

Начало > Съдебни процедури > Наказателни дела > Съдебно сътрудничество > Европейска заповед за арест

European Arrest Warrant

The European arrest warrant ("EAW") is a simplified cross-border judicial surrender procedure – for the purpose of prosecuting or executing a custodial sentence or detention order. A warrant issued by one EU country's judicial authority is valid in the entire territory of the EU. The European arrest warrant has been operational since 1 January 2004. It has replaced the lengthy extradition procedures that used to exist between EU countries.

How it works

This is a request by a judicial authority in one EU country to **arrest a person** in another and **surrender them** for prosecution, or to execute a custodial sentence or detention order issued in the first country. The mechanism is based on the principle of mutual recognition of judicial decisions. It is operational in all EU countries

It operates via direct contacts between judicial authorities.

In applying the EAW, authorities have to respect the [procedural rights of suspects or accused persons](#) – such as the right to information, to have a lawyer, and an interpreter, and to legal aid as stipulated by law in the country where they are arrested.

How is it different to traditional extradition?

Strict time limits

The country where the person is arrested has to take a final decision on the execution of the European arrest warrant within 60 days after the arrest of the person.

If the person consents to the surrender, the surrender decision must be taken within 10 days.

The person requested must be surrendered as soon as possible on a date agreed between the authorities concerned, and no later than 10 days after the final decision on the execution of the European arrest warrant.

Double criminality check – no longer required for 32 categories of offences

For 32 categories of offences, there is no verification on whether the act is a criminal offence in both countries. The only requirement is that it be *punishable by a maximum period of at least 3 years of imprisonment in the issuing country*.

For other offences, surrender may be subject to the condition that the act constitutes an offence in the executing country.

No political involvement

Decisions are made by judicial authorities alone, with no political considerations involved.

Surrender of nationals

EU countries can no longer refuse to surrender their own nationals, unless they take over the execution of the prison sentence against the wanted person.

Guarantees

The country that executes the EAW may require guarantees that:

- after a certain period the person will have the **right to ask for review**, if the punishment imposed is a **life sentence**.
- the wanted person can do any resulting **prison time in the executing country**, if they are a national or habitual resident of that country.

Limited grounds for refusal

A country can refuse to surrender the requested person only if one of the grounds for mandatory or optional refusal applies:

Mandatory grounds

the person has already been **judged for the same offence** (*ne bis in idem*)

minors (the person has not reached the age of criminal responsibility in the executing country)

amnesty (the executing country could have prosecuted them, and the offence is covered by an amnesty in that country).

Optional grounds – such as:

lack of double criminality for offences other than the 32 listed in Article 2(2) of the Framework Decision on EAW

territorial jurisdiction

pending criminal procedure in the executing country

statute of limitations, etc.

Handbook on How to Issue and Execute an EAW

The European Commission published a [Handbook on How to Issue and Execute a European arrest warrant](#) [PDF](#) (2002 Kb) [en](#), to facilitate and simplify the daily work of concerned judicial authorities. The Handbook provides detailed guidance on the procedural steps for issuing and executing an EAW. The Handbook also provides for a complete explanation of the major case-law of the Court of Justice of the European Union interpreting particular provisions of the Framework Decision on EAW.

The handbook in all languages can be found here: BG [PDF](#) (2700 Kb) [bg](#), CS [PDF](#) (1854 Kb) [cs](#), DA [PDF](#) (1766 Kb) [da](#), DE [PDF](#) (1659 Kb) [de](#), ET [PDF](#) (1783 Kb) [et](#), EL [PDF](#) (2439 Kb) [el](#), ES [PDF](#) (1649 Kb) [es](#), FR [PDF](#) (1892 Kb) [fr](#), HR [PDF](#) (1789 Kb) [hr](#), IT [PDF](#) (2141 Kb) [it](#), LV [PDF](#) (2158 Kb) [lv](#), LT [PDF](#) (1865 Kb) [lt](#), HU [PDF](#) (1908 Kb) [hu](#), MT [PDF](#) (2560 Kb) [mt](#), NL [PDF](#) (2047 Kb) [nl](#), PL [PDF](#) (2200 Kb) [pl](#), PT [PDF](#) (1968 Kb) [pt](#), RO [PDF](#) (1926 Kb) [ro](#), SL [PDF](#) (1797 Kb) [sl](#), SK [PDF](#) (1977 Kb) [sk](#), FI [PDF](#) (2172 Kb) [fi](#), SV [PDF](#) (1591 Kb) [sv](#).

Statistics on EAW use

In 2017, on average the wanted persons were surrendered:

with consent – in **15 days**

without consent – in **40 days**.

Replies to questionnaire on EAW: [2014](#) | [2015](#) | [2016](#) | [2017](#)

Data is not available for all countries; however, issued EAWs data is complete for 2015, 2016 and 2017.

	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Issued	6.894	6.889	10.883	14.910	15.827	13.891	9.784	10.665	13.142	14.948	16.144	16.636	17.491
Executed EAWs	836	1.223	2.221	3.078	4.431	4.293	3.153	3.652	3.467	5.535	5.304	5.812	6.317

Projects funded under the Justice Programme

The [InAbsentiaEAW](#) research project is a comparative legal study into European Arrest Warrants (EAW) relating to persons who were not present in the proceedings leading to their conviction (*in absentia* proceedings). Practice shows that it often comes to problems in issuing and executing such EAWs. The goal of the research project was to analyse the causes for these problems and to formulate common standards for issuing such EAWs in order to ensure their smooth and fair execution. The research was conducted by means of case studies from Belgium, Hungary, Ireland, the Netherlands, Poland, and Romania.

Related links

[Framework Decision on the European arrest warrant](#)

[Report on the implementation of Council Framework Decision on the European arrest warrant and the surrender procedures between Member States](#)

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