

# EPRS Study on European Arrest Warrant



**Thomas Wahl**

## News

In February 2020, the European Parliamentary Research Service (EPRS) published an [in-depth analysis on implementation of the European Arrest Warrant](#) (authors: *Wouter van Ballegooij and Ivana Kiendl Krišto*). The analysis is designed to support an [own-initiative implementation report](#) by the EP's LIBE committee (rapporteur: *Javier Zarzalejos*, EPP, Spain) and to feed discussions on possible revision of the 2002 Framework Decision on the European Arrest Warrant that may be triggered in 2020. The February report will be followed by a study (planned for April 2020) that will present conclusions on implementation of the framework decision and tentative recommendations on how to address any shortcomings identified.

The analysis observes that the FD EAW is generally recognised as a successful instrument; however, its application has triggered a number of problems:

- Definition of “issuing judicial authorities” and their independence from government;
- The proportionality of EAWs issued for “minor offences” and before the case was “trial ready”;
- Verification of double criminality, its compatibility with the principle of mutual recognition, and the need for further approximation of laws;
- Interplay of the FD EAW with the FD on the transfer of prisoners in the cases of surrender of nationals/residents;
- Application of the “trials *in absentia*” exception;
- The role of the executing authority in safeguarding the fundamental rights of the requested person.

The analysis also deals with the difficulties experienced by requested persons in effectively exercising their procedural rights in accordance with the EU directives setting out the approximation of criminal procedure in EAW cases.



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