



EUROPEAN PARLIAMENT

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Committee on Civil Liberties, Justice and Home Affairs

2013/2109(INL)

10.12.2013

AMENDMENTS

1 - 150

Draft report
Sarah Ludford
(PE522.805v02-00)

with recommendations to the Commission on the review of the European
Arrest Warrant
(2013/2109(INL))

AM_Com_NonLegReport

Amendment 1
Cornelis de Jong

Motion for a resolution
Citation 1 a (new)

Motion for a resolution

Amendment

- having regard to Articles 3 and 6 and of the Treaty on the Functioning of the European Union, the European Convention on Human Rights and the Charter of the Fundamental Rights of the European Union;

Or. en

Amendment 2
Judith Sargentini

Motion for a resolution
Citation 1 a (new)

Motion for a resolution

Amendment

- having regard to Articles 2, 6 and 7 of the Treaty on European Union and the Charter of Fundamental Rights of the European Union

Or. en

Amendment 3
Sarah Ludford

Motion for a resolution
Citation 1 a (new)

Motion for a resolution

Amendment

- having regard to Articles 2, 6, and 7 of the Treaty on European Union and to the Charter of Fundamental Rights of the

European Union,

Or. en

Amendment 4
Birgit Sippel, Carmen Romero López

Motion for a resolution
Citation 1 a (new)

Motion for a resolution

Amendment

*- having regard to Articles 2, 6 and 7 of
the Treaty on European Union and the
Charter of Fundamental Rights of the
European Union,*

Or. en

Amendment 5
Salvatore Iacolino

Motion for a resolution
Citation 5 a (new)

Motion for a resolution

Amendment

*– having regard to its resolution of 23
October 2013 on organised crime,
corruption, and money laundering:
recommendations on action and
initiatives to be taken (final report)
(2013/2017(INI)),*

Or. it

Amendment 6
Sarah Ludford

Motion for a resolution
Citation 6 a (new)

Motion for a resolution

Amendment

- having regard to the proposal for a regulation of the European Parliament and of the Council establishing for the period 2014 to 2020 the Justice Programme (COM(2011)0759 – C7-0439/2011 – 2011/0369(COD)),

Or. en

**Amendment 7
Sarah Ludford**

**Motion for a resolution
Citation 6 b (new)**

Motion for a resolution

Amendment

- having regard to the Commission Communication 'Building Trust in EU-wide justice, a new dimension to European Judicial Training', 13.09.2011, COM(2011)551 final,

Or. en

**Amendment 8
Sarah Ludford**

**Motion for a resolution
Citation 6 c (new)**

Motion for a resolution

Amendment

- having regard to its Resolution on detention conditions in the EU (2011/2897(RSP)),

Or. en

Amendment 9
Sarah Ludford

Motion for a resolution
Citation 6 d (new)

Motion for a resolution

Amendment

- having regard to its report with a recommendation to the Council on the rights of prisoners in the European Union (2003/2188(INI)),

Or. en

Amendment 10
Birgit Sippel, Carmen Romero López

Motion for a resolution
Citation 9 a (new)

Motion for a resolution

Amendment

- having regard to the European Parliament resolution of 15 December 2011 on detention conditions in the EU (2011/2897(RSP)),

Or. en

Amendment 11
Judith Sargentini

Motion for a resolution
Recital A

Motion for a resolution

Amendment

A. Whereas Framework Decision 2002/584/JHA **constitutes the cornerstone** of mutual recognition **and has been very successful in** speeding up surrender compared to **traditional** extradition **procedures** among Member States;

A. Whereas Framework Decision 2002/584/JHA **was the first and most well-known measure implementing the principle** of mutual recognition **of judicial decisions in criminal matters (now laid down in Article 82 TFEU); whereas**

Commission statistics (COM (2011) 0175) confirm that the implementation of surrender procedures in accordance with Framework Decision 2002/584/JHA has led to a drastic speeding up of surrender as compared to extradition procedures among Member States, both in cases in which wanted persons consent to surrender and in cases in which they do not;

Or. en

Amendment 12
Andreas Mölzer

Motion for a resolution
Recital A

Motion for a resolution

A. Whereas Framework Decision 2002/584/JHA constitutes the cornerstone of mutual recognition and *has been very successful in speeding up* surrender compared to traditional extradition procedures among Member States;

Amendment

A. Whereas Framework Decision 2002/584/JHA constitutes the cornerstone of mutual recognition and *its purpose is to speed up* surrender compared to traditional extradition procedures among Member States;

Or. de

Amendment 13
Timothy Kirkhope
on behalf of the ECR Group

Motion for a resolution
Recital A

Motion for a resolution

A. Whereas Framework Decision 2002/584/JHA *constitutes the cornerstone of mutual recognition and has been very successful in speeding up surrender compared to traditional extradition procedures among Member States;*

Amendment

A. Whereas *the introduction of* Framework Decision 2002/584/JHA *was created to increase the speed and ease of extradition throughout EU countries compared to traditional extradition procedures by creating a judiciary based*

system; the Framework Decision has in most part been successful in achieving this, and now constitutes the cornerstone of mutual recognition;

Or. en

Amendment 14
Birgit Sippel, Carmen Romero López

Motion for a resolution
Recital A

Motion for a resolution

A. Whereas Framework Decision 2002/584/JHA constitutes the cornerstone of mutual recognition and has been very successful in speeding up surrender compared to traditional extradition procedures among Member States;

Amendment

A. Whereas the European Union has set itself the task of developing an area of freedom, security and justice, and whereas, pursuant to Article 6 of the Treaty on European Union, it respects human rights and fundamental freedoms, thereby taking on positive obligations which it must meet in order to honour that commitment and whereas Framework Decision 2002/584/JHA constitutes the cornerstone of mutual recognition and has been very successful in speeding up surrender compared to traditional extradition procedures among Member States;

Or. en

Amendment 15
Kinga Gál

Motion for a resolution
Recital A a (new)

Motion for a resolution

Aa. whereas all existing mutual recognition instruments in the field of criminal justice complement each other,

therefore that very instrument should be used, which can lead to the best result; and whereas both the issuing and executing authorities have the duty to cooperate and to find the best solution to a case;

Or. en

Amendment 16
Timothy Kirkhope
on behalf of the ECR Group

Motion for a resolution
Recital A a (new)

Motion for a resolution

Amendment

Aa. Whereas the introduction of the European Arrest Warrant system was intended to increase the speed and ease of extradition throughout EU countries, and has in most part been successful in achieving this;

Or. en

Amendment 17
Sarah Ludford

Motion for a resolution
Recital A a (new)

Motion for a resolution

Amendment

Aa. Whereas 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 EU area of freedom, security and justice; whereas mutual trust is enhanced

through training, cooperation and dialogue between judicial authorities and legal practitioners creating a genuine European judicial culture;

Or. en

Amendment 18
Judith Sargentini

Motion for a resolution
Recital B

Motion for a resolution

B. Whereas problems have however arisen in its operation, some specific to Framework Decision 2002/584/JHA and resulting *largely* from poor implementation, but others shared with the set of mutual recognition instruments due to the incomplete and unbalanced development of the Union area of criminal justice;

Amendment

B. Whereas problems have however arisen in its operation, some specific to Framework Decision 2002/584/JHA and resulting from *its* poor implementation *and drafting*, but others shared with the set of mutual recognition instruments due to the incomplete and unbalanced development of the Union area of criminal justice;

Or. en

Amendment 19
Cornelis de Jong

Motion for a resolution
Recital B

Motion for a resolution

B. Whereas problems have however arisen *in its operation*, some specific to Framework Decision 2002/584/JHA and resulting *largely* from poor implementation, *but* others shared with the set of mutual recognition instruments due to the incomplete and unbalanced development of the Union area of criminal justice;

Amendment

B. Whereas problems have however arisen, some specific to Framework Decision 2002/584/JHA and resulting *either from the lack of clearly spelled out fundamental human rights safeguards, or* from poor implementation, *whereas* others *are* shared with the set of mutual recognition instruments due to the incomplete and unbalanced development of

the Union area of criminal justice;

Or. en

Amendment 20
Andreas Mölzer

Motion for a resolution
Recital B

Motion for a resolution

B. Whereas problems have however arisen in its operation, some specific to Framework Decision 2002/584/JHA ***and resulting largely from poor implementation, but others shared with the set of mutual recognition instruments due to the incomplete and unbalanced development of the Union area of criminal justice;***

Amendment

B. Whereas problems have however arisen in its operation, some specific to Framework Decision 2002/584/JHA;

Or. de

Amendment 21
Timothy Kirkhope
on behalf of the ECR Group

Motion for a resolution
Recital B

Motion for a resolution

B. Whereas problems have however arisen in its operation, ***some specific to Framework Decision 2002/584/JHA and*** resulting largely from ***poor*** implementation, ***but others shared with the set of mutual recognition instruments due to the incomplete and unbalanced development of the Union area of criminal justice;***

Amendment

B. Whereas problems have however arisen in its operation, resulting largely from ***inconsistent*** implementation ***and a lack of proportionality in its application;***

Or. en

Amendment 22
Sarah Ludford

Motion for a resolution
Recital B

Motion for a resolution

B. Whereas problems have however arisen in its operation, some specific to Framework Decision 2002/584/JHA and resulting *largely from poor* implementation, but others shared with the set of mutual recognition instruments due to the incomplete and unbalanced development of the Union area of criminal justice;

Amendment

B. Whereas problems have however arisen in its operation, some specific to Framework Decision 2002/584/JHA and resulting *from gaps in the Framework Decision and from the incomplete and inconsistent* implementation *thereof*, but others shared with the set of mutual recognition instruments due to the incomplete and unbalanced development of the Union area of criminal justice;

