



Mutual recognition in extradition: The European Arrest Warrant – a decade of experience

Copenhagen, 3-4 September 2014

Grant Agreement JUST/2013/JPEN/AG/4519
Mutual Recognition Instruments in the European Judicial Area

Seminar Venue
To be determined

Introduction

Target group: Judges, Prosecutors and Defense Lawyers from Denmark, Romania and other Member States.

Description: The European Arrest Warrant (EAW) is the seminal instrument in the field of EU judicial cooperation in criminal matters. It is widely used and has proved to be an efficient tool in accelerating the execution of warrants and surrender procedures in cross border criminal cases within the EU. At the same time the EAW still poses a number of issues – mostly related to fundamental rights protection - that Member States find difficult to accommodate in their respective legal systems. It is in this context that the seminar is willing to map out the operational success of the EAW and discuss the concerns present in the application of the EAW.

Method: A mixture of presentations, discussions and workshops

Objectives: The purpose of the seminar is two-fold: firstly, to provide participants with information on the use, domestic application and evaluation of the EAW. Emphasis will be made on how to issue an EAW, how the various grounds of refusals are understood by national judiciaries and what are the issues that defence lawyers may want to look at. The practical administration of EAWs will be complemented however with the discussion of constitutional and fundamental rights issues that posed difficulties in applying the instrument and gave rise to litigation before both the Court of Justice of the European Union and the national courts.



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WEDNESDAY 3 SEPTEMBER 2014

- 09.00 **Welcome and mutual introduction**
- 09.15 **The European Arrest Warrant – the leading mutual recognition instrument**
General introduction to the instrument and statistical information about its use in EU Member States.
- 10.15 Discussion
- 10.30 Coffee break
- 11.00 **Grounds to refuse the execution of a European Arrest Warrant**
Explanation, case law and national implementation on mandatory and optional grounds of refusal of enforcing a EAW as interpreted by the Court of Justice of the European Union and applied by the national courts in the Member States (Principle of double criminality, ne bis in idem)
- 12.00 Discussion
- 12.15 Lunch
- 13.30 **How to issue a European Arrest Warrant**
- 14.30 Discussion
- 14.45 Coffee break
- 15.15 **Practical issues in administering European Arrest Warrants**
Problems related to the SIS, multiple requests relating to the same person, transmission of a translated EAW, additional information, and accessory surrender
- 16.30 Discussion
- 16.45 **Case study**
- 17.30 **End of Day 1**



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THURSDAY 4 SEPTEMBER 2014

- 09.00 **The European Arrest Warrant as seen by the defence counsel I**
Absence of an explicit ground for refusal based on the infringement or risk of infringement of fundamental rights, legal remedies
- 10.00 Discussion - experiences from MS
- 10.15 Coffee break
- 10.45 **The European Arrest Warrant as seen by the defence counsel II**
Insufficient consideration of the defendant's interests, imbalance between prosecution and defence, overuse of pre-trial detention and detention conditions
- 11.45 Discussion - experiences from MS
- 12.00 Lunch
- 13.30 **Workshop**
- 14.30 Discussion
- 14.45 Coffee break
- 15.15 **Future of the European Arrest Warrant**
- 16.15 Discussion
- 16.30 **Evaluation**
- 17.00 **END OF SEMINAR**