

# MEPs: Revision of EAW Would Open Pandora's Box

Thomas Wahl



## News

On 20 February 2020, MEPs discussed policy options for the European Arrest Warrant in a meeting of the LIBE committee. Legal experts reported on implementation of the Framework Decision on the European Arrest Warrant (FD EAW). Politicians could also draw on a [study by the European Parliamentary Research Service](#) (EPRS) that provided a first in-depth analysis on implementation of the EU's surrender scheme (see separate news item). The EAW instrument was considered a generally successful tool; however, challenges remain. These involve the detention conditions in some EU Member States, mutual trust among Member States, and interpretation of the 2002 Framework Decision as such. MEPs pointed out that, after 18 years of existence, the FD EAW still triggers a number of CJEU judgments interpreting its provisions in a more or less fundamental way. They are not eager to revise the FD, however, because this would open "Pandora's box" and the achievements would (again) be at stake.

Notwithstanding, the representative from the European Commission announced readiness to revise the FD EAW. Problems are mainly seen in the implementation of the FD and its incorrect application.

The FD EAW will be at the centre of further policy discussions in 2020. The EPRS will present another study on the EAW in April 2020. This will serve as the basis for drafting an own-initiative report by the EP on the EAW implementation. The Commission envisages presenting an in-depth assessment on the EAW by summer. And the upcoming German Council Presidency will put the issue of revision of the EAW on its JHA agenda.

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