European arrest warrant and surrender procedures between Member States. Framework decision

2001/0215(CNS) - 19/09/2001 - Legislative proposal

PURPOSE: to establish the rules under which a Member State shall execute in its territory a Euroepan arrest warrant issued by a judicial authority in another Member State. CONTENT: The Treaty of Amsterdam committed the European Union to the creation of an area in which freedom, justice and safety are deemed an inalienable right. The Tampere European Council in 1999 consolidated and strengthened this stance by stating that 'mutual recognition of judicial decisions and judgements should become the cornerstone of judicial cooperation in both civil and criminal matters'. In line with this thinking the European Commission has been preparing measures to harmonise extradition provisions. Recent events in America have given added urgency to this work. Currently, requests for extradition are dealt with through an ad hoc, dated, range of Protocols and Conventions. Their age combined with the fact that many have not been implemented into national law frequently renders them both obsolete and ineffective. It is against this backdrop that the Community is seeking to create a Community-wide framework Decision on an arrest warrant - applicable in all of the EU Member States. The underlying idea of the proposal is that where the judicial authority in one Member State asks for the surrender of a person sought for an offence incurring at least four months imprisonment, either having been convicted or still being prosecuted, the decision must be recognised and executed throughout the EU. To simplify and accelerate procedures as far as can be, a time-limit of three months is proposed. The principle of double criminal liability and the exception in favour of nationals are abolished. The proposal seeks to facilitate, wherever possible, the execution of the sentence in the country of arrest where that is where the person is most likely to be reintegrated into the society. On the other hand, this system addresses the European citizens' concerns for the protection of individual rights. Lastly, in issuing and execution of European arrest warrants, the national courts will of course remain subject to the general norms relating to the protection of fundamental rights, and particularly the European Convention for the Protection of Human Rights and Fundamental Freedoms of 1950 and the Charter of Fundamental Rights of the European Union.