Or. en

Amendment 23
Salvatore Iacolino

Motion for a resolution
Recital B a (new)

Motion for a resolution

Ba. whereas clearly defined and effective instruments for mutual recognition of judicial measures are of key importance to national prosecution services in connection with investigations into serious cross-border crimes and will be equally important in investigations carried out by the European Public Prosecutor's Office once it has been set up;

Amendment

Or. it

Amendment 24
Salvatore Iacolino

Motion for a resolution
Recital B b (new)

Motion for a resolution

Amendment

Bb. whereas in its final report the Special Committee on Organised Crime, Corruption and Money Laundering (CRIM) stressed the need to ensure swift mutual recognition, whilst fully respecting the principle of proportionality, of all judicial measures, with particular reference to criminal judgments, confiscation orders and European arrest warrants;

Or. it

Amendment 25
Judith Sargentini

Motion for a resolution
Recital C – point i

Motion for a resolution

Amendment

(i) the absence in Framework Decision 2002/584/JHA and other mutual recognition instruments of an explicit ground for refusal based on the infringement or risk of infringement of human rights, which has led to ***inconsistent*** transposition and practices in Member States;

(i) the absence in Framework Decision 2002/584/JHA and other mutual recognition instruments of an explicit ground for refusal based on the infringement or risk of infringement of human rights, which has led to ***differing*** transposition and practices in Member States;

Or. en

Amendment 26
Judith Sargentini

Motion for a resolution
Recital C – point ii

Motion for a resolution

(ii) the absence of a provision in Framework Decision 2002/584/JHA and other mutual recognition instruments on the right to an effective remedy which is left to be governed by national law, leading to uncertainty and inconsistent practices between Member States;

Amendment

(ii) the absence of a provision in Framework Decision 2002/584/JHA and other mutual recognition instruments on the right to an effective remedy ***as laid down in article 47 of the Charter of Fundamental Rights of the European Union***, which is left to be governed by national law, leading to uncertainty and inconsistent practices between Member States;

Or. en

Amendment 27
Kinga Gál

Motion for a resolution
Recital C – point iii

Motion for a resolution

(iii) the lack of regular review of the Schengen Information System (SIS) and Interpol alerts as well as the lack of an automatic link between the withdrawal of a European Arrest Warrant (EAW) and the removal of such alerts, and uncertainty as to the effect of a refusal to execute an EAW on the continued validity of an EAW and the linked alerts;

Amendment

(iii) the lack of regular review of the Schengen Information System (SIS) and Interpol alerts as well as the lack of an automatic link between the withdrawal of a European Arrest Warrant (EAW) and the removal of such alerts, and uncertainty as to the effect of a refusal to execute an EAW on the continued validity of an EAW and the linked alerts ***with the result that persons subject to refused EAWs are unable to move freely within the area of freedom, security and justice for fear of future arrest and surrender***;

Or. en

Amendment 28
Judith Sargentini

Motion for a resolution
Recital C – point iii

Motion for a resolution

(iii) the lack of regular review of the Schengen Information System (SIS) and Interpol alerts as well as the lack of an automatic link between the withdrawal of a European Arrest Warrant (EAW) and the removal of such alerts, and uncertainty as to the effect of a refusal to execute an EAW on the continued validity of an EAW and the linked alerts;

Amendment

(iii) the lack of regular review of the Schengen Information System (SIS) and Interpol, **and Europol** alerts as well as the lack of an automatic link between the withdrawal of a European Arrest Warrant (EAW) and the removal of such alerts, and uncertainty as to the effect of a refusal to execute an EAW on the continued validity of an EAW and the linked alerts, **with the result that persons subject to refused EAWs are unable to move freely within the Area of Freedom, Security and Justice for fear of future arrest and surrender;**

Or. en

Amendment 29
Cornelis de Jong

Motion for a resolution
Recital C – point iii

Motion for a resolution

(iii) the lack of regular review of the Schengen Information System (SIS) and Interpol alerts as well as the lack of an automatic link between the withdrawal of a European Arrest Warrant (EAW) and the removal of such alerts, and uncertainty as to the effect of a refusal to execute an EAW on the continued validity of an EAW and the linked alerts;

Amendment

(iii) the lack of regular review of the Schengen Information System (SIS) and Interpol **and Europol** alerts as well as the lack of an automatic link between the withdrawal of a European Arrest Warrant (EAW) and the removal of such alerts, and uncertainty as to the effect of a refusal to execute an EAW on the continued validity of an EAW and the linked alerts **which may risk to lead to a factual restriction of the right to move and reside freely within the Union for fear of future arrest for those persons requested for surrender;**

Or. en

Amendment 30
Sarah Ludford

Motion for a resolution
Recital C – point iii

Motion for a resolution

(iii) the lack of regular review of the Schengen Information System (SIS) and Interpol alerts as well as the lack of an automatic link between the withdrawal of a European Arrest Warrant (EAW) and the removal of such alerts, and uncertainty as to the effect of a refusal to execute an EAW on the continued validity of an EAW and the linked alerts;

Amendment

(iii) the lack of regular review of the Schengen Information System (SIS **II**) and Interpol alerts as well as the lack of an automatic link between the withdrawal of a European Arrest Warrant (EAW) and the removal of such alerts, and uncertainty as to the effect of a refusal to execute an EAW on the continued validity of an EAW and the linked alerts ***with the result that persons subject to EAWs are unable to move freely within the area of freedom security and justice without the risk of future arrest and surrender;***

Or. en

Amendment 31
Birgit Sippel, Carmen Romero López

Motion for a resolution
Recital C – point iii

Motion for a resolution

(iii) the lack of regular review of the Schengen Information System (SIS) and Interpol alerts as well as the lack of an automatic link between the withdrawal of a European Arrest Warrant (EAW) and the removal of such alerts, and uncertainty as to the effect of a refusal to execute an EAW on the continued validity of an EAW and the linked alerts;

Amendment

(iii) the lack of regular review of the Schengen Information System (SIS) and Interpol ***and Europol*** alerts as well as the lack of an automatic link between the withdrawal of a European Arrest Warrant (EAW) and the removal of such alerts, and uncertainty as to the effect of a refusal to execute an EAW on the continued validity of an EAW and the linked alerts; ***which can have severe human impacts as persons subject to refused EAWs are not able to move freely in the European***

*Union since they must fear arrest and
surrender;*

Or. en

Amendment 32
Monica Luisa Macovei

Motion for a resolution
Recital C – point iii – point a (new)

Motion for a resolution

Amendment

*a) the lack of harmonised application of
EAW across Member States for crimes
perpetuated prior to the entry into force of
Framework Decision 2002/584/JHA;*

Or. en

Amendment 33
Timothy Kirkhope
on behalf of the ECR Group

Motion for a resolution
Recital C – point iii a (new)

Motion for a resolution

Amendment

*(iiia) Judicial decisions not to execute
European Arrest Warrants not always
being respected and leading to repeated
arrests and hearings in other EU
countries;*

Or. en

Amendment 34
Carmen Romero López, Birgit Sippel

Motion for a resolution
Recital C – point iii a (new)

Motion for a resolution

Amendment

(iiia) The lack of precision in the definition of serious crimes list related to the European Arrest Warrant but also to other EU instruments which make constant reference to that list, and the inclusion of crimes which seriousness is not envisaged in all EU criminal code and which may not overcome the proportionality test.

Or. en

Amendment 35

Carmen Romero López, Birgit Sippel

Motion for a resolution

Recital C – point iii b (new)

Motion for a resolution

Amendment

(iiib) The lack of definition of organised crime at EU level, which should include, inter alia, the offence of participation in a transnational criminal organisation, emphasising the fact that criminal groups of this kind are business oriented, highly organised, technologically sophisticated, and often act through intimidation and blackmail.

Or. en

Amendment 36

Judith Sargentini

Motion for a resolution

Recital C – point iv

Motion for a resolution

Amendment

(iv) disproportionate use of the EAW for

(iv) disproportionate use of the EAW for

minor offences or in circumstances where less intrusive alternatives might be used, leading to unwarranted arrests, time spent in pre-trial detention and burdens on the resources of Member States;

minor offences or in circumstances where less intrusive alternatives might be used, leading to unwarranted arrests, ***disproportionate interference with the fundamental rights of suspects and defendants (and of their families), and unjustified and often excessive*** time spent in pre-trial detention and burdens on the resources of Member States;

Or. en

Amendment 37
Cornelis de Jong

Motion for a resolution
Recital C – point iv

Motion for a resolution

(iv) disproportionate use of the EAW for minor offences or in circumstances where less intrusive alternatives might be used, leading to unwarranted arrests, time spent in pre-trial detention and burdens on the resources of Member States;

Amendment

(iv) disproportionate use of the EAW for minor offences or in circumstances where less intrusive alternatives might be used, leading to unwarranted arrests, ***disproportionate impact on a person's private and family life, excessive*** time spent in pre-trial detention and burdens on the resources of Member States;

Or. en

Amendment 38
Sarah Ludford

Motion for a resolution
Recital C – point iv

Motion for a resolution

(iv) disproportionate use of the EAW for minor offences or in circumstances where less intrusive alternatives might be used, leading to unwarranted arrests, time spent in pre-trial detention and burdens on the

Amendment

(iv) disproportionate use of the EAW for minor offences or in circumstances where less intrusive alternatives might be used, leading to unwarranted arrests, ***unjustified and often excessive*** time spent in pre-trial

resources of Member States;

detention *leading to interference with the fundamental rights of suspects and defendants* and burdens on the resources of Member States;

Or. en

Amendment 39
Birgit Sippel, Carmen Romero López

Motion for a resolution
Recital C – point iv

Motion for a resolution

(iv) disproportionate use of the EAW for minor offences or in circumstances where less intrusive alternatives might be used, leading to unwarranted arrests, time spent in pre-trial detention *and* burdens on the resources of Member States;

