

EN  
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Answer given by Ms Jourová  
on behalf of the European Commission  
(6.12.2018)

The European Arrest Warrant (EAW) is an entirely judicial procedure based on the particular circumstances of each individual case. Therefore, neither the European Commission nor the Member States' government authorities can interfere or have any influence in relation to decisions of either the Lithuanian or Irish judicial authorities in respect of the EAWs issued in the case referred to by the Honourable Member.

National judges are however bound by the criteria developed by the Court of Justice of the European Union (CJEU) in this area, such as in the *Aranyosi and Căldăraru* judgment of 5 April 2016<sup>1</sup>. In that judgment, the CJEU held that the execution of an EAW must be deferred or eventually brought to an end if there is a real risk of inhuman or degrading treatment because of the conditions of detention of the person concerned in the Member State where the warrant was issued.

Topics that concern pre-trial detention fall under the competence of the Member States and there are no EU rules applicable in this area. Therefore, the European Commission has no competence to examine how individual cases have been addressed by a court in a Member State or to make public statements on these matters.

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<sup>1</sup> Joined Cases C-404/15 and C-659/15 PPU of 5 April 2016, *Aranyosi and Căldăraru*, ECLI:EU:C:2016:198.