DRAFT OPINION

of the Committee on Constitutional Affairs

for the Committee on Civil Liberties, Justice and Home Affairs

on the Implementation of the European Arrest Warrant and the Surrender Procedures between Member States
(2019/2207(INI))

Rapporteur for opinion: Paulo Rangel
SUGGESTIONS

The Committee on Constitutional Affairs calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

1. Recognises that implementing the Framework Decision on the European Arrest Warrant (FDEAW) has put legal systems in many Member States under strain; notes that the FDEAW revealed stark national differences in substantive and procedural criminal law;

2. Insists that Member States are responsible for ensuring a high level of mutual trust, which is premised on their obligation to respect the Treaties, the Charter of Fundamental Rights and EU legislation, as well as on the adherence of their institutions to EU values, including the respect for the rule of law (Article 2 of the TEU);

3. Highlights that the establishment of an EU mechanism on democracy, the rule of law and fundamental rights will contribute to reinforcing mutual trust between Member States;

4. Believes that further horizontal measures need to be adopted in order to increase mutual confidence in national criminal justice systems, thereby leading to more efficient judicial cooperation;

5. Considers that the FDEAW should be fully brought under the Lisbon Treaty as a new legislative instrument; is convinced that this would provide substantial benefits in terms of democratic legitimacy, legal certainty and transparency, enhance coherence with other criminal law instruments, and allow for clarification of “judicial authority” as an autonomous concept of EU law;

6. Notes that the withdrawal of the UK from the EU creates opportunities for further unification of the criminal justice area; recalls that the Political Declaration on the future relationship states that the UK and EU ‘will provide for comprehensive, close, balanced and reciprocal law enforcement and judicial cooperation in criminal matters’; insists that any agreement between the EU and UK in the field of criminal justice cooperation must be underpinned, inter alia, by their commitments on fundamental rights, as well as by the role of the ECJ in this matter.