

Updated Overview on Position of Public Prosecutors in Relation to the EAW

News

Cornelia Riehle

On 30 March 2020, Eurojust published a new version of its [country-by-country overview](#) on the position of public prosecutors in relation to the European Arrest Warrant (EAW) (for the previous version, see [eucrim 2/2019](#), p 110). The overview was compiled following the CJEU's judgment of May 2019, in which it declared that the German public prosecutors' offices do not fall within the concept of "issuing judicial authority" in the sense of Art. 6(1) FD EAW due to lack of independence (cf. [eucrim 1/2019](#), pp. 31-33). In another judgment of May 2019 as regards the Lithuanian Prosecutor General, the CJEU set out requirements of objectivity and independence and the need for effective judicial protection that must be afforded to the requested persons if an EAW is issued by a public prosecutor's office. The judgments raised uncertainties amongst practitioners regarding the legal position of public prosecutors in the Member States.

Alongside an updated summary of the most recent CJEU judgements taken on this issue in 2019 (see also [eucrim 3/2017](#), p. 178, and [eucrim 4/2019](#), p. pp. 242, 244-245), Eurojust's update now also offers information on the UK and Norway as well as information on judicial protection and the possibility to contest a prosecutor's decision to issue an EAW.

AUTHOR

Cornelia Riehle

Deputy Head of Section
Academy of European Law

ISSN: 1862-6947

<https://eucrim.eu>



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 (UAFP), managed by the European Anti-Fraud Office (OLAF).



**Co-funded by
the European Union**