



# Stream

Strengthening Trust in the  
European Criminal Justice Area  
through Mutual Recognition  
and the Streamlined Application  
of the European Arrest Warrant

## Research Brief

# Luxembourg

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## Introduction

This STREAM Research Brief provides a synopsis of how the judicial authorities in Luxembourg take fundamental rights and procedural guarantees into consideration when implementing the European Arrest Warrant (EAW) system pursuant to Framework Decision 2002/584/JHA (EAW FD),<sup>2</sup> during both the *issuing* and *executing* stages. To prepare this Research Brief, we examined Luxembourg's legislative framework, analysed relevant EU and Luxembourg case law, and interviewed one of Luxembourg's Deputy Chief Public Prosecutors to gain a more concrete understanding of the relevant issues.

More specifically, we analysed a total of nine decisions delivered by the pre-trial chamber of Luxembourg's Court of Appeal. These decisions were selected for their direct relevance not only to EAW proceedings in Luxembourg in the context of fundamental rights protection and procedural safeguards, but also to the jurisprudence of the Court of Justice of the European Union (the Court of Justice).

Based on our analysis, those decisions show five key findings. First, Luxembourg courts guarantee effective judicial protection when issuing or executing an EAW issued for the purposes of prosecution (EAW for Prosecution) and EAW issued for the purposes of execution of a custodial sentence or detention order (EAW for Sentenced Persons). Second, in line with the EAW Framework Decision, Luxembourg's transposing legislation does not contain a specific refusal ground based on fundamental rights concerns. Nevertheless, Luxembourg's courts determine compliance with fundamental rights protection by specifically referencing Article 1(3) of the EAW FD in their decisions and by expressly mentioning the relevant fundamental rights considerations. Third, Luxembourg courts have not yet been asked to execute an EAW that would have required them to engage in the two-step test examining systemic and generalised deficiencies affecting the independence of the judiciary in an issuing Member State pursuant to either the Court of Justice's relevant case law<sup>3</sup> or the EU's recently enacted general regime of conditionality.<sup>4</sup> Fourth, Luxembourg courts do not appear to have any particular difficulties with respect to dialogue between issuing and executing authorities. And fifth,

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2 Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States (2002/584/JHA), OJ L 190, 18.7.2002, p. 1, as amended (FD 2002/584).

3 Judgments of the Court of Justice of 25 July 2018, *LM/Minister for Justice and Equality*, C-216/18 PPU, EU:C:2018:586; of 17 December 2020, Joined Cases *L* and *P/Openbaar Ministerie*, Joined Cases C-354/20 PPU and C-412/20 PPU, EU:C:2020:1033; and of 22 February 2022, Joined Cases *X* and *Y/Openbaar Ministerie*, C-562/21 PPU and C-563/21 PPU, EU:C:2022:100.

4 See Regulation (EU, Euratom) 2020/2092 of the European Parliament and of the Council of 16 December 2020 on a general regime of conditionality for the protection of the Union budget [2020] OJ L 433/1; Judgments of the Court of Justice of 16 February 2022, *Poland v Parliament and Council*, C-157/21, EU:C:2022:98; and of 16 February 2022, *Hungary v Parliament and Council*, C-156/21, EU:C:2022:97.

Luxembourg courts are willing to request a preliminary ruling from the Court of Justice in connection with an EAW if and when appropriate. Indeed, to date, one such request has been made, which resulted in the Court of Justice's important EAW clarification in *Parquet général du Grand-Duché de Luxembourg (and de Tours)*.<sup>5</sup>

## **Section I – Fundamental rights: primarily a matter for the issuing state?**

According to established case law of the Court of Justice, the EAW system 'entails a dual level of protection of procedural rights and fundamental rights which must be enjoyed by the requested person'.<sup>6</sup>

The first level of protection requires that:

the decision to issue a European arrest warrant for the purpose of criminal prosecution [be] based on a national procedure that is subject to review by a court and that the person in respect of whom that national arrest warrant was issued has had the benefit of all safeguards [...] derived from the fundamental rights and fundamental legal principles referred to in Article 1(3) of Framework Decision 2002/584.<sup>7</sup>

The second level of protection requires that:

the judicial authority competent to issue a European arrest warrant by virtue of domestic law must review, in particular, observance of the conditions necessary for the issuing of the European arrest warrant and examine whether, in the light of the particular circumstances of each case, it is proportionate to issue that warrant.<sup>8</sup>