Amendment

(iv) disproportionate use of the EAW for minor offences or in circumstances where less intrusive alternatives might be used, leading to unwarranted arrests, *often unjustified and excessive* time spent in pre-trial detention *which results in a disproportionate interference with the fundamental rights of suspects and defendants as well as with those of their families and places* burdens on the resources of Member States;

Or. en

Amendment 40
Salvatore Iacolino

Motion for a resolution
Recital C – point iv

Motion for a resolution

(iv) disproportionate use of the EAW for minor offences or in circumstances where less intrusive alternatives might be used, leading to unwarranted arrests, time spent in pre-trial detention and burdens on the resources of Member States;

Amendment

(iv) disproportionate *and inappropriate* use of the EAW for minor offences or in circumstances where less intrusive alternatives might be used, leading to unwarranted arrests, time spent in pre-trial detention and burdens on the resources of Member States;

Amendment 41
Anna Hedh

Motion for a resolution
Recital C – point v

Motion for a resolution

Amendment

(v) the lack of precision as to the meaning of ‘for the purposes of conducting a criminal prosecution’ in Article 1 of Framework Decision 2002/584/JHA such that EAWs are apparently being issued to arrest people in order to hear them as suspects or witnesses rather than to prosecute and try them as accused persons; *deleted*

Or. en

Amendment 42
Timothy Kirkhope
on behalf of the ECR Group

Motion for a resolution
Recital C – point vii

Motion for a resolution

Amendment

(vii) the absence of Union provisions on compensation for miscarriages of justice, which leads to greatly divergent Member State practices and frequently to the lack of compensation for victims of miscarriages such as mistaken identity, contrary to standards laid down in the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) and in the well-established case-law of the Court of Justice of the European Union (ECJ); *deleted*

Amendment 43
Judith Sargentini

Motion for a resolution
Recital C – point vii

Motion for a resolution

(vii) the absence of ***Union provisions on compensation for miscarriages of justice***, which leads to greatly divergent Member State practices and frequently to the lack of compensation for victims of miscarriages such as mistaken identity, contrary to standards laid down in the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) and in the well-established case-law of the Court of Justice of the European Union (ECJ);

Amendment

(vii) the absence of ***minimum standards to ensure effective judicial oversight of the execution of mutual recognition measures and inconsistent rules on compensation for miscarriages of justice resulting from such measures***, which leads to greatly divergent Member State practices and frequently to the lack of ***protections against fundamental rights violations resulting from mutual recognition measures and the lack*** of compensation for victims of miscarriages such as mistaken identity, contrary to standards laid down in the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) and in the well-established case-law of the Court of Justice of the European Union (ECJ);

Or. en

Amendment 44
Cornelis de Jong

Motion for a resolution
Recital C – point vii

Motion for a resolution

(vii) the absence of ***Union provisions on compensation for miscarriages of justice***, which ***leads*** to greatly divergent Member State practices and frequently to the lack of compensation for victims of miscarriages

Amendment

(vii) the absence of ***minimum standards to ensure effective judicial oversight of the correct execution of mutual recognition measures*** which ***has led*** to greatly divergent Member State practices and

such as mistaken identity, contrary to standards laid down in the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) and in the well-established case-law of the Court of Justice of the European Union (ECJ);

frequently to the lack of *effective ex ante legal safeguards and protections against fundamental rights violations, as well as the lack of proper legal provisions in the Member States for* compensation for victims of miscarriages such as mistaken identity, contrary to standards laid down in the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) and in the well-established case-law of the Court of Justice of the European Union (ECJ);

Or. en

Amendment 45

Birgit Sippel, Carmen Romero López

Motion for a resolution

Recital C – point vii

Motion for a resolution

(vii) the absence of *Union provisions* on compensation for miscarriages of justice, which leads to greatly divergent Member State practices and frequently to the lack of compensation for victims of miscarriages such as mistaken identity, contrary to standards laid down in the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) and in the well-established case-law of the Court of Justice of the European Union (ECJ);

Amendment

(vii) the absence of *minimum standards to ensure effective judicial oversight of the execution of mutual recognition measures and inconsistent rules* on compensation for miscarriages of justice, which leads to greatly divergent Member State practices and frequently to the lack of *protections against fundamental right violations as a result of mutual recognition measures as well as the lack of* compensation for victims of miscarriages such as mistaken identity, contrary to standards laid down in the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) and in the well-established case-law of the Court of Justice of the European Union (ECJ);

Or. en

Amendment 46
Sarah Ludford

Motion for a resolution
Recital C – point vii

Motion for a resolution

(vii) the absence of **Union** provisions on compensation for miscarriages of justice, which leads to greatly divergent Member State practices and frequently to the lack of compensation for victims of miscarriages such as mistaken identity, contrary to standards laid down in the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) and in the well-established case-law of the Court of Justice of the European Union (ECJ);

Amendment

(vii) the absence of **minimum standards providing for effective judicial oversight with regard to mutual recognition instruments and inconsistent** provisions on compensation for miscarriages of justice, which leads to greatly divergent Member State practices and frequently to the lack of **effective judicial protection and the risk of violations of fundamental rights resulting from mutual recognition measures and the lack of** compensation for victims of miscarriages such as mistaken identity; **this situation is** contrary to standards laid down in the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) and in the well-established case-law of the Court of Justice of the European Union (ECJ);

Or. en

Amendment 47
Judith Sargentini

Motion for a resolution
Recital C – point viii

Motion for a resolution

(viii) the **extensive periods that some individuals are spending** in pre-trial detention, which should **be a** last resort;

Amendment

(viii) the **use of the European Arrest Warrant before the issuing state is ready to try a case which, coupled with a lack of minimum standards relating to the substance and procedure of pre-trial detention decisions, the use of alternatives to detention and the regular review of detention, has resulted in people**

*surrendered under the European Arrest Warrant suffering unjustified interference with the presumption of innocence and their right to liberty as a result of excessive periods in pre-trial detention, which should **only be a measure of** last resort;*

Or. en

Amendment 48
Cornelis de Jong

Motion for a resolution
Recital C – point viii

Motion for a resolution

(viii) the *extensive* periods *that some individuals are spending* in pre-trial detention, which *should be a last resort*;

Amendment

(viii) the *absence of horizontal minimum standards on pre-trial detention, which results in a lack of proper individual assessments of the trial-readiness of a case, leading to unjustified excessive periods of suspects and accused spent* in pre-trial detention, which *raises pertinent questions related to the presumption of innocence*;

Or. en

Amendment 49
Birgit Sippel, Carmen Romero López

Motion for a resolution
Recital C – point viii

Motion for a resolution

(viii) the extensive periods that some individuals are spending in pre-trial detention, which should *be a* last resort;

Amendment

(viii) the extensive periods that some individuals are spending in pre-trial detention, *often resulting from the use of an EAW before the issuing state is ready to try a case coupled with a lack of minimum standards relating to the*

substance and procedure of pre-trial detention decisions, the insufficient use of alternatives to detention as well as the lack of regular review of detention, therefore unjustifiably inferring with the presumption of innocence and the right to liberty and which should therefore only ever be a measure of last resort;

Or. en

Amendment 50
Judith Sargentini

Motion for a resolution
Recital C – point ix

Motion for a resolution

(ix) the poor conditions in a number of detention facilities across the Union and the impact that this has on the effectiveness and functioning of Union mutual recognition instruments;

Amendment

(ix) the poor conditions in a number of detention facilities across the Union and the impact that this has on the ***fundamental rights and dignity of the individuals concerned as well as the*** effectiveness and functioning of Union mutual recognition instruments;

Or. en

Amendment 51
Cornelis de Jong

Motion for a resolution
Recital C – point ix

Motion for a resolution

(ix) the poor conditions in a number of detention facilities across the Union and the impact that this has on the ***effectiveness and functioning of Union mutual recognition instruments;***

Amendment

(ix) the poor conditions in a number of detention facilities across the Union and the impact that this has on the ***individual's fundamental rights, in particular the right to dignity resulting from the prohibition to be subject to inhuman or degrading treatment or punishment as spelled out in***

Article 3 of the ECHR;

Or. en

Amendment 52
Sarah Ludford

Motion for a resolution
Recital C – point ix

Motion for a resolution

(ix) the poor conditions in a number of detention facilities across the Union and the impact that this has on the effectiveness and functioning of Union mutual recognition instruments;

Amendment

(ix) the poor conditions in a number of detention facilities across the Union and the impact that this has ***not only on the fundamental rights of the individuals concerned but*** on the effectiveness and functioning of Union mutual recognition instruments;

Or. en

Amendment 53
Monica Luisa Macovei

Motion for a resolution
Recital C – point ix

Motion for a resolution

(ix) the poor conditions in a number of detention facilities across the Union and the impact that this has on the effectiveness and functioning of Union mutual recognition instruments;

Amendment

(ix) the poor ***and inhuman*** conditions in a number of detention facilities across the Union and the impact that this has on the effectiveness and functioning of Union mutual recognition instruments ***as well as on mutual confidence***;

Or. en

Amendment 54
Birgit Sippel, Carmen Romero López

Motion for a resolution
Recital C – point ix

Motion for a resolution

(ix) the poor conditions in a number of detention facilities across the Union and the **impact** that this has on the effectiveness and functioning of Union mutual recognition instruments;

Amendment

(ix) the poor conditions in a number of detention facilities across the Union and the **detrimental effect** that this has **on the fundamental rights of the affected individuals as well as** on the effectiveness and functioning of Union mutual recognition instruments;

Or. en

Amendment 55
Timothy Kirkhope
on behalf of the ECR Group

Motion for a resolution
Recital C – point ix a (new)

