

The European Arrest Warrant and fundamental rights

Warsaw, 6-7 October 2020

Grant Agreement 882080 – JudCoopAFSJ – JUST-AG-2019/JUST-JTRA-EJTR-AG-2019
Judicial Cooperation in Criminal Matters in the European Union’s Area of Freedom, Security
and Justice: Recent Developments and Topical Issues’ 2020-2021

Seminar Venue

To be determined

Programme

Objectives: The seminar will provide a hands on training on the application of the European Arrest Warrant (EAW) on an advanced level, yet at the same time, go beyond the specific instrument and examine its application in the broader context of ensuring the adequate protection of fundamental rights.

The detailed practice oriented understanding of the EAW will be then complemented with the examination of the fundamental rights issues triggered by the issuing and execution of EAWs, in particular questions related to procedural guarantees and conditions of detention (c.f. C-404/15 and C-659/15 PPU Aranyosi and Caldaru and C-220/18 PPU ML).

A detailed examination will be offered of the C-182/15 Petruhin judgment and its effect on third country extradition requests. On the basis of the judgment the interconnection between the EU Charter on Fundamental Rights and EU citizenship rights and the EAW will be discussed.

TUESDAY 6 OCTOBER 2020

- 09.00 **Welcome and mutual introduction**
- 09.15 **Fundamental rights and the EAW**
Presentation on fundamental rights context of the EAW, EU Charter of Fundamental rights and scope of application, relevance of the ECHR
- 10.15 Discussion
- 10.30 Coffee break
- 11.00 **Procedural guarantees in criminal proceedings and the EAW**
National and European responses to enhance procedural rights context of the EAW
- 12.00 Discussion

- 12.15 Lunch
- 13.15 **Intersections of fundamental rights and the EAW, with special reference to detention conditions**
Discussion of national judicial practices after the C-404/15 and C-659/15 PPU Aranyosi and Caldaruru and C-220/18 PPU ML cases, prison conditions in the issuing MS affecting the EAW surrender procedure.
- 14.15 Discussion
- 14.30 Coffee break
- 15.00 **Debriefing on Workshop/Case Study 1**
- 16.45 **In absentia trials and the EAW**
Discussion of recent CJEU case law (C-270/17 Tupikas, C-271/17 Zdziaszek and C- 571/17 Ardic).
- 17.45 Discussion
- 18.00 **End of Day 1**

WEDNESDAY 7 OCTOBER 2020

- 09.00 **Selected problems regarding the EAW grounds for non-recognition**
Assurances, return of nationals to serve sentence after surrender for trial, life imprisonment sentences, internal criminal proceedings
- 10.00 Discussion
- 10.15 Coffee break
- 10.45 **Debriefing on Workshop/Case Study 2**
Guarantees, return of nationals to serve sentence after surrender for trial, life imprisonment sentences, internal criminal proceedings
- 12.00 **Extradition requests from third countries and the EAW**
Discussion of C 182/15 Petruhhin judgment
- 13.00 Discussion
- 13.15 **Evaluation**
- 13.30 **END OF SEMINAR**