



2019/2207(INI)

7.10.2020

AMENDMENTS

1 - 235

Draft report

Javier Zarzalejos

(PE655.688v01-00)

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

Amendment 1
Gwendoline Delbos-Corfield

Motion for a resolution
Citation 2

Motion for a resolution

— having regard to the Charter of Fundamental Rights of the European Union,

Amendment

— having regard to the Charter of Fundamental Rights of the European Union, *in particular Articles 4, 47, 48 and 52,*

Or. en

Amendment 2
Gwendoline Delbos-Corfield

Motion for a resolution
Citation 3 a (new)

Motion for a resolution

Amendment

- *having regard to Council Framework Decision 2008/947/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments and probation decisions with a view to the supervision of probation measures and alternative sanctions^{1a},*

^{1a} OJ L 337, 16.12.2008, p. 102

Or. en

Amendment 3
Gwendoline Delbos-Corfield

Motion for a resolution
Citation 4 a (new)

Motion for a resolution

Amendment

- *having regard to Council Framework Decision 2009/829/JHA of 23*

October 2009 on the application, between Member States of the European Union, of the principle of mutual recognition to decisions on supervision measures as an alternative to provisional detention^{1b},

^{1b} OJ L 294, 11.11.2009, p. 20

Or. en

Amendment 4
Gwendoline Delbos-Corfield

Motion for a resolution
Citation 7 a (new)

Motion for a resolution

Amendment

- ***having regard to its resolution of 5 October 2017 on prison systems and conditions^{1c},***

^{1c} Text adopted P8_TA(2017)0385

Or. en

Amendment 5
Gwendoline Delbos-Corfield

Motion for a resolution
Citation 7 b (new)

Motion for a resolution

Amendment

- ***having regard to its legislative resolution of 17 April 2019 on the proposal for a regulation of the European Parliament and of the Council establishing the Justice programme^{1d},***

^{1d} Text adopted P8_TA(2019)0406

Or. en

Amendment 6
Gwendoline Delbos-Corfield

Motion for a resolution
Citation 11 a (new)

Motion for a resolution

Amendment

- *having regard to Directive (EU) 2016/343 of the European Parliament and of the Council of 9 March 2016 on the strengthening of certain aspects of the presumption of innocence and of the right to be present at the trial in criminal proceedings^{1e},*

^{1e} *OJ L 65, 11.3.2016, p. 1.*

Or. en

Amendment 7
Gwendoline Delbos-Corfield

Motion for a resolution
Citation 11 b (new)

Motion for a resolution

Amendment

- *having regard to Directive (EU) 2016/800 of the European Parliament and of the Council of 11 May 2016 on procedural safeguards for children who are suspects or accused persons in criminal proceedings^{1f},*

^{1f} *OJ L 132, 21.5.2016, p. 1.*

Or. en

Amendment 8
Gwendoline Delbos-Corfield

Motion for a resolution

Citation 12 a (new)

Motion for a resolution

Amendment

- ***having regard to Directive 2014/41/EU of the European Parliament and of the Council of 3 April 2014 regarding the European Investigation Order in criminal matters^{1h},***

^{1h} *OJ L 130, 1.05.2014, p. 1.*

Or. en

Amendment 9

Clare Daly, Mick Wallace, Fernando Barrena Arza

Motion for a resolution

Citation 12 a (new)

Motion for a resolution

Amendment

- ***having regard to Directive 2016/343 of the European Parliament and of the Council of 9 March 2016 on the Presumption of Innocence,***

Or. en

Amendment 10

Gwendoline Delbos-Corfield

Motion for a resolution

Citation 15

Motion for a resolution

Amendment

— having regard to the European Added Value Assessment completed in January 2014 at the request of EPRS on the European Arrest Warrant,

— having regard to the European Added Value Assessment completed in January 2014 at the request of EPRS on the European Arrest Warrant, ***and to the cost of non-Europe study on Procedural Rights and Detention conditions of December 2017,***

Amendment 11
Gwendoline Delbos-Corfield

Motion for a resolution
Citation 18 a (new)

Motion for a resolution

Amendment

- *having regard to the Council conclusions of 16 December 2019 on alternative measures to detention: the use of non-custodial sanctions and measures in the field of criminal justice^{li},*

^{li} *OJ C 422, 16.12.2019, p. 9*

Amendment 12
Clare Daly, Mick Wallace, Pernando Barrena Arza

Motion for a resolution
Citation 19

Motion for a resolution

Amendment

- *having regard to the EU Strategy on victims' rights (2020-2025) (COM(2020)0258),* *deleted*

Amendment 13
Gwendoline Delbos-Corfield

Motion for a resolution
Citation 19 a (new)

Motion for a resolution

Amendment

- *having regard to the Commission 2020 Rule of Law Report of 30 September*

Amendment 14
Gwendoline Delbos-Corfield

Motion for a resolution
Citation 19 b (new)

Motion for a resolution

Amendment

- *having regard to its Report of 7 October 2020 on the establishment of an EU Mechanism on Democracy, the Rule of Law and Fundamental Rights (A9-0170/2020),*

Amendment 15
Gwendoline Delbos-Corfield

Motion for a resolution
Citation 19 c (new)

Motion for a resolution

Amendment

- *having regard to the reports by national, European and international NGOs,*

Amendment 16
Gwendoline Delbos-Corfield

Motion for a resolution
Citation 20 a (new)

Motion for a resolution

Amendment

- *having regard the work carried out by the European Union Agency for*

Fundamental Rights, in particular the reports entitled 'Rights in practice: access to a lawyer and procedural rights in criminal and European arrest warrant proceedings', 'Criminal detention conditions in the European Union: rules and reality' and 'Criminal detention and alternatives: fundamental rights aspects in EU cross-border transfers' and the Database on Criminal Detention Conditions launched in December 2019,

Or. en

Amendment 17

Maite Pagazaurtundúa, Ramona Strugariu, Jan-Christoph Oetjen, Abir Al-Sahlani, Fabienne Keller

Motion for a resolution

Citation 20 a (new)

Motion for a resolution

Amendment

- *having regard to the case-law of the European Court of Human Rights and in particular its judgment of 9 July 2019 in the case Romeo Castaño v. Belgium;*

Or. es

Amendment 18

Gwendoline Delbos-Corfield

Motion for a resolution

Citation 20 b (new)

Motion for a resolution

Amendment

- *having regard to the conventions, recommendations and resolutions of the Council of Europe on prison matters and on criminal law cooperation,*

Or. en

Amendment 19

Maite Pagazaurtundúa, Ramona Strugariu, Jan-Christoph Oetjen, Abir Al-Sahlani, Fabienne Keller

Motion for a resolution

Recital -A (new)

Motion for a resolution

Amendment

-A. whereas judicial cooperation in the Union is a relevant factor in achieving strategic autonomy and the environmental, social, economic and digital challenges posed;

Or. es

Amendment 20

Jiří Pospíšil, Tomáš Zdechovský

Motion for a resolution

Recital A

Motion for a resolution

Amendment

A. whereas the EAW is a simplified and fast-track judicial surrender procedure ***which***, since its launch, has been the flagship and most used instrument for mutual recognition in criminal matters;

A. whereas the EAW ***procedure*** is a simplified and fast-track judicial surrender procedure ***and EAW***, since its launch, has been the flagship and most used instrument for mutual recognition in criminal matters; ***EAW is not a judicial procedure but a judicial decision sui generis.***

Or. en

Amendment 21

Clare Daly, Mick Wallace, Pernando Barrena Arza

Motion for a resolution

Recital A

Motion for a resolution

Amendment

A. whereas the EAW is a simplified and fast-track judicial surrender procedure

A. whereas the EAW is a simplified and fast-track judicial surrender procedure

which, since its launch, *has been* the flagship and most used instrument for mutual recognition in criminal matters;

which *was adopted in haste after 9/11 and which has*, since its launch, *become* the flagship and most *commonly* used instrument for mutual recognition in criminal matters;

Or. en

Amendment 22
Gwendoline Delbos-Corfield

Motion for a resolution
Recital A

Motion for a resolution

A. whereas the EAW is a simplified *and fast-track* judicial surrender procedure which, since its launch, has been the flagship and most used instrument for mutual recognition in criminal matters;

Amendment

A. whereas the EAW is a simplified *cross-border* judicial surrender procedure which, since its launch, has been the flagship and most used instrument for mutual recognition in criminal matters;

Or. en

Amendment 23
Clare Daly, Mick Wallace, Pernando Barrena Arza

Motion for a resolution
Recital B

Motion for a resolution

B. whereas the EAW *is a success and* has replaced extraditions with *transfers*; whereas *transfers have been shortened* to 40 days on average where the individual does not consent;

Amendment

B. whereas the EAW has replaced extraditions with *surrender*; whereas *the duration of surrender procedures decreased* to 40 days on average *in 2017 from 50 days on average in 2016* where the individual does not consent; *whereas some Member States reported surrender procedures lasting up to 90 days where the individual does not consent^{1a}*;

^{1a} *Replies to questionnaire on quantitative information on the practical operation of the European arrest warrant – Year 2017,*

Amendment 24
Jorge Buxadé Villalba

Motion for a resolution
Recital B

Motion for a resolution

B. whereas the EAW is a success and has replaced extraditions with transfers; whereas transfers have been shortened to 40 days on average where the individual does not consent;

Amendment

B. whereas the EAW is a success and has replaced extraditions with transfers; whereas transfers have been shortened to 40 days on average where the individual does not consent ***although there is a tendency in some Member States to delay or fail to comply with mutual recognition requirements;***

Or. es

Amendment 25
Maite Pagazaurtundúa, Ramona Strugariu, Jan-Christoph Oetjen, Olivier Chastel, Abir Al-Sahlani, Fabienne Keller

Motion for a resolution
Recital B

Motion for a resolution

B. whereas the EAW is a success and has replaced extraditions with transfers; whereas transfers have been shortened to 40 days on average where the individual does not consent;

Amendment

B. whereas the EAW is ***in general*** a success and has replaced extraditions with transfers; whereas transfers have been shortened to 40 days on average where the individual does not consent;

Or. es

Amendment 26
Jiří Pospíšil, Tomáš Zdechovský

Motion for a resolution

Recital B

Motion for a resolution

B. whereas the EAW is a success and has replaced extraditions with **transfers**; whereas **transfers** have been shortened to 40 days on average where the individual does not consent;

Amendment

B. whereas the EAW is a success and has replaced extraditions with **surrenders**; whereas **surrenders** have been shortened to 40 days on average where the individual does not consent;

Or. en

Amendment 27

Maite Pagazaurtundúa, Ramona Strugariu, Jan-Christoph Oetjen, Olivier Chastel, Abir Al-Sahlani

Motion for a resolution

Recital B a (new)

Motion for a resolution

Amendment

Ba. whereas of the 150 000 EAWs issued between 2005 and 2016, only 43 000 were executed, and whereas refusal to execute an EAW is not unusual;

Or. es

Amendment 28

Clare Daly, Mick Wallace, Pernando Barrena Arza

Motion for a resolution

Recital C

Motion for a resolution

Amendment

C. whereas EU judicial cooperation on criminal matters is based on mutual recognition **introduced** by the 1999 Tampere European Council; whereas the Treaty of Lisbon significantly changed the EU's **prerogatives** and provided an explicit legal basis in Article 82 TFEU;

C. whereas EU judicial cooperation on criminal matters is based on mutual recognition **formulated** by the 1999 Tampere European Council; whereas the Treaty of Lisbon significantly changed the EU's **constitutional setting** and provided an explicit legal basis **for rules and procedures for ensuring mutual recognition of all forms of judgments and**

Amendment 29

Clare Daly, Mick Wallace, Pernando Barrena Arza

Motion for a resolution

Recital D

Motion for a resolution

D. whereas mutual recognition is not *new but was* developed in the *area of free movement of goods, persons, services and capital* (Cassis de Dijon logic);

Amendment

D. whereas mutual recognition is not *a new concept* developed in the *AFSJ, but was initially developed in the internal market* (Cassis de Dijon logic); *whereas, however, mutual recognition in the AFSJ has specific peculiarities, given the implications for fundamental rights and national sovereignty and the extent to which it needs to be facilitated by the harmonisation of substantive and procedural criminal law, particularly as regards procedural safeguards;*

Amendment 30

Maite Pagazaurtundúa, Ramona Strugariu, Jan-Christoph Oetjen, Olivier Chastel, Abir Al-Sahlani, Fabienne Keller

Motion for a resolution

Recital D

Motion for a resolution

D. whereas mutual recognition is not new but was developed in the area of free movement of goods, persons, services and capital (Cassis de Dijon logic);

Amendment

D. whereas mutual recognition is not new but was developed in the area of free movement of goods, persons, services and capital (Cassis de Dijon logic); *whereas any move away from applying the principle of mutual recognition in criminal matters may have negative consequences and affect its application in other fields, such as the internal market;*

Amendment 31
Gwendoline Delbos-Corfield

Motion for a resolution
Recital D

Motion for a resolution

D. whereas mutual recognition is not new but was developed in the area of free movement of goods, persons, services and capital (*Cassis de Dijon* logic);

Amendment

D. whereas mutual recognition is not new but was developed in the area of free movement of goods, persons, services and capital; ***whereas, however, mutual recognition in criminal justice has a different logic and legal basis than the mutual recognition of market access rules;***

Or. en

Amendment 32
Maite Pagazaurtundúa, Ramona Strugariu, Jan-Christoph Oetjen, Olivier Chastel, Fabienne Keller

Motion for a resolution
Recital E

Motion for a resolution

E. whereas mutual recognition means the direct recognition of judicial decisions from other Member States with non-recognition as an exception; whereas ***it also entails*** cooperation between the competent judicial authorities;

Amendment

E. whereas mutual recognition means the direct recognition of judicial decisions from other Member States with non-recognition as an exception; whereas ***application of mutual recognition is not compatible with the revision, on grounds not provided for in the Framework Decision, of decisions taken by other Member States; whereas cooperation and mutual trust*** between the competent judicial authorities ***has to prevail in application of this instrument;***

Or. es

Amendment 33
Gwendoline Delbos-Corfield

Motion for a resolution
Recital E

Motion for a resolution

E. whereas mutual recognition means the *direct* recognition of judicial decisions from other Member States *with non-recognition as an exception*; whereas it also entails cooperation between the competent judicial authorities;

Amendment

E. whereas mutual recognition means the recognition of judicial decisions from other Member States; whereas it also entails cooperation between the competent judicial authorities; *whereas mutual recognition and fundamental rights must go hand in hand; whereas minimum rules for mutual recognition adopted under Article 82 TFEU shall not prevent Member States from maintaining or introducing a higher level of protection for individuals*;

Or. en

Amendment 34
Clare Daly, Mick Wallace, Pernando Barrena Arza

Motion for a resolution
Recital E

Motion for a resolution

E. whereas mutual recognition means *the direct recognition of judicial decisions from other Member States* with non-recognition as an exception; whereas it *also entails* cooperation between the competent judicial authorities;

Amendment

E. whereas mutual recognition means *that a judicial decision should not be refused only on the basis that it is issued in another Member State*, with non-recognition as an exception *based on the grounds for refusal laid down by a legal instrument*; whereas it *requires* cooperation between the competent judicial authorities;

Or. en

Amendment 35
Maite Pagazaurtundúa, Ramona Strugariu, Jan-Christoph Oetjen, Olivier Chastel, Fabienne Keller

Motion for a resolution
Recital F

Motion for a resolution

F. whereas mutual recognition is a consequence of mutual trust based on a common understanding of the rule of law and fundamental rights; whereas reinforcing trust is key for the EAW to operate smoothly;

Amendment

F. whereas mutual recognition is a consequence of mutual trust based on a common understanding of the rule of law and fundamental rights; whereas ***the European Union needs this trust most particularly at this historic and crucial moment in order to tackle successfully common challenges***; whereas reinforcing trust is key for the EAW to operate smoothly;

Or. es

Amendment 36
Clare Daly, Mick Wallace, Pernando Barrena Arza

Motion for a resolution
Recital F

Motion for a resolution

F. whereas mutual recognition ***is a consequence*** of mutual trust based on a common understanding of the rule of law and fundamental rights; whereas reinforcing trust is key for the EAW to operate smoothly;

Amendment

F. whereas mutual recognition ***presupposes a high level*** of mutual trust ***between Member States, which should be*** based on a common understanding of the rule of law and fundamental rights; whereas reinforcing trust is key for the EAW to operate smoothly;

Or. en

Amendment 37
Maite Pagazaurtundúa, Ramona Strugariu, Jan-Christoph Oetjen, Olivier Chastel, Abir Al-Sahlani

Motion for a resolution
Recital F a (new)

Motion for a resolution

Amendment

Fa. whereas the establishment of the EU mechanism on democracy, rule of law and fundamental rights will constitute a basis for recovery of this mutual trust; whereas the time has come to set out concrete ways of supporting mutual recognition in the implementation of the Framework Decision, binding its implementation to results stemming from the mechanism; whereas the inadequate and incoherent implementation of the Framework Decision by some Member States is not helping to reinforce this mutual trust;

Or. es

Amendment 38

Gwendoline Delbos-Corfield, Diana Riba i Giner, Saskia Bricmont, Tineke Strik

Motion for a resolution

Recital F a (new)

Motion for a resolution

Amendment

F a. whereas mutual trust requires Member States to be complying with EU law and particularly with the fundamental rights recognised by the Charter and the rule of law; whereas judicial independence is a fundamental requirement and should always be guaranteed; whereas, according to the Commission 2020 Rule of Law Report, judicial independence remains an issue of concern in some Member States;

Or. en

Amendment 39

Clare Daly, Mick Wallace, Fernando Barrena Arza

Motion for a resolution

Recital G

Motion for a resolution

G. whereas the EAW is ***the foundation for establishing*** an area of freedom, security and justice; whereas ***its*** incorrect application could have ***devastating*** effects on the functioning of the Schengen area;

Amendment

G. whereas the EAW is ***one tool used in the consolidation of*** an area of freedom, security and justice; whereas ***Article 6 TEU on the Charter of Fundamental Rights and the European Convention for the Protection of Human Rights and Fundamental Freedoms, Article 8 TFEU, Article 15(3) TFEU, Article 16 TFEU, and Articles 18 to 25 TFEU are crucial elements of the framework of the AFSJ;*** whereas ***the*** incorrect application ***of the EAW*** could have ***negative*** effects on the functioning of the Schengen area ***and on fundamental rights;***

Or. en

Amendment 40

Gwendoline Delbos-Corfield

Motion for a resolution

Recital G

Motion for a resolution

G. whereas the EAW ***is the foundation for establishing*** an area of freedom, security and justice; whereas its incorrect application could have devastating effects on the functioning of the Schengen area;

Amendment

G. whereas the EAW ***has contributed to developing*** an area of freedom, security and justice; whereas its incorrect application could have devastating effects on ***individuals and their families, but also on*** the functioning of the Schengen area;

Or. en

Amendment 41

Franco Roberti

Motion for a resolution

Recital G

Motion for a resolution

G. whereas the EAW is the foundation for establishing an area of freedom,

Amendment

G. whereas the EAW is the foundation for establishing an area of freedom,

security and justice; whereas its incorrect application could have *devastating* effects on *the functioning of the Schengen area*;

security and justice; whereas its incorrect application could have *damaging* effects on *police and judicial cooperation across the Union*;

Or. en

Amendment 42
Jorge Buxadé Villalba

Motion for a resolution
Recital G a (new)

Motion for a resolution

Amendment

Ga. *whereas membership of the European Union implies respect for a set of values such as human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities, as laid down in both Article 2 of the Treaty on European Union and in Member States' legal systems, in compliance therewith;*

Or. es

Amendment 43
Clare Daly, Mick Wallace, Fernando Barrena Arza

Motion for a resolution
Recital H

Motion for a resolution

Amendment

H. *whereas a Union of equality that protects must ensure protection for all victims of crime¹² ;*

H. *whereas a Union of equality that protects must ensure protection **from fundamental rights violation** for all, **including suspects, convicts, and** victims of crime¹² ; **whereas the EU has adopted instruments that aim to strengthen victims' rights, which do not prescribe detention and surrender of suspects or convicted persons;***

¹² EU Strategy on victims' rights (2020-25).

