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PROPOSAL FOR A RECOMMENDATION TO THE COUNCIL

pursuant to Rule 114(1) of the Rules of Procedure

by Adeline Hazan

on behalf of the PSE Group

on evaluation of the European arrest warrant

European Parliament recommendation to the Council on evaluation of the European arrest warrant

The European Parliament,

- having regard to the framework decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States,
 - having regard to the Commission report (COM 2005/63) based on Article 34 of the Council framework decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States,
 - having regard to the recent judgments of the Constitutional Courts of Poland and Germany,
 - having regard to Rule 114(1) of its Rules of Procedure,
1. Addresses the following recommendations to the Council:
 - (a) that it should ensure that in transposing the framework decision the Member States do not reintroduce systematic verification of double criminality for their nationals, since this reduces the effectiveness of the European arrest warrant and poses a threat to the principle of mutual confidence between the Member States;
 - (b) that it should pay particular attention to the fact that non-uniform implementation of the European arrest warrant (failure of some States to transpose recitals 12 and 13 on fundamental rights) could create discrimination, depending on whether or not the judge in the State of implementation must verify consistency of the European arrest warrant with fundamental rights, whereas the nature of the text is based on the principle of mutual recognition;
 - (c) that it should be concerned by the continuation of a certain level of interference by the political authorities in the European arrest warrant procedure, which caused a problem in the extradition procedure, whereas in this case the central authority must not go beyond its role of facilitator in the procedure of surrender of suspects or individuals already sentenced;
 - (d) that it should take account of the fact that there are continuing difficulties in some Member States in the application *ratione temporis* of the framework decision, with a resulting risk of problems in its implementation by other Member States which are applying the framework decision correctly;
 - (e) that it should ensure that the European Parliament is regularly consulted on progress in implementing the European arrest warrant;
 - (f) that it should ensure that a more thorough, objective and impartial evaluation of the

difficulties encountered by judicial authorities on the ground is carried out;

(g) that it should think about the possibility in future of revising the framework decision with a view to extending the list of 32 offences for which double criminality is not verified;

(h) that it should ensure that the issue of respect for human rights and individual freedoms is paid particular attention in applying the European arrest warrant;

2. Instructs its President to forward this recommendation to the Council and, for information, to the Commission and the governments of the Member States.