

# EPRS: Implementation Assessment of EAW

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## News

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In June 2020, the Ex-Post Evaluation Unit of the Directorate for Impact Assessment and the European Added Value of the Directorate-General for Parliamentary Research Service (EPRS) published the [second part of the evaluation on implementation of the Framework Decision on the European Arrest Warrant](#) and the surrender procedures between Member States (2002/584/JHA). The first part, presenting the framework for analysis and preliminary findings on implementation of the EAW, was published in February 2020 (see euCRIM issue 1/20). Both parts support an [own-initiative implementation report](#) by the EP's LIBE committee (rapporteur: *Javier Zarza-lejos*, EPP, Spain), improve understanding of the matter, and feed discussions on possible revision of the 2002 FD EAW.

The comprehensive study report of June 2020 (by *Dr. Wouter van Ballegoij*) presents conclusions on implementation of the FD EAW and makes recommendations as to how to address the shortcomings identified, as per the rapporteur's request. The report first analyses key issues and challenges in both the issuance and execution of EAWs in Member States. It also deals with the EAW's impact on the rights of individuals in the Member States. The assessment and conclusions as regards implementation of the EAW in the Member States and the recommendations as to how address shortcomings identified revolve around the following benchmarks:

- Effectiveness;
- Compliance with EU values, including fundamental rights;
- Efficiency;
- Coherence;
- Relevance;
- EU-added value.

The study concludes that the FD EAW has simplified and sped up handover procedures, including those for several high-profile cases of serious crime and terrorism. A number of unresolved challenges relate to core debates over judicial independence, the nature of mutual recognition and its relationship with international/EU law and values, constitutional principles, and additional harmonisation measures. Furthermore, there are gaps in effectiveness, efficiency, and coherence in conjunction with other measures and the application of digital tools. The EPRS recommends targeted infringement proceedings, support for judicial authorities, and hearing suspects via video link, where appropriate, in order to avoid surrender whilst ensuring the effective exercise of defence rights. It also details a range of measures aimed at achieving humane treatment of prisoners. For reasons of legitimacy, legal certainty, and coherence, a review of the FD EAW, as part of an EU judicial cooperation code in criminal matters is recommended in the medium term. (TW)



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