¹² EU Strategy on victims' rights (2020-25).

Or. en

Amendment 44 **Franco Roberti**

Motion for a resolution **Recital H**

Motion for a resolution

H. whereas a Union of equality that protects must ensure protection for all victims of crime¹² ;

¹² EU Strategy on victims' rights (2020-25).

Amendment

H. whereas a Union of equality that protects must ensure protection for all victims of crime¹² ***while at the same protecting the rights of suspected and accused persons***;

¹² EU Strategy on victims' rights (2020-25).

Or. en

Amendment 45 **Franco Roberti**

Motion for a resolution **Recital I**

Motion for a resolution

I. whereas most issues raised by the application of the EAW have been ***clarified*** by the CJEU, such as ne bis in idem¹³ , judicial authority¹⁴ , primacy and EU harmonisation¹⁵ , independence of the judiciary¹⁶ , fundamental rights¹⁷ , double criminality¹⁸ and the extradition of EU citizens to third countries¹⁹ ;

¹³ C-261/09, Mantello.

¹⁴ C-453/16 PPU, Özçelik; C-452/16 PPU, Poltorak; C-477/16 PPU, Kovalkovas; Joined Cases C-508/18 and C-82/19 PPU, OG and PI.

¹⁵ C-399/11, Melloni or C-42/17, M.A.S. and M.B.

¹⁶ C-216/18 PPU, Minister for Justice and Equality.

¹⁷ Joined Cases C-404/15 and C-659/15 PPU, Aranyosi and Căldăraru; C-128/18, Dorobantu.

¹⁸ C-289/15, Grundza.

¹⁹ C-182/15, Petruhhin, judgment of 6 September 2016; C-191/16, Pisciotti, judgment of 10 April 2018; C-247/17 Raugevicius, judgment of 13 November 2018 and C-897/19 PPU, Ruska Federacija, Judgment of the Court (Grand Chamber) of 2 April 2020, etc.

¹³ C-261/09, Mantello.

¹⁴ C-453/16 PPU, Özçelik; C-452/16 PPU, Poltorak; C-477/16 PPU, Kovalkovas; Joined Cases C-508/18 and C-82/19 PPU, OG and PI.

¹⁵ C-399/11, Melloni or C-42/17, M.A.S. and M.B.

¹⁶ C-216/18 PPU, Minister for Justice and Equality.

¹⁷ Joined Cases C-404/15 and C-659/15 PPU, Aranyosi and Căldăraru; C-128/18, Dorobantu.

¹⁸ C-289/15, Grundza.

¹⁹ C-182/15, Petruhhin, judgment of 6 September 2016; C-191/16, Pisciotti, judgment of 10 April 2018; C-247/17 Raugevicius, judgment of 13 November 2018 and C-897/19 PPU, Ruska Federacija, Judgment of the Court (Grand Chamber) of 2 April 2020, etc.

Or. en

Amendment 46

Clare Daly, Mick Wallace, Pernando Barrena Arza

Motion for a resolution

Recital I

Motion for a resolution

I. whereas most issues raised by the application of the EAW have been clarified by the CJEU, such as *ne bis in idem*¹³, judicial authority¹⁴, primacy and EU harmonisation¹⁵, independence of the judiciary¹⁶, fundamental rights¹⁷, double criminality¹⁸ and the extradition of EU citizens to third countries¹⁹;

¹³ C-261/09, Mantello.

¹⁴ C-453/16 PPU, Özçelik; C-452/16 PPU,

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Amendment

I. whereas most issues raised by the application of the EAW have been ***to some extent*** clarified by the CJEU, such as *ne bis in idem*¹³, judicial authority¹⁴, primacy and EU harmonisation¹⁵, independence of the judiciary¹⁶, fundamental rights¹⁷, double criminality¹⁸, ***grounds for refusal***, and the extradition of EU citizens to third countries¹⁹;

¹³ C-261/09, Mantello.

¹⁴ C-453/16 PPU, Özçelik; C-452/16 PPU,

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Poltorak; C-477/16 PPU, Kovalkovas;
Joined Cases C-508/18 and C-82/19 PPU,
OG and PI.

¹⁵ C-399/11, Melloni or C-42/17, M.A.S.
and M.B.

¹⁶ C-216/18 PPU, Minister for Justice and
Equality.

¹⁷ Joined Cases C-404/15 and C-659/15
PPU, Aranyosi and Căldăraru; C-128/18,
Dorobantu.

¹⁸ C-289/15, Grundza.

¹⁹ C-182/15, Petruhhin, judgment of 6
September 2016; C-191/16, Pisciotti,
judgment of 10 April 2018; C-247/17
Raugevicius, judgment of 13 November
2018 and C-897/19 PPU, Ruska Federacija,
Judgment of the Court (Grand Chamber) of
2 April 2020, etc.

Poltorak; C-477/16 PPU, Kovalkovas;
Joined Cases C-508/18 and C-82/19 PPU,
OG and PI.

¹⁵ C-399/11, Melloni or C-42/17, M.A.S.
and M.B.

¹⁶ C-216/18 PPU, Minister for Justice and
Equality.

¹⁷ Joined Cases C-404/15 and C-659/15
PPU, Aranyosi and Căldăraru; C-128/18,
Dorobantu.

¹⁸ C-289/15, Grundza.

¹⁹ C-182/15, Petruhhin, judgment of 6
September 2016; C-191/16, Pisciotti,
judgment of 10 April 2018; C-247/17
Raugevicius, judgment of 13 November
2018 and C-897/19 PPU, Ruska Federacija,
Judgment of the Court (Grand Chamber) of
2 April 2020, etc.

Or. en

Amendment 47

Clare Daly, Mick Wallace, Pernando Barrena Arza

Motion for a resolution

Recital J

Motion for a resolution

J. whereas double criminality is a
concept of international extradition and is
scarcely compatible with mutual
recognition; whereas the list of offences
without a double criminality ***check should
be reassessed; whereas in its initial
proposal, the Commission sought an
exhaustive list for which surrender could
be refused ('negative list')***;

Amendment

J. whereas double criminality is a
concept of international extradition and,
although theoretically is scarcely
compatible with mutual recognition, ***in
practice it may be an important safeguard
for requested persons; whereas double
criminality is only an optional ground for
refusal of the EAW and is rarely invoked
by executing authorities***; whereas the list
of offences without a double criminality
***already includes a broad array of
offences, many of which are not highly
harmonised in the EU Member States yet***;

Or. en

Amendment 48
Fabienne Keller

Motion for a resolution
Recital J

Motion for a resolution

J. whereas ***double criminality is a concept of international extradition and is scarcely compatible with mutual recognition; whereas*** the list of offences without a double criminality check should be reassessed; ***whereas in its initial proposal, the Commission sought an exhaustive list for which surrender could be refused ('negative list');***

Amendment

J. whereas the list of offences without a double criminality check should be reassessed ***in accordance with the procedure laid down in Article 2(3) of the Framework Decision of 13 June 2002;***

Or. fr

Amendment 49
Gwendoline Delbos-Corfield

Motion for a resolution
Recital J

Motion for a resolution

J. whereas double criminality is a concept of international extradition and is ***scarcely*** compatible with mutual recognition; whereas the ***list of offences without a double criminality check should be reassessed;*** whereas in its initial proposal, the Commission sought an exhaustive list for which surrender could be refused ('negative list');

Amendment

J. whereas double criminality is ***also*** a concept of international extradition and is compatible with mutual recognition; whereas the ***application of the principle of mutual recognition can result in a deviation from Member States' responsibilities in protecting individuals' fundamental rights;*** whereas double criminality check ***is necessary and must be applied;*** whereas in its initial proposal, the Commission sought an exhaustive list for which surrender could be refused ('negative list');

Or. en

Amendment 50
Jorge Buxadé Villalba

Motion for a resolution
Recital J

Motion for a resolution

J. whereas double criminality is a concept of international extradition and is scarcely compatible with mutual recognition; whereas the list of offences without a double criminality check should be reassessed; whereas in its initial proposal, the Commission sought an exhaustive list for which surrender could be refused ('negative list');

Amendment

J. whereas double criminality is a concept of international extradition and is scarcely compatible with mutual recognition; whereas the list of offences without a double criminality check should be reassessed **and broadened**; whereas in its initial proposal, the Commission sought an exhaustive list for which surrender could be refused ('negative list');

Or. es

Amendment 51
Jiří Pospíšil, Tomáš Zdechovský

Motion for a resolution
Recital K

Motion for a resolution

K. whereas mutual recognition needs harmonisation of criminal material law and procedure; whereas progress has been made in the last few years, such as the six directives on procedural rights, Directive 2012/29/EU on victims' rights²⁰, and the harmonisation of criminal offences;

Amendment

deleted

²⁰ OJ L 315, 14.11.2012, p. 57.

Or. en

Amendment 52
Clare Daly, Mick Wallace, Pernando Barrena Arza

Motion for a resolution
Recital K

Motion for a resolution

K. whereas mutual recognition **needs** harmonisation of criminal material law and procedure; whereas progress has been made in the last few years, **such as** the six directives on procedural rights, **Directive 2012/29/EU on victims' rights**²⁰, and the harmonisation of criminal offences;

²⁰ OJ L 315, 14.11.2012, p. 57.

Amendment

K. whereas **the concept of** mutual recognition **as such would not require the** harmonisation of criminal material law and procedure, **but the practice of judicial cooperation has shown that common standards and definitions are necessary to facilitate mutual recognition, as acknowledged by Art. 82(2) TFEU**; whereas **some** progress has been made in the last few years, **for example with** the six directives on procedural rights, and the harmonisation of **some** criminal offences; **whereas, however, the six directives on procedural safeguards are scarcely implemented and contain only minimum standards, which are not sufficient to ensure an effective and high quality legal defence, especially when facing surrender proceedings**;

Or. en

Amendment 53
Gwendoline Delbos-Corfield

Motion for a resolution
Recital K

Motion for a resolution

K. whereas mutual recognition needs harmonisation of criminal material law and procedure; whereas progress has been made in the last few years, such as the six directives on procedural rights, Directive 2012/29/EU on victims' rights²⁰, and the harmonisation of criminal offences;

Amendment

K. whereas mutual recognition needs harmonisation of criminal material law and procedure; whereas progress has been made in the last few years, such as the **adoption of** six directives on procedural rights, **alternative measures to the EAW such as the EIO**, Directive 2012/29/EU on victims' rights²⁰, and the harmonisation of criminal offences; **whereas the fact that several Member States have not fully and correctly implemented the procedural rights Directives remains a matter of concern**;

²⁰ OJ L 315, 14.11.2012, p. 57.

²⁰ OJ L 315, 14.11.2012, p. 57.

Or. en

Amendment 54

Maite Pagazaurtundúa, Ramona Strugariu, Jan-Christoph Oetjen, Olivier Chastel, Abir Al-Sahlani, Fabienne Keller

Motion for a resolution

Recital K

Motion for a resolution

K. whereas mutual recognition ***needs harmonisation of*** criminal material law and procedure; whereas progress has been made in the last few years, such as the six directives on procedural rights, Directive 2012/29/EU on victims' rights²⁰, and the harmonisation of criminal offences;

²⁰ OJ L 315, 14.11.2012, p. 57.

Amendment

K. whereas mutual recognition ***is facilitated if*** criminal material law and procedure ***are sufficiently harmonised***; whereas progress has been made in the last few years, such as the six directives on procedural rights, Directive 2012/29/EU on victims' rights²⁰, and the harmonisation of criminal offences;

²⁰ OJ L 315, 14.11.2012, p. 57.

Or. es

Amendment 55

Jorge Buxadé Villalba

Motion for a resolution

Recital K

Motion for a resolution

K. whereas ***mutual recognition needs harmonisation of criminal material law and procedure; whereas progress has been made in the last few years***, such as the six directives on procedural rights, Directive 2012/29/EU on victims' rights²⁰, and the harmonisation of criminal offences;

²⁰ OJ L 315, 14.11.2012, p. 57.

Amendment

K. whereas ***progress has been made in the last few years with regard to harmonisation of criminal material law and procedure***, such as the six directives on procedural rights, Directive 2012/29/EU on victims' rights²⁰, and the harmonisation of criminal offences;

²⁰ OJ L 315, 14.11.2012, p. 57.

Amendment 56

Clare Daly, Mick Wallace, Pernando Barrena Arza

Motion for a resolution

Recital K a (new)

Motion for a resolution

Amendment

K a. Whereas increasing procedural safeguards for suspects should not only be instrumental to facilitate mutual recognition, but should rather be a EU priority in itself, also in order to uphold the values that EU proclaims it stands for;

Or. en

Amendment 57

Clare Daly, Mick Wallace, Pernando Barrena Arza

Motion for a resolution

Recital L

Motion for a resolution

Amendment

L. whereas there are difficulties ***with*** certain provisions of Directive 2013/48/EU on the right of access to a lawyer and the EAW;

L. whereas ***the Commission has stressed that*** there are difficulties ***in the implementation of*** certain provisions of Directive 2013/48/EU on the right of access to a lawyer and the EAW, ***in particular as regards the possibility of accessing a lawyer both in the executing and the issuing Member State; whereas the transposition of the other Directives on procedural safeguards containing specific provisions on the EAW (Directive 2010/64/EU; Directive 2012/13/EU; Directive 2016/800/EU; Directive 2016/1919/EU) has been inadequate so far; whereas such a low level of implementation makes equality of arms between prosecution and defence utopian and impossible;***

Amendment 58**Clare Daly, Mick Wallace, Pernando Barrena Arza****Motion for a resolution****Recital M***Motion for a resolution*

M. whereas other instruments **have clarified some EAW issues**, such as Directive 2014/41/EU on the European Investigation Order²¹ and Regulation (EU) 1805/2018 on the mutual recognition of freezing and confiscation orders²² ;

²¹ OJ L 130, 1.5.2014, p. 1.

²² OJ L 303, 28.11.2018, p. 1.

Amendment

M. whereas other instruments, such as Directive 2014/41/EU on the European Investigation Order²¹, and Regulation (EU) 1805/2018 on the mutual recognition of freezing and confiscation orders²², **have applied the mutual recognition principles to other types of judicial decisions; whereas these instruments, contrary to the EAW, explicitly provide for a ground for refusal based on a potential violation of fundamental rights in the issuing Member State;**

²¹ OJ L 130, 1.5.2014, p. 1.

²² OJ L 303, 28.11.2018, p. 1.

Amendment 59**Franco Roberti****Motion for a resolution****Recital M***Motion for a resolution*

M. whereas other instruments have **clarified** some EAW issues, such as Directive 2014/41/EU on the European Investigation Order²¹ and Regulation (EU) 1805/2018 on the mutual recognition of freezing and confiscation orders²² ;

²¹ OJ L 130, 1.5.2014, p. 1.

Amendment

M. whereas other instruments have **helped to address** some EAW issues, such as Directive 2014/41/EU on the European Investigation Order²¹ and Regulation (EU) 1805/2018 on the mutual recognition of freezing and confiscation orders²² ;

²¹ OJ L 130, 1.5.2014, p. 1.

