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# Symposium ImprovEAW

*Improving mutual recognition of European Arrest Warrants through Common  
Practical Guidelines*

Lublin, 27-28 June 2022



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# Improving the EAW: topics that stand out on detention conditions

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- Legal background and the jurisprudence of the ECJ
  - *Aranyosi and Căldăraru*
  - *Dorobantu*
  - *Generalstaatsanwaltschaft*
- suspicion that the detention conditions in the issuing state are not appropriate - executing judicial authority must perform a test to assess such risk

- Aranyosi test
  - in-abstracto risk
    - information which is objective, reliable, specific and properly updated
    - burden of proof?
  - in-concreto risk
    - supplementary information based on Art. 15(2) of FD 2002/584/JHA
      - Gurantee
- Draft template – a potential solution
  - Currently, there are no EU harmonised standards on detention conditions based on EU legislation.
- Conclusion of the test

- Debatable topics and solutions
  - mutual trust, efficacy of judicial cooperation
  - the impunity
  - lack of information, lack of common standards
  - reasonable time
  - uniformity



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# Thank you for your attention!

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