

## Seminar The European Arrest Warrant

Luxembourg, 24-25 May 2023

Grant Agreement 101089772 — UpJudCoop - Update on EU judicial cooperation instruments

**Seminar Venue:** To be determined

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### Programme

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**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 a number of issues that Member States find difficult to accommodate in their respective legal systems and especially towards 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 experts who have an in-depth understanding of the EAW. Departing from the very rich case law of the Court of Justice of the European Union, the seminar will focus on practical issues arising in the daily administration of the EAW.

The seminar also involves a visit to the CJEU and a background explanation on how national courts can refer interpretative requests to the CJEU in the context of the preliminary reference procedure.

**EXT EXP:** to be determined

### **EIPA Luxembourg - European Centre for Judges and Lawyers**

**Senior Lecturer Petra Jeney** is Director of EIPA Luxembourg in charge of training and consultancy for the judiciary and other legal professionals as well as officials from the national administrations and EU institutions in relation to European Union's Area of Freedom Security and Justice, mostly judicial cooperation in the European Union, [p.jeney@eipa.eu](mailto:p.jeney@eipa.eu)

**Lecturer Catherine Warin** is managing training, technical assistance programmes and consultancy for the judiciary and other legal professionals on judicial cooperation and EU AFSJ matters. [C.warin@eipa.eu](mailto:C.warin@eipa.eu)

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### **WEDNESDAY 24 MAY 2023**

08.30 Registration of participants

09.00 **Welcome of participants and overview of the case law of the Court of Justice of the European Union regarding the European Arrest Warrant**

09.30 **Content and validity of the EAW: requirements as to the lawfulness of the EAW – focusing on the issuing judicial authority**

Discussion of recent CJEU case law:

<b>Case C-509/18, PF</b>	<b>Case C-625/19 PPU, XD</b>
<b>Case C-489/19 PPU, NJ</b>	<b>Case C-627/19 PPU, ZB</b>
<b>Case C-510/19, Openbaar Ministerie (Faux en écritures)</b>	
<b>Joined Cases C-508/18, OG, and C-82/19 PPU, PI</b>	
<b>Joined Cases C-354/20 PPU and C-412/20 PPU, Openbaar Ministerie (Indépendance de l'autorité judiciaire d'émission)</b>	
<b>Joined Cases C-566/19 PPU, JR, and C-626/19 PPU, YC</b>	

10.15 **Q&A**

10.30 Coffee break

11.00 **Case study 1: Admissibility of a request for a preliminary ruling by an issuing judicial authority/ content and validity of the EAW: requirements as to the lawfulness of the EAW – focusing on the underlying national warrant**

Case study based on **Case C-649-19**, Spetsializirana prokuratura (Déclaration des droits), **Case C-414/20 PPU, MM**, **Case C-648/20 PPU, PI**

11.45 **Ne bis in idem and the EAW - with a view to Article 50 of the EUCFR**

Discussion of recent CJEU case law:

<b>Case C-617/10, Åkerberg Fransson</b>	<b>Case C-524/15, Menci</b>
<b>Case C-537/16, Garlsson Real Estate SA</b>	<b>Case C-268/17, AY</b>
<b>Case C-217/15 and Case C-350/15 Orsi and Baldetti</b>	<b>Case C-596/16 and Case C-597/16 Di Puma and Zecca</b>

12.30 **Q&A**

12.45 Lunch break

14.15 **In absentia trials and the EAW**  
Discussion of recent CJEU case law

<b>Case C-270/17, Tupikas</b>	<b>Case C-271/17, Zdziaszek</b>
<b>Case C-571/17, Ardic</b>	<b>Case C-416/20 PPU, Generalstaatsanwaltschaft Hamburg</b>

15.00 **Q&A**

15.15 Coffee break

15.45 **Case study 2: Intersections of fundamental rights and the EAW, with special reference to detention conditions**  
Discussion of national judicial practices after the **cases C-404/15 and C-659/15 PPU Aranyosi and Căldăraru, C-220/18 PPU ML and C-128/18 Dorobantu**, and prison conditions in the issuing MS affecting the EAW surrender procedure

16.30 **Extradition requests from third countries and the EAW**  
Discussion of the consequences of the **Case C-182/15 Petruhhin** judgement with a view to **Case C-191/16, Pesciotti, Case C-897/19 PPU, Ruska Federacija, Case C-398/19, Generalstaatsanwaltschaft Berlin (Extradition vers l'Ukraine)**

17.15 **Q&A**

17.30 **Evaluation**

17.45 End of Day 1

### THURSDAY 25 MAY 2023

08.00 **Visit to the Court of Justice of the European Union**  
Arrival - security check

13.00 **END OF SEMINAR**