



2021-2023

FRA
PROGRAMMING
DOCUMENT
AMENDMENT NO: 2



SECTION 3



ANNUAL WORK PROGRAMME 2021

B.2.6 - Procedural safeguards in European Arrest Warrant Proceedings

Strategic Programme: JUST, DIGITAL AND SECURE SOCIETIES

Area of activity: Judicial cooperation, except in criminal matters

PRIORITY 1

Start:01/12/2021
End: 31/12/2023

STATUS:
NEW

TYPE:
Multiannual

POLICY RELEVANCE and ADDED VALUE of the PROJECT

In 2019 FRA published a report on 'Access to a Lawyer and other procedural rights in criminal and European Arrest Warrant (EAW) Proceedings', which was the outcome of a direct request from the European Commission to support its work in this area. The report was based on research studies in eight EU Member States – Austria, Bulgaria, Denmark, France, Greece, the Netherlands, Poland and Romania. The report outlined the application of the Directive 2013/48/EU on the right of access to a lawyer in the Member States covered by the research.

In 2020, Council Conclusions on 'The European arrest warrant and extradition procedures – current challenges and the way forward' (2020/C 419/09) invited FRA to continue working on procedural rights in EAW proceedings; namely, to extend its research to other Member States and to emphasise the experiences of lawyers acting in surrender proceedings.

In view of the forthcoming 20th anniversary of the adoption of the EAW Framework Decision on 13 June 2022, the Council invited FRA, among others, to propose possible solutions for current challenges in the application of the Framework Decision. The Commission was called on to update the EAW handbook, to provide guidance for practitioners on how to deal with cases of alleged risk of breach of Article 47 (2) of the Charter and to seek FRA's input in finding ways to improve practitioners' access to information.

Responding to the above policy the Agency will carry out fieldwork and desk research in a first phase of research in a selected number of Member States that were not covered in the previous FRA study from 2019. The fieldwork research will consist of interviews with defence lawyers and judicial authorities, and will focus on procedural safeguards for persons arrested under a EAW, in particular legal assistance in both issuing and executing Member States. In addition, FRA will organise a expert meeting with defence lawyers and judicial authorities from selected Member States to learn whether any common challenges and trends could be identified.

Preliminary results from Member States covered by the first phase of the research will be communicated to the Council and the Commission in 2022, with findings published in 2023.

PROJECT OBJECTIVES

- Contribute to identifying and addressing current challenges in the application of the European Arrest Warrant (EAW);
- Provide valuable input for the update of the Commission EAW Handbook;
- Contribute to the proper implementation of fundamental rights and secondary EU legislation in practice as concerns the rights of persons requested under a EAW in Member States;
- Contribute to the proper implementation and execution of the EAW Framework Decision.

LINK TO FRA STRATEGIC PRIORITIES

This project is linked to all FRA Strategic Priorities 2018-2022.

PROJECT PLAN FOR 2021

ACTIVITIES

- Experts' consultations on the scope of the project

OUTPUTS

- Note: Publication of report summarising the research findings planned for 2023

TARGET GROUPS AND BENEFICIARIES

- Research requested by the Council of the European Union
- DG Justice - Commission; Eurojust; EPPO
- EU Member States covered by the research
- Legal professionals involved in judicial cooperation in criminal matters, including official networks of professionals (European Judicial Network, etc)
- International Organizations working in the field of criminal justice; including CoE - CEPEJ
- Professional training institutions (EJTN, National Schools of Judiciary, etc)
- Civil Society Organisations (Bar Associations, Judges' Unions, etc)

RESOURCES PLANNED FOR 2021

Human Resources		Financial Resources		1 st priority	2 nd priority	3 rd priority
		<i>Research and Data</i>		320,000	-	100,000
<i>Temporary Agents</i>	0.20	<i>Technical Assistance & Capacity building</i>		-	-	-
<i>Contract Agents</i>	0.55	<i>Institutional Cooperation & Networks</i>		-	-	-
<i>SNEs</i>	0.30	<i>Communications & Events</i>		-	-	-
Total	1.05	Total		320,000	-	100,000

Annex XV: Procurement plan Year 2021 (Financing Decisions)

B.2.4 - Procedural safeguards in European Arrest Warrant Proceedings

The overall budgetary allocation reserved for procurement contracts in 2021 amounts to EUR 320,000 (1st priority) and EUR 100,000 (3rd priority)

Budget line: B0-3230 Judicial cooperation, except in criminal matters

Subject matter of the contracts envisaged: research

Type of contract: specific contract based on an existing framework contract

Type of procurement: service

Indicative number of contracts envisaged: 10

Indicative timeframe for launching the procurement procedure: 4th quarter of the year