

EN
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Answer given by Mr McGrath
on behalf of the European Commission
(4.3.2025)

The European arrest warrant (EAW) is a judicial procedure between judicial authorities in the Member States based on the particular circumstances of each individual case where surrender is requested. Neither the Commission nor the Member States' governments can interfere or influence decisions taken by the judicial authorities.

The Court of Justice of the EU (CJEU) held that the principle of mutual recognition, which underpins the EAW framework decision, means that, in accordance with Article 1(2) thereof, the Member States are in principle obliged to act upon an EAW, arresting the persons concerned and bringing them before a national court competent to examine the warrant, including to see whether any grounds for refusal apply. In order to assess whether there is a ground for refusing the EAW, the executing court should take into account the CJEU's case-law on the EAW, and in particular regarding the two-step procedure set out in that case-law¹.

The Commission notes that an Article 7(1) of the Treaty on EU procedure against Hungary is ongoing in Council. This procedure was initiated by the European Parliament in 2018. It is for the Council to decide on next steps in this ongoing procedure. The Commission shares the concerns expressed by the European Parliament in this procedure and always stands ready to participate in hearings and state-of-play points in the Council.

¹ Judgment of the Court of Justice of 25 July 2018, *LM*, C-216/18 PPU, ECLI:EU:C:2018:586 and Judgment of the Court of Justice of 31 January 2023, *Puig Gordi and Others*, C-158/21, ECLI:EU:C:2023:57.