Moreover,

where the law of the issuing Member State confers the competence to issue a European arrest warrant on an authority which, whilst participating in the administration of justice in that Member State, *is not itself a court*, the decision to issue such an arrest warrant and, inter alia, the proportionality of such a decision must be capable of being the subject, in the Member State, of *court proceedings* which meet in full the requirements inherent in effective judicial protection.<sup>9</sup>

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5 Judgment of the Court of Justice of 12 December 2019, Joined Cases *Parquet général du Grand-Duché de Luxembourg (and de Tours)*, C-566/19 PPU and C-626/19 PPU, EU:C:2019:1077.

6 Judgment of 27 May 2019, *PF (Prosecutor General of Lithuania)*, C-509/18, EU:C:2019:457, para. 45 (citation omitted).

7 *Ibid.*, para. 48.

8 *Ibid.*, para. 49 (citation omitted). For a more general discussion regarding the proportionality of issuing an EAW, see Klip, A. (2022), Mancano, L. (2019), Ostropolski, T. (2014), and Xanthopoulou, E. (2015).

9 *Ibid.*, para. 53 (emphasis added).

A separate right of appeal against the decision to issue a European Arrest Warrant taken by a judicial authority *other than a court* is just one possibility in that regard.<sup>10</sup> In its 2021 *Spetsializirana prokuratura* decision,<sup>11</sup> the Court of Justice unequivocally rejected the notion that Member States were obliged to offer *pre-surrender* judicial review.<sup>12</sup> Subsequently, however, in its 2021 *PI* decision,<sup>13</sup> the Court of Justice added a significant nuance to its ruling in *Spetsializirana prokuratura*: the Court of Justice expressly confirmed that effective judicial protection '*presupposes [that] judicial review of either the European arrest warrant or the judicial decision on which it is based is possible before that warrant is executed*'.<sup>14</sup> Ultimately, the Court of Justice concluded that *ex post* judicial review cannot meet a Member State's obligation to provide effective judicial protection as required by the EAW FD.<sup>15</sup>

#### **a) Effective judicial protection in cases concerning an EAW for Prosecution**

Looking at Luxembourg's legislation, jurisprudence, and general practices in connection with the issuance by the relevant authorities of EAWs for Prosecution purposes, we are of the opinion that Luxembourg satisfies the requirement of effective judicial protection and complies with the relevant EU-level standards, including the Court of Justice's most recent case law.

EAWs issued for prosecution purposes ('EAWs for Prosecution') are issued by Luxembourg's *juges d'instruction* (Investigating Judges), who are, by definition, members of Luxembourg's judiciary. That alone meets the issuing Member State's obligation to ensure judicial involvement *prior to* the requested person's surrender.<sup>16</sup> The Investigating Judge is obliged to assess whether the conditions necessary for issuing an EAW for Prosecution have been fulfilled,<sup>17</sup> which, in turn, obliges the Investigating Judge to assess whether issuing an EAW for Prosecution is, in fact, proportionate in the specific circumstances.<sup>18</sup> Logically, that assessment obliges the Investigating Judge to consider the exact nature and severity of the underlying offence(s) and take any exacerbating or

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10 *Parquet général du Grand-Duché de Luxembourg*, supra fn 5, para. 65 (emphasis added).

11 Judgment of the Court of Justice of 28 January 2021, *Spetsializirana prokuratura*, C-649/19, EU:C:2021:75, para. 79 (emphasis added).

12 *Ibid.*, para. 79 (emphasis added).

13 Judgment of 10 March 2021, *PI*, C-648/20 PPU, EU:C:2021:187.

14 *Ibid.*, para. 48 (emphasis added).

15 *Ibid.*, para. 60.

16 Art. 26 of the *Loi du 17 mars 2004 relative au mandat d'arrêt européen et aux procédures de remise entre États membres de l'Union européenne*, as amended, (EAW Law). The full text is available at:

<http://legilux.public.lu/eli/etat/leg/loi/2004/03/17/n1/jo>.

