European Commission

European Arrest Warrant

Makes Europe a safer place

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What is the European Arrest Warrant (EAW)?

The European Arrest Warrant is a legal procedure that speeds up the handing over of suspects or criminals from one EU Member State to another, so that they can face trial or serve a prison sentence in the country where they committed a crime.

How do European Arrest Warrants make Europe safer?

Criminals and terrorists operate cross-borders. The European Arrest Warrant is a tool for judicial authorities to combat crime and terrorism faster and more efficiently across the EU internal borders. The European Arrest Warrant enables judicial authorities to catch these individuals faster and bring them to justice regardless of where in Europe they are hiding.

Since the European Arrest Warrant came into use, thousands of dangerous individuals were handed over, such as:

- **a terrorist involved in Paris attacks caught in Belgium;**
- **an attacker of the Brussels Jewish Museum arrested in France;**
- **a failed London bomber caught in Italy;**
- **a German serial killer tracked down in Spain;**
- **a suspected drug smuggler from Malta surrendered by the UK;**
- **a gang of armed robbers sought by Italy whose members were arrested in six different EU countries.**

European Arrest Warrant

The European Arrest Warrant is in use since 2004. It replaces a procedure that made handing over suspects and criminals complex and slow.

BEFORE

Extradition was a procedure between Member States and the decision to extradite or not a wanted person was often taken at many different levels, including at political level.

AFTER

With the European Arrest Warrant, the judicial authorities (judges and prosecutors from all Member States) have direct contact with each other. The system is now entirely run by the judiciary and it works thanks to the high level of mutual trust and cooperation among the Member States.

BEFORE

It would take an average of one year to process an extradition request.

AFTER

Nowadays, the judicial authority of the executing state has to decide about the surrender within 60 days after arrest. If the wanted person agrees to be handed over, this must be done within 10 days. The handing-over itself has to start as soon as possible.

BEFORE

Before the European Arrest Warrant, refusing to hand over a suspect or a criminal occurred on a regular basis. Some Member States had national laws, which would not allow for the surrender of their own citizens to another Member State, even if they committed serious crimes.

AFTER

Nowadays a Member State can only refuse to hand over a wanted person in very specific cases (for example when the criminal can no longer be prosecuted in the executing State because too much time has passed between the time of the crime and the time of the trial).

What are the conditions to issue a European Arrest Warrant?

A European Arrest Warrant may be issued if

✓ the wanted person is accused (not sentenced) of an offence for which he may go to a prison for one year or longer.

✓ the wanted person has been sentenced to a prison term of at least four months.

In any case, the European Arrest Warrant should not be used for trivial offences, such as stealing a bicycle.

It should be used in accordance with the principle of proportionality. It means that before issuing a European Arrest Warrant, the national authorities should evaluate:

✓ 1. the seriousness of the offence;

✓ 2. the length of the sentence;

✓ 3. the cost-benefits of the execution of a European Arrest Warrant.

What are the rights of the wanted person?

The person wanted under European Arrest Warrant benefits from the same procedural rights as any other EU citizen. The wanted person also has a right to additional protection due to his cross-border situation.

The EU has adopted legislation that guarantees basic procedural rights for all EU citizens:

- **the right to interpretation and translation during criminal proceedings;**
- **the right of suspects to be informed of their rights;**
- **the right to have access to a lawyer and the right of persons in custody to communicate with family members and employers;**
- **the right to legal aid.**

The wanted person also has fundamental rights that must always be respected. A recent judgment of the Court of Justice of the European Union highlighted that if the fundamental rights of the wanted person are at serious risk of being violated in the requesting State (for example, because of poor prison conditions in this State), the executing judge must suspend the execution of the European Arrest Warrant and even put it to an end.

To date, the EAW is the most used EU instrument in the area of criminal justice.
The number of EAWs issued every year shows the growing relevance of this instrument. Within the first ten years application of EAW, it has more than doubled. We can also see that the execution of EAWs has increased significantly. In practice, it means that more and more wanted persons are found in other EU countries and successfully handed over to the country where they are accused of, or sentenced for committing a crime.

	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
Issued	6 894	6 889	10 883	14 910	15 827	13 891	9 784	10 665	13 142	14 948	16 144
Exectued EAWs	836	1 223	2 221	3 078	4 431	4 293	3 153	3 652	3 467	5 535	5 304