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“The European Arrest Warrant after Brexit”

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It seems to be self-evident, that perpetrators who committed a crime in another Member State other than their home country should be extradited to appear before a court or serve a sentence in the Member State where they committed the offence. It is a corollary of the freedom of movement. Crime does not stop at national borders, and so judicial prosecution should not either. The European Arrest Warrant has proved in my view to be a successful EU instrument in fight of serious crime in the common European area of freedom, security and justice.

Paulo Rangel, the rapporteur for this opinion, has emphasised the need to reinforce the system by strengthening the oversight role of the EU institutions, of the European Commission and the European Court of Justice. I support this recommendation.

The Rapporteur is right when he says that the EU’s extradition system is based on mutual trust between the Member States, on the confidence that every single Member State respects the rule of law and the European Charter of Fundamental rights and that the rights of every EU citizen are guaranteed, regardless of the Member State where they are residing.

Protecting citizen’s rights was the main priority in the negotiations on the UK Withdrawal Agreement. It is also a principle and concern in the negotiations on the future partnership with the UK.

The Withdrawal Agreement specifies that the UK can continue to make use of the European Arrest Warrant regime as long as the process for extradition starts before the end of the transition period, so before 31 December 2020. Afterwards, the EU and Member States can refuse to extradite their citizens to the UK and the UK has the right to decline to execute a warrant concerning a UK citizen. This is one of the realities of Brexit. 22 EU member states have restrictions on extraditing their nationals to countries outside the EU. The general extradition system simply falls short of the European Arrest Warrant’s cooperation agreements

The EU position has always been that if the UK grants freedom of movement to EU citizens, continued participation in the European Arrest Warrant is an option. But as we all know, the UK has decided that the principle of the freedom of movement of persons will no longer apply. The EU offers UK an agreement similar to the extradition mechanism the EU negotiated with Norway and Iceland. The future arrangement would have, however, be underpinned by long-standing commitments

to the fundamental rights of individuals, including continued adherence and giving effect to the ECHR. But this is what the UK is not willing to accept. The issue remains open for the time being and should be on the radar of AFCO monitoring group on the UK withdrawal.