Motion for a resolution

Amendment

(ixa) A lack of legal representation being provided for those persons sought under a European Arrest Warrant in the issuing Member State as well as the executing Member State;

Or. en

Amendment 56
Andreas Mölzer

Motion for a resolution
Recital C – point x

Motion for a resolution

(x) the failure to use other existing Union judicial cooperation and mutual recognition tools;

Amendment

deleted

Amendment 57
Judith Sargentini

Motion for a resolution
Recital C – point x a (new)

Motion for a resolution

Amendment

(xa) The lack of adequate EU legislation on prevention and settlement of conflicts of jurisdiction in accordance with article 82 (1) b;

Or. en

Amendment 58
Sarah Ludford

Motion for a resolution
Recital C – point x a (new)

Motion for a resolution

Amendment

(xa) the absence in Framework Decision 2002/584/JHA of deadlines for the transmission of the translated EAWs, leading to variable practices and uncertainty;

Or. en

Amendment 59
Judith Sargentini

Motion for a resolution
Recital C – point x b (new)

Motion for a resolution

Amendment

(xb) The lack of a proper definition of

criminal offences to which the test of dual criminality no longer applies;

Or. en

Amendment 60
Kinga Gál

Motion for a resolution
Paragraph 1

Motion for a resolution

1. Keeping in mind the new legal framework from 2014 under the Lisbon Treaty, considers that this report should not deal with problems arising directly from the incorrect implementation of Framework Decision 2002/584/JHA since it is more appropriate that such problems are remedied by way of enforcement proceedings brought by the Commission;

Amendment

1. Keeping in mind the new legal framework from 2014 under the Lisbon Treaty, considers that this report should not deal with problems arising directly from the incorrect implementation of Framework Decision 2002/584/JHA since it is more appropriate that such problems are remedied by way of enforcement proceedings brought by the Commission; ***underlining that many of the occurred problems can be solved through better and correct implementation of the Framework Decision;***

Or. en

Amendment 61
Salvatore Iacolino

Motion for a resolution
Paragraph 1 a (new)

Motion for a resolution

1a. Points out that full recognition and rapid enforceability of judicial measures are a step towards the establishment of a European criminal justice area, and emphasises the European arrest warrant's importance as an effective means of combating serious cross-border crime;

Or. it

Amendment 62
Judith Sargentini

Motion for a resolution
Paragraph 2

Motion for a resolution

2. Considers that as the problems highlighted in recital C arise out of both the specifics of Framework Decision 2002/584/JHA and the incomplete and unbalanced nature of the Union area of criminal justice, the legislative solutions need to address **both**;

Amendment

2. Considers that as the problems highlighted in recital C arise out of both the specifics of Framework Decision 2002/584/JHA and the incomplete and unbalanced nature of the Union area of criminal justice, the legislative solutions need to address ***through continued work to establish minimum standards on inter alia the procedural rights of suspects and defendants and a transversal measure which establishes principles applicable to all mutual recognition instruments, or if such transversal measure is not feasible, amendments to Framework Decision 2002/584/JHA***;

Or. en

Amendment 63
Cornelis de Jong

Motion for a resolution
Paragraph 2

Motion for a resolution

2. Considers that as the problems highlighted in recital C arise out of both the specifics of Framework Decision 2002/584/JHA and the incomplete and unbalanced nature of the Union area of criminal justice, ***the*** legislative solutions ***need*** to address both;

Amendment

2. Considers that, as the problems highlighted in recital C arise out of both the specifics of Framework Decision 2002/584/JHA and the incomplete and unbalanced nature of the Union area of criminal justice, legislative solutions ***should continue*** to address both; ***Takes the view however that, while recognizing and***

commending the continued work to be done in establishing horizontally applicable minimum standards on procedural rights applicable to all mutual recognition instruments, drastic reforms to the European Arrest Warrant are urgently needed given the specific intrusive nature of this measure; Therefore urges the Commission to come up within a year of the adoption of this report with a review of the European Arrest Warrant Framework Decision, in which it addresses the problematic issues identified in this report;

Or. en

Amendment 64
Timothy Kirkhope
on behalf of the ECR Group

Motion for a resolution
Paragraph 2

Motion for a resolution

2. Considers that *as the* problems *highlighted in recital C arise out of both the specifics of* Framework Decision 2002/584/JHA and *the incomplete and unbalanced nature of the Union area of criminal justice, the legislative solutions need to address both;*

Amendment

2. Considers that *existing* problems *arising from European extradition measures are a consequence of inconsistent and disproportionate implementation of both* Framework Decision 2002/584/JHA and *other European criminal justice instruments, which requires that the Framework Decision 2002/584/JHA be reviewed and reformed;*

Or. en

Amendment 65
Sarah Ludford

Motion for a resolution
Paragraph 2

Motion for a resolution

2. Considers that as the problems highlighted in recital C arise out of both the specifics of Framework Decision 2002/584/JHA and the incomplete and unbalanced nature of the Union area of criminal justice, the legislative solutions need to address both;

Amendment

2. Considers that as the problems highlighted in recital C arise out of both the specifics of Framework Decision 2002/584/JHA and the incomplete and unbalanced nature of the Union area of criminal justice, the legislative solutions need to address both;

Or. en

Amendment 66
Sarah Ludford

Motion for a resolution
Paragraph 2 – subparagraph 2 (new)

Motion for a resolution

Amendment

Considers that the weaknesses identified not only undermine mutual trust but are also costly in social and economic terms to the individuals concerned, their families and society in general.

Or. en

Amendment 67
Kinga Gál

Motion for a resolution
Paragraph 3 – introductory part

Motion for a resolution

Amendment

3. ***Therefore requests*** the Commission ***to submit***, on the basis of Article 82 of the Treaty on the Functioning of the European Union, legislative proposals following the detailed recommendations set out in the Annex hereto and providing for:

3. ***Suggests that*** the Commission ***initiates***, on the basis of Article 82 of the Treaty on the Functioning of the European Union, legislative proposals following the detailed recommendations set out in the Annex hereto and providing for:

Amendment 68
Judith Sargentini

Motion for a resolution
Paragraph 3 – introductory part

Motion for a resolution

3. Therefore requests the Commission to submit, on the basis of Article 82 of the Treaty on the Functioning of the European Union, legislative proposals following the detailed recommendations set out in the Annex hereto and providing for:

Amendment

3. Therefore requests the Commission to submit, ***within a year following the adoption of this resolution***, on the basis of Article 82 of the Treaty on the Functioning of the European Union, legislative proposals following the detailed recommendations set out in the Annex hereto and providing for:

Or. en

Amendment 69
Cornelis de Jong

Motion for a resolution
Paragraph 3 – introductory part

Motion for a resolution

3. Therefore requests the Commission to submit, on the basis of Article 82 of the Treaty on the Functioning of the European Union, legislative ***proposals*** following the detailed recommendations set out in the Annex hereto and providing for:

Amendment

3. Therefore requests the Commission to submit, on the basis of Article 82 of the Treaty on the Functioning of the European Union, ***a legislative proposal for the revision of the European Arrest Warrant Framework Decision*** following the detailed recommendations set out in the Annex hereto and providing for:

Or. en

Amendment 70
Kinga Gál

Motion for a resolution
Paragraph 3 – point a

Motion for a resolution

(a) a mandatory refusal ground based on the infringement or risk of infringement of human rights applicable to mutual recognition instruments;

Amendment

(a) a mandatory refusal ground based on the infringement or risk of infringement of human rights applicable to mutual recognition instruments; ***in the same time calls on Member States to explore all the existing possibilities in the current Framework Decision (e.g. Article 12 of the Preamble) in order to better safeguard the protection of fundamental rights of citizens;***

Or. en

Amendment 71
Judith Sargentini

Motion for a resolution
Paragraph 3 – point a

Motion for a resolution

(a) a mandatory refusal ground based on the infringement or risk of infringement of human rights ***applicable to mutual recognition instruments;***

Amendment

(a) a mandatory refusal ground based on the infringement or risk of infringement of human rights;

Or. en

Amendment 72
Cornelis de Jong

Motion for a resolution
Paragraph 3 – point a

Motion for a resolution

(a) a mandatory refusal ground based on the infringement or risk of infringement of

Amendment

(a) a mandatory refusal ground based on the infringement or risk of infringement of

human rights *applicable to mutual recognition* instruments;

human rights *and fundamental freedoms, as spelled out in the European Convention of Human Rights, the Charter of Fundamental Rights and other applicable* instruments;

Or. en

Amendment 73
Birgit Sippel, Carmen Romero López

Motion for a resolution
Paragraph 3 – point a

Motion for a resolution

(a) a mandatory refusal ground *based on the infringement or risk of infringement of human rights applicable to mutual recognition instruments*;

Amendment

(a) a mandatory refusal ground *where there are substantial grounds to believe that the execution of an EAW would be incompatible with the executing Member State's obligations in accordance with Article 6 TEU and the Charter of Fundamental Rights of the European Union*;

(This amendment reflects the wording in the agreed text on the European Investigation Order (para 10 g).)

Or. en

Amendment 74
Timothy Kirkhope
on behalf of the ECR Group

Motion for a resolution
Paragraph 3 – point a a (new)

Motion for a resolution

(aa) A clear and consistent application by all Member States of EU legislation regarding procedural rights in criminal proceedings linked to the use of the European Arrest Warrant; including the

right to interpretation and translation in criminal proceedings; the right of access to a lawyer in criminal proceedings and on the right to communicate upon arrest; and the right to information in criminal proceedings;

Or. en

Amendment 75
Judith Sargentini

Motion for a resolution
Paragraph 3 – point b

Motion for a resolution

(b) a proportionality check *when issuing* mutual recognition decisions, based on the seriousness of the offence and the availability of an appropriate less intrusive alternative measure;

Amendment

(b) a proportionality check *to be conducted in relation to all* mutual recognition decisions *by both the issuing and executing state*, based on *any relevant factors including, inter alia* the seriousness of the offence, *the impact on the rights of the requested person and his/her family, the cost implications for both the issuing and executing state* and the availability of an appropriate less intrusive alternative measure, *with a corresponding mandatory ground for refusal where the executing state is not duly satisfied that it is proportionate for the decision to be executed;*

Or. en

Amendment 76
Timothy Kirkhope
on behalf of the ECR Group

Motion for a resolution
Paragraph 3 – point b

Motion for a resolution

(b) a proportionality check when issuing mutual recognition decisions, based on the seriousness of the offence and the availability of **an** appropriate **less intrusive alternative measure**;

Amendment

(b) a proportionality check when issuing mutual recognition decisions, based on the seriousness of the offence and the availability of **other** appropriate **measures**;

Or. en

Amendment 77
Cornelis de Jong

Motion for a resolution
Paragraph 3 – point b

Motion for a resolution

(b) a proportionality check **when** issuing **mutual recognition decisions**, based on the seriousness of the offence and the availability of an appropriate less intrusive alternative measure;

Amendment

(b) a proportionality check, **to be carried out both in the issuing state and in the executing state**, based on **all relevant factors and circumstances, f.i.** the seriousness of the offence, **whether or not the case is ready for trial as demonstrated by clear and objective criteria, the impact on the private and family life of the requested person, the cost implications** and the availability of an appropriate less intrusive alternative measure, **with a mandatory refusal ground where the executing state considers by means of a reasoned statement that the EAW is clearly or evidently not proportionate**;

Or. en

Amendment 78
Birgit Sippel

Motion for a resolution
Paragraph 3 – point b

Motion for a resolution

(b) a proportionality check **when issuing** mutual recognition decisions, based on the seriousness of the offence and the availability of an appropriate less intrusive alternative measure;

Amendment

(b) a proportionality check **for all** mutual recognition decisions **by both the issuing and executing state**, based on **any relevant factors including, inter alia**, the seriousness of the offence, **the impact on the rights of the requested person and his or her family, the cost implications for both the issuing and executing state** and the availability of an appropriate less intrusive alternative measure, **with a corresponding mandatory ground for refusal where the executing state is not duly satisfied that the mutual recognition decision is proportionate**;

Or. en

Amendment 79
Carmen Romero López, Birgit Sippel

Motion for a resolution
Paragraph 3 – point b a (new)

Motion for a resolution

Amendment 80
Birgit Sippel

Motion for a resolution
Paragraph 3 – point c

Motion for a resolution

(c) a standardised consultation procedure

Amendment

(ba) a better definition of the crimes where the European Arrest warrant should apply in order to facilitate the proportionality test

Or. en

Amendment

(c) a standardised consultation procedure

whereby the relevant authorities in the issuing and executing state can exchange information regarding the execution of judicial decisions, for example in regard to the EAW to ascertain trial-readiness;

whereby the relevant authorities in the issuing and executing state can exchange information regarding the execution of judicial decisions, for example in regard to the EAW to ascertain trial-readiness;
against clear and objective criteria, with a corresponding mandatory ground for refusal where the executing state is not duly satisfied that the case is trial-ready in the issuing state;

Or. en

Amendment 81
Judith Sargentini

Motion for a resolution
Paragraph 3 – point c

Motion for a resolution

(c) a standardised consultation procedure whereby the relevant authorities in the issuing and executing state can exchange information regarding the execution of judicial decisions, for example in regard to the EAW to ascertain trial-readiness;

Amendment

(c) a standardised consultation procedure whereby the relevant authorities in the issuing and executing state can exchange information regarding the execution of judicial decisions, for example in regard to the EAW to ascertain trial-readiness
against clear and objective criteria, with a corresponding mandatory ground for refusal where the executing state is not duly satisfied that the case is trial-ready in the issuing state;

Or. en

Amendment 82
Cornelis de Jong

Motion for a resolution
Paragraph 3 – point c

Motion for a resolution

(c) a standardised consultation procedure

Amendment

(c) a standardised ***and documented***

whereby the **relevant** authorities in the issuing and executing state can exchange information regarding the **execution of judicial decisions, for example in regard to the EAW to ascertain trial-readiness**;

consultation procedure whereby the **competent judicial** authorities in the issuing and executing state can exchange information regarding the **assessment of the proportionality test**;

Or. en

Amendment 83
Sarah Ludford

Motion for a resolution
Paragraph 3 – point c

Motion for a resolution

(c) a standardised consultation procedure whereby the relevant authorities in the issuing and executing state can exchange information regarding the execution of judicial decisions, **for example** in regard to the EAW to ascertain **trial-readiness**;

Amendment

(c) a standardised consultation procedure whereby the relevant authorities in the issuing and executing state can exchange information regarding the execution of judicial decisions **such as on the issue of proportionality and specifically** in regard to the EAW to ascertain **trial readiness**;

Or. en

Amendment 84
Kinga Gál

Motion for a resolution
Paragraph 3 – point d

Motion for a resolution

(d) a procedure whereby a mutual recognition measure can, if necessary, be validated in the issuing State by a judge, court, investigating magistrate or public prosecutor, in order to overcome the differing interpretations of the term ‘judicial authority’;

Amendment

deleted

Or. en

Amendment 85
Andreas Mölzer

Motion for a resolution
Paragraph 3 – point d

Motion for a resolution

(d) a procedure whereby a mutual recognition measure *can*, if necessary, be validated in the issuing State by a judge, court, investigating magistrate or public prosecutor, in order to overcome the differing interpretations of the term “judicial authority”;

Amendment

(d) a procedure whereby a mutual recognition measure *must*, if necessary, be validated in the issuing State by a judge, court, investigating magistrate or public prosecutor, in order to overcome the differing interpretations of the term “judicial authority”;

Or. de

Amendment 86
Kinga Gál

Motion for a resolution
Paragraph 3 – point e

Motion for a resolution

(e) consistent legal remedies to secure the right to an effective legal remedy in compliance with Article 47(1) of the Charter of Fundamental Rights of the European Union;

Amendment

(e) consistent legal remedies to secure the right to an effective legal remedy in compliance with Article 47(1) of the Charter of Fundamental Rights of the European Union, *bearing in mind that all mutual recognition instruments are in need to secure the right to an effective remedy in compliance with Article 47(1) of the Charter of Fundamental Rights of the European Union, thus a horizontal approach is welcomed*;

Or. en

Amendment 87
Judith Sargentini

Motion for a resolution
Paragraph 3 – point e

Motion for a resolution

(e) consistent legal remedies to secure the right to an effective legal remedy in compliance with Article 47(1) of the Charter of Fundamental Rights of the European Union;

Amendment

(e) consistent legal remedies to secure the right to an effective legal **remedies, including the automatic right to appeal in the executing state against a mutual recognition decision (prior to the mutual recognition decision being executed) and the right to challenge failure by the issuing state to comply with assurances provided to the executing state in relation to the mutual recognition decision to secure the right to an effective legal** remedy in compliance with Article 47(1) of the Charter of Fundamental Rights of the European Union; **points to the absence of such an effective legal remedy in the Framework Decision on Transfer of Sentenced Persons and calls upon Member States to foresee appeals in their domestic transposition measures to avoid a possible violation of primary EU law.**

Or. en

Amendment 88
Cornelis de Jong

Motion for a resolution
Paragraph 3 – point e

Motion for a resolution

(e) consistent legal remedies to secure the right to an effective legal remedy in compliance with Article 47(1) of the Charter of Fundamental Rights of the European Union;

Amendment

(e) consistent legal remedies to secure the right to an effective legal remedy in compliance with Article 47(1) of the Charter of Fundamental Rights of the European Union **and Article 13 of the European Convention of Human Rights, such as the automatic right to appeal to the requested execution of a European Arrest Warrant in the executing state and**

the right for the requested person to challenge in court any failure from the issuing state to comply with given assurances provided to the executing state;

Or. en

Amendment 89
Birgit Sippel, Carmen Romero López

Motion for a resolution
Paragraph 3 – point e

Motion for a resolution

(e) consistent legal remedies *to* secure the right to an effective legal remedy in compliance with Article 47(1) of the Charter of Fundamental Rights of the European Union;

Amendment

(e) consistent legal remedies, *which should include the automatic right to appeal in the executing state against a mutual recognition decision prior to the mutual recognition decision being put into action as well as the right to challenge failure by the issuing state to comply with assurances provided to the executing state prior to surrender, in order to* secure the right to an effective legal remedy in compliance with Article 47(1) of the Charter of Fundamental Rights of the European Union;

Or. en

Amendment 90
Sarah Ludford

Motion for a resolution
Paragraph 3 – subparagraph 1 (new)

Motion for a resolution

4. Calls on the Commission to require from Member States the following data relating to the operation of the EAW mechanism and to include such data in its

Amendment

next implementation report with a view to proposing appropriate action in any problems:

(a) the length of time from surrender to the conclusion of the subsequent trial;

(b) the outcome of trials following surrender pursuant to an EAW;

(c) the extent to which pre-trial detention as ordered in each case and, where ordered, for what reasons and for how long;

(d) the operation of the procedure under Art 16 of the Framework Decision for resolving cases of multiple EAW requests relating to the same person.

Or. en

Amendment 91
Birgit Sippel, Carmen Romero López

Motion for a resolution
Paragraph 3 a (new)

Motion for a resolution

Amendment

3a. Underlines the need for more data on the operating of the EAW and therefore calls on the Commission to collect the following data relating to the operation of the EAW mechanism within each Member State:

(a) in the case of an accusation warrant, the length of time from surrender to the conclusion of the subsequent trial as well as the outcome of trials following surrender pursuant to such a warrant;

(c) the number of cases where pre-trial detention was ordered and, where ordered, for what reasons and for how long;

Or. en

Amendment 92
Judith Sargentini

Motion for a resolution
Paragraph 4

Motion for a resolution

4. Calls for a regular review of non-executed EAWs and consideration of whether they, together with the corresponding SIS *and Interpol* alerts, should be withdrawn; also calls for the withdrawal of EAWs and the corresponding *SIS and Interpol* alerts where the EAW has been refused on mandatory grounds;

Amendment

4. Calls for a regular review of non-executed EAWs and consideration of whether they, together with the corresponding SIS, *Interpol and Europol* alerts, should be withdrawn; also calls for the withdrawal of EAWs and the corresponding alerts where the EAW has been refused on mandatory grounds, *including in relation to human rights, proportionality and trial-readiness*;

Or. en

Amendment 93
Cornelis de Jong

Motion for a resolution
Paragraph 4

Motion for a resolution

4. Calls for a regular review of non-executed EAWs and consideration of whether they, together with the corresponding SIS *and Interpol* alerts, should be withdrawn; *also* calls for the withdrawal of EAWs and the corresponding SIS and Interpol alerts where the EAW has been refused on *mandatory* grounds;

Amendment

4. Calls for a regular review of non-executed EAWs and consideration of whether they, together with the corresponding SIS, *Interpol and Europol* alerts, should be withdrawn; calls for the withdrawal of EAWs and the corresponding SIS and Interpol alerts where the EAW has been refused on *mandatory grounds such as human rights or on other grounds such as an inadequate proportionality check; The SIS, Interpol and Europol alerts shall be mandatorily updated with information on the grounds of refusal of an EAW by other Member States*;

Amendment 94
Sarah Ludford

Motion for a resolution
Paragraph 4

Motion for a resolution

4. Calls for a regular review of non-executed EAWs and consideration of whether they, together with the corresponding SIS and Interpol alerts, should be withdrawn; also calls for the withdrawal of EAWs and the corresponding SIS and Interpol alerts where the EAW has been refused on **mandatory** grounds;

Amendment

4. 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; also calls for the withdrawal of EAWs and the corresponding SIS **II** and Interpol alerts where the EAW has been refused on ***the ground of ne bis in idem or the infringement or risk of infringement of human rights; calls for provision to be made to annex to an SIS II alert the grounds for refusing the execution of the EAW corresponding to the alert;***

Amendment 95
Monica Luisa Macovei

Motion for a resolution
Paragraph 4 – point a (new)

Motion for a resolution

Amendment

(a) Calls on Member States to take all appropriate measures needed to ensure that Framework Decision 2002/584/JHA can apply to crimes committed prior to June 2002;

Amendment 96
Judith Sargentini

Motion for a resolution
Paragraph 4 a (new)

Motion for a resolution

Amendment

4a. Calls on the Commission to collect the following data relating to the operation of the EAW mechanism within each Member State:

a) for accusation warrants, the length of time from surrender to the conclusion of the subsequent trial;

b) the outcome of trials following surrender pursuant to an accusation warrant; and

c) the extent to which pre-trial detention was ordered in each case and, where ordered, for what reasons and for how long.

Or. en

Amendment 97
Timothy Kirkhope
on behalf of the ECR Group

Motion for a resolution
Paragraph 5

Motion for a resolution

Amendment

5. Calls on Member States to implement the whole body of Union criminal justice measures and thereby make available to judicial authorities alternative and less intrusive mutual recognition instruments;

deleted

Or. en

Amendment 98
Birgit Sippel, Carmen Romero López

Motion for a resolution
Paragraph 5 – introductory part

Motion for a resolution

5. Calls on Member States to implement the whole body of Union criminal justice measures and thereby make available to judicial authorities alternative and less intrusive mutual recognition instruments;

Amendment

5. Calls on Member States to ***timely and effectively*** implement the whole body of Union criminal justice measures ***such as inter alia the already agreed directives on procedural rights and to actively push for further binding legal instruments in this area as judicial cooperation in criminal matters needs to be based on respect for standards in the area of fundamental rights and the necessary approximation of the rights of suspects and accused persons and of procedural rights in criminal proceedings*** and thereby make available to judicial authorities alternative and less intrusive mutual recognition instruments;

Or. en

Amendment 99
Salvatore Iacolino

Motion for a resolution
Paragraph 5

Motion for a resolution

5. Calls on Member States to implement the whole body of Union criminal justice measures and thereby make available to judicial authorities alternative and less intrusive mutual recognition instruments;

Amendment

5. Calls on Member States to ***make appropriate use of the European arrest warrant and to*** implement the whole body of Union criminal justice measures and thereby make available to judicial authorities alternative and less intrusive mutual recognition instruments;

Or. it

Amendment 100
Sarah Ludford

Motion for a resolution
Paragraph 5

Motion for a resolution

5. Calls on Member States to implement the whole body of Union criminal justice measures and thereby make available to judicial authorities alternative and less intrusive mutual recognition instruments;

Amendment

5. Calls on Member States to implement the whole body of Union criminal justice measures and thereby make available to judicial authorities alternative and less intrusive mutual recognition instruments ***including the European Investigation Order once adopted and the European Supervision Order; calls on the Commission to carefully monitor their correct implementation as well as their impact on the functioning of the EAW and the EU area of criminal justice;***

Or. en

Amendment 101
Monica Luisa Macovei

Motion for a resolution
Paragraph 5 – point a (new)

Motion for a resolution

Amendment

(a) Calls on Member States to ensure that their judicial authorities resort to EAWs only in cases of suspects involved in major offences;

Or. en

Amendment 102
Janusz Wojciechowski

Motion for a resolution
Paragraph 5 a (new)

Motion for a resolution

Amendment

5a. Calls on Member States to apply the European arrest warrant in such a way as to ensure that it does not result in the unnecessary trial and detention of people arrested outside their home countries, in particular where it is possible for them to be tried using exclusively national means, without a European arrest warrant being issued;

Or. pl

Amendment 103
Judith Sargentini

Motion for a resolution
Paragraph 6

Motion for a resolution

6. Calls for Member States to compensate damage arising from ***miscarriages of justice relating to*** mutual recognition instruments, in accordance with the standards laid down in the ECHR and in the well-established case-law of the ECJ;

Amendment

6. Calls for Member States to compensate damage arising from ***its failure, as either and issuing or executing state, to implement and comply with the obligations under*** mutual recognition instruments ***and any transversal measures relating thereto***, in accordance with the standards laid down in the ECHR and in the well-established case-law of the ECJ;

Or. en

Amendment 104
Cornelis de Jong

Motion for a resolution
Paragraph 6

Motion for a resolution

6. Calls for Member States to ***compensate*** damage arising from ***miscarriages of***

Amendment

6. Calls for Member States to ***provide for legal mechanisms which allow for***

justice relating to mutual recognition instruments, in accordance with the standards laid down in the ECHR and in the well-established case-law of the ECJ;

compensation for damage arising from a *failure to comply with the fundamental rights obligations applicable to the European Arrest Warrant, and other* mutual recognition instruments, in accordance with the standards laid down in the ECHR and in the well-established case-law of the ECJ;

Or. en

Amendment 105
Birgit Sippel, Carmen Romero López

Motion for a resolution
Paragraph 6

Motion for a resolution

6. Calls for Member States to compensate damage arising from miscarriages of justice relating to mutual recognition instruments, in accordance with the standards laid down in the ECHR and in the well-established case-law of the ECJ;

Amendment

6. *Without prejudice to the legal remedies referred to in this report*, calls for Member States, *as either an issuing or executing state*, to compensate damage arising from miscarriages of justice relating to mutual recognition instruments, in accordance with the standards laid down in the ECHR and in the well-established case-law of the ECJ;

Or. en

Amendment 106
Sarah Ludford

Motion for a resolution
Paragraph 6 – subparagraph 1 (new)

Motion for a resolution

Calls on the Council of the European Union to include in its revised version of the European Handbook on how to issue a European Arrest Warrant (17195/1/10 REV 1) a six day time limit for the

Amendment

transmission of translated EAWs in order to provide greater clarity and certainty;

Or. en

Amendment 107
Kinga Gál

Motion for a resolution
Paragraph 7

Motion for a resolution

7. Calls on Member States and the Commission to cooperate in strengthening contact networks of judges, prosecutors and criminal defence lawyers to facilitate effective and well-informed EAW proceedings, and to offer relevant training at national and European level to judicial and legal practitioners including defence lawyers acting in such proceedings.

Amendment

7. Calls on Member States and the Commission to cooperate in strengthening contact networks of judges, prosecutors and criminal defence lawyers to facilitate effective and well-informed EAW proceedings, and to offer relevant training at national and European level to judicial and legal practitioners including defence lawyers acting in such proceedings *on the adequate use of the EAW, as well as on the combined use of the different mutual recognition instruments;*

Or. en

Amendment 108
Sarah Ludford

Motion for a resolution
Paragraph 7

Motion for a resolution

7. Calls on Member States and the Commission to cooperate in strengthening contact networks of judges, prosecutors and criminal defence lawyers to facilitate effective and well-informed EAW proceedings, and to offer relevant training at national and European level to judicial and legal practitioners including defence

Amendment

7. Calls on Member States and the Commission to cooperate in strengthening contact networks of judges, prosecutors and criminal defence lawyers to facilitate effective and well-informed EAW proceedings, and to offer relevant training *including language training programmes* at national and European level to judicial

lawyers acting in such proceedings.

and legal practitioners including defence lawyers acting in such proceedings; ***calls on the Commission to draft a practical EU handbook designed for defence lawyers acting in EAW proceedings and easily accessible throughout the Union taking into account the existing work of the European Criminal Bar Association on this matter and complemented by national handbooks;***

Or. en

Amendment 109
Monica Luisa Macovei

Motion for a resolution
Paragraph 7 – point a (new)

Motion for a resolution

Amendment

(a) Calls on the Member States to address the shortcomings related to the EAW's implementation at national level.

Or. en

Amendment 110
Andreas Mölzer

Motion for a resolution
Paragraph 8

Motion for a resolution

Amendment

8. Calls on the Commission to provide adequate funding to bodies such as the European Judicial Training Network, to the potential European Arrest Warrant Judicial Network and to a network of defence lawyers working on European criminal justice and extradition matters.

deleted

Or. de

Amendment 111
Kinga Gál

Motion for a resolution
Paragraph 8

Motion for a resolution

8. Calls on the Commission to provide adequate funding to bodies such as the European Judicial Training Network, *to the potential European Arrest Warrant Judicial Network and to a network of defence* lawyers working on European criminal justice and extradition matters.

Amendment

8. Calls on the Commission to provide adequate funding to bodies such as the *Eurojust and* European Judicial Training Network *which can provide support to the* lawyers working on European criminal justice and extradition matters;

Or. en

Amendment 112
Sarah Ludford

Motion for a resolution
Paragraph 8 – introductory part

Motion for a resolution

8. Calls on the Commission to *provide adequate funding to bodies such as the European Judicial Training Network, to the potential* European Arrest Warrant Judicial Network and *to* a network of defence lawyers working on European criminal justice and extradition matters.

Amendment

8. Calls on the Commission to *set up a specific* European Arrest Warrant Judicial Network and a network of defence lawyers working on European criminal justice and extradition matters *and to provide adequate funding to them as well as to the European Judicial Training Network; believes that the Commission can ensure the appropriate funding via the existing programmes in the EU criminal justice area.*

Or. en

Amendment 113
Sarah Ludford

Motion for a resolution
Paragraph 8 – subparagraph 1 (new)

Motion for a resolution

Amendment

Calls on the Commission to establish and make easily accessible an EU database collecting all national case law relating to EAW and other mutual recognition proceedings to facilitate the work of practitioners and the monitoring and assessment of implementation and any problems arising;

Or. en

Amendment 114
Birgit Sippel, Carmen Romero López

Motion for a resolution
Paragraph 8 – point 1 (new)

Motion for a resolution

Amendment

(1) 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 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 Member States to take particular account of the rights of vulnerable persons and in general thoroughly examine alternatives to detention.

Or. en

Amendment 115
Carmen Romero López, Birgit Sippel

Motion for a resolution
Paragraph 8 a (new)

Motion for a resolution

Amendment

8a. Calls on the Commission to submit a legislative proposal setting out a common definition of organised crime, which should include, inter alia, the offence of participation in a transnational criminal organisation, emphasising the fact that criminal groups of this kind are business oriented, highly organised, technologically sophisticated, and often act through intimidation and blackmail.

Or. en

Amendment 116
Carmen Romero López

Motion for a resolution
Paragraph 8 b (new)

Motion for a resolution

Amendment

8b. Calls on the Commission to prepare a study on comparative EU criminal codes across the EU in order to help Member States when conducting the proportionality test

Or. en

Amendment 117
Timothy Kirkhope
on behalf of the ECR Group

Motion for a resolution
Paragraph 9

Motion for a resolution

Amendment

9. Calls on the Commission to explore the legal and financial means available at Union level to improve detention conditions in Member States.

deleted

Or. en

Amendment 118
Judith Sargentini

Motion for a resolution
Paragraph 9

Motion for a resolution

Amendment

9. Calls on the Commission to explore the legal and financial means available at Union level to improve detention conditions *in* Member States.

9. Calls on the Commission to **submit legislative proposals establishing minimum standards regarding the substance and procedure of pre-trial detention decisions, the use of alternatives to detention, the regular review of detention; Calls on the Commission to explore the legal and financial means available at Union level to improve detention conditions *within* Member States.**

Or. en

Amendment 119
Cornelis de Jong

Motion for a resolution
Paragraph 9

Motion for a resolution

Amendment

9. Calls on the Commission to **explore the legal and financial means available at Union level to improve** detention conditions in Member States.

9. Calls on the Commission to **submit legislative proposals on horizontal minimum standards on pre-trial detention, including legal safeguards for**

fundamental rights in the pre-trial decisions, procedural rights related to review of pre-trial detention decisions, and on improving detention conditions in Member States.

Or. en

Amendment 120
Sarah Ludford

Motion for a resolution
Paragraph 9

Motion for a resolution

9. Calls on the Commission to explore the legal and financial means available at Union level to improve detention conditions *in Member States*.

Amendment

9. *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 121
Monica Luisa Macovei

Motion for a resolution
Paragraph 9

Motion for a resolution

9. Calls on the Commission to explore the legal and financial means available at Union level to improve detention conditions in Member States.

Amendment

9. Calls on the Commission to explore the legal and financial means available at Union level to improve detention conditions ***and differences in protection for defence rights*** in Member States.

Or. en

Amendment 122
Birgit Sippel, Carmen Romero López

Motion for a resolution
Paragraph 9

Motion for a resolution

9. Calls on the Commission to explore the legal and financial means available at Union level to improve detention conditions in Member States.

Amendment

9. Calls on the Commission to explore the legal and financial means available at Union level to improve detention conditions in Member States *since shortcomings, such as prison overcrowding and allegations of poor treatment of detainees, may undermine the trust which must underpin judicial cooperation in criminal matters based on the principle of mutual recognition of judgments and judicial decisions by Member States.*

Or. en

Amendment 123
Birgit Sippel, Carmen Romero López

Motion for a resolution
Paragraph 9 – point 1 (new)

Motion for a resolution

Amendment

(1) Reminds the Commission of its previous call for EU wide legislative action on minimum standards in the field of pre-trial detention (European Parliament resolution of 15 December 2011 on detention conditions in the EU (2011/2897(RSP)) and notes with great disappointment that such a proposal was not among the legislative measures on procedural rights proposed by the Commission on 27 November 2013. Reiterates therefore its call on the Commission to submit legislative proposals establishing minimum standards regarding the substance and

procedure of pre-trial detention decisions, the use of alternatives to detention, the regular review of pre-trial detention such as to prevent excessive periods of detention, and detention conditions in Member States.

Or. en

Amendment 124
Salvatore Iacolino

Motion for a resolution
Paragraph 10

Motion for a resolution

10. Confirms that the recommendations respect fundamental rights *and* the principle of subsidiarity;

Amendment

10. Confirms that the recommendations respect fundamental rights, the principle of subsidiarity *and the principle of proportionality*;

Or. it

Amendment 125
Sarah Ludford

Motion for a resolution
Paragraph 10 – subparagraph 1 (new)

Motion for a resolution

Amendment

Considers that any financial implications of the requested proposals for the budget of the Union should be covered by the existing budgetary allocations; stresses that for both Member States and citizens, the adoption and implementation of those proposals would lead to substantial cost and time savings, and will thus be beneficial both in economic and social terms, as clearly pointed out in the EU Added Value Assessment of EU measures concerning the review of the EAW.

(Add link to the EAVU study in footnote)

Or. en

Amendment 126
Cornelis de Jong

Motion for a resolution
Annex – title

Motion for a resolution

Recommendations as to legislative proposals

Amendment

Recommendations as to a legislative proposal *on the review of the European Arrest Warrant*

Or. en

Amendment 127
Birgit Sippel

Motion for a resolution
Annex – recommendation 1 – indent 1

Motion for a resolution

- There are substantial grounds to believe that the execution of the measure would be incompatible with the executing Member State's obligations under Article 6 of the Treaty on European Union.

Amendment

- There are substantial grounds to believe that the execution of the measure would be incompatible with the executing Member State's obligations under Article 6 of the Treaty on European Union *and the Charter of Fundamental Rights of the European Union.*

Or. en

Amendment 128
Sarah Ludford

Motion for a resolution
Annex – recommendation 1 - indent 1

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Motion for a resolution

- There are substantial grounds to believe that the execution of the measure would be incompatible with the executing Member State's obligations under Article 6 of the Treaty on European Union.

Amendment

- There are substantial grounds to believe that the execution of the measure would be incompatible with the executing Member State's obligations under Article 6 of the Treaty on European Union **and the Charter of Fundamental Rights of the European Union.**

Or. en

Amendment 129
Cornelis de Jong

Motion for a resolution
Annex – recommendation 2 - title

Motion for a resolution

Proportionality check for Union mutual recognition legal instruments:

Amendment

Proportionality check for **the issuing and execution of the EAW, and other** Union mutual recognition legal instruments:

Or. en

Amendment 130
Cornelis de Jong

Motion for a resolution
Annex – recommendation 2 - indent 1

Motion for a resolution

- When issuing a decision to be executed in another Member State, the competent authority shall carefully assess the need for the requested measure on the basis of the seriousness of the offence and apply the least intrusive available measure.

Amendment

- A proportionality check shall be carried out both in the issuing State and in the executing state, based on all relevant factors and circumstances, f.i. the seriousness of the offence, whether or not the case is ready for trial as demonstrated by clear and objective criteria, the impact on the private and family life of the requested person, the cost implications

and the availability of an appropriate less intrusive alternative measure, with a mandatory refusal ground where the executing State in a reasoned statement considers that the EAW is evidently or clearly not proportionate.

Or. en

Amendment 131
Judith Sargentini

Motion for a resolution
Annex – recommendation 2 - indent 1

Motion for a resolution

- When issuing a decision to be executed in another Member State, the competent authority shall carefully assess the need for the requested measure on the basis of the seriousness of the offence and apply the least intrusive available measure.

Amendment

-When issuing *or executing a mutual recognition* decision, *the competent authorities in both the issuing and the executing state* shall carefully assess the need for the requested measure on the basis of *any relevant factors including, inter alia*, the seriousness of the offence, *the impact on the rights of the requested person and his/her family, the cost implications for both the issuing and executing state and the availability of an appropriate less intrusive available measure, with a corresponding mandatory ground for refusal where the executing state is not duly satisfied that the mutual recognition decision is proportionate.*

Or. en

Amendment 132
Birgit Sippel

Motion for a resolution
Annex – recommendation 2 - indent 1

Motion for a resolution

- When issuing *a decision to be executed in another Member State, the competent authority* shall carefully assess the need for the requested measure on the basis of the seriousness of the offence *and apply the least intrusive available* measure.

Amendment

- When issuing *or executing a mutual recognition* decision, *the competent authorities in both the issuing and the executing state* shall carefully assess the need for the requested measure on the basis of *any relevant factors including, inter alia*, the seriousness of the offence, *the impact on the rights of the requested person and his or her family, the cost implications for both the issuing and executing state and the availability of an appropriate less intrusive alternative* measure, *with a corresponding mandatory ground for refusal where the executing state is not duly satisfied that the mutual recognition decision is proportionate.*

Or. en

Amendment 133
Sarah Ludford

Motion for a resolution
Annex – recommendation 2 - indent 1

Motion for a resolution

- When issuing a decision to be executed in another Member State, the competent authority shall carefully assess the need for the requested measure on the basis of the seriousness of the offence and apply the least intrusive available measure.

Amendment

- When issuing a decision to be executed in another Member State, the competent authority shall carefully assess the need for the requested measure on the basis of the seriousness of the offence and apply the least intrusive available measure *to achieve the intended objectives.*

Or. en

Amendment 134
Cornelis de Jong

Motion for a resolution

Annex – recommendation 3 - title

Motion for a resolution

Consultation procedure between the relevant authorities in the issuing and executing state to be used for Union mutual recognition legal instruments:

Amendment

Consultation procedure between the **competent judicial** relevant authorities in the issuing and executing state to be used for **the European Arrest Warrant, and other** Union mutual recognition legal instruments:

Or. en

**Amendment 135
Cornelis de Jong**

**Motion for a resolution
Annex – recommendation 3 - indent 1**

Motion for a resolution

- A standardised procedure whereby the competent authorities **of** the issuing and executing **States shall** exchange information **and consult each other with a view to facilitating the smooth and efficient application of the relevant mutual recognition instruments, including for instance with regard to the EAW in order to ascertain trial-readiness;**

Amendment

- A standardised **and documented consultation** procedure whereby the competent **judicial** authorities **in** the issuing and executing **state can** exchange information **regarding the assessment of the proportionality test.**

Or. en

**Amendment 136
Judith Sargentini**

**Motion for a resolution
Annex – recommendation 3 - indent 1**

Motion for a resolution

- A standardised procedure whereby the competent authorities of the issuing and executing States shall exchange

Amendment

- A standardised procedure whereby the competent authorities of the issuing and executing States shall exchange

information and consult each other with a view to facilitating the smooth and efficient application of the relevant mutual recognition instruments, including for instance with regard to the EAW in order to ascertain trial-readiness;

information and consult each other with a view to facilitating the smooth and efficient application of the relevant mutual recognition instruments, including for instance with regard to the EAW in order to ascertain trial-readiness; ***against clear and objective criteria, with a corresponding mandatory ground for refusal where the executing state is not duly satisfied that the case is trial-ready in the issuing state.***

Or. en

Amendment 137
Sarah Ludford

Motion for a resolution
Annex – recommendation 3 - indent 1

Motion for a resolution

- A standardised procedure whereby the competent authorities of the issuing and executing States shall exchange information and consult each other with a view to facilitating the smooth and efficient application of the relevant mutual recognition instruments, including for instance with regard to the EAW in order to ascertain trial-readiness;

Amendment

- ***Without prejudice to the possibility of the competent executing authority availing itself of the grounds for refusal prior to consultation, a standardised procedure shall be set up*** whereby the competent authorities of the issuing and executing States shall exchange information and consult each other with a view to facilitating the smooth and efficient application of the relevant mutual recognition instruments ***or the protection of the fundamental rights of the person concerned, as the case may be***, including for instance with regard to the EAW in order to ascertain trial-readiness ***as well as its necessity and proportionality.***

Or. en

Amendment 138
Kinga Gál

Motion for a resolution
Annex – recommendation 4 - title

Motion for a resolution

Amendment

***Validation procedure for Union mutual
legal recognition instruments:*** *deleted*

Or. en

Amendment 139
Kinga Gál

Motion for a resolution
Annex – recommendation 4 - indent 1

Motion for a resolution

Amendment

***- “issuing authority” in Union criminal
legislation shall be defined as:*** *deleted*

Or. en

Amendment 140
Kinga Gál

Motion for a resolution
Annex – recommendation 4 - indent 1 – point i)

Motion for a resolution

Amendment

***(i) a judge, a court, an investigating
magistrate or a public prosecutor
competent in the case concerned; or*** *deleted*

Or. en

Amendment 141
Kinga Gál

Motion for a resolution
Annex – recommendation 4 - indent 1 – point ii)

Motion for a resolution

Amendment

(ii) any other competent authority as defined by the issuing State, provided that the act to be executed is validated, after examination of its conformity with the conditions for issuing the instrument, by a judge, court, investigating magistrate or a public prosecutor in the issuing State.

deleted

Or. en

Amendment 142
Cornelis de Jong

Motion for a resolution
Annex – recommendation 5 - title

Motion for a resolution

Amendment

Provision on legal remedies applicable to mutual recognition instruments:

Provision on *effective* legal remedies applicable to *the EAW, and other* mutual recognition instruments:

Or. en

Amendment 143
Sarah Ludford

Motion for a resolution
Annex – recommendation 5 - indent 1

Motion for a resolution

Amendment

- Member States shall ensure that everyone whose rights and freedoms are violated by a decision, action or omission in the application of an instrument of mutual recognition in criminal matters has the right to an effective remedy before a tribunal. If such a remedy is exercised in the executing state and has suspensive effect, the final decision on such a remedy

- Member States shall ensure that everyone whose rights and freedoms are violated by a decision, action or omission *including errors* in the application of an instrument of mutual recognition in criminal matters 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*

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.

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 144
Cornelis de Jong

Motion for a resolution
Annex – recommendation 5 - indent 1

Motion for a resolution

- Member States shall ensure that everyone whose rights and freedoms are violated by a decision, action or omission in the application of ***an*** instrument of mutual recognition in criminal matters has the right to an effective remedy before a tribunal. 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.

Amendment

- Member States shall ensure that everyone whose rights and freedoms are violated ***by an unlawful issuing or execution of an EAW, or*** by a decision, action or omission in the application ***of another*** instrument of mutual recognition in criminal matters has the right to an effective remedy before a tribunal. 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 145
Judith Sargentini

Motion for a resolution

Annex – recommendation 5 - indent 1a (new)

Motion for a resolution

Amendment

1a. Review of non-executed EAWs

The Commission shall carry out a regular review of non-executed EAWs and consider whether they, together with the corresponding SIS, Interpol and Europol alerts, should be withdrawn. All EAWs, and the corresponding alerts, which have been refused on mandatory grounds, including the new mandatory grounds relating to human rights, proportionality and trial readiness, should be withdrawn automatically.

Or. en

**Amendment 146
Judith Sargentini**

**Motion for a resolution
Annex – recommendation 5 - indent 1b (new)**

Motion for a resolution

Amendment

1b. Pre-trial detention

All decisions relating to pre-trial detention made by Member States shall comply with minimum standards legislated under a separate proposal submitted by the Commission, including in relation to:

- a) the substance and procedure of pre-trial detention decision-making,***
- b) the use of alternatives to detention;***
- c) the regular review of pre-trial detention and the need for special diligence to be applied during investigations; and***
- d) conditions in pre-trial detention facilities.***

Or. en

Amendment 147
Cornelis de Jong

Motion for a resolution
Annex – recommendation 5 a (new) – title

Motion for a resolution

Amendment

***Regular Review of non-executed or
refused EAWS***

Or. en

Amendment 148
Cornelis de Jong

Motion for a resolution
Annex - recommendation 5 - indent 1a (new)

Motion for a resolution

Amendment

***1a. a regular review of non-executed
EAWs shall be carried out, accompanied
with a thorough consideration of whether
they, together with the corresponding SIS,
Interpol and Europol alerts, should be
withdrawn where an EAW has been
refused on grounds such as human rights
and insufficient proportionality; the SIS,
Interpol and Europol alerts shall be
mandatorily updated with information on
the refusal of EAW execution by other
Member States on the basis of a lack of
proportionality***

Or. en

Amendment 149
Birgit Sippel

Motion for a resolution
Annex – recommendation 5 - indent 1a (new)

Motion for a resolution

Amendment

1a. Review of non-executed EAWs

The Commission shall carry out a regular review 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.

Or. en

Amendment 150
Birgit Sippel

Motion for a resolution
Annex – recommendation 5 - indent 1b (new)

Motion for a resolution

Amendment

1b. Pre-trial detention

The Commission shall submit a legislative proposal for minimum standards in the area of pre-trial detention, including rules on:

- a) the substance and procedure of pre-trial detention decisions;***
- b) the use of alternatives to detention;***
- c) the regular review of pre-trial detention such as to prevent excessive periods of detention and the need for special diligence to be applied during investigations;***
- d) detention conditions in pre-trial detention facilities.***

Or. en