

The European Arrest Warrant and the Charter of Fundamental Rights

Online, 3rd June 2025

Seminar Venue: Zoom

Organized by EIPA – European Institute of Public Administration

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Programme

Objectives: 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 several challenges to Member States as they must comply with the principles of mutual recognition and mutual trust, while also fulfilling their obligation to respect fundamental rights. This resulted in a very rich case law before the Court of Justice of the European Union (CJEU) interpreting the EAW at the request of national judicial authorities.

The objective of the seminar is to provide an update on the case law of the CJEU in relation to the EAW, and make legal practitioners aware of the latest jurisprudence of the Court, relevant in their professional work.

Target group: The seminar is especially interesting for legal practitioners working in the field of criminal law, dealing with cross-border criminal cases, but is also of relevance to those having a particular interest in the EU Area of Freedom Security and Justice, based on the principles of mutual recognition and mutual trust.

Participants will have a nuanced understanding of the practical application of the EAW, fundamental rights issues directly affecting the execution of an EAW, and the recent case law of the CJEU related to the EAW. After attending the seminar, participants will have acquired a clear understanding of the complex environment that surrounds the application of the EAW today.

Seminar methodology: The seminar is based on short presentations complemented with practice-oriented panel discussions led by an expert who has an in-depth understanding of the EAW. Departing from the very rich case law of the CJEU, the seminar will focus on practical issues arising in the administration of the EAW and its compliance with fundamental rights.



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EIPA Luxembourg - European Centre for Judges and Lawyers

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Tuesday, 3 June 2025

- 8:50 Registration of participants
- 9:00 **Welcome of participants and opening remarks**
Claudio Matera
- 9:05 **Prohibition of Inhuman or Degrading Treatment: Case law on detention conditions vs Case law on health risks resulting from surrender. The right to serve the sentence in the executing Member State**
In this session we will discuss on differences between national judicial practices after the *Radu* Case, the *Melloni* Case, *Dorobantu* Case, the *Aranyosi and Căldăraru* Cases, and the *ML* Case regarding prison conditions in the issuing MS; and domestic practices after the *E.D.L.* Case involving requested persons with pre-existent illnesses. We will analyse the *C-700/21 OG* Case establishing the possibility for the executing MS to refuse the surrender of third-country nationals staying or residing on its territory.
Silvia Allegrezza
- 9:30 **Round table on differences between national judicial practices after the *Dorobantu* Case, the *Aranyosi and Căldăraru* Cases, the *ML* Case and the *O.G.* Case**
Claudio Matera, Sharon Okunrobo Perez, Silvia Allegrezza
- 10:00 **Right to a Fair Trial: The independence of the issuing judicial authority of the EAW**
This session will examine the requirements for issuing and executing judicial authorities. Alongside the conditions set out in Article 6 of the EAW Framework Decision and in line with the CJEU's interpretation of Article 1(3) of the EAW Framework Decision, EAW decisions must uphold all guarantees appropriate for judicial decisions. This includes the essential requirements of effective judicial protection, particularly the independence and impartiality of the courts. Recent CJEU case law such as the Joined Cases *L* and *P* and the Joined Cases *X* and *Y* dive into which factors one should consider to conduct the two-step test with respect to the independence of the Polish judiciary.
Silvia Allegrezza
- 10:30 **Round table on the right to a fair trial**
Claudio Matera, Sharon Okunrobo Perez, Silvia Allegrezza
- 11:00 Coffee break
- 11:15 **Rights of defence: Access to a lawyer, right to information and Conviction *in absentia***
This session will explore recent developments of the CJEU case-law on the impact national breaches of fundamental rights might have on the EAW execution. In particular, we will analyse the problem of executing a sentence adopted without granting access to a lawyer, as in the Case *C-504/24 PPU Anacco*). additionally, we will focus on the convictions *in*

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absentia, such as the *RQ* Case, the Joined Cases of *Minister for Justice and Equality*, and the *TR* Case. Article 4a(1) of the EAW Framework Decision establishes an optional ground for non-execution of the EAW when the person concerned did not appear in person at the trial leading to the decision. For this ground to apply, practitioners must examine multiple factors, including the nature of the judicial decision, the conditions outlined in Article 4a, and the conduct of the requested person.

Silvia Allegrezza

11:45

Round table on rights of defence

Claudio Matera, Sharon Okunrobo Perez, Silvia Allegrezza

12:15

Wrap up and final thoughts

Claudio Matera, Sharon Okunrobo Perez, Silvia Allegrezza

12:30

End of Day



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