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Symposium ImprovEAW

ImprovEAW: origins, goals, methodology and some findings

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Origins of the project:

- Previous project: focussed on the EAW and *in absentia* judgments (*InabsentiEAW*)
- Current project zooms out: improving the EAW as a whole
- Issuing – executing EAWs: process of communication (*i.e. conveying information*) between JAs

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EAW form: theory and practice

- Completed EAW form should provide ‘minimum official information required to enable’ executing JA to take a decision on the EAW a.s.a.p. (e.g. [Piotrowski](#))
- However: (repeated) requests for supplementary info (cf. Art. 15(2)) are all too common occurrence
- Consequences:
 - (short term): delays and extra costs; non-compliance with time limits; impunity; unjustified surrender/refusal
 - (long term): impact on mutual trust

Goals and methodology

- Goals:
 - identify causes of the (perceived) need for supplementary information
 - to prevent that (perceived) need from arising
 - to fill that (perceived) need, once arisen
- Methodology:
 - Experts (academics and/or practitioners) from 7 MS (BE; HE; HU; IE; NL; RO; PL)
 - Questionnaire

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Questionnaire

- Transposition of FD 2002/584/JHA (*e.g.* grounds for refusal)
- Problems with individual sections of EAW form
- Problems not directly related to EAW form
 - Supplementary information
 - Time limits
 - Guarantee of return
 - Detention conditions/deficiencies in the system of justice
 - Surrender to and from Norway/Iceland/UK
 - (analogous) application of *Petruhhin*
 - Speciality rule
- Answers: [country reports](#); [European Arrest Warrant. Practice in Greece, the Netherlands and Poland](#)

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Some findings: transposition by Member States

- Incorrect transposition of grounds for refusal and guarantees
- Incorrect transposition of the thresholds of Art. 2(1)
- Incorrect transposition of the categories of listed offences of Art. 2(2)
- Non-transposition of FD 2008/909/JHA

Some findings: EAW form

- Form does not reflect CoJ's evolving case-law
 - *e.g.*: the requirements of section (b) (national judicial decision) ([*Svishtov Regional Prosecutors Office*](#))
- Form is (euphemistically speaking) less than clear
 - *e.g.*: distinction between EAWs for prosecution and for execution of a sentence

b) Decision on which the warrant is based:

1. Arrest warrant or judicial decision having the same effect:

Type: warrant for preventive arrest no. 4/UP from 12.03.2020, issued by Videle Court of Justice, in absence

2. Judicial decision and enforceable criminal sentence no. 103 from 12.03.2020, issued by Videle Court of Justice by which the preventive arrest was ordered, in the absence, for a period of 30 days

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