

Eurojust Updates its EAW Report



Cornelia Riehle

News

On 6 July 2021, Eurojust published an [update of the report on its casework in the field of the European Arrest Warrant \(EAW\)](#), analysing the application of the [Framework Decision on the EAW](#) in the EU Member States from 2017 to 2020. Based on 2235 EAW cases registered at Eurojust in the given period, the report addresses the following issues:

- The validity of the EAW;
- Grounds for non-execution;
- Guarantees and fundamental rights;
- Requests for information;
- Competing requests for (subsequent) surrender and extradition;
- Time limits;
- Postponement of surrender;
- Problems with actual surrender;
- How to prosecute and/or carry out custodial sentences in the context of the speciality rule;
- The relationship of the EAW to other instruments, e.g., the European Investigation Order (EIO).

AUTHOR

Cornelia Riehle

Deputy Head of Section
Academy of European Law

ISSN: 1862-6947

<https://eucrim.eu>



According to the report, many of the issues already identified in the previous report (2014-2017) remain, while new issues have also emerged. Regarding the content of EAWs, the report identifies the need to provide national authorities with more guidance on how to fill in EAWs. Missing, unclear, or inconsistent information has often put the execution of EAWs on hold.

In addition, national authorities should be provided with updates on the CJEU's EAW case law, given its strong impact on issues such as the validity of EAWs, grounds for non-execution, and fundamental rights. The report also strongly recommends benefitting from direct contacts at Eurojust and/or the European Judicial Network (EJN).

The report stresses that investing in good translations and good language training is a key factor in improving the functioning of mutual recognition instruments, although this is often neglected in practice. Other issues identified include problems with unanswered requests for information and compliance with time limits.

The interpretation and application of specific grounds for non-execution and the assessment of fundamental rights grounds in line with the case law of the CJEU and the ECtHR are to be improved further. The report recommends providing practitioners with further guidance on these issues.

Regarding the relationship between the EAW and other instruments, Eurojust also offers assistance to practitioners by selecting the most appropriate mutual recognition instruments and coordinating their use. National authorities are invited to bring more cases on competing requests for surrender and/or extradition

to Eurojust and to closely cooperate in situations in which actual surrender must be postponed. Ultimately, the report sees a need to further clarify the scope of the principle of speciality.

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 to receive alerts for new releases of issues.

The project is co-financed by the Union Anti-Fraud Programme (UAF), managed by the European Anti-Fraud Office (OLAF).



**Co-funded by
the European Union**