \(UAFP\)](#), managed by the [European Anti-Fraud Office \(OLAF\)](#).



Co-funded by  
the European Union