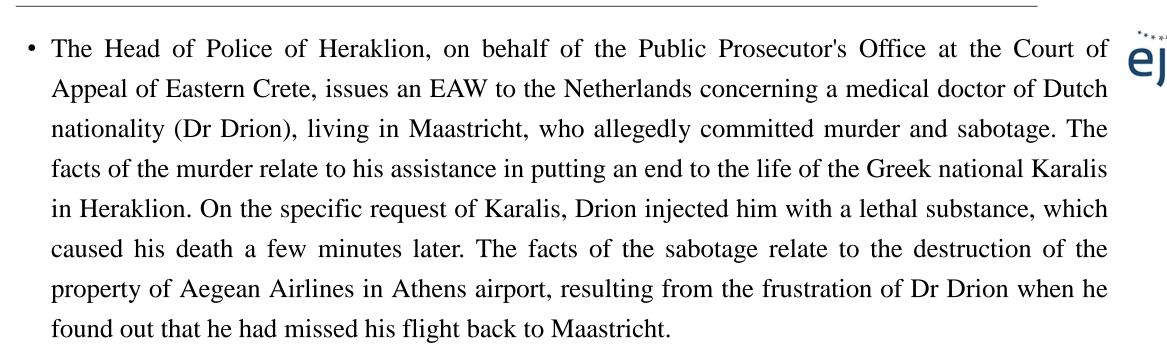
## **Better applying European Criminal Law ERA Court staff training**

The European Arrest Warrant





# **Council Framework Decision 2002/584 on the European arrest warrant and the surrender procedures between Member States - Case 1 scenario**





#### Council Framework Decision 2002/584 on the European arrest warrant and the surrender procedures between Member States - Case 1 scenario – The questions

- 1. Is there an obligation for the Netherlands to surrender Dr Drion, and if so, under which conditions?
- 2. Would it make a difference if the offences had not occurred in Greece, but in the Netherlands?
- 3. Can the Netherlands make an assessment of the offences and qualify them according to Dutch criminal law?
- 4. Does the nationality of the requested person play a role?
- 5. Will the requested person be detained pending the procedure?
- 6. Which authorities will be involved on both sides concerning this EAW?
- 7. What is the procedure provided in the Netherlands and how long will it take?
- 8. What role do the Greek authorities play during the surrender procedure?
- 9. When and how will the surrender take place?
- 10. Imagine the surrender succeeds. Under which conditions can the Greek prosecutor also charge Drion with the further offence of shoplifting?



ejtn





### Mutual Trust and the European Arrest Warrant

- In principle: comply with EAW
- Except for applicable grounds for refusal (Meloni)
- However: human right concerns (Aranyosi/ Calderaru)
- MS must ask assurances concerning absolute rights





## Mutual trust at the moment of surrender only?

- Second Aranyosi-case: guarantees for the first detention unit only? This could lead to MS monitoring each other (ML, C-220/18 PPU)
- Mutual trust in MS in which the rule of law is endangered? The case of Poland and Hungary. COM-Recommendation 2018/103 + C-354/20 PPU (DCAmsterdam ref. on Poland)
- Mutual trust in a former Member State UK
- Mutual trust in non-Member States Norway/ Iceland

