

New Factsheet: The EAW Under the Case Law of the CJEU and ECtHR



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European Law Forum: Prevention • Investigation • Prosecution

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News

In June 2024, the Fundamental Rights Agency (FRA), together with the Registry of the European Court of Human Rights (ECtHR), prepared a [factsheet](#) on the European Arrest Warrant (EAW) and the EU Member States' obligations to respect fundamental rights. The factsheet highlights jurisprudence in selected areas in which EU law and that of the European Convention on Human Rights (ECHR) interact. Such interaction may arise when courts of the EU Member States receive a substantiated complaint to the effect that the protection of a right of the ECHR is “manifestly deficient” and the situation cannot be remedied by EU law. In this situation, the courts may not refrain from examining said complaint solely because they are applying EU law; instead, they must read and apply the rules of EU law in conformity with the ECHR.

Over the past several years, a number of cases regarding the issuing and execution of EAWs have been dealt with by the ECtHR and CJEU. They addressed the following concerns:

- The positive procedural obligation to cooperate;
- The risk of inhuman or degrading treatment;
- The lawfulness of deprivation of liberty;
- The right to a fair trial and right to an effective remedy;
- The respect for private and family life;
- The principle of *ne bis in idem*.

The factsheet aims to help lawyers and policymakers in understanding and applying the jurisprudence in EAW cases.

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