

Case law by the Court of Justice of the European Union on the European Arrest Warrant

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This document provides an overview of the case law of the Court of Justice of the European Union (CJEU) with regard to the application of Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States (EAW FD).

The **2020 edition of Eurojust's overview on the case law of the CJEU on the European Arrest Warrant (EAW) is up to date as of 15 March 2020**. Compared with the previous (2018) edition, it contains 13 additional judgments, totalling 46 judgments for the period 2007–2020.

The case law overview contains summaries of the CJEU's judgments categorised according to a set of important keywords that reflect the structure of the EAW FD. A table of keywords and a chronological list of judgments is also provided at the beginning of the document.

The updated version covers, inter alia, the following main topics.

- **Content, validity and lawfulness of the EAW.** The CJEU recently clarified to what extent a public prosecutor's office can be considered an 'issuing judicial authority' under Article 6(1) EAW FD, and what are the requirements of effective judicial protection that must be afforded to the requested persons.
- Admissibility of a request for a preliminary ruling by an issuing judicial authority.
- **Scope of the EAW.** The CJEU recently provided further guidance on the law to be taken into account when determining the scope of the EAW under Article 2 EAW FD.
- Obligation to execute an EAW.
- **Human rights scrutiny.** The CJEU recently addressed to what extent an executing authority is required to assess the detention conditions in the issuing Member State.
- **Grounds for refusal.** In recent judgments, the CJEU interpreted in particular the refusal ground related to residents and nationals of the executing Member State.
- **Guarantees.** The CJEU recently interpreted the condition set out in Article 5(3) EAW FD that subjects the execution of the EAW to the return of the requested person to the executing Member State to serve the custodial sentence or detention order imposed in the issuing Member State.
- **Requests for additional information and time limits.**
- **Effects of the surrender.**
- Transitional regime and relations to other instruments.
- **Extradition of EU citizens to third countries.**

The index and summaries of judgments are not exhaustive and are to be used only for reference and as a supplementary tool for practitioners. They have been prepared by Eurojust and do not bind the CJEU. The summaries contain links to the full texts of the judgments of the CJEU that can be found, in all EU official languages, on the CJEU's website. Where relevant, reference is made also to the Charter of Fundamental Rights of the European Union (the Charter), the European Convention on Human Rights (ECHR) and the case law of the European Court of Human Rights (ECtHR).