Opinion of the Advocate General of the CJEU in line with the position of the Ministry of Justice

The Ministry of Justice welcomed with satisfaction today's opinion of the Advocate General of the CJEU, Manuel Campos Sánchez-Bordona, on the use of European Arrest Warrants (EAWs). The the Advocate General confirmed that the reforms of the judiciary carried out in Poland cannot be the reason for the refusal to execute the EAW.

Since the Dutch court initiated proceedings in this case, Poland has consistently emphasized that there are no grounds for stating that Polish courts did not meet the requirement of independence. However, the court in Amsterdam, based on a false thesis, questioned the execution of two EAWs issued against persons suspected of crimes and hiding from the Polish justice system.

The representative of the Government of the Republic of Poland - Deputy Minister of Justice Dr. Anna Dalkowska - already during the hearing on October 12, 2020, indicated that there can be no automatism in the cases of European arrest warrants. If we accept the arguments of the Dutch court that referred the question to the CJEU for a preliminary ruling, it would be possible to exclude the judiciary of one Member State by another.

This standpoint was also held by the European Commission, as well as by Ireland and Belgium. The Advocate General of the CJEU also clearly stated that the Dutch court does not find any real grounds based on the applicable provisions of law to refuse to surrender persons covered by the EAW to Poland.

Due to the incorrect position of the Dutch court and the artificial legal problem created in this way, the opinion issued by the Advocate General of the CJEU had to be consistent with the position of Poland.

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