



Seminar 2: The pre-Lisbon instruments: Special focus on the European Arrest Warrant

Krakow, (PL) 15 - 16 February 2012

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Improving Judicial Cooperation in Criminal Matters in the area of Freedom, Security and Justice, Institutional Processes and Topical Areas

Seminar Venue

National School of Judiciary and Public Prosecution
ul. Przy Rondzie 5, 31-547 Kraków



Trainers' Note

Objectives: The purpose of the seminar is two-fold: firstly, to provide participants with information on how the Treaty of Lisbon affects pre-Lisbon instruments, and secondly to have a current overview of the issues evolving around the application of the European Arrest Warrant being a flagship instrument of the pre-Lisbon period of EU criminal law.

In order to attain a better understanding of the issues raised in the course of the Seminar, the following training materials are provided for the participants. With the help of these materials participants will not only find it easier to follow the presentations but will be able to reconstruct the topics and ideas that have been put forward by the speakers.

In order to fully realize the novelties that the Treaty of Lisbon has genuinely brought in the field of judicial cooperation in criminal matters participants are distributed with copies of the primary EU laws that governed this area before the Treaty of Lisbon and which apply after the entry into force of that Treaty.

Therefore participants will find enclosed a copy of:

- The Treaty of the European Union (2006 consolidated version) Title VI on Police and judicial cooperation in criminal matters, Articles 29-42 OJ C 321 E/129.12.2006;
- The Treaty on the Functioning of the European Union (2010 consolidated version) Part Three, Chapter Two, Title V Area of freedom, security and justice, Articles 67-89 (OJ C 83/47 30.3.2010).

For the effects of the Treaty of Lisbon on EU criminal law and in particular on the European Arrest Warrant participants are invited to have a closer look

- Overview of the EU Criminal Justice area before the Lisbon Treaty (slides);
- The “Lisbonisation” of the pre-Lisbon criminal law instruments (slides).

For a full comprehension of the many issues that are stake concerning the implementation and application of the European Arrest Warrant participants are referred to consult the following materials.

- Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States (2002/584/JHA);
- The European Arrest Warrant. A current evaluation of the instruments (teaching material);
- The European Arrest Warrant as Seen by the Defense Counsel (slides)
- Case study (teaching material).

In order to grasp the issues with respect to national implementation of the Framework Decision of the European Arrest Warrant invited to review the following report and article:

- Overview of National Implementation of the European Arrest Warrant (slides)
- Report from the Commission to the European Parliament and the Council on the implementation since 2007 of the Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States {SEC(2011) 430 final} Brussels, 11.4.2011 COM(2011) 175 final,
- Replies to questionnaire on quantitative information on the practical operation of the European arrest warrant – Year 2010 Council doc. 9120/2/11.
- Oreste Pollicino (2008): European Arrest Warrant and Constitutional Principles of the Member States: A Case Law-Based Outline in the Attempt to Strike the Right Balance between Interacting Legal Systems, German Law Journal Vol. 09 No. 10, 1313-1355.
- The European Arrest Warrant eight years on – time to amend the Framework Decision? Outline proposal for European Parliament own initiative legislative report – Fair Trials International

As to the concerns whether human rights in general and rights of the defendant are respected the presentations supported with the following materials:

- Andrew Sanger (2010): Force of Circumstance: The European Arrest Warrant and Human Rights, Democracy and Security, 6:1, 17-51;
- ECHR fact sheet Detention conditions and treatment of prisoners (See also Prisoners' health rights) Solitary confinement.