

## **Abstract**

European arrest warrant represents an innovative criminal procedure instrument at the European level that has significantly helped the Member states of the European Union to effectively prosecute cross-border crime. The aim of my diploma thesis is to describe and analyze the European arrest warrant as a legal basis of surrender procedure among the Member states of EU. The description of this institute is not the only thing to be presented to the reader, the thesis also proposes a critical view on using it. The thesis is divided into five chapters.

The introductory chapter is an analysis of the traditional international judicial cooperation in criminal matters and its particular types, mainly the extradition, which is important for a consecutive explanation of surrender procedure. After a brief theoretical part, in the second chapter author focuses on the evolution and the process of the European judicial cooperation in criminal matters, starting with the opening of the external borders of the EU regarding the Schengen Agreement in 1985, mentioning the important Maastricht and Amsterdam Treaties and the last important change of the Treaties of the European Union brought by the Lisbon Treaty. *Corpus Iuris*, a prototype of a criminal law code of the EU, will be as well mentioned.

Whereas the third chapter deals with framework decisions in general as of a legislative act of the “third pillar”, different from directives and the international treaties used exclusively within the EU's competences in police and judicial co-operation in criminal justice matters, the key part of the thesis is comprehensive chapter four, which refers to the Framework Decision on the European Arrest Warrant 2002/584/JHA of 13 June 2002. The author highlights its principles as well as the revolutionary abandonment of the rule of double criminality in some cases. Attention is also paid to the recent case law of the Court of Justice of the EU. The fourth chapter also illustrates the surrender procedure under the Framework Decision on the European Arrest Warrant and compares it with the recently significantly changed transposed Czech legislation.

Finally, the last fifth chapter characterizes the problematic implementation of the Framework Decision in some European countries, primarily in the Czech Republic, where the Constitutional Court had to clarify the function of the European arrest warrant.