

EN
E-002145/2022
Reply
(19.9.2022)

The Council has already played a role in ensuring the availability of elements that can help Member States and practitioners in applying the case-law of the Court of Justice of the European Union (CJEU) in the area mentioned by the Honourable Member.

The issue of the extradition of EU citizens to third states has been discussed multiple times in the Council and in its preparatory bodies following the judgment of the CJEU of 6 September 2016 in C-182/15, Petruhhin.

In June 2020, the Council asked the Presidency to invite Eurojust and the European Judicial Network (EJN) to analyse how requests for extradition of EU citizens by third states are handled in practice, and to make suggestions in this regard. In response, Eurojust and the EJN published a joint report in November 2020¹, which is available on Eurojust's website.

In its conclusions of December 2020 entitled 'The European arrest warrant and extradition procedures – current challenges and the way forward'², the Council invited the Commission to consider the need for further action, in the light of the results of the analysis prepared by Eurojust and the EJN.

Following this invitation, the Commission issued a notice on guidelines on extradition to third states on 7 June 2022³. The notice provides a summary of relevant case-law of the CJEU, and guidelines for Member States and practitioners.

¹ 13422/20.

² 13684/20.

³ C(2022) 3626 final.