Or. en

Amendment 60

Clare Daly, Mick Wallace, Pernando Barrena Arza

Motion for a resolution

Recital M a (new)

Motion for a resolution

Amendment

M a. Whereas the 2009 EU Roadmap for Criminal Procedural Rights recognises that ‘excessively long periods of pre-trial detention are detrimental for the individual, can prejudice judicial cooperation between the Member States and do not represent the values for which the European Union stands’; whereas 25% of prisoners suffer from violence each year, their access to justice is often limited, and they are isolated, stigmatised and have limited access to information^{2a};

^{2a} EU Strategy on Victims’ Rights, COM/2020/258

Or. en

Amendment 61

Clare Daly, Mick Wallace, Pernando Barrena Arza

Motion for a resolution

Recital M b (new)

Motion for a resolution

Amendment

M b. Whereas prison conditions in many Member States are far from being acceptable in a Union founded on the values enshrined in Art. 2 TEU;

Or. en

Amendment 62
Clare Daly, Mick Wallace, Fernando Barrena Arza

Motion for a resolution
Recital M c (new)

Motion for a resolution

Amendment

M c. Whereas the rule of law is deteriorating in some Member States; whereas violations of fundamental rights in the criminal justice context happen in most Member States, as identified by numerous judgments of the European Court of Human Rights;

Or. en

Amendment 63
Clare Daly, Mick Wallace, Fernando Barrena Arza

Motion for a resolution
Recital M d (new)

Motion for a resolution

Amendment

M d. Whereas mutual trust cannot be blind trust, nor it can be taken for granted, but needs to be earned and constantly nourished;

Or. en

Amendment 64
Clare Daly, Mick Wallace, Fernando Barrena Arza

Motion for a resolution
Recital M e (new)

Motion for a resolution

Amendment

M e. Whereas in 2014 the European Parliament called, inter alia, for the introduction of a mandatory refusal ground where there are substantial

grounds to believe that the execution of the measure would be incompatible with the executing Member State's obligation in accordance with Art. 6 TEU and the CFREU^{3a};

^{3a} European Parliament resolution of 27 February 2014 with recommendations to the Commission on the review of the European Arrest Warrant (2013/2109(INL))

Or. en

Amendment 65
Clare Daly, Mick Wallace, Fernando Barrena Arza

Motion for a resolution
Recital M f (new)

Motion for a resolution

Amendment

M f. Whereas in 2017, fundamental rights issues led to refusal to surrender in 109 cases;

Or. en

Amendment 66
Clare Daly, Mick Wallace, Fernando Barrena Arza

Motion for a resolution
Recital N

Motion for a resolution

Amendment

N. whereas mutual recognition requires practitioners to be trained in EU law;

N. whereas mutual recognition requires practitioners, ***including criminal lawyers***, to be trained in EU law;

Or. en

Amendment 67

Loránt Vincze

Motion for a resolution

Recital O

Motion for a resolution

O. whereas facilitation and coordination *by* Eurojust ***has proven a useful tool for mutual recognition***; whereas the mandate of Eurojust is independent of the EPPO;

Amendment

O. whereas ***Eurojust plays an essential role in the*** facilitation and coordination ***of the execution of EAWs***; ***whereas the assistance of Eurojust is increasingly requested in the execution of EAWs, significantly increasing its workload***; ***whereas only in 2019 Eurojust facilitated the execution of EAWs related to new 703 cases and 574 ongoing cases***; whereas the mandate of Eurojust is independent of the EPPO;

Or. en

Amendment 68

Gwendoline Delbos-Corfield

Motion for a resolution

Recital O

Motion for a resolution

O. whereas facilitation and coordination by Eurojust has proven a useful tool for mutual recognition; ***whereas the mandate of Eurojust is independent of the EPPO***;

Amendment

O. whereas facilitation and coordination by Eurojust has proven a useful tool for mutual recognition;

Or. en

Amendment 69

Clare Daly, Mick Wallace, Fernando Barrena Arza

Motion for a resolution

Recital P

Motion for a resolution

P. whereas data ***comparisons*** shows a

Amendment

P. whereas ***the available*** data shows a

trend of increased EAWs;

trend of increased EAWs, *with the number of EAWs issued increasing year-on-year in every year between 2010 and 2017, which represents a cause for concern with regard to proportionality, especially considering that EAWs are widely issued for less serious offences;*

Or. en

Amendment 70

Gwendoline Delbos-Corfield, Diana Riba i Giner, Tineke Strik

Motion for a resolution

Recital Q

Motion for a resolution

Q. whereas a harmonised EAW implementation will prevent forum shopping;

Amendment

Q. whereas a harmonised EAW implementation, *together with the full and correct implementation of the procedural rights Directives, an enhanced use of alternative measures to the EAW and the establishment of EU minimum standards such as on prison and detention conditions,* will prevent forum shopping;

Or. en

Amendment 71

Clare Daly, Mick Wallace, Fernando Barrena Arza

Motion for a resolution

Recital Q

Motion for a resolution

Q. whereas a *harmonised* EAW implementation *will prevent forum shopping;*

Amendment

Q. whereas a *full and correct* EAW implementation *in all Member States is necessary to properly assess the functioning of the relevant legislative instruments and the need for possible amendments;*

Or. en

Amendment 72

Gwendoline Delbos-Corfield, Saskia Bricmont

Motion for a resolution

Recital Q a (new)

Motion for a resolution

Amendment

Q a. whereas alternative and less intrusive measures to the EAW are underused; whereas detention should be limited to situations in which no alternative measure can be used; whereas even where available in law, practical challenges to the use of alternatives measures to detention persist;

Or. en

Amendment 73

Maite Pagazaurtundúa, Ramona Strugariu, Jan-Christoph Oetjen, Olivier Chastel, Abir Al-Sahlani, Fabienne Keller

Motion for a resolution

Paragraph 1

Motion for a resolution

Amendment

1. Points out that the EAW is a major achievement and an effective and indispensable instrument; states that the EAW has substantially improved cooperation on surrenders;

1. Points out that the EAW is a major achievement and an effective and indispensable instrument; states that the EAW has substantially improved cooperation on surrenders; ***points out, however, that in these 20 years the world has been going through a digital transformation that has changed crime's ecosystem, and advises an update of legal rights to be protected;***

Or. es

Amendment 74

Clare Daly, Mick Wallace, Pernando Barrena Arza

Motion for a resolution
Paragraph 1

Motion for a resolution

1. Points out that the EAW is **a major achievement and** an effective and **indispensable** instrument; **states** that the EAW has **substantially** improved cooperation on surrenders;

Amendment

1. Points out that the EAW is an effective and **useful** instrument **to bring perpetrators of serious crimes to justice in the Member State where criminal proceedings have taken or are taking place; recognises** that the EAW has **facilitated and** improved cooperation on surrenders;

Or. en

Amendment 75
Franco Roberti

Motion for a resolution
Paragraph 1

Motion for a resolution

1. Points out that the EAW is a major achievement and an effective and indispensable instrument; states that the EAW has substantially improved cooperation on surrenders;

Amendment

1. Points out that the EAW is a major achievement and an effective and indispensable instrument **for combating serious cross-border crimes**; states that the EAW has substantially improved cooperation on surrenders;

Or. en

Amendment 76
Jorge Buxadé Villalba

Motion for a resolution
Paragraph 1

Motion for a resolution

1. Points out that the EAW is a major achievement and an effective and indispensable instrument; states that the EAW has **substantially** improved cooperation on surrenders;

Amendment

1. Points out that the EAW is a major achievement and an effective and indispensable instrument **for the maintenance of the Schengen area**; states that the EAW has improved cooperation on

surrenders;

Or. es

Amendment 77

Maite Pagazaurtundúa, Ramona Strugariu, Jan-Christoph Oetjen, Olivier Chastel, Abir Al-Sahlani, Fabienne Keller

**Motion for a resolution
Paragraph 2**

Motion for a resolution

2. Notes the existence of particular problems; finds that these do not *call* the system *into question*;

Amendment

2. Notes the existence of particular problems; finds that these do not *place* the system *at risk, but they do need to be addressed to avoid certain blind spots that weaken the system; states that in addition to creating opportunities for citizens, the Schengen area and digital transformation have opened up new channels for the perpetration of criminal acts and facilitated the presence of transnational elements in many serious crimes*;

Or. es

Amendment 78

Clare Daly, Mick Wallace, Pernando Barrena Arza

**Motion for a resolution
Paragraph 2**

Motion for a resolution

2. Notes the existence of particular problems; finds that these do not call the system into question;

Amendment

2. Notes the existence of particular problems; finds that these do not *necessarily* call the system into question *but call into question national criminal justice policies and approaches to detention, in particular pre-trial detention and detention pending surrender*;

Or. en

Amendment 79
Gwendoline Delbos-Corfield

Motion for a resolution
Paragraph 2

Motion for a resolution

2. Notes the existence of particular problems; finds that these do not call the system into question;

Amendment

2. Notes the existence of particular problems; finds that these do not call the system into question; ***finds that the system depends on full compliance with the rule of law and fundamental rights in all Member States;***

Or. en

Amendment 80
Jorge Buxadé Villalba

Motion for a resolution
Paragraph 2

Motion for a resolution

2. Notes the existence of particular problems; finds that these do not call the system into question;

Amendment

2. Notes the existence of particular problems; finds that these do not call the system into question ***but show that it has to be improved and updated;***

Or. es

Amendment 81
Maite Pagazaurtundúa, Ramona Strugariu, Jan-Christoph Oetjen, Olivier Chastel, Fabienne Keller

Motion for a resolution
Paragraph 3

Motion for a resolution

3. Notes that such problems relate to prison conditions, proportionality, the execution of custodial sentences²³, time limits²⁴ and in absentia decisions; acknowledges that certain cases raised the

Amendment

3. Notes that such problems relate to prison conditions, proportionality, the execution of custodial sentences²³, time limits²⁴ and in absentia decisions; acknowledges that certain cases raised the

issue of double criminality²⁵;

issue of double criminality²⁵; ***detects, in other cases, inconsistency in the application of grounds for refusing to execute EAWs; highlights too the absence of a comprehensive data system enabling the establishment of reliable qualitative and quantitative statistics on the issue, execution or refusal of EAWs;***

²³ CJEU, C-579/15, Popławski.

²⁴ CJEU, C-168/13 PPU, Jeremy F.

²⁵ With guidance from C-289/15, Grundza, referring to Council Framework Decision 2008/909/JHA.

²³ CJEU, C-579/15, Popławski.

²⁴ CJEU, C-168/13 PPU, Jeremy F.

²⁵ With guidance from C-289/15, Grundza, referring to Council Framework Decision 2008/909/JHA.

Or. es

Amendment 82 **Gwendoline Delbos-Corfield**

Motion for a resolution **Paragraph 3**

Motion for a resolution

3. Notes that such problems relate to prison conditions, proportionality, the execution of custodial sentences²³, time limits²⁴ and in absentia decisions; acknowledges that certain cases raised the issue of double criminality²⁵;

²³ CJEU, C-579/15, Popławski.

²⁴ CJEU, C-168/13 PPU, Jeremy F.

²⁵ With guidance from C-289/15, Grundza, referring to Council Framework Decision 2008/909/JHA.

Amendment

3. Notes that such problems ***mainly*** relate to prison ***an detention*** conditions, proportionality, ***implementation in EAW proceedings of the procedural safeguards enshrined in EU law, in particular dual legal representation in both executing and issuing states, and specific training, judicial independence***, the execution of custodial sentences²³, time limits²⁴ and in absentia decisions; acknowledges that certain cases raised the issue of double criminality²⁵;

²³ CJEU, C-579/15, Popławski.

²⁴ CJEU, C-168/13 PPU, Jeremy F.

²⁵ With guidance from C-289/15, Grundza, referring to Council Framework Decision 2008/909/JHA.

Amendment 83
Franco Roberti

Motion for a resolution
Paragraph 3

Motion for a resolution

3. Notes that such problems relate to prison conditions, proportionality, the execution of custodial sentences²³, time limits²⁴ and in absentia decisions; acknowledges that certain cases raised the issue of double criminality²⁵;

²³ CJEU, C-579/15, Popławski.

²⁴ CJEU, C-168/13 PPU, Jeremy F.

²⁵ With guidance from C-289/15, Grundza, referring to Council Framework Decision 2008/909/JHA.

Amendment

3. Notes that such problems relate to prison conditions, proportionality, the execution of custodial sentences²³, time limits²⁴ and in absentia decisions; acknowledges that certain cases raised the issue of double criminality²⁵; ***points out that such problems not only undermine mutual trust between Member States but are also costly in social and economic terms to the individuals concerned, their families and societies in general;***

²³ CJEU, C-579/15, Popławski.

²⁴ CJEU, C-168/13 PPU, Jeremy F.

²⁵ With guidance from C-289/15, Grundza, referring to Council Framework Decision 2008/909/JHA.

Amendment 84
Jiří Pospíšil, Tomáš Zdechovský

Motion for a resolution
Paragraph 3

Motion for a resolution

3. Notes that such problems relate to prison conditions, proportionality, the execution of custodial sentences²³, time limits²⁴ and in absentia decisions; ***acknowledges that certain cases raised the issue of double criminality***²⁵;

²³ CJEU, C-579/15, Popławski.

²⁴ CJEU, C-168/13 PPU, Jeremy F.

²⁵ With guidance from C-289/15, Grundza, referring to Council Framework Decision 2008/909/JHA.

²³ CJEU, C-579/15, Popławski.

²⁴ CJEU, C-168/13 PPU, Jeremy F.

Or. en

Amendment 85

Clare Daly, Mick Wallace, Pernando Barrena Arza

Motion for a resolution

Paragraph 3

Motion for a resolution

3. Notes that such problems relate to prison conditions, proportionality, the execution of custodial sentences²³, time limits²⁴ and in absentia decisions; ***acknowledges that certain cases raised the issue of double criminality***²⁵ ;

²³ CJEU, C-579/15, Popławski.

²⁴ CJEU, C-168/13 PPU, Jeremy F.

²⁵ With guidance from C-289/15, Grundza, referring to Council Framework Decision 2008/909/JHA.

Amendment

3. Notes that such problems relate to prison conditions, proportionality, the execution of custodial sentences²³, time limits²⁴ and in absentia decisions; ***the independence of judicial authorities, respect for rule of law and fundamental rights***;

²³ CJEU, C-579/15, Popławski.

²⁴ CJEU, C-168/13 PPU, Jeremy F.

Or. en

Amendment 86

Gwendoline Delbos-Corfield

Motion for a resolution

Paragraph 4

Motion for a resolution

4. Notes that issues ***were solved*** by a combination of soft law (EAW handbook),

Amendment

4. Notes that ***attempts are being made to solve the*** issues by a combination of soft

mutual assessments, the assistance of Eurojust, CJEU case law and supplementing legislation (Framework Decision 2009/299/JHA and Directive 2013/48/EU);

law (EAW handbook), mutual assessments, the assistance of Eurojust, ***funding of training programmes and toolkits for practitioners under the EU Justice Programme***, CJEU case law and supplementing legislation (Framework Decision 2009/299/JHA and ***the adoption of the Directives on procedural rights for suspects and accused persons as set out in the roadmap of 2009, in particular of Directive 2013/48/EU***);

Or. en

Amendment 87

Maite Pagazaurtundúa, Ramona Strugariu, Jan-Christoph Oetjen, Olivier Chastel, Abir Al-Sahlani

Motion for a resolution Paragraph 4

Motion for a resolution

4. Notes that issues were solved by a combination of soft law (EAW handbook), mutual assessments, the assistance of Eurojust, CJEU case law and supplementing legislation (Framework Decision 2009/299/JHA and Directive 2013/48/EU);

Amendment

4. Notes that ***some*** issues were solved by a combination of soft law (EAW handbook), mutual assessments, the assistance of Eurojust, CJEU case law and supplementing legislation (Framework Decision 2009/299/JHA and Directive 2013/48/EU), ***although others continue to exist***;

Or. es

Amendment 88 **Franco Roberti**

Motion for a resolution Paragraph 4

Motion for a resolution

4. Notes that issues ***were solved*** by a combination of soft law (EAW handbook), mutual assessments, the assistance of Eurojust, CJEU case law and

Amendment

4. Notes that ***some*** issues ***have been addressed, in part***, by a combination of soft law (EAW handbook), mutual assessments, the assistance of Eurojust,

supplementing legislation (Framework **Decision 2009/299/JHA** and Directive 2013/48/EU);

CJEU case law and supplementing legislation (Framework **Decision 2009/299/JHA** and Directive 2013/48/EU);

Or. en

Amendment 89
Clare Daly, Mick Wallace, Pernando Barrena Arza

Motion for a resolution
Paragraph 4

Motion for a resolution

4. Notes that issues were **solved** by a combination of soft law (EAW handbook), mutual assessments, the assistance of Eurojust, CJEU case law and supplementing legislation (Framework Decision 2009/299/JHA and Directive 2013/48/EU);

Amendment

4. Notes that **some** issues were **addressed** by a combination of soft law (EAW handbook), mutual assessments, the assistance of Eurojust, CJEU case law and supplementing legislation (Framework Decision 2009/299/JHA and Directive 2013/48/EU);

Or. en

Amendment 90
Clare Daly, Mick Wallace, Pernando Barrena Arza

Motion for a resolution
Paragraph 5

Motion for a resolution

5. **Points out that the EAW should be enhanced as all Member States take part in it;**

deleted

Amendment

Or. en

Amendment 91
Jorge Buxadé Villalba

Motion for a resolution
Paragraph 5

Motion for a resolution

5. Points out that the EAW should be enhanced **as all** Member States **take part in it**;

Amendment

5. Points out that the EAW should be enhanced **and improved, making it more effective, immediate and respectful of national courts' decisions, as the four fundamental freedoms and the aim of a stronger Union require that Member States fully trust the legal systems and prison systems of the other** Member States, **for which this mechanism is essential**;

Or. es

Amendment 92

Maite Pagazartundúa, Ramona Strugariu, Jan-Christoph Oetjen, Olivier Chastel, Abir Al-Sahlani, Fabienne Keller

**Motion for a resolution
Paragraph 5**

Motion for a resolution

5. Points out that the EAW should be enhanced as all Member States take part in it;

Amendment

5. Points out that the EAW should be enhanced as all Member States take part in it; **recalls that any weakening of mutual recognition in criminal matters can only lead to its weakening in other areas, which would be prejudicial to tackling common policies, such as the internal market, effectively**;

Or. es

Amendment 93

Gwendoline Delbos-Corfield

**Motion for a resolution
Paragraph 5**

Motion for a resolution

5. Points out that the EAW should be enhanced as all Member States take part in

Amendment

5. Points out that **a more proportionate use of** the EAW should be

it;

enhanced as all Member States take part in it;

Or. en

Amendment 94
Gwendoline Delbos-Corfield

Motion for a resolution
Paragraph 6

Motion for a resolution

6. Notes that the Treaties (Protocols 21 and 22) provide special status for two Member States – Ireland has an opt-in option and Denmark does not take part in EU criminal law; highlights the importance of ensuring consistency *on JHA*;

Amendment

6. Notes that the Treaties (Protocols 21 and 22) provide special status for two Member States – Ireland has an opt-in option and Denmark does not take part in EU criminal law, ***meaning that they make use of the EAW system but do not take part in all of the procedural safeguards Directives***; highlights the importance of ensuring consistency ***in the area of freedom, security and justice***;

Or. en

Amendment 95
Clare Daly, Mick Wallace, Pernando Barrena Arza

Motion for a resolution
Paragraph 6

Motion for a resolution

6. Notes that the Treaties (Protocols 21 and 22) provide special status for two Member States – Ireland has an opt-in option and Denmark does not take part in EU criminal law; ***highlights the importance of ensuring consistency on JHA***;

Amendment

6. Notes that the Treaties (Protocols 21 and 22) provide special status for two Member States – Ireland has an opt-in option and Denmark does not take part in EU criminal law;

Or. en

Amendment 96

Jiří Pospíšil, Tomáš Zdechovský

Motion for a resolution

Paragraph 7

Motion for a resolution

7. *Underlines that the EAW should not be misused for minor offences; urges the use of less intrusive legal instruments; points out that issuing authorities should carry out proportionality checks;*

Amendment

deleted

Or. en

Amendment 97

Maite Pagazaurtundúa, Olivier Chastel, Ramona Strugariu

Motion for a resolution

Paragraph 7

Motion for a resolution

7. Underlines that the EAW should not be misused for minor offences; urges the use of less intrusive legal instruments; points out that issuing authorities should carry out proportionality checks;

Amendment

7. Underlines that the EAW should not be misused for minor offences; urges the use of less intrusive legal instruments ***where possible***; points out that issuing authorities should carry out proportionality checks, ***taking into account (i) the seriousness of the offence, (ii) the likely penalty imposed if the person is found guilty of the alleged offence, (iii) the likelihood of detention of the person in the issuing Member State after surrender, (iv) the impact on the rights of the requested person and his or her family, and (v) the interests of the victims of the offence;***

Or. en

Amendment 98

Clare Daly, Mick Wallace, Pernando Barrena Arza

Motion for a resolution

Paragraph 7

Motion for a resolution

7. **Underlines** that the EAW should not be misused for minor offences; urges the use of less intrusive legal instruments; points out that issuing authorities should carry out proportionality checks;

Amendment

7. **Insists** that the EAW should not be misused for minor offences **or for purposes that do not necessarily require people to be detained, such as initial questioning of suspects and pre-trial questioning**; urges the use of less intrusive legal instruments **such as the European Investigation Order**; points out that issuing authorities should carry out proportionality checks; **considers that in exceptional circumstances the executing authority should be allowed to carry out a proportionality check in order to suggest the adoption of a less intrusive measure**;

Or. en

Amendment 99 Gwendoline Delbos-Corfield

Motion for a resolution Paragraph 7

Motion for a resolution

7. Underlines that the EAW should not be **misused** for minor offences; urges the use of less intrusive legal instruments; points out that issuing authorities should carry out proportionality checks;

Amendment

7. Underlines that the EAW should not be **used** for minor offences; **recalls that the EAW should be limited to serious offences where strictly necessary and proportionate**; urges the use of less intrusive legal instruments; points out that issuing **and executing** authorities should carry out proportionality checks **that involve a right to challenge the issuing of the EAW before surrender is ordered to avoid violations of fundamental rights from occurring before any ex-post remedy becomes available**;

Or. en

Amendment 100

Franco Roberti

**Motion for a resolution
Paragraph 7**

Motion for a resolution

7. Underlines that the EAW should not be misused for minor offences; urges the use of less intrusive legal instruments; points out that issuing authorities should carry out proportionality checks;

Amendment

7. Underlines that the EAW should not be misused for minor offences; urges the use of less intrusive legal instruments ***before an EAW is issued***; points out that issuing authorities should carry out proportionality checks; ***calls on Member States and their judicial authorities to process EAW cases without undue delay once an EAW has been issued in order to keep pre-trial detention to a minimum***;

Or. en

**Amendment 101
Clare Daly, Mick Wallace, Pernando Barrena Arza**

**Motion for a resolution
Paragraph 8**

Motion for a resolution

8. Highlights that according to the CJEU, the refusal to execute an EAW is an exception to mutual recognition and must be interpreted strictly²⁶ ;

Amendment

8. Highlights that according to the CJEU, the refusal to execute an EAW is an exception to mutual recognition and must be interpreted strictly²⁶ ; ***highlights that the CJEU has also acknowledged that, subject to certain conditions, the executing judicial authority has the power to bring the surrender procedure to an end where surrender may result in the requested person being subject to inhuman or degrading treatment within the meaning of Article 4 of the Charter^{4a} or where there is a real risk of breach of the fundamental right to a fair trial guaranteed by the second paragraph of Article 47 of the Charter of Fundamental Rights of the European Union, on account of systemic or generalised deficiencies concerning the independence of the issuing Member State's judiciary^{5a}***;

²⁶ See, for example, Case C-216/18 PPU, Minister for Justice and Equality.

^{4a} Case C-404/15 and C-659/15 PPU, Aranyosi and Căldăraru EU:C:2016:198, paragraph 104.

^{5a} Case C-216/18 PPU, Minister for Justice and Equality

Or. en

Amendment 102

Gwendoline Delbos-Corfield, Diana Riba i Giner, Tineke Strik

Motion for a resolution Paragraph 8

Motion for a resolution

8. Highlights that according to the CJEU, the refusal to execute an EAW is **an exception to** mutual recognition and **must be interpreted strictly**²⁶ ;

Amendment

8. Highlights that according to the CJEU, the refusal to execute an EAW is **possible where one of the grounds for non-recognition (Articles 3, 4 and 4a EAW FD) or one of the guarantees (Article 5 EAW FD) applies; notes that limitations may be placed in exceptional circumstances to the principles of mutual recognition and mutual trust on the basis of Article 1(3) EAW FD; notes that a real risk of breach of the fundamental right to an independent tribunal and, therefore, of the essence of the fundamental right to a fair trial (Article 47(2) Charter) is capable of permitting the executing judicial authority to refrain from giving effect to an EAW**²⁶;

²⁶ See, for example, Case C-216/18 PPU, Minister for Justice and Equality.

²⁶ See, for example, Case C-216/18 PPU, Minister for Justice and Equality.

Or. en

Amendment 103

Maite Pagazaurtundúa, Ramona Strugariu, Jan-Christoph Oetjen, Fabienne Keller

Motion for a resolution
Paragraph 8 a (new)

Motion for a resolution

Amendment

8a. *Recalls that a refusal on the basis of violation of fundamental rights in the Issuing State has to be based on a real and identified risk; points out that the ill-founded application of this ground for refusal produces legal uncertainty and weakens the system for monitoring and verifying that Member States are complying with fundamental rights; is concerned by the existence of instances of ill-founded refusals to execute EAWs which have given rise to impunity, as the competent legal authority has subsequently confirmed^{26 a};*

^{26 a} *See, for example, the ECHR judgment of 9 July 2019 in Case 8351/17, Romeo Castaño v. Belgium, on the refusal to surrender Natividad Jauregui.*

Or. es

Amendment 104

Maite Pagazaurtundúa, Ramona Strugariu, Jan-Christoph Oetjen, Olivier Chastel, Fabienne Keller

Motion for a resolution
Paragraph 9

Motion for a resolution

Amendment

9. Calls on the Commission to provide for understandable data as the existing data is confusing and can offer a false impression of the (non)efficiency of EAWs; calls on Member States to collect and transfer data to the Commission;

9. Calls on the Commission to provide for understandable data as the existing data is confusing and can offer a false impression of the (non)efficiency of EAWs; calls on **the Commission to set out the method for establishing that** Member States **have an obligation** to collect and transfer data to the Commission; **calls on the Commission to assess the possibility of creating a common database on EAWs,**

which would become a smart and efficient instrument for assessing judicial cooperation, identifying weak points and being better prepared for any adjustments; recalls that judicial cooperation is a key element in guaranteeing European strategic autonomy and social, economic, environmental and digital stability;

Or. es

Amendment 105

Clare Daly, Mick Wallace, Fernando Barrena Arza

Motion for a resolution Paragraph 9

Motion for a resolution

9. Calls on the Commission to provide **for understandable data** as the existing data is confusing and can offer a false impression of the **(non)efficiency** of EAWs; **calls on** Member States to collect and transfer data to the Commission;

Amendment

9. Calls on the Commission to provide **better and clearer data**, as the existing data is confusing and can offer a false impression of the **operation** of EAWs; **urges** Member States to collect and transfer data to the Commission; **reiterates its call to the Commission to request from Member States comprehensive data relating to the operation of the EAW mechanism and to include such data in its next implementation report;**

Or. en

Amendment 106

Jorge Buxadé Villalba

Motion for a resolution Paragraph 9

Motion for a resolution

9. Calls on the Commission to provide for understandable data as the existing data is confusing and can offer a false impression of the (non)efficiency of

Amendment

9. Calls on the Commission to provide for understandable data as the existing data is confusing and can offer a false impression of the (non)efficiency of

EAWs; calls on Member States to collect and transfer data to the Commission;

EAWs; calls on Member States to collect and transfer **reliable and updated** data to the Commission;

Or. es

Amendment 107

Gwendoline Delbos-Corfield

Motion for a resolution

Paragraph 9

Motion for a resolution

9. Calls on the Commission to provide for **understandable data as the existing data is confusing and can offer a false impression of** the (non)efficiency of EAWs; calls on Member States to collect and transfer data to the Commission;

Amendment

9. Calls on the Commission to provide for **comprehensive and comparable quality data in order to properly assess** the (non)efficiency of EAWs; calls on Member States to **systematically** collect and transfer data to the Commission;

Or. en

Amendment 108

Domènec Ruiz Devesa, Juan Fernando López Aguilar, Javier Moreno Sánchez

Motion for a resolution

Paragraph 10

Motion for a resolution

10. Points out that a double criminality check limits mutual recognition and, according to the CJEU, must be interpreted restrictively; notes that mutual recognition should ideally work automatically²⁷ ;

Amendment

10. **Believes that further horizontal measures need to be adopted to enhance the principle of sincere cooperation (art. 4.3 TEU) and to increase mutual trust in national criminal justice systems, thereby leading to more efficient judicial cooperation;** points out that a double criminality check limits mutual recognition and, according to the CJEU, must be interpreted restrictively; notes that mutual recognition should ideally work automatically²⁷ **without judging the substantial grounds of the accusation;**

²⁷ See, for example, the Commission communication of 26 July 2000 on the Mutual Recognition of Final Decisions in Criminal Matters (COM(2000)0495).

²⁷ See, for example, the Commission communication of 26 July 2000 on the Mutual Recognition of Final Decisions in Criminal Matters (COM(2000)0495).

Or. en

Amendment 109

Clare Daly, Mick Wallace, Pernando Barrena Arza

Motion for a resolution

Paragraph 10

Motion for a resolution

10. Points out that a double criminality check limits mutual recognition and, according to the CJEU, must be interpreted restrictively; notes that mutual recognition should ideally *work automatically*²⁷ ;

Amendment

10. Points out that a double criminality check limits mutual recognition and, according to the CJEU, must be interpreted restrictively; notes that mutual recognition should ideally *not be refused, unless there are the conditions to invoke one of the grounds for refusal exhaustively listed in the EAW FD or unless there are other circumstances in which, as recognised by the CJEU, limitations may be placed on the principles of mutual recognition and mutual trust between Member States*;

²⁷ See, for example, the Commission communication of 26 July 2000 on the Mutual Recognition of Final Decisions in Criminal Matters (COM(2000)0495).

Or. en

Amendment 110

Franco Roberti

Motion for a resolution

Paragraph 10

Motion for a resolution

10. Points out that a double criminality check limits mutual recognition and,

Amendment

10. Points out that a double criminality check limits mutual recognition and,

according to the CJEU, must be interpreted restrictively; notes that mutual recognition should ideally *work automatically*²⁷ ;

according to the CJEU, must be interpreted restrictively; ***emphasises, however, that there are ongoing concerns about the lack of a proper definition of criminal offences to which double criminality no longer applies***; notes that mutual recognition should ideally *work automatically*²⁷ ;

²⁷ See, for example, the Commission communication of 26 July 2000 on the Mutual Recognition of Final Decisions in Criminal Matters (COM(2000)0495).

²⁷ See, for example, the Commission communication of 26 July 2000 on the Mutual Recognition of Final Decisions in Criminal Matters (COM(2000)0495).

Or. en

Amendment 111 **Gwendoline Delbos-Corfield**

Motion for a resolution **Paragraph 10**

Motion for a resolution

10. Points out that a double criminality check limits mutual recognition ***and, according to the CJEU, must be interpreted restrictively***; notes that mutual recognition should ***ideally*** work automatically²⁷ ;

Amendment

10. Points out that a double criminality check limits mutual recognition; notes that mutual recognition should ***not*** work automatically, ***but requires an assessment of each case by the executing authority; recalls that a double criminality check is necessary given the absence of fully harmonised substantial criminal law as well as the absence of minimum procedural standards***;

²⁷ See, for example, the Commission communication of 26 July 2000 on the Mutual Recognition of Final Decisions in Criminal Matters (COM(2000)0495).

Or. en

Amendment 112 **Jiří Pospíšil, Tomáš Zdechovský**

Motion for a resolution
Paragraph 10

Motion for a resolution

10. Points out that a double criminality check limits mutual recognition and, according to the CJEU, must be interpreted restrictively; ***notes that mutual recognition should ideally work automatically***²⁷ ;

²⁷ See, for example, the Commission communication of 26 July 2000 on the Mutual Recognition of Final Decisions in Criminal Matters (COM(2000)0495).

Amendment

10. Points out that a double criminality check limits mutual recognition and, according to the CJEU, must be interpreted restrictively;

Or. en

Amendment 113

Maite Pagazaurtundúa, Ramona Strugariu, Jan-Christoph Oetjen, Abir Al-Sahlani

Motion for a resolution
Paragraph 10 a (new)

Motion for a resolution

10a. Calls on the Commission to carry out a formal and substantive consistency assessment of the list of 32 categories not requiring a double criminality check; notes that greater legal certainty must be provided to all involved in implementation, thereby avoiding unnecessary disputes;

Or. es

Amendment 114

Gwendoline Delbos-Corfield

Motion for a resolution
Paragraph 10 a (new)

Motion for a resolution

Amendment

10 a. Recalls that mutual recognition measures have led to inconsistent Member State practices with regard to legal safeguards and protections against fundamental rights violations; stresses the need to ensure effective and independent judicial oversight of mutual recognition measures;

Or. en

**Amendment 115
Franco Roberti**

**Motion for a resolution
Paragraph 10 a (new)**

Motion for a resolution

Amendment

10 a. 10 a. Underlines that the principle of mutual recognition must be premised upon mutual trust which can be achieved only if respect for fundamental and procedural rights of suspects and accused persons in criminal proceedings are guaranteed throughout the Union;

Or. en

**Amendment 116
Gwendoline Delbos-Corfield, Diana Riba i Giner, Tineke Strik**

**Motion for a resolution
Paragraph 10 b (new)**

Motion for a resolution

Amendment

10 b. Highlights that in order to be effective, the principle of mutual recognition must be premised upon mutual trust which can only be achieved if respect for the fundamental rights of suspects and accused persons and procedural rights in criminal proceedings are guaranteed throughout the Union; recalls the importance of implementing

the procedural rights Directives with a view to guarantee the right to a fair trial; in this regard, urges the Commission to ensure their full and correct implementation and to consider launching infringement proceedings where necessary;

Or. en

Amendment 117

Maite Pagazaurtundúa, Ramona Strugariu, Jan-Christoph Oetjen

Motion for a resolution

Paragraph 10 b (new)

Motion for a resolution

Amendment

10b. *Calls on the Commission to evaluate the benefits of drawing up a homogeneous list that does not lump together specific offences, categories of offence and interests protected by law, as is currently the case; recommends also the inclusion of an annex containing definitions for each list entry to facilitate interpretation; suggests, finally, that each Member State list the types of criminal offence existing within their legal systems that can be subsumed in the list of 32 categories;*

Or. es

Amendment 118

Maite Pagazaurtundúa, Ramona Strugariu, Jan-Christoph Oetjen

Motion for a resolution

Paragraph 11

Motion for a resolution

Amendment

11. Calls on the Commission to analyse common offences in the Member States and to assess the possibility of expanding the list of offences that do not require a

11. Calls on the Commission to analyse common offences in the Member States and to assess the possibility of expanding the list of offences that do not require a

double criminality check; highlights the importance of assessing the inclusion of additional offences such as *particular* environmental crimes (e.g. ship-source pollution offences), hate crimes, sexual abuse, offences committed through digital means such as identity theft, offences against public order and the constitutional integrity of the Member States, crimes of genocide, crimes against humanity and war crimes;

double criminality check, *including criteria such as the gravity of the offence, its cross-border dimension or its harmful effect in undermining the fundamental values of the Union*; highlights the importance of assessing the inclusion of additional offences such as environmental crimes (e.g. ship-source pollution offences), hate crimes, sexual abuse, offences committed through digital means such as identity theft, offences against public order and the constitutional integrity of the Member States, crimes of genocide, crimes against humanity and war crimes; *stresses that closer judicial cooperation regarding offences of this nature would help the Union to achieve its own priority objectives, while at the same time strengthening the notion of respect for democracy and rule of law in the Union*;

Or. es

Amendment 119

Jiří Pospíšil, Tomáš Zdechovský

Motion for a resolution

Paragraph 11

Motion for a resolution

11. Calls on the Commission to analyse common offences in the Member States and to assess the possibility of expanding the list of offences that do not require a double criminality check; highlights the importance of assessing the inclusion of additional offences *such as particular environmental crimes (e.g. ship-source pollution offences), hate crimes, sexual abuse, offences committed through digital means such as identity theft, offences against public order and the constitutional integrity of the Member States, crimes of genocide, crimes against humanity and war crimes*;

Amendment

11. Calls on the Commission to analyse common offences in the Member States and to assess the possibility of expanding the list of offences that do not require a double criminality check; highlights the importance of assessing the inclusion of additional offences *which are already harmonised on the EU level*.

Or. en

Amendment 120
Gwendoline Delbos-Corfield

Motion for a resolution
Paragraph 11

Motion for a resolution

11. ***Calls on*** the Commission to analyse common offences in the Member States ***and to assess the possibility of*** expanding the list of offences that do not require a double criminality check; highlights ***the importance of assessing the inclusion of additional offences*** such as particular environmental crimes (e.g. ship-source pollution offences), ***hate crimes***, sexual abuse, offences committed through digital means such as identity theft, ***offences against public order and the constitutional integrity of the Member States***, crimes of genocide, crimes against humanity and war crimes;

Amendment

11. ***Invites*** the Commission to analyse common offences in the Member States ***but stresses that given the increasing rule of law deficiencies in some Member States***, expanding the list of offences that do not require a double criminality check ***could put individuals' fundamentals rights at risk***; highlights ***that the cross-border dimension of an increased number of crimes***, such as particular environmental crimes (e.g. ship-source pollution offences), sexual abuse, offences committed through digital means such as identity theft, crimes of genocide, crimes against humanity and war crimes, ***makes the respect of rule of law and fundamental rights by Member States even more crucial, in particular when it comes to judiciary independence and the right to fair trial***;

Or. en

Amendment 121
Franco Roberti

Motion for a resolution
Paragraph 11

Motion for a resolution

11. Calls on the Commission to analyse common offences in the Member States and to ***assess the possibility of expanding*** the list of offences that do not require a double criminality check; highlights the importance of assessing the inclusion of additional offences such as particular

Amendment

11. Calls on the Commission to analyse common offences in the Member States ***with a view to better defining when the EAW should be used*** and to ***facilitate proportionality assessments***; ***further calls on the Commission to review*** the list of offences that do not require a double

environmental crimes (e.g. ship-source pollution offences), hate crimes, sexual abuse, offences committed through digital means such as identity theft, **offences** against public order and the constitutional integrity of the Member States, crimes of genocide, crimes against humanity and war crimes;

criminality check; highlights the importance of assessing the inclusion of additional offences such as particular environmental crimes(e.g. ship-source pollution offences), **certain forms of tax evasion**, hate crimes, sexual abuse, **gender-based violence**, offences committed through digital means such as identity theft, **crimes** against public order and the constitutional integrity of the Member States, crimes of genocide, crimes against humanity and war crimes;

Or. en

Amendment 122

Clare Daly, Mick Wallace, Fernando Barrena Arza

Motion for a resolution Paragraph 11

Motion for a resolution

11. ***Calls on the Commission to analyse common offences in the Member States and to assess the possibility of expanding the list of offences that do not require a double criminality check; highlights the importance of assessing the inclusion of additional offences such as particular environmental crimes (e.g. ship-source pollution offences), hate crimes, sexual abuse, offences committed through digital means such as identity theft, offences against public order and the constitutional integrity of the Member States, crimes of genocide, crimes against humanity and war crimes;***

Amendment

11. ***Stresses that, as regards offences not included in the list of offences that do not require a double criminality check, executing authorities have the option to refuse to execute the EAW if the act on which the EAW is based does not constitute an offence under the law of the executing Member State, but are not obliged to do so; highlights, therefore, that including additional offences in that list is not a priority; stresses the important role of such a limited optional ground for refusal as a ‘safety net’, especially considering that, contrary to traditional extradition treaties, the EAW FD makes no exception for political offences;***

Or. en

Amendment 123

Jorge Buxadé Villalba

Motion for a resolution

Paragraph 11

Motion for a resolution

11. Calls on the Commission to analyse common offences in the Member States and to assess the possibility of expanding the list of offences that do not require a double criminality check; highlights the importance of assessing the inclusion of additional offences such as particular environmental crimes (e.g. ship-source pollution offences), ***hate crimes***, sexual abuse, offences committed through digital means such as identity theft, offences against public order and the constitutional ***integrity*** of the Member States, crimes of genocide, crimes against humanity and war crimes;

Amendment

11. Calls on the Commission to analyse common offences in the Member States and to assess the possibility of expanding the list of offences that do not require a double criminality check; highlights the importance of assessing the inclusion of additional offences such as particular environmental crimes (e.g. ship-source pollution offences), sexual abuse, offences committed through digital means such as identity theft, offences against public order and the constitutional ***provisions*** of the Member States, crimes of genocide, crimes against humanity and war crimes;

Or. es

Amendment 124

Gwendoline Delbos-Corfield

Motion for a resolution

Paragraph 11 a (new)

Motion for a resolution

Amendment

11 a. Welcomes the EAW coordination group recently set up by the Commission; believes that this group will contribute to enhancing the rapid exchange of up-to-date and reliable information, good practices and to strengthening cooperation which can lead to a more uniform application of the EAW between judicial authorities but also envisage better exchange of information between lawyers representing the persons concerned by EAWs in executing and issuing member states;

Or. en

Amendment 125
Gwendoline Delbos-Corfield

Motion for a resolution
Paragraph 11 b (new)

Motion for a resolution

Amendment

11 b. Highlights that double proportionality check in both the issuing and executing Member States would ensure protection for individuals and give the executing Member State the ability to check whether the benefits of extradition justify the burden and serve the overall interests of justice and whether EAWs for prosecution are only issued when the case is trial-ready for prosecution and not for investigations particularly where other less restrictive measures such as the European Investigation Order can be used instead to gather evidence without requiring the arrest and surrender of a person from another country;

Or. en

Amendment 126
Gwendoline Delbos-Corfield

Motion for a resolution
Paragraph 12

Motion for a resolution

Amendment

12. Calls on the Commission to analyse the possibility of reducing the three-year threshold in Article 2(2) of the EAW for certain offences, such as trafficking in human beings and sexual exploitation of children and child pornography;

deleted

Or. en

Amendment 127

Clare Daly, Mick Wallace, Pernando Barrena Arza

Motion for a resolution
Paragraph 12

Motion for a resolution

12. ***Calls on the Commission to analyse the possibility of reducing the three-year threshold in Article 2(2) of the EAW for certain offences, such as trafficking in human beings and sexual exploitation of children and child pornography;***

Amendment

12. ***Recalls that*** the three-year threshold in Article 2(2) of the EAW ***aims to ensure the proportionality of EAW;***

Or. en

Amendment 128
Jorge Buxadé Villalba

Motion for a resolution
Paragraph 12

Motion for a resolution

12. Calls on the Commission to analyse the possibility of reducing the three-year threshold in Article 2(2) of the EAW for certain offences, such as trafficking in human beings and sexual exploitation of children ***and*** child pornography;

Amendment

12. Calls on the Commission to analyse the possibility of reducing the three-year threshold in Article 2(2) of the EAW for certain offences, such as trafficking in human beings and sexual exploitation of children, child pornography ***and terrorism;***

Or. es

Amendment 129
Gwendoline Delbos-Corfield

Motion for a resolution
Paragraph 13

Motion for a resolution

13. ***Calls on the Commission to assess, with a view to further integration, the establishment of an exhaustive list for which surrender could be refused***

Amendment

deleted

(‘negative list’) instead of the list of 32 offences;

Or. en

Amendment 130

Jiří Pospíšil, Tomáš Zdechovský

Motion for a resolution

Paragraph 13

Motion for a resolution

Amendment

**13. Calls on the Commission to assess, *deleted*
with a view to further integration, the
establishment of an exhaustive list for
which surrender could be refused
(‘negative list’) instead of the list of 32
offences;**

Or. en

Amendment 131

Clare Daly, Mick Wallace, Pernando Barrena Arza

Motion for a resolution

Paragraph 13

Motion for a resolution

Amendment

**13. Calls on the Commission to assess, *deleted*
with a view to further integration, the
establishment of an exhaustive list for
which surrender could be refused
(‘negative list’) instead of the list of 32
offences;**

Or. en

Amendment 132

Fabienne Keller

Motion for a resolution

Paragraph 13

Motion for a resolution

13. Calls on the Commission to assess, ***with a view to further integration, the establishment*** of an exhaustive list for which surrender could be refused ('negative list') ***instead of the list of 32 offences***;

Amendment

13. Calls on the Commission to assess ***the feasibility*** of an exhaustive list for which surrender could be refused ('negative list');

Or. fr

Amendment 133

Nathalie Colin-Oesterlé

Motion for a resolution

Paragraph 13

Motion for a resolution

13. Calls on the Commission to assess, ***with a view to further integration***, the establishment of an exhaustive list for which surrender could be refused ('negative list') ***instead of*** the list of 32 offences;

Amendment

13. Calls on the Commission to assess the establishment of an exhaustive list for which surrender could be refused ('negative list'), ***with a view to adding it subsequently to*** the list of 32 offences;

Or. fr

Amendment 134

Gwendoline Delbos-Corfield

Motion for a resolution

Paragraph 14

Motion for a resolution

14. Calls on the Commission to clarify accessory or related offences;

deleted

Amendment

Or. en

Amendment 135

Clare Daly, Mick Wallace, Pernando Barrena Arza

Motion for a resolution
Paragraph 14

Motion for a resolution

14. Calls on the Commission to *clarify* accessory or related offences;

Amendment

14. Calls on the Commission to *consider updating the Handbook, including the indication of Member States that allow surrender for offences punishable by a lower sanction than the threshold set out in Article 2(1) when they are accessory to the main offences that meet that threshold; in this regard, recalls that the EAW does not regulate surrender for accessory or related offences and that, therefore, if the executing Member State does not surrender for accessory offences, the rule of speciality might preclude the issuing Member State from prosecuting those offences;*

Or. en

Amendment 136
Maite Pagazaurtundúa, Olivier Chastel, Ramona Strugariu

Motion for a resolution
Paragraph 14

Motion for a resolution

14. Calls on the Commission to clarify accessory or related offences;

Amendment

14. Calls on the Commission to clarify accessory or related offences *by means of the EU instruments in the field of harmonisation of criminal law;*

Or. en

Amendment 137
Clare Daly, Mick Wallace, Fernando Barrena Arza

Motion for a resolution
Paragraph 15

Motion for a resolution

15. Stresses the importance of defining more precisely the duties and competencies of the bodies involved in EAW procedures and ensuring that they are specialised and have practical experience; ***affirms that a broad*** margin of discretion for the executing authority is ***scarcely*** compatible with mutual recognition; ***considers that discretion should be limited in cases of double criminality;***

Amendment

15. Stresses the importance of defining more precisely the duties and competencies of the ***national authorities and EU*** bodies involved in EAW procedures and ensuring that they are specialised and have practical experience; ***considers that the*** margin of discretion for the executing authority ***provided by Art. 4 EAW*** is compatible with mutual recognition, ***since it allows a judicial authority to take a balanced decision limiting a person's freedom - for example whether the requested person should serve the sentence where he or she resides - and represents a safeguard against automatic recognition; affirms that the improvement of rule of law, fundamental rights, prison conditions, and practitioner's knowledge of other legal systems, will contribute to strengthening mutual trust and mutual recognition more than the abolishing the executing authorities' discretion;***

Or. en

Amendment 138
Franco Roberti

Motion for a resolution
Paragraph 15

Motion for a resolution

15. Stresses the importance of defining more precisely the duties and competencies of the bodies involved in EAW procedures and ensuring that they are specialised and have practical experience; affirms that a broad margin of discretion for the executing authority is scarcely compatible with mutual recognition; considers that discretion should be limited in cases of double criminality;

Amendment

15. Stresses the importance of defining more precisely the duties and competencies of the bodies involved in EAW procedures and ensuring that they are specialised and have practical experience; affirms that a broad margin of discretion for the executing authority is scarcely compatible with mutual recognition; ***believes that any review of the EAW Framework Decision must establish a procedure whereby an EAW can, if necessary, be validated in the issuing Member State by a judge, court, investigating magistrate or public***

prosecutor, in order to overcome the differing interpretations of the term "judicial authority"; considers that, if legal certainty can be provided regarding offences which clearly fall within the definition of double criminality, and those which do not then discretion should be limited in cases of double criminality;

Or. en

Amendment 139

Jiří Pospíšil, Tomáš Zdechovský

Motion for a resolution

Paragraph 15

Motion for a resolution

15. *Stresses the importance of defining more precisely the duties and competencies of the bodies involved in EAW procedures and ensuring that they are specialised and have practical experience;* affirms that a broad margin of discretion for the executing authority is scarcely compatible with mutual recognition; considers that discretion should be limited in cases of double criminality;

Amendment

15. Affirms that a broad margin of discretion for the executing authority is scarcely compatible with mutual recognition; considers that discretion should be limited in cases of double criminality;

Or. en

Amendment 140

Gwendoline Delbos-Corfield

Motion for a resolution

Paragraph 15

Motion for a resolution

15. Stresses the importance of defining more precisely the duties and competencies of the *bodies* involved in EAW procedures and ensuring that they are specialised and have practical experience; affirms that a

Amendment

15. Stresses the importance of defining more precisely the duties and competencies of the *different actors* involved in EAW procedures and ensuring that they are specialised and have practical experience;

broad margin of discretion for the executing authority is scarcely compatible with mutual recognition; considers *that discretion should be limited in cases of double criminality*;

affirms that a broad margin of discretion for the executing authority is *deemed* scarcely compatible with mutual recognition *but* considers *it necessary to ensure that the fundamental rights of individuals are fully respected*;

Or. en

Amendment 141

Nathalie Colin-Oesterlé

Motion for a resolution

Paragraph 15

Motion for a resolution

15. Stresses the importance of defining more precisely the duties and competencies of the bodies involved in EAW procedures and ensuring that they are specialised and have practical experience; affirms that a broad margin of discretion for the executing authority is scarcely compatible with mutual recognition; considers that discretion should be limited in cases of double criminality;

Amendment

15. Stresses the importance of defining more precisely the duties and competencies of the bodies involved in EAW procedures and ensuring that they are specialised and have practical experience; affirms that a broad margin of discretion for the executing authority is scarcely compatible with mutual recognition; considers that discretion should be *strictly* limited in cases of double criminality;

Or. fr

Amendment 142

Jorge Buxadé Villalba

Motion for a resolution

Paragraph 15

Motion for a resolution

15. Stresses the importance of defining more precisely the duties and competencies of the bodies involved in EAW procedures and ensuring that they are specialised and have practical experience; affirms that a broad margin of discretion for the executing authority *is scarcely compatible with* mutual recognition; considers that

Amendment

15. Stresses the importance of defining more precisely the duties and competencies of the bodies involved in EAW procedures and ensuring that they are specialised and have practical experience; affirms that a broad margin of discretion for the executing authority *runs counter to* mutual recognition; considers that discretion

discretion should be limited in cases of double criminality;

should be limited in cases of double criminality;

Or. es

Amendment 143
Gwendoline Delbos-Corfield

Motion for a resolution
Paragraph 16

Motion for a resolution

16. Calls on the Commission to continue assessing the transposition of the EAW and other judicial cooperation instruments ***and to initiate infringement proceedings where necessary;***

Amendment

16. Calls on the Commission to continue assessing the transposition of the EAW and other judicial cooperation instruments;

Or. en

Amendment 144
Clare Daly, Mick Wallace, Fernando Barrena Arza

Motion for a resolution
Paragraph 17

Motion for a resolution

17. Calls on the Member States to implement the EAW ***and alternative*** legal instruments on criminal matters in a timely and proper fashion;

Amendment

17. Calls on the Member States to implement the EAW, ***as well as other*** legal instruments on criminal matters in a timely and proper fashion; ***Stresses that instruments such as the FD on Transfer of Prisoners, the FD on Probation and Alternative Sanctions, the European Investigation Order, the European Supervision Order, the Council of Europe Convention on the Transfer of Proceedings in Criminal Matters, both complement the EAW and provide useful and less intrusive alternatives to it; stresses that the EAW should only be used if all other alternative options have been exhausted; Urges Member States' authorities, where possible, to use such***

instruments instead of issuing an EAW;

Or. en

Amendment 145
Gwendoline Delbos-Corfield

Motion for a resolution
Paragraph 17

Motion for a resolution

17. Calls on the Member States to implement the EAW and alternative legal instruments on criminal matters in a timely and proper fashion;

Amendment

17. Calls on the Member States to implement the EAW and alternative legal instruments on criminal matters in a timely and proper fashion; ***urges the Member States to use alternative measures including the European Investigation Order, the European Supervision Order and procedural rights measures, which are less intrusive mutual recognition instruments; calls on the Commission to carefully monitor their correct implementation; calls on the Member States to not have recourse to the EAW in situations where a less intrusive measure would lead to the same results, including hearings by videoconferences and related tools;***

Or. en

Amendment 146
Maite Pagazaurtundúa, Olivier Chastel, Ramona Strugariu

Motion for a resolution
Paragraph 17

Motion for a resolution

17. Calls on the Member States to implement the ***EAW and alternative*** legal instruments on criminal matters in a timely and ***proper fashion;***

Amendment

17. Calls on the Member States to implement the ***Framework Decision and the relevant judgments of the Court of Justice on the EAW as well as additional*** legal instruments on criminal matters in a timely and ***comprehensive manner;***

Amendment 147
Gwendoline Delbos-Corfield

Motion for a resolution
Paragraph 17 a (new)

Motion for a resolution

Amendment

17 a. Calls on the Member States to ensure that judicial authorities refrain from ordering detention and coercive measures in EAW proceedings, particularly where a person consents to their surrender, unless strictly necessary and justified;

Or. en

Amendment 148
Clare Daly, Mick Wallace, Fernando Barrena Arza

Motion for a resolution
Paragraph 18

Motion for a resolution

Amendment

18. Notes the Commission's worrisome report on the implementation of Directive 2013/48/EU on the right of access to a lawyer in EAW proceedings; **calls on** the Commission to continue to assess Member States' compliance with the directive and to take appropriate measures to ensure conformity with its provisions;

18. Notes the Commission's worrisome report on the implementation of Directive 2013/48/EU on the right of access to a lawyer in EAW proceedings, **which concludes, inter alia, that 'The legislation in four Member States does not at all reflect the right of requested persons to appoint a lawyer in the issuing Member State. Some five Member States do not clearly ensure that requested persons receive information about this right without undue delay... The legislation in 10 Member States does not transpose the requirement for the competent authority of the issuing Member State to provide without undue delay the requested persons with information to help them appoint a lawyer there' (p. 18); urges the**

Commission to continue to assess Member States' compliance with the directive and to take appropriate measures, ***including infringement proceedings***, to ensure conformity with its provisions; ***urges the Commission to step up the efforts to ensure a full implementation of all Directives on procedural safeguards, in order to make sure that requested persons can have recourse to effective defence in cross-border proceedings, which should be free of charge if they have insufficient means; urges the Commission also to bring forward legislation to establish minimum rules on the protection of procedural rights of vulnerable suspects and accused persons in light of the inadequate implementation of the Commission Recommendation of 27 November 2013 on procedural safeguards for vulnerable persons suspected or accused in criminal proceedings, in particular with respect to vulnerable adults;***

Or. en

Amendment 149
Gwendoline Delbos-Corfield

Motion for a resolution
Paragraph 18

Motion for a resolution

18. Notes the Commission's worrisome report on the implementation of Directive 2013/48/EU on the right of access to a lawyer in EAW proceedings; calls on the Commission to continue to assess Member States' compliance with the directive and to take appropriate measures to ensure conformity with its provisions;

Amendment

18. Notes the Commission's worrisome report on the implementation of Directive 2013/48/EU on the right of access to a lawyer in EAW proceedings; calls on the Commission to continue to assess Member States' compliance with the directive and to take appropriate measures, ***including the launch of infringement proceedings***, to ensure conformity with its provisions;

Or. en

Amendment 150
Nathalie Colin-Oesterlé

Motion for a resolution
Paragraph 19

Motion for a resolution

19. Calls on the Member States to **provide flexibility** for EAW language regimes;

Amendment

19. Calls on the Member States to **ensure respect** for EAW language regimes **by ensuring that Directive 2010/64/EU on the right to interpretation and translation in criminal proceedings is implemented correctly**;

Or. fr

Amendment 151
Franco Roberti

Motion for a resolution
Paragraph 19

Motion for a resolution

19. Calls on the Member States to **provide flexibility for** EAW language regimes;

Amendment

19. **Regrets the lack of deadlines in the Framework Decision 2002/584/JHA for the transmission of translated EAWs**; calls on the Member States to **apply common practices with regard to** EAW language regimes;

Or. en

Amendment 152
Jorge Buxadé Villalba

Motion for a resolution
Paragraph 19

Motion for a resolution

19. Calls on the Member States to **provide flexibility for** EAW language regimes;

Amendment

19. Calls on the Member States to **introduce the necessary mechanisms to avoid delays or obstructions in connection with official** EAW language regimes;

Amendment 153
Gwendoline Delbos-Corfield

Motion for a resolution
Paragraph 19

Motion for a resolution

19. Calls on the Member States to provide flexibility for EAW language regimes;

Amendment

19. Calls on the Member States to provide flexibility for EAW language regimes, ***while upholding the right to interpretation and translation in criminal proceedings***;

Or. en

Amendment 154
Jorge Buxadé Villalba

Motion for a resolution
Paragraph 20

Motion for a resolution

20. Calls on the Commission to provide for a uniform application and effective monitoring of time limits;

Amendment

20. Calls on the Commission to provide for a uniform application and effective monitoring of time limits, ***establishing the principle of favourable enforcement, under which failure by the recipient Member State to resolve the matter as instructed within a reasonable deadline will produce an outcome favourable to victims, upholding their right to damages and preventing unjustified delays and exemptions from slowing down proceedings***;

Or. es

Amendment 155
Gwendoline Delbos-Corfield

Motion for a resolution
Paragraph 20

Motion for a resolution

20. Calls on the Commission to provide for a uniform application and effective monitoring of time limits;

Amendment

20. Calls on the Commission to provide for a uniform application and effective monitoring of time limits ***while respecting the fundamental rights of individuals;***

Or. en

Amendment 156
Loránt Vincze

Motion for a resolution
Paragraph 21

Motion for a resolution

21. Calls on the Commission to ensure adequate funding for Eurojust and EJP for facilitating and coordinating the EAW; ***notes*** that the Commission's budgetary plans for Eurojust would have led to a stagnation in financing despite an increased workload;

Amendment

21. Calls on the Commission to ensure adequate funding for Eurojust and EJP for facilitating and coordinating the EAW; ***deplores*** that the Commission's budgetary plans for Eurojust would have led to a stagnation in financing despite an increased workload; ***points out that it is essential that the budget of Eurojust matches its tasks and priorities in order to enable it to fulfil its mandate;***

Or. en

Amendment 157
Franco Roberti

Motion for a resolution
Paragraph 21

Motion for a resolution

21. Calls on the Commission to ensure adequate funding for Eurojust and EJP for facilitating and coordinating the EAW; notes that the Commission's budgetary plans for Eurojust would have led to a

Amendment

21. Calls on the Commission to ensure adequate funding for Eurojust and EJP for facilitating and coordinating the EAW; notes that the Commission's budgetary plans for Eurojust would have led to a

stagnation in financing despite an increased workload;

stagnation in financing despite an increased workload; ***Reiterates its call for a specific EAW judicial network;***

Or. en

Amendment 158

Maite Pagazaurtundúa, Olivier Chastel, Ramona Strugariu

Motion for a resolution

Paragraph 21

Motion for a resolution

21. Calls on the Commission to ensure adequate funding for Eurojust and EJM for facilitating and coordinating the EAW; notes that the Commission's budgetary ***plans*** for Eurojust ***would have led to a stagnation in financing despite an increased workload;***

Amendment

21. Calls on the Commission to ensure adequate funding for Eurojust and EJM for facilitating and coordinating the EAW; notes that the Commission's ***current*** budgetary ***appropriations*** for Eurojust ***are insufficient in light of the challenges faced by the Agency with regard to the continuously growing caseload;***

Or. en

Amendment 159

Gwendoline Delbos-Corfield

Motion for a resolution

Paragraph 21

Motion for a resolution

21. Calls on the Commission to ensure adequate funding for Eurojust and ***EJM*** for facilitating and coordinating the EAW; notes that the Commission's budgetary plans for Eurojust would have led to a stagnation in financing despite an increased workload;

Amendment

21. Calls on the Commission to ensure adequate funding for Eurojust and ***European Judicial Network (EJM)*** for facilitating and coordinating the EAW; notes that the Commission's budgetary plans for Eurojust would have led to a stagnation in financing despite an increased workload;

Or. en

Amendment 160
Gwendoline Delbos-Corfield

Motion for a resolution
Paragraph 22

Motion for a resolution

22. Calls on the Commission and the Member States to provide appropriate funding for *the* training of EAW practitioners, including police, prosecutors, the judiciary and defence lawyers; notes the value of *EJTN* programmes, such as EAW simulations and language training;

Amendment

22. Calls on the Commission and the Member States to provide appropriate funding for ***legal aid to persons concerned by EAW proceedings, including for legal assistance in both the issuing and executing Member States before surrender is ordered, funding for suitably qualified interpreters and translators, specific training of EAW for practitioners, including police, prosecutors, the judiciary and defence lawyers, particularly in areas such as the fundamental rights aspects of EAW, the assessment of proportionality and alternative measures to detention, representation in cases of EAW, and regarding the procedure to request a preliminary ruling to the Court of Justice of the EU and seeking assurances from other Member States' authorities***; notes the value of ***European Judicial Training Network (EJTN)*** programmes, such as EAW simulations and language training;

Or. en

Amendment 161
Maite Pagazaurtundúa, Olivier Chastel, Ramona Strugariu

Motion for a resolution
Paragraph 22

Motion for a resolution

22. Calls on the Commission and the Member States to provide appropriate funding for the training of EAW practitioners, including police, prosecutors, the judiciary and defence lawyers; ***notes*** the value of *EJTN* programmes, such as EAW simulations and language training;

Amendment

22. Calls on the Commission and the Member States to provide appropriate funding for the training of EAW practitioners, including police, prosecutors, the judiciary and defence lawyers; ***underlines*** the value of *EJTN* programmes, such as EAW simulations and language training;

training;

Or. en

Amendment 162

Clare Daly, Mick Wallace, Pernando Barrena Arza

Motion for a resolution

Paragraph 23

Motion for a resolution

23. Calls on the Commission to launch a training platform for experts and practitioners on mutual recognition instruments, including the EAW; affirms that it should provide them with knowledge about the close relationship between instruments, including a common space to exchange experiences;

Amendment

23. Calls on the Commission to launch a training platform for experts and practitioners on mutual recognition instruments, including the EAW; affirms that it should provide them with knowledge about the close relationship between instruments, including a common space to exchange experiences; ***Stresses that in order to ensure equality of arms, lawyers should have access to targeted, accessible and affordable training; calls on the Commission to promote and facilitate the provision of such training;***

Or. en

Amendment 163

Jiří Pospíšil, Tomáš Zdechovský

Motion for a resolution

Paragraph 23

Motion for a resolution

23. Calls on the Commission to ***launch a training platform for experts and practitioners*** on mutual recognition instruments, including the EAW; affirms that it should provide them with knowledge about the close relationship between instruments, including a common space to exchange experiences;

Amendment

23. Calls on the Commission to ***support and eventually further develop The European Judicial Training Network (EJTN) and existing national training platforms for judiciary*** on mutual recognition instruments, including the EAW; affirms that it should provide them with knowledge about the close relationship between instruments, including a common space to exchange

experiences;

Or. en

Amendment 164
Jorge Buxadé Villalba

Motion for a resolution
Paragraph 23

Motion for a resolution

23. Calls on the Commission to launch a training platform for experts and practitioners on mutual recognition instruments, including the EAW; affirms that it should provide them with knowledge about the close relationship between instruments, including a common space to exchange experiences;

Amendment

23. Calls on the Commission, ***in cooperation with the Member States***, to launch a training platform for experts and practitioners on mutual recognition instruments, including the EAW; affirms that it should provide them with knowledge about the close relationship between instruments, including a common space to exchange experiences;

Or. es

Amendment 165
Clare Daly, Mick Wallace, Pernando Barrena Arza

Motion for a resolution
Paragraph 23 a (new)

Motion for a resolution

23 a. Calls on the Commission to facilitate the establishment of a network of defence lawyers working on European criminal justice and extradition matters and to provide adequate funding to them;

Or. en

Amendment 166
Jiří Pospíšil, Tomáš Zdechovský

Motion for a resolution

Paragraph 24

Motion for a resolution

24. Notes that cooperation between authorities, including compliance on fundamental rights, can be improved by using technology and digitalisation; **requests that a centralised database be developed on national EAW application (as with other areas of EU law)²⁸ ;**

²⁸ See the EPRS European Implementation Assessment of June 2020 on the EAW.

Amendment

24. Notes that cooperation between authorities, including compliance on fundamental rights, can be improved by using technology and digitalisation;

Or. en

Amendment 167

Clare Daly, Mick Wallace, Fernando Barrena Arza

Motion for a resolution

Paragraph 24

Motion for a resolution

24. Notes that cooperation between authorities, including compliance on fundamental rights, **can** be improved by using technology and digitalisation; requests that a centralised database be developed on national EAW application (as with other areas of EU law)²⁸ ;

²⁸ See the EPRS European Implementation Assessment of June 2020 on the EAW.

Amendment

24. Notes that cooperation between authorities, including compliance on fundamental rights, **may** be improved by using **secure** technology and digitalisation; **welcomes the establishment of the FRA Criminal Detention Database**; requests that a centralised database be developed on national EAW application (as with other areas of EU law)²⁸ ;

²⁸ See the EPRS European Implementation Assessment of June 2020 on the EAW.

Or. en

Amendment 168

Gwendoline Delbos-Corfield

Motion for a resolution

Paragraph 24 a (new)

Motion for a resolution

Amendment

24 a. *Considers that a specific public database of EAW lawyers could contribute to guaranteeing the right to access to a lawyer; notes that by ensuring dual representation, the level of fairness and justice around the EAW would improve; stresses that lawyers should have access to the case files in both issuing and executing states, including to the underlying case materials on which the decision to issue the EAW and national arrest warrant are based, to be in a position to provide effective legal assistance to the person concerned by the EAW;*

Or. en

Amendment 169

Franco Roberti

Motion for a resolution

Paragraph 24 a (new)

Motion for a resolution

Amendment

24 a. *Calls for a regular review of non-executed EAWs and consideration of whether they, together with the corresponding SIS II and Interpol alerts, should be withdrawn; calls also for EAWs, and corresponding SIS II and Interpol alerts, to be withdrawn where the EAW has been refused on mandatory grounds such as on the ground of ne bis in idem;*

Or. en

Amendment 170

Clare Daly, Mick Wallace, Pernando Barrena Arza

Motion for a resolution
Paragraph 25

Motion for a resolution

25. ***Calls on*** the Commission to take account of the opinions of national parliaments in line with Protocol 2, as their participation provides a democratic check on EU criminal law;

Amendment

25. ***Emphasises that, should*** the Commission ***decide to propose legislative acts to strengthen procedural safeguards, it is essential to conduct wide consultations and*** to take account of the opinions of national parliaments in line with Protocol 2, as their participation provides a democratic check on ***the application of the principles of subsidiarity and proportionality in*** EU criminal law;

Or. en

Amendment 171
Jorge Buxadé Villalba

Motion for a resolution
Paragraph 25

Motion for a resolution

25. Calls on the Commission to take account of the opinions of national parliaments in line with Protocol 2, ***as their participation provides a democratic check on EU criminal law;***

Amendment

25. Calls on the Commission to take account of the opinions of national parliaments in line with Protocol 2;

Or. es

Amendment 172
Gwendoline Delbos-Corfield

Motion for a resolution
Paragraph 25 a (new)

Motion for a resolution

25 a. Stresses that active SIS alerts should be removed once an executing Member State has refused to surrender a

Amendment

requested person;

Or. en

Amendment 173

Maite Pagazaurtundúa, Olivier Chastel, Ramona Strugariu

Motion for a resolution

Paragraph 26 a (new)

Motion for a resolution

Amendment

26 a. 26a. Stresses that Member States shall ensure that every person, such as the requested person or victim, whose rights and freedoms are violated by a decision, action or omission including errors in the application of an EAW has the right to an effective remedy before a tribunal in accordance with the Charter of Fundamental Rights of the European Union and the established case law of the Court of Justice of the European Union. If such a remedy is exercised in the executing state and has suspensive effect, the final decision on such a remedy shall be taken within the time limits set by the applicable mutual recognition instrument or, in the absence of explicit time limits, with sufficient promptness to ensure that the purpose of the mutual recognition process is not jeopardised.

Or. en

Amendment 174

Jorge Buxadé Villalba

Motion for a resolution

Paragraph 27

Motion for a resolution

Amendment

27. Notes that although Article 7(1) TEU can affect mutual recognition, according to the CJEU, the executing

deleted

authority must assess in each specific case whether there are substantial grounds for believing that, following the surrender, the person will run the risk of having their fundamental rights contravened; underlines that the triggering of Article 7(1) TEU does not amount to automatic non-recognition;

Or. es

Amendment 175

Clare Daly, Mick Wallace, Pernando Barrena Arza

Motion for a resolution

Paragraph 27

Motion for a resolution

27. Notes that although Article 7(1) TEU can affect mutual recognition, according to the *CJEU*, the executing authority must assess in each specific case whether there are substantial grounds for believing that, following the surrender, the person will run the risk of having their fundamental rights contravened; underlines that the triggering of Article 7(1) TEU *does not amount to automatic non-recognition*;

Amendment

27. Notes that although Article 7(1) TEU can affect mutual recognition, according to the *existing CJEU case law*, the executing authority must assess in each specific case whether there are substantial grounds for believing that, following the surrender, the person will run the risk of having their fundamental rights contravened; *notes, however, that the CJEU will soon clarify the consequences of systemic and generalised deficiencies relating to the independence of the issuing Member State's judiciary, even in the absence of specific concerns related to the requested person's personal situation (cases C-354/20 PPU and C-412/20 PPU)*; underlines *that Recital 10 of the EAW provides that the implementation of the EAW in one Member State may only be suspended following the Council determination of a serious and persistent breach pursuant to Art. 7(1)*; *stresses, however, that the triggering of Article 7(1) TEU by the Commission or the EP may have an impact on mutual recognition*;

Or. en

Amendment 176
Gwendoline Delbos-Corfield

Motion for a resolution
Paragraph 27

Motion for a resolution

27. Notes that although Article 7(1) TEU can affect mutual recognition, according to the CJEU, the executing authority must assess in each specific case whether there are substantial grounds for believing that, following the surrender, the person will run the risk of having their fundamental rights contravened; underlines that the triggering of Article 7(1) TEU **does not amount to automatic non-recognition**;

Amendment

27. Notes that although Article 7(1) TEU can affect mutual recognition, according to the CJEU, the executing authority must assess in each specific case whether there are substantial grounds for believing that, following the surrender, the person will run the risk of having their fundamental rights contravened; underlines that the triggering of Article 7(1) TEU **indicates there is a clear risk of a serious breach of the Union values, such as the lack of guarantees of independence of the judiciary; considers that the EAW should not be used under such circumstances as its performance would be put into question; believes that the adoption of freezing mechanisms should be considered in such cases; welcomes that the Regional Court in Amsterdam has submitted a second case to the Court of Justice of the EU regarding the execution of a European Arrest Warrant from Poland; notes that until the CJEU decision, no EAW from Poland will be executed in the Netherlands**;

Or. en

Amendment 177
Maite Pagazaurtundúa, Ramona Strugariu, Jan-Christoph Oetjen

Motion for a resolution
Paragraph 27

Motion for a resolution

27. Notes that although Article 7(1) TEU **can affect** mutual recognition, according to the CJEU, the executing authority must assess in each specific case

Amendment

27. Notes that although **implementation of the procedures provided for under** Article 7(1) TEU **affects** mutual recognition, according to

whether there are substantial grounds for believing that, following the surrender, the person will run the risk of having their fundamental rights contravened; ***underlines*** that the triggering of Article 7(1) TEU does not amount to automatic non-recognition;

the CJEU, the executing authority must assess in each specific case whether there are substantial grounds for believing that, following the surrender, the person will run the risk of having their fundamental rights contravened; ***points out*** that the triggering of Article 7(1) ***and (2)*** TEU does not amount to automatic non-recognition; ***recommends, therefore, the introduction of a system of precautionary measures, including suspension of the instrument, to underpin the guarantees provided, while enhancing confidence and mutual recognition between Member States;***

Or. es

Amendment 178 **Balázs Hidvéghi**

Motion for a resolution **Paragraph 27**

Motion for a resolution

27. Notes that although Article 7(1) TEU can affect mutual recognition, according to the CJEU, the executing authority must assess in each specific case whether there are substantial grounds for believing that, following the surrender, the person will run the risk of having their fundamental rights contravened; ***underlines*** that the triggering of Article 7(1) TEU does not amount to automatic non-recognition;

Amendment

27. Notes that although Article 7(1) TEU can affect mutual recognition, according to the CJEU, the executing authority must assess in each specific case whether there are substantial grounds for believing that, following the surrender, the person will run the risk of having their fundamental rights contravened; ***underlines*** that the triggering of Article 7(1) TEU does not amount to automatic non-recognition; ***notes that the latter would seriously harm cooperation in criminal matters and would undermine the functioning of the whole system;***

Or. en

Amendment 179 **Franco Roberti**

Motion for a resolution

Paragraph 27

Motion for a resolution

27. *Notes that although Article 7(1) TEU can affect mutual recognition, according to the CJEU, the executing authority must assess in each specific case whether there are substantial grounds for believing that, following the surrender, the person will run the risk of having their fundamental rights contravened; underlines that the triggering of Article 7(1) TEU does not amount to automatic non-recognition;*

Amendment

27. *Highlights the link between detention conditions and EAW measures and reminds Member States that Article 3 of the ECHR and the relevant case-law impose on the Member States not only negative obligations, by banning them from subjecting prisoners to inhuman and degrading treatment, but also positive obligations, by requiring them to ensure that prison conditions are consistent with human dignity, and that thorough, effective investigations are carried out if such rights are violated;*

Or. en

Amendment 180

Clare Daly, Mick Wallace, Fernando Barrena Arza

Motion for a resolution

Paragraph 27 a (new)

Motion for a resolution

Amendment

27 a. *Highlights that the CJEU has recognised that - although not explicitly provided in the EAW FD - in certain circumstances the EAW should be refused if there is a risk of a requested person's fundamental rights being violated in the executing country, due to inhumane prison conditions (C-404/15 and C-659/15 PPU as regards Art. 4 CFREU) or non-independent judiciaries (C-216/18 PPU as regards Art. 47 CFREU); stresses that the surrender to another Member State may also lead to other types of violations of the right to a fair trial, or to violations of the essence of other fundamental rights, such as the right to health care (Art. 35 CFREU) or the right to education in the case of children subject to EAW proceedings (Art. 14 CFREU); calls on the Member State's executing authority,*

therefore, to bear in mind the potential violations of all fundamental rights and to verify whether there are substantial grounds to believe that the surrender 'would be incompatible with the executing State's obligations in accordance with Article 6 TEU and the Charter', as expressly provided for by more recent instruments on judicial cooperation in criminal matters;

Or. en

Amendment 181

Clare Daly, Mick Wallace, Pernando Barrena Arza

Motion for a resolution

Paragraph 27 b (new)

Motion for a resolution

Amendment

27 b. Highlights the link between detention conditions and EAW measures and reminds Member States that Article 3 of the ECHR and the case-law of the European Court of Human Rights (ECtHR) impose on the Member States not only negative obligations, by banning them from subjecting prisoners to inhuman and degrading treatment, but also positive obligations, by requiring them to ensure that prison conditions are consistent with human dignity, and that thorough, effective investigations are carried out if such rights are violated; calls on Member States to take particular account of the rights of vulnerable persons and in general to thoroughly examine alternatives to detention;

Or. en

Amendment 182

Clare Daly, Mick Wallace, Pernando Barrena Arza

Motion for a resolution

Paragraph 27 c (new)

Motion for a resolution

Amendment

27 c. In order to ensure the effectiveness of the mutual recognition framework, calls on the Commission to explore the legal and financial means available at Union level to improve standards of detention, including legislative proposals on the conditions of pre-trial detention;

Or. en

Amendment 183

Clare Daly, Mick Wallace, Fernando Barrena Arza

Motion for a resolution

Paragraph 27 d (new)

Motion for a resolution

Amendment

27 d. Calls on Member States to ensure, in accordance with the Charter, the established case-law of the ECJ and the ECtHR, that everyone whose rights and freedoms are violated by a decision, action or omission in the application of the EAW has the right to an effective remedy before a tribunal;

Or. en

Amendment 184

Jorge Buxadé Villalba

Motion for a resolution

Paragraph 28

Motion for a resolution

Amendment

28. Reiterates the importance of an EU mechanism on democracy, the rule of law and fundamental rights, in the form of an interinstitutional agreement consisting of an annual independent and

deleted

evidence-based review to assess the compliance of all EU Member States with Article 2 TEU, plus country-specific recommendations;

Or. es

Amendment 185

Maite Pagazaurtundúa, Ramona Strugariu, Jan-Christoph Oetjen, Olivier Chastel, Abir Al-Sahlani

Motion for a resolution

Paragraph 28

Motion for a resolution

28. Reiterates the importance of an EU mechanism on democracy, the rule of law and fundamental rights, in the form of an interinstitutional agreement consisting of an annual independent and evidence-based review to assess the compliance of all EU Member States with Article 2 TEU, plus country-specific recommendations;

Amendment

28. Reiterates the importance of an EU mechanism on democracy, the rule of law and fundamental rights, in the form of an interinstitutional agreement consisting of an annual independent and evidence-based review to assess the compliance of all EU Member States with Article 2 TEU, plus country-specific recommendations, *so as to enhance mutual recognition between the Member States; stresses the importance of linking refused enforcement arising from a possible breach of fundamental rights with the annual results obtained through the mechanism;*

Or. es

Amendment 186

Domènec Ruiz Devesa, Juan Fernando López Aguilar, Javier Moreno Sánchez

Motion for a resolution

Paragraph 28

Motion for a resolution

28. Reiterates the importance of an EU mechanism on democracy, the rule of law and fundamental rights, in the form of an interinstitutional agreement consisting of an annual independent and evidence-based

Amendment

28. Reiterates the importance of an EU mechanism on democracy, the rule of law and fundamental rights, in the form of an interinstitutional agreement consisting of an annual independent and evidence-based

review to assess the compliance of all EU Member States with Article 2 TEU, plus country-specific recommendations;

review to assess the compliance of all EU Member States with Article 2 TEU, plus country-specific recommendations; ***notes the establishment of an EU mechanism on democracy, the rule of law and fundamental rights as a key tool contributing to strengthen mutual trust between Member States in the context of the application of the FDEAW;***

Or. en

Amendment 187

Balázs Hidvéghi

Motion for a resolution

Paragraph 28

Motion for a resolution

28. Reiterates the importance of ***an EU mechanism on*** democracy, the rule of law and fundamental rights, ***in the form of an interinstitutional agreement consisting of an annual independent and evidence-based review to assess the compliance of all EU Member States with Article 2 TEU, plus country-specific recommendations;***

Amendment

28. Reiterates the importance of democracy, the rule of law and fundamental rights;

Or. en

Amendment 188

Franco Roberti

Motion for a resolution

Paragraph 28

Motion for a resolution

28. Reiterates ***the importance of*** an EU mechanism on democracy, the rule of law and fundamental rights, ***in the form of*** an interinstitutional agreement consisting of an annual independent and evidence-based review to assess the compliance of all EU Member States with Article 2 TEU, plus

Amendment

28. Reiterates ***its call for a legislative proposal on*** an EU mechanism on democracy, the rule of law and fundamental rights, ***underpinned by*** an interinstitutional agreement consisting of an annual independent and evidence-based review to assess the compliance of all EU

country-specific recommendations;

Member States with Article 2 TEU, plus country-specific recommendations **and budgetary conditionality once in place**;

Or. en

Amendment 189

Jiří Pospíšil, Tomáš Zdechovský

Motion for a resolution

Paragraph 29

Motion for a resolution

29. ***Calls on the Commission to issue supplementing instruments on procedural rights, such as on admissibility and prison conditions in pre-trial detention, matching or surpassing CoE standards, including time limits on pre-trial detention; states that the Commission should aim for the highest standards;***

Amendment

deleted

Or. en

Amendment 190

Fabienne Keller

Motion for a resolution

Paragraph 29

Motion for a resolution

29. ***Calls on the Commission to issue supplementing instruments on procedural rights, such as on admissibility and prison conditions in pre-trial detention, **matching or surpassing** CoE standards, including time limits on pre-trial detention; states that the Commission should aim for the highest standards;***

Amendment

29. ***Calls on the Commission to **study the feasibility of** supplementing instruments on procedural rights, such as on admissibility and prison conditions in pre-trial detention, **in particular on the basis of** CoE standards, including time limits on pre-trial detention; calls on the Commission to **strengthen the information tools for national executing authorities on the conditions of pre-trial detention and imprisonment in each Member State;*****

Or. fr

Amendment 191
Balázs Hidvéghi

Motion for a resolution
Paragraph 29

Motion for a resolution

29. Calls on the Commission to issue supplementing instruments on procedural rights, such as on admissibility and prison conditions in pre-trial detention, matching or surpassing CoE standards, including time limits on pre-trial detention; states that the Commission should aim for the highest standards;

Amendment

29. Calls on the Commission to issue supplementing instruments on procedural rights, such as on admissibility and prison conditions in pre-trial detention, matching or surpassing CoE standards, including time limits on pre-trial detention; states that the Commission should aim for the highest standards ***while having full respect to the principles of subsidiarity and proportionality;***

Or. en

Amendment 192
Jorge Buxadé Villalba

Motion for a resolution
Paragraph 29

Motion for a resolution

29. Calls on the Commission to ***issue*** supplementing instruments on procedural rights, such as on admissibility and prison conditions in pre-trial detention, ***matching or surpassing CoE standards,*** including time limits on pre-trial detention; states that the Commission should aim for the highest standards;

Amendment

29. Calls on the Commission to ***recommend to the Member States*** supplementing instruments on procedural rights, such as on admissibility and prison conditions in pre-trial detention, including time limits on pre-trial detention; states that the Commission should aim for the highest standards;

Or. es

Amendment 193
Clare Daly, Mick Wallace, Pernando Barrena Arza

Motion for a resolution

Paragraph 29

Motion for a resolution

29. Calls on the Commission to issue supplementing instruments on procedural rights, such as on ***admissibility and prison conditions in*** pre-trial detention, ***matching or*** surpassing ***CoE*** standards, including time limits on pre-trial detention; states that the Commission should aim for the highest standards;

Amendment

29. Calls on the Commission to issue supplementing instruments on procedural rights, such as on pre-trial detention, surpassing ***Council of Europe*** standards, including time limits on pre-trial detention; states that the Commission should aim for the highest standards;

Or. en

Amendment 194

Loránt Vincze

Motion for a resolution

Paragraph 29 a (new)

Motion for a resolution

Amendment

29 a. Reiterates its call^{1a} for Member States to improve deficient prison conditions; calls on the European Commission to fully exploit the possibility of financing the modernisation of detention facilities from the EU Structural Funds; recalls in this regard that in its 2018 conclusions on 'promoting mutual recognition by enhancing mutual trust'^{1b} the Council also invited the Commission to promote the use of EU funds to support the Member States to address the problem of deficient detention conditions;

^{1a} ***European Parliament resolution of 5 October 2017 on prison systems and conditions, P8_TA(2017)0385***

^{1b} ***Council conclusions on mutual recognition in criminal matters- 'Promoting mutual recognition by enhancing mutual trust', OJ C 449 of 13 December 2018***

Or. en

Amendment 195

Gwendoline Delbos-Corfield, Diana Riba i Giner, Saskia Bricmont, Tineke Strik

Motion for a resolution

Paragraph 29 a (new)

Motion for a resolution

Amendment

29 a. Is concerned about prison conditions in certain Member States and recalls that deprivation of liberty does not equate to deprivation of dignity; welcomes in this regard the new Criminal Detention Database of FRA and considers it a first positive step for a better common assessment of prison conditions in the EU^{2a};

2a

<https://fra.europa.eu/en/databases/criminal-detention/criminal-detention/home>

Or. en

Amendment 196

Gwendoline Delbos-Corfield, Diana Riba i Giner, Saskia Bricmont, Tineke Strik

Motion for a resolution

Paragraph 29 b (new)

Motion for a resolution

Amendment

29 b. Believes that the absence of minimum standards on prison conditions and pre-trial detention at the EU level, and of the limitation of the use of pre-trial detention as a measure of last resort and of consideration of alternatives, coupled with the lack of proper assessment of whether the case is trial-ready, can lead to unjustified and excessive periods of suspects and accused persons in pre-trial detention; recalls that this situation has been further exacerbated by the Covid-19 pandemic;

Amendment 197

Gwendoline Delbos-Corfield, Diana Riba i Giner, Saskia Bricmont, Tineke Strik

Motion for a resolution

Paragraph 29 c (new)

Motion for a resolution

Amendment

29 c. *Considers that an efficient long-term management of penitentiary systems should be implemented, reducing the number of prisoners by more frequent use of non-custodial punishments, such as community service, financial penalties or electronic monitoring; stresses that alternative measures to detention should be considered throughout the whole criminal justice chain; calls on the Commission to step up efforts in this direction and to set up a EU monitoring mechanism on prison and detention conditions;*

Amendment 198

Franco Roberti

Motion for a resolution

Paragraph 30

Motion for a resolution

Amendment

30. *Calls on* the Commission to *provide an assessment of ne bis in idem and possible legislative action;*

30. *Requests* the Commission to *submit a legislative proposal to revise the EAW and provide for, inter alia:*
- a proportionality check when issuing an EAW, based on all the relevant factors and circumstances such as the seriousness of the offence, whether the case is trial-ready, the impacts on the rights of the requested person, the cost implications and the availability of an appropriate less intrusive alternative

measure;

- a standardised consultation procedure whereby the competent authorities in the issuing and executing Member State can exchange information regarding the execution of EAW, in particular with regard to proportionality and trial-readiness;

- a mandatory refusal ground where there are substantial grounds to believe that the execution of the EAW would be incompatible with the executing Member State's obligation in accordance with Article 6 TEU and the Charter of Fundamental Rights;

Or. en

Amendment 199

Clare Daly, Mick Wallace, Pernando Barrena Arza

Motion for a resolution

Paragraph 30

Motion for a resolution

30. Calls on the Commission to provide an assessment of ne bis in idem and possible legislative *action*;

Amendment

30. Calls on the Commission to provide an assessment of ne bis in idem and *conflicts of jurisdiction, with a view to possible legislative actions pursuant to Art. 82(1) TFEU*;

Or. en

Amendment 200

Gwendoline Delbos-Corfield

Motion for a resolution

Paragraph 30

Motion for a resolution

30. Calls on the Commission to provide an assessment of ne bis in idem and possible legislative action;

Amendment

30. Calls on the Commission to provide an assessment of *the compliance with* ne bis in idem and possible legislative action;

Amendment 201

Jiří Pospíšil, Tomáš Zdechovský

Motion for a resolution

Paragraph 30

Motion for a resolution

30. Calls on the Commission to provide an assessment of ne bis in idem **and possible legislative action**;

Amendment

30. Calls on the Commission to provide an assessment of ne bis in idem;

Amendment 202

Clare Daly, Mick Wallace, Pernando Barrena Arza

Motion for a resolution

Paragraph 32

Motion for a resolution

32. Points out that **shortcomings with the EAW can lead to a denial of access to justice and a lack of protection for victims; emphasises that impunity, as a result of** deficiencies in judicial cooperation, **has a very negative impact on the rule of law, judicial systems and society**;

Amendment

32. Points out that deficiencies in judicial cooperation **might run counter to the interests of victims**;

Amendment 203

Maite Pagazaurtundúa, Ramona Strugariu, Jan-Christoph Oetjen, Olivier Chastel, Abir Al-Sahlani, Fabienne Keller

Motion for a resolution

Paragraph 32

Motion for a resolution

32. Points out that shortcomings with

Amendment

32. Points out that shortcomings with

the EAW can lead to a denial of access to justice and a lack of protection for victims; emphasises that impunity, as a result of deficiencies in judicial cooperation, has a very negative impact on the rule of law, judicial systems *and society*;

the EAW can lead to a denial of access to justice and a lack of protection for victims; emphasises that impunity, as a result of deficiencies in judicial cooperation, has a very negative impact on the rule of law, judicial systems, *public confidence in the institutions and the victims themselves*;

Or. es

Amendment 204
Gwendoline Delbos-Corfield

Motion for a resolution
Paragraph 32

Motion for a resolution

32. Points out that shortcomings with the EAW can lead to a denial of access to justice and a lack of protection for victims; emphasises that impunity, as a result of deficiencies in judicial cooperation, *has a very negative* impact on the rule of law, judicial systems and society;

Amendment

32. Points out that shortcomings with the EAW can lead to a denial of access to justice and a lack of protection for victims; emphasises that impunity, as a result of deficiencies in judicial cooperation, *may have a detrimental* impact on the rule of law, judicial systems and society;

Or. en

Amendment 205
Gwendoline Delbos-Corfield

Motion for a resolution
Paragraph 32 a (new)

Motion for a resolution

32 a. Stresses that according to FRA, the information about defendants' procedural rights in criminal proceedings differs in both scope and how it is conveyed; calls on the Member States to put in place safeguards to ensure that individuals are effectively informed about their procedural rights as soon as they are suspected of having committed an offense;

Amendment

Amendment 206
Gwendoline Delbos-Corfield

Motion for a resolution
Paragraph 32 b (new)

Motion for a resolution

Amendment

32 b. Notes that according to the standards of the ECtHR and the requirements set out in Directive 2013/48/EU on the right of access to a lawyer, defendants should have access to a lawyer without undue delay; recalls that ensuring adequate time to prepare a case and having full and quick access to the materials of the case would improve the quality of representation; stresses that given the cross-border nature of EAW proceedings, which frequently involve defendants who do not speak the language of the executing Member State, ensuring access to interpretation services at the initial stage of the proceedings, and in particular, facilitating communication with lawyers, is an essential safeguard of fair proceedings and a requirement pursuant to Directive 2010/64/EU; urges the Commission and the Member States to ensure that the right of access to a lawyer and to legal aid in both the issuing and executing Member States is guaranteed both in law and in practice;

Or. en

Amendment 207
Gwendoline Delbos-Corfield, Diana Riba i Giner, Tineke Strik

Motion for a resolution
Paragraph 32 c (new)

Motion for a resolution

Amendment

32 c. Considers that the challenges identified due to the incorrect or incomplete implementation of the procedural rights Directives not only undermine mutual trust but are also costly in social and economic terms to the individuals concerned, their families, and society as a whole;

Or. en

Amendment 208
Gwendoline Delbos-Corfield

Motion for a resolution
Paragraph 33

Motion for a resolution

33. States that the EAW is effective; believes, however, that the main issue relates to coherence;

Amendment

33. States that the EAW is effective; believes, however, that the main issue relates to ***compliance with EU values and fundamental rights; stresses however that there are also issues with regards to coherence and efficiency;***

Or. en

Amendment 209
Clare Daly, Mick Wallace, Fernando Barrena Arza

Motion for a resolution
Paragraph 33

Motion for a resolution

33. States that the EAW is effective; believes, however, that ***the main issue relates to coherence;***

Amendment

33. States that the EAW is effective; believes, however, that ***effectiveness is not the only or main criterion to assess an instrument that is used to limit personal freedom;***

Or. en

Amendment 210
Jorge Buxadé Villalba

Motion for a resolution
Paragraph 33

Motion for a resolution

33. States that *the EAW is effective*; believes, however, that the main issue relates to coherence;

Amendment

33. States that *there is room for improvement regarding the effectiveness of the EAW*; believes, however, that the main issue relates to coherence;

Or. es

Amendment 211
Jiří Pospíšil, Tomáš Zdechovský

Motion for a resolution
Paragraph 34

Motion for a resolution

34. *Calls on the Commission to provide for a coherent policy on mutual recognition to avoid different answers to the same issues;*

Amendment

deleted

Or. en

Amendment 212
Gwendoline Delbos-Corfield

Motion for a resolution
Paragraph 34

Motion for a resolution

34. Calls on the Commission to provide for a coherent policy on mutual recognition *to avoid* different answers to the same issues;

Amendment

34. Calls on the Commission to provide for a coherent policy on mutual recognition *which ensures that Member States comply with EU law and with the fundamental rights recognised by the Charter; also calls on the Commission to assess the reasons why there might be* different answers to the same issues; *recalls that the*

EAW cannot be assessed in isolation;

Or. en

Amendment 213

Clare Daly, Mick Wallace, Pernando Barrena Arza

Motion for a resolution

Paragraph 34

Motion for a resolution

34. Calls on the Commission to provide for a coherent policy on mutual recognition ***to avoid different answers to the same issues;***

Amendment

34. Calls on the Commission to provide for a coherent policy on mutual recognition, ***which takes into account the CJEU case law, the current level of harmonisation of Member States criminal law and procedure, and the existing risks of fundamental rights violations in several Member States;***

Or. en

Amendment 214

Maite Pagazaurtundúa, Ramona Strugariu, Jan-Christoph Oetjen, Olivier Chastel, Abir Al-Sahlani

Motion for a resolution

Paragraph 34

Motion for a resolution

34. Calls on the Commission to provide for a coherent policy on mutual recognition to avoid different answers to the same issues;

Amendment

34. Calls on the Commission to provide for a coherent policy on mutual recognition to avoid different answers to the same issues ***and to formulate new mechanisms to ensure the uniform implementation of grounds for refused enforcement arising from a possible breach of fundamental rights;***

Or. es

Amendment 215

Maite Pagazaurtundúa, Ramona Strugariu, Jan-Christoph Oetjen, Abir Al-Sahlani

Motion for a resolution
Paragraph 34 a (new)

Motion for a resolution

Amendment

34a. Calls in particular for the establishment of mandatory grounds for refused enforcement arising from a possible breach of fundamental rights that are based on the results obtained through the EU mechanism on democracy, the rule of law and fundamental rights and that, in the interests of improved legal certainty, replace examination of each individual case by the Member State of enforcement; calls in addition for a system of precautionary measures to be incorporated into the Framework Decision in order to underpin the guarantees provided, thereby enhancing trust and mutual recognition between Member States where Article 7(1) or (2) of the TEU has been activated and confidence in the Member State concerned is being drastically eroded;

Or. es

Amendment 216

Maite Pagazaurtundúa, Ramona Strugariu, Jan-Christoph Oetjen, Olivier Chastel, Abir Al-Sahlani

Motion for a resolution
Paragraph 35

Motion for a resolution

Amendment

35. Calls on the Commission to conduct a cross-case study of instruments so as to prevent abnormalities, as with the rules on transfer of prisoners and EAWs;

35. Calls on the Commission to conduct a cross-case study of instruments so as to prevent abnormalities, as with the rules on transfer of prisoners and EAWs; ***urges in particular that the practical implementation of the instrument in different countries be observed, with a view to identifying good practices that result in a high degree of compliance with***

warrants issued by certain countries and the specific difficulties encountered in countries where the level of non-compliance with European arrest warrants is particularly high;

Or. es

Amendment 217

Clare Daly, Mick Wallace, Fernando Barrena Arza

Motion for a resolution

Paragraph 35

Motion for a resolution

35. Calls on the Commission to conduct a cross-case study of instruments so as to ***prevent abnormalities, as with the*** rules on transfer of prisoners and EAWs;

Amendment

35. Calls on the Commission to conduct a cross-case study of instruments so as to ***ensure their coordination and correct interplay, for example as regards the*** rules on transfer of prisoners and EAWs, ***in order to avoid national authorities issuing EAWs when other instruments could provide a more proportionate and less-intrusive solution;***

Or. en

Amendment 218

Gwendoline Delbos-Corfield

Motion for a resolution

Paragraph 35

Motion for a resolution

35. Calls on the Commission to conduct a cross-case study of instruments so as to ***prevent abnormalities, as with the*** rules on transfer of prisoners and EAWs;

Amendment

35. Calls on the Commission to conduct a cross-case study of instruments so as to ***identify how to make a better use of all of them, the challenges concerning their correct implementation and the way forward towards achieving EU minimum standards, particularly in criminal procedural safeguards and in prison and detention conditions;***

Amendment 219

Jiří Pospíšil, Tomáš Zdechovský

Motion for a resolution

Paragraph 35

Motion for a resolution

35. Calls on the Commission to conduct a cross-case study of instruments *so as to prevent abnormalities, as with the rules on transfer of prisoners and EAWs*;

Amendment

35. Calls on the Commission to conduct a cross-case study of *mutual recognition* instruments;

Amendment 220

Maite Pagazaurtundúa, Olivier Chastel, Ramona Strugariu

Motion for a resolution

Paragraph 35 a (new)

Motion for a resolution

Amendment

35 a. Calls on the Commission to carry out a regular assessment of non-executed EAWs and consider whether they, together with the corresponding SIS, Interpol and Europol alerts, should be withdrawn. There should be an automatic link between the withdrawal of a European Arrest Warrant (EAW) and the removal of such alerts.

Amendment 221

Clare Daly, Mick Wallace, Fernando Barrena Arza

Motion for a resolution

Paragraph 36

Motion for a resolution

Amendment

36. States that *coherency* issues **must** be addressed by practical measures (training of practitioners), soft law (handbooks and recommendations), very targeted legislation (the definition of judicial authority, *ne bis in idem*, fundamental rights, etc.) and supplementing legislation (pre-trial detention);

36. States that *the identified* issues **related to the implementation of the EAW FD** can be addressed by **a combination of** practical measures (training of practitioners), soft law (handbooks and recommendations), very targeted legislation (the definition of judicial authority, *ne bis in idem*, fundamental rights, etc.) and supplementing legislation (pre-trial detention); **considers that the Commission should work towards a full and correct implementation of the EAW in all Member States before presenting new legislative proposals aiming at amending the Framework Decision; stresses that the introduction, in national law, of an explicit ground for non-execution based on the violation of fundamental rights cannot be considered as an incorrect transposition of the EAW FD and that, therefore, the Commission should not launch infringement procedures with regard to this specific aspect;**

Or. en

Amendment 222

Jiří Pospíšil, Tomáš Zdechovský

Motion for a resolution

Paragraph 36

Motion for a resolution

36. States that coherency issues must be addressed by practical measures (training of practitioners), soft law (handbooks and recommendations), **very targeted legislation (the definition of judicial authority, *ne bis in idem*, fundamental rights, etc.) and supplementing legislation (pre-trial detention);**

Amendment

36. States that coherency issues must be addressed by practical measures (training of practitioners), soft law (handbooks and recommendations);

Or. en

Amendment 223

Fabienne Keller

Motion for a resolution

Paragraph 36

Motion for a resolution

36. States that coherency issues must be addressed by practical measures (training of practitioners), soft law (handbooks and recommendations), very targeted legislation (the definition of judicial authority, ne bis in idem, fundamental rights, etc.) **and supplementing legislation (pre-trial detention)**;

Amendment

36. States that coherency issues must be addressed **as a matter of priority** by practical measures (training of practitioners) **and by** soft law (handbooks and recommendations), **and as a second step, if deemed necessary, taking into account the 9th round of mutual evaluation, through a** very targeted **revision of the** legislation (the definition of judicial authority, ne bis in idem, fundamental rights, etc.);

Or. fr

Amendment 224

Jorge Buxadé Villalba

Motion for a resolution

Paragraph 37

Motion for a resolution

37. **Recommends, in the medium term, the promotion of an EU judicial code in criminal matters to guarantee legal certainty and coherence;**

deleted

Amendment

Or. es

Amendment 225

Nathalie Colin-Oesterlé

Motion for a resolution

Paragraph 37

Motion for a resolution

37. **Recommends, in the medium term,**

deleted

Amendment

the promotion of an EU judicial code in criminal matters to guarantee legal certainty and coherence;

Or. fr

Amendment 226

Jiří Pospíšil, Tomáš Zdechovský

Motion for a resolution

Paragraph 37

Motion for a resolution

Amendment

37. Recommends, in the medium term, the promotion of an EU judicial code in criminal matters to guarantee legal certainty and coherence; *deleted*

Or. en

Amendment 227

Balázs Hidvéghi

Motion for a resolution

Paragraph 37

Motion for a resolution

Amendment

37. Recommends, in the medium term, the promotion of an EU judicial code in criminal matters to guarantee legal certainty and coherence; **37. deleted**

Or. en

Amendment 228

Clare Daly, Mick Wallace, Pernando Barrena Arza

Motion for a resolution

Paragraph 37

Motion for a resolution

Amendment

37. Recommends, in the medium term, the promotion of an EU judicial code in criminal matters to guarantee legal certainty and coherence;

37. Recommends, in the medium term, the promotion of an EU judicial *cooperation* code in criminal matters to guarantee legal certainty and *the* coherence *of the various extant EU instruments*;

Or. en

Amendment 229
Gwendoline Delbos-Corfield

Motion for a resolution
Paragraph 37

Motion for a resolution

37. Recommends, in the medium term, the promotion of an EU judicial code in criminal matters to guarantee legal certainty *and* coherence;

Amendment

37. Recommends, in the medium term, the promotion of an EU judicial code in criminal matters to guarantee legal certainty, coherence *and individuals' fundamental rights*;

Or. en

Amendment 230
Gwendoline Delbos-Corfield, Diana Riba i Giner, Tineke Strik

Motion for a resolution
Paragraph 37 a (new)

Motion for a resolution

Amendment

37 a. Recalls that the aim of the minimum criminal procedural safeguards laid down in the procedural rights Directives is to ensure a fair trial; highlights that the right to a fair trial is of cardinal importance as a guarantee that the fundamental rights of individuals and the rule of law will be safeguarded; highlights that procedural rights compliance must be a pre-condition for executing any EAW; recalls that increased safeguards are needed to prevent abuse of EAWs;

Amendment 231
Gwendoline Delbos-Corfield

Motion for a resolution
Paragraph 37 b (new)

Motion for a resolution

Amendment

37 b. *Underlines that there is no mechanism in place to ensure a proper follow-up to assurances provided by issuing judicial authorities after surrender; requests the Commission to explore possible measures in this direction;*

Or. en

Amendment 232
Gwendoline Delbos-Corfield

Motion for a resolution
Paragraph 38

Motion for a resolution

Amendment

38. Calls on the Commission to continue negotiations with the UK in order to find the best solution that guarantees effective cooperation in criminal matters;

38. Calls on the Commission to continue negotiations with the UK in order to find the best solution that guarantees effective cooperation in criminal matters ***while ensuring the protection of individuals' fundamental rights; points out that this would become extremely difficult should the UK withdraw from the European Convention on Human Rights or repeal the Human Rights Act;***

Or. en

Amendment 233
Franco Roberti

Motion for a resolution
Paragraph 38

Motion for a resolution

38. Calls on the Commission to continue negotiations with the UK in order to find the best solution that guarantees effective cooperation in criminal matters;

Amendment

38. Calls on the Commission to continue negotiations with the UK in order to find the best solution that guarantees effective cooperation in criminal matters ***without lowering or undermining EU standards in respect of the procedural and fundamental rights of suspects and accused persons.***

Or. en

Amendment 234
Loránt Vincze

Motion for a resolution
Paragraph 38 a (new)

Motion for a resolution

Amendment

38 a. Points out that in case the EU and the UK will fail to reach a new extradition agreement within an overall partnership agreement by the end of the transition period, the parties will have to revert to the 1957 European Convention on Extradition of the Council of Europe, which entails much slower processes of political and diplomatic nature, rather than technical ones;

Or. en

Amendment 235
Loránt Vincze

Motion for a resolution
Paragraph 38 b (new)

Motion for a resolution

Amendment

38 b. Notes that UK extradited fewer

than 60 people a year to any country before the introduction of the EAW and that from 2009/2010 to 2017/2018, the UK returned 9,853 EU nationals to their home states to face justice, and brought back 1,271 Britons^{1a};

^{1a} *<https://www.theguardian.com/uk-news/2020/feb/27/uk-to-withdraw-from-european-arrest-warrant>*

Or. en