

Resumé

The European Arrest Warrant

The purpose of my thesis is to describe and analyse the Framework Decision on the European Arrest Warrant (2002/584/JHA), explain its principles and application rules, analyse its transposition into the Czech Republic legal order and to certain other European Union member States, outline basic characteristic and historical development in the area of the international judicial cooperation in criminal matters with a view to extradition and to present practical use and application of the European Arrest Warrant between the European Union member states.

The thesis is composed of eight chapters. Chapter One is introductory and deals with the institute of international judicial cooperation in criminal matters, its basic forms and legal regulation in the Czech Republic.

Chapter Two defines the term extradition as one of the fundamental forms of international judicial cooperation in criminal matters and explains its basic principles and application rules.

Chapter Three characterises the framework decision as one of the Third Pillar legal instruments. The chapter is subdivided into five parts. Part One provides general definition of the legal instruments of the Third Pillar. Part Two focuses on the legal definition of the framework decision in accordance with Article 34 Subsection 2 Paragraph (b) of the European Union Treaty. Indirect effect of the framework decision and respective judgement of the European Court of Justice in Case Maria Pupino is explained in the following part. Part Four examines mutual relations between the framework decision and international treaties. Conclusions of the Chapter are drawn in the last part.

Chapter Four looks at the extradition from the historical point of view. Chapter is subdivided into three parts, each of them dealing with different frames of cooperation, from instruments adopted within the Council of Europe, European Political Cooperation and Schengen Cooperation and within the European Union to the adoption of the Framework Decision on the European Arrest Warrant.

Chapter Five concentrates on analysis of the Framework Decision on the European Arrest Warrant. The chapter consists of six parts. Part One provides the definition of the European Arrest Warrant. Part Two focuses on its application rules and principles. Part Three explains the surrender procedure and related questions. Relation of the European Arrest Warrant to other legal instruments is explained in the following part. Part Six summarizes the Chapter and provides an outline of the practical application of the European Arrest Warrant within the European Union.

Chapter Six concentrates on the transposition of the Framework Decision in the Czech Republic. Chapter is composed of five parts. National transposing legislation is examined in the beginning of the chapter. Surrender procedure is analysed in part Two. Part is subdivided into two sections, dealing with surrender to and from the Czech Republic. Part Three looks at surrender of Czech nationals under the European Arrest Warrant. Use of the European Arrest Warrant in the Czech Republic is presented in part Four. The last part summarizes basic aspects of the chapter and points out main drawbacks of Czech legislation transposing the Framework Decision.

Chapter Seven is the analysis of the Czech Constitutional Court Judgement concerning the constitutionality of the Czech legislation transposing the Framework Decision on the European Arrest Warrant.

Chapter Eight is subdivided into four parts, each of them providing an outline of the transposition of the Framework Decision in some member states, namely in Poland, Germany, Belgium and Cyprus. Chapter analyses in particular the approach of the national Courts to the question.

Conclusions are drawn in the following chapter of the thesis which provides summary and valuation of the European Arrest Warrant. As the first measure applying the principle of mutual recognition to foreign judicial decisions and judgments in criminal matters, it has been a key development in the creation of a European Area of Freedom, Security and Justice.