

Klimek, L. *European Arrest Warrant*, Cham: Springer International Publishing, 2015, 375 p. ISBN 978-3-319-07337-8

The reviewed book offers a comprehensive look at the instrument of European arrest warrant (EAW) and undoubtedly it is the result of a widespread research. Libor Klimek benefits here from his long-term interest in issues related to the EAW. He created a text that enriches doctrinal knowledge and, moreover, which is an excellent guide for all lawyers who are dealing with the EAW in their practice. The book is dedicated to almost all issues related to the institute of EAW. It took the opportunity of analysis of previous case-law and provides a critical view of the application of this instrument for more than ten years since its introduction into practice.

The author in the first part deals with theoretical basis and discusses the historical background and development of the EAW. Very valuable in my view is the chapter (no. 3) devoted to the question of the legal basis for the adoption of the Framework Decision of 13 June 2002 on the European arrest warrant. Given the specificities of the former third pillar it helps to understand the particulars of EAW.

The second part contains an analysis of the practical implementation of the EAW and covers issues of its release, execution and institutional background within the surrender procedures. I consider as the most valuable chapter no. 5, where the author presents the principles of surrender procedure. There is one part dedicated to the principle of surrender procedure itself (specialty, double criminality, reciprocity) and another part addressed to the general principles behind a cooperation in criminal matters (mutual trust and mutual recognition). An interesting addition is present in chapter no. 9, in which the author describes the specific mode of surrender procedure in Nordic Countries.

The third section presents the process of implementation of the Framework Decision. The author here deals mainly with the legislative issues but this rather technical part is supplemented by an analysis of the state of implementation in particular Member States, thus the readers will get the information about some differences that arose during the implementation process.

The fourth chapter contains a detailed analysis of case law associated with the EAW. Thorough analysis of the relevant CJEU case law, which gives answers to many difficult questions (removal of double criminality requirement, question of application of *ne bis in idem* principle, grounds for non-execution of the EAW, clashes between EAW and fundamental rights, understanding of the specialty principle) has important analytical value for the doctrine but is especially relevant for the practice. Chapter 12 provides an analysis of the case

law of constitutional courts and analyses important constitutional questions that EAW brought into the European legal discourse.

The fifth part of the work involves evaluation of the EAW. Author offers evaluation through comparison with the traditional extradition proceedings and complements it by the description of the views of the doctrine as well as EU institutions.

The last sixth section provides an analysis of current developments related to the EAW and wