**Landmark ruling on the European Arrest Warrant**

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**New Eurojust tool to map out the position of public prosecutors in each Member State**

In a headline-grabbing judgement on 27 May 2019, the European Court of Justice ruled that German public prosecution offices may no longer issue European Arrest Warrants (EAW) since they were found not to have a sufficiently independent status. The ruling, which has immediate and far-reaching implications for the daily interaction between judicial authorities, immediately spurred Eurojust into action. A [**country-by-country overview**](http://www.eurojust.europa.eu/doclibrary/Eurojust-framework/Casework/Questionnaire%20on%20the%20impact%20of%20the%20CJEU%20judgments%20on%20the%20EAW%20(June%202019)/2019-11_Questionnaire-on-impact-of-CJEU-judgments-on-EAW_EN.pdf)has been established with (i)concise information on the position of public prosecutors, (ii) who ultimately is empowered to take the decision on EAWs, and (iii) whether national law affords public prosecutors a guarantee of independence from the executive branch.

In addition to providing operational support to Member States in individual cases and supporting the issuance of more than 800 EAWs in 2018, Eurojust regularly assesses how the European Court of Justice interprets the use of the EAW. The [**2018 edition of Eurojust’s Overview on Case Law of the Court of Justice of the European Union (CJEU) on the EAW**](http://www.eurojust.europa.eu/doclibrary/Eurojust-framework/caselawanalysis/Case%20Law%20by%20the%20Court%20of%20Justice%20of%20the%20European%20Union%20on%20the%20European%20Arrest%20Warrant%20(October%202018)/2018-10_EAW-case-law_EN.pdf)contains 33 important judgements in the period 2007–2018, categorised according to a set of user-friendly keywords.

**150 EAWs replaced in Germany**  
Following the judgement of 27 May, German public prosecutors remain in charge of preparing the EAWs, but the German courts have the competence to issue them. Approximately 150 EAWs have already been replaced, starting with EAWs for which persons were actually held in custody only on the basis of the disputed EAW, and also EAWs for serious offences. The Netherlands is in the process of adapting its national law, indicating that a judge (‘rechter commissaris’) will become the competent judicial authority for issuing EAWs.

**Practical snapshot of the position of public prosecutors in each Member State**  
Established in close cooperation with the National Desks at Eurojust and with representatives of the Member States through the EU Council of Ministers, the new compilation by Eurojust provides an important snapshot of key features of the national legal systems and each Member State’s assessment of the degree of independence of its public prosecutors. It is a practical tool that will help judicial authorities to quickly find the answers to important questions when cooperating on the basis of the EAW, and is available to practitioners via their National Desks at Eurojust.

**Future updates**  
The overview will be continuously updated in light of future developments.

*‘Eurojust will continue its support in this area also from a more strategic and forward-looking perspective’, said Maria Poza Cisneros, Deputy to the National Member for Spain and Head of the Judicial Cooperation Instruments Team at Eurojust, who has been in charge of the mapping exercise and represented Eurojust in the Council discussions. ‘We are currently finalizing discussions on the way forward, but the plan is to monitor closely ongoing cases in the Court, identify the ones with most impact, e.g. that affect more Member States or a European judicial instrument, and design, in a coordinated manner, along with the European Judicial Network and Member States’ representatives in the EU Council of Ministers, a strategy on how to approach different scenarios and have this ready for judicial practitioners before the outcome of the judgement or directly in its aftermath.’*

**Background and suggested further reading**  
The judgements concerned Joined Cases [**OG (C-508/18)**](http://curia.europa.eu/juris/liste.jsf?num=C-508/18) and [**PI (C-82/19 PPU)**](http://curia.europa.eu/juris/liste.jsf?language=en&td=ALL&num=C-82/19%20PPU) and Case [**PF (C-509/18)**](http://curia.europa.eu/juris/liste.jsf?num=C-509/18), and responded to two references for a preliminary ruling from Irish courts. For further information and a more extensive background, see [**EUCRIM’s article “CJEU: German Public Prosecution Office is not a “Judicial Authority” in the EAW Context”**](https://eucrim.eu/news/cjeu-german-public-prosecution-office-is-not-a-judicial-authority-in-the-eaw-context/) of 19 June 2019