17 EAW Law, Arts. 1 and 2.

18 An EAW can be issued for acts punishable by the law of the issuing State by a custodial sentence or detention order of a maximum of at least 12 months or when a sentence has been imposed or a preventive measure has been imposed for penalties of a period of at least four months. *Ibid.*, Art. 2.

mitigating circumstances specific to the requested person's case into consideration. While we are comfortable saying that Luxembourg's Investigating Judges carry out the necessary proportionality assessment in a thorough and thoughtful manner, we are, however, unable to explain the exact nature or scope of the Investigating Judge's assessment or the criteria used therein, or offer any examples thereof, as the Investigating Judge's findings are not made public. However, to our knowledge and that of the Deputy Chief Public Prosecutor we interviewed, no EAW for Prosecution purposes issued by Luxembourg has been challenged for lack of proportionality.

In addition to said *pre-surrender* judicial involvement in the process for an EAW for Prosecution, an individual sought by and surrendered to Luxembourg pursuant to such an EAW may have, if ultimately charged with a crime, additional *post-surrender* opportunities to challenge all or part of the preliminary investigative procedures, including the issuance of the EAW for Prosecution. In that regard, an individual surrendered to Luxembourg must be brought before an Investigating Judge, who first interviews the individual and then decides whether to charge the individual with the criminal offences. If the Investigating Judge determines that no charges should be brought, the surrendered individual is released. If, however, the Investigating Judge decides to bring charges, the individual acquires the status of an 'accused' person. This triggers the various criminal procedure rights set out in, for example, Article 126 of Luxembourg's Code of Criminal Procedure (CCP),<sup>19</sup> which includes the right to ask the Investigating Judge to invalidate the preparatory investigation procedure or any act arising therefrom, including the issuance of the EAW for Prosecution. In other words, until the requested person becomes an 'accused' person, he or she is not yet a formal party to the preparatory investigation procedure and, thus, cannot seek pre-surrender judicial review of the EAW for Prosecution. Nevertheless, we believe Luxembourg's criminal procedure complies with the Court of Justice's *Spetsializirana prokuratura* ruling – even as nuanced by *PI* – because its EAWs for Prosecution can only be issued by an Investigating Judge.

#### **b) Effective judicial protection in cases concerning an EAW for Sentenced persons**

With respect to effective judicial protection for persons subject to an EAW issued when they have already been sentenced, so the sentence can be enforced (EAW for Sentenced persons), the Court of Justice distinguishes them from the EAW for Prosecution discussed in subparagraph (a), above. Specifically, in *Openbaar Ministerie*,<sup>20</sup> the Court of Justice was asked for a preliminary ruling with respect to an EAW for Sentenced

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19 The request can be made by the public prosecutor, the accused, any civil party, any civilly liable party, and any third party with a legitimate personal interest in the prosecution. The request must be addressed to the pre-trial chamber of the District Court, per art. 126 of the *Code de procédure pénale*, as amended (CCP). The full text is available at: [http://legilux.public.lu/eli/etat/leg/code/procedure\\_penale/20201221](http://legilux.public.lu/eli/etat/leg/code/procedure_penale/20201221).

20 Judgment of 12 December 2019, *Openbaar Ministerie (Public Prosecutor, Brussels)*, C-627/19 PPU, EU:C:2019:1079.

persons issued by a Belgian public prosecutor rather than a Belgian court or judge, the concern being that there was inadequate judicial oversight to ensure effective judicial protection in the issuing of such EAWs.<sup>21</sup> The Court of Justice, however, explained that an EAW for Sentenced persons is:

based on an enforceable judgment imposing a custodial sentence on the person concerned, by which the presumption of innocence enjoyed by that person is rebutted in judicial proceedings that must meet the requirements laid down in Article 47 of the Charter of Fundamental Rights.<sup>22</sup>

The Court of Justice went on to explain that:

In such a situation, the judicial review [...] which meets the need to ensure effective judicial protection for the person requested on the basis of a European arrest warrant issued for the purposes of executing a sentence, *is carried out by the enforceable judgment*.<sup>23</sup>

Consequently, it found:

The existence of earlier judicial proceedings ruling on the guilt of the requested person *allows the executing judicial authority to presume* that the decision to issue a European arrest warrant for the purposes of executing a sentence is the result of a national procedure in which the person in respect of whom an enforceable judgment has been delivered has had the benefit of all safeguards appropriate to the adoption of that type of decision, including those derived from the fundamental rights and fundamental legal principles referred to in Article 1(3) of Framework Decision 2002/584.<sup>24</sup>

Moreover, the Court of Justice explained that the *proportionality* of an EAW for Sentenced persons automatically follows from the sentence imposed, which, pursuant to Article 2(1) of the EAW FD, *must* consist of a custodial sentence or a detention order of at least four months.<sup>25</sup> In light of that, the Court of Justice concluded that the EAW FD:

*must be interpreted as not precluding the legislation of a Member State which, although conferring competence to issue a European arrest warrant for the purposes of executing a sentence on an authority which, whilst participating in the administration of justice in that Member State, is not*

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21 Ibid., para. 33.

22 Ibid., para. 34.

23 Ibid., para. 35 (emphasis added).

24 Ibid., para. 36 (emphasis added).

25 Ibid., para. 38 (emphasis added).



itself a court, *does not provide for a separate judicial remedy against the decision of that authority to issue such a European arrest warrant.*<sup>26</sup>

In light of the Court of Justice's *Openbaar Ministerie* decision, we are of the opinion that the executing judicial authorities in other Member States can justifiably presume that the Luxembourg Chief Public Prosecutor's decisions to issue an EAW for Sentenced persons pursuant to Article 26 of the EAW Law results from national proceedings in which the requested person has had the benefit of all procedural safeguards afforded by both Luxembourg and EU law. Indeed, Article 696(1) CCP gives the *Chambre de l'application des peines* (the Chamber of the Court of Appeal in charge of enforcing penalties) jurisdiction to hear appeals against the Luxembourg Chief Public Prosecutor's decision regarding the execution of sentences, including its decisions to issue an EAW for Sentenced persons. In that regard, the Deputy Chief Public Prosecutor informed us that an unpublished draft reform of Luxembourg's Law of 20 July 2018 reforming the administration of Luxembourg's penitentiary system<sup>27</sup> introduces a specific, separate appeal procedure against Luxembourg-issued EAWs for Sentenced persons before said Chamber. However, in our view, the current process through which Luxembourg's Chief Public Prosecutor issues EAWs for Sentenced persons more than satisfies its obligation to provide effective judicial protection, even without that additional legislation.

Finally, in order to better guarantee the effective enjoyment of a requested person's rights, Luxembourg enacted its Law of 8 March 2017,<sup>28</sup> which transposed criminal procedural rights within Luxembourg's CCP, including the right to interpretation,<sup>29</sup> translation,<sup>30</sup> legal assistance,<sup>31</sup> and access to the case file.<sup>32</sup> That March 2017 law also reinforced Luxembourg's procedural guarantees by adding a new Article 27-1 to the existing EAW Law, through which it codified the requested person's right to request, via the executing Member State's competent authority, the appointment of a lawyer in Luxembourg to assist the requested person's lawyer in the executing Member State. Upon receiving that request, Luxembourg's issuing authority is obliged to select and appoint, *ex officio* and without undue delay, a lawyer from a list of available Luxembourg lawyers drawn up by the President of Luxembourg's Bar Association.

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26 Ibid., para. 39 (emphasis added).

27 *Loi du 20 juillet 2018 portant réforme de l'administration pénitentiaire*,  
<http://legilux.public.lu/eli/etat/leg/loi/2018/07/20/a626/jo>.

28 *Loi du 8 mars 2017 renforçant les garanties procédurales en matière pénale*,  
<http://legilux.public.lu/eli/etat/leg/loi/2017/03/08/a346/jo>.

29 CCP, Art. 3-3.

30 CCP, Art. 3-5.

31 CCP, Art. 3-6.

32 CCP, Art. 85(1).

## Section II - Protecting fundamental rights in the executing state?

Neither the EAW FD nor the Court of Justice's case law obliges executing authorities to expressly state that they may refuse to execute an EAW if the requested person's fundamental rights are not adequately protected by the issuing Member State. Thus, Luxembourg's transposing legislation (particularly its EAW Law, as amended) does not include such a fundamental rights clause. Nevertheless, requested persons named in EAWs issued by other Member States have challenged Luxembourg's enforcement of other Member States' EAWs on fundamental rights grounds. Luxembourg courts have demonstrated their readiness to uphold the requested person's fundamental rights if and when appropriate.

For example, in Case No. 791/15,<sup>33</sup> Luxembourg's Court of Appeal was asked to consider the appropriateness of executing an EAW for a person sentenced *in absentia*. Despite the Court of Appeal's request for assurances from the issuing authorities that the requested person would be entitled to seek a retrial, the issuing Member State failed to provide such assurances in a timely manner. The Luxembourg Court of Appeal refused to execute the EAW and released the person in question.

In 2016, almost immediately after the Court of Justice issued its decision in *Aranyosi and Căldăraru*,<sup>34</sup> a series of six decisions (the '2016 Detention Decisions') dealt with allegations that if surrendered, the requested person would be at risk of inhuman or degrading treatment due to the detention conditions in the Member State of the issuing authorities.<sup>35</sup> Mirroring the Court of Justice's reasoning in *Aranyosi and Căldăraru*,<sup>36</sup> the 2016 Detention Decisions generally mentioned the need for mutual trust and mutual recognition to create and maintain an area without internal borders, particularly the EU's area of freedom, security and justice, and thus the need for Member States, *save in exceptional circumstances*, to trust that other Member

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33 Court of Appeal of Luxembourg (Pre-trial Chamber), Judgment of 30 September 2015, Case No. 791/15. The case concerned a Romanian-issued EAW for Sentenced persons based on an *in absentia* criminal conviction. The EAW failed to indicate whether the requested person had been summoned to appear in person or had otherwise been informed of the date and place of the hearing that led to the *in absentia* conviction. In addition, the EAW did not provide any assurances that guaranteed the requested person would have an opportunity to apply for a retrial once surrendered or would have the right to be present when a decision in that new trial was rendered. The Court of Appeal noted that it could condition the requested person's surrender on receiving adequate assurances that the requested person would be retried and be present when judged. In this context, the Public Prosecutor contacted the Romanian judicial authorities to obtain supplementary information on whether the requested person could apply for a retrial. Since the Romanian judicial authorities did not provide an answer within the 20-day time limit during which the Court of Appeal had to decide on the appeal, the Court of Appeal refused to execute the Romanian EAW and ordered the requested person's release.

34 Judgment of the Court of Justice of 5 April 2016, Joined Cases *Aranyosi and Căldăraru*, C-404/15 and C-659/15 PPU, EU:C:2016:198.

35 Court of Appeal of Luxembourg (Pre-trial Chamber), Judgment of 13 April 2016, Case No. 279/16; Court of Appeal of Luxembourg (Pre-trial Chamber), Judgment of 15 April 2016, Case No. 289/16; Court of Appeal of Luxembourg (Pre-trial Chamber), Judgment of 15 April 2016, Case No. 290/16; Court of Appeal of Luxembourg (Pre-trial Chamber), Judgment of 15 April 2016, Case No. 291/16; Court of Appeal of Luxembourg (Pre-trial Chamber), Judgment of 18 April 2016, Case No. 293/16; Court of Appeal of Luxembourg (Pre-trial Chamber), Judgment of 20 December 2016, Case No. 1091/16.

36 The Court of Appeal typically referred to paras 78-90 and 92 of the Court of Justice's *Aranyosi and Căldăraru* ruling.



States comply with EU law, protect fundamental rights recognised by EU law, and otherwise respect human dignity.

The 2016 Detention Decisions expressly referred to Article 1(3) of the EAW FD,<sup>37</sup> with the Court of Appeal stressing that the principle mentioned therein – according to which the execution of an EAW *cannot be refused* on grounds other than those provided by that Framework Decision – only applies if the requested person’s fundamental rights and the fundamental legal principles, enshrined in Article 6 TEU, are respected. It also referred to the Member States’ positive obligation, enshrined in Article 3 ECHR, to ensure that every detainee is detained under conditions that respect human dignity. It should be noted, however, that the Court of Appeal has not, to date, refused to execute an EAW on that basis, apparently interpreting the ability to refuse execution in a narrow way.

Considering the above, it can be argued that, although Luxembourg’s transposing legislation does not include an express fundamental rights clause, Luxembourg’s courts do, and very likely will continue to, examine compliance with fundamental rights by referring to Article 1(3) of the EAW FD and the relevant fundamental rights considerations within their decisions. In balancing mutual trust and effective judicial protection, however, it is likely that Luxembourg’s courts will continue to narrowly interpret the ability to refuse to execute an EAW issued by another Member State’s judicial authorities.

To date, we have found no decision, and the Deputy Chief Public Prosecutor confirmed that he has found no decision, in which a Luxembourg court applied the two-step assessment outlined in *Aranyosi and Căldăraru* in relation to ‘generalised and systemic deficiencies’ affecting the judicial independence in the issuing Member State. Only one of Luxembourg’s EAW-related cases involved an issuing Member State that is currently under scrutiny for such generalised and deficiencies affecting judicial independence: Case No. 38/14, concerning an EAW for Prosecution issued in Poland. As the decision in that case was taken in January 2015, it was made before the start of the rule of law crisis and thus is unlikely to be representative of current practice in Luxembourg when faced with EAWs issued by scrutinised Member States.<sup>38</sup>

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37 Art. 1(3) of the EAW FD: ‘This Framework Decision shall not have the effect of modifying the obligation to respect fundamental rights and fundamental legal principles as enshrined in Article 6 of the Treaty on European Union.’

38 Court of Appeal of Luxembourg (Pre-trial Chamber), Judgment of 16 January 2015, Case No. 38/14. In this case, the requested person’s lawyer argued that there had been a violation of Article 6 ECHR because the issuing Member State (Poland) had not acted within a reasonable delay, as the alleged facts had taken place in 2009 and 2010 but the EAW was only issued in 2013. The Court of Appeal rejected this argument, holding that it is not up to the executing authorities to review the validity or invalidity of the procedure followed by the issuing Member State. Rather, it held that any challenges to the reasonableness of the time periods permitted under the Polish procedures based on Article 6 ECHR were to be assessed by the issuing judicial authority, not the executing judicial authority.

### **Section III Protecting fundamental rights through horizontal and vertical cooperation?**

From a horizontal cooperation perspective, the Deputy Chief Public Prosecutor we interviewed informed us that, in general, there have not been any particular difficulties in the dialogue between issuing and executing authorities post-*Aranyosi and Căldăraru*. According to him, the exchange of information, to date, between authorities has generally worked well and is carried out in a pragmatic manner, whether Luxembourg is the issuing or the executing Member State. There is an exception seen in Case No. 791/15, in which the Romanian authorities failed to respond in a timely manner to the relevant Public Prosecutor's request for assurances about a retrial when asked to execute an EAW for Sentenced persons based on an *in absentia* conviction. This resulted in Luxembourg's executing authorities refusing to execute the EAW in question,<sup>39</sup> which appears to be an anomaly in Luxembourg.

From a vertical cooperation perspective, as noted above, Luxembourg has sent one EAW-related request for a preliminary ruling to the Court of Justice. That one request led to the Court of Justice's decision in *Parquet général du Grand-Duché de Luxembourg (Procureurs de Lyon et Tours)* on the autonomous definition of an issuing judicial authority, within the meaning of Article 6(1) of the EAW FD, with respect to public prosecutors.<sup>40</sup> At the same time, the fact that there has been only one such request reflects the rather limited use of this mechanism by Luxembourg's courts.

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<sup>39</sup> Case 791/15, *supra* n. 32.

<sup>40</sup> Judgment of the Court of Justice of 12 December 2019, *Parquet général du Grand-Duché de Luxembourg (and de Tours)*, *supra* fn 5.

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## Availability of EAW-related jurisprudence

The Deputy Chief Public Prosecutor we interviewed confirmed that, in Luxembourg, a decision to issue an EAW is not a publicly accessible decision. Only some decisions related to the execution of EAWs are made publicly available on one or all of Luxembourg's judicial databases:

- (i) Stradalex Luxembourg (<https://www.stradalex.lu/en>);
- (ii) JUDOC (<https://justice.public.lu/fr/jurisprudence/jurisprudence-judoc.html>); and
- (iii) the general jurisprudence database maintained by "La Justice: Grand Duché de Luxembourg" (<https://justice.public.lu/fr/jurisprudence/juridictions-judiciaires.html>).

As JUDOC only offers extracts of decisions deemed to be of legal interest, we consulted the general jurisprudence database for the full text of any relevant decisions. If the whole decision was not available on the general jurisprudence database, we sent a request to the Legal Documentation Service, which falls under the auspices of the Chief Public Prosecutor, in order to obtain access to the full text of relevant decisions.

There are decisions that are not however published.

On criteria determining which texts are publicly available, besides the indication that the JUDOC database only contains extracts of decisions deemed to be of legal interest, there is no other publicly available indication as to the criteria used to determine which decisions are made publicly available and which are not.

The main implication deriving from the lack of availability of certain EAW-related judgments is the incomplete overview of the ways and the extent to which Luxembourg's courts deal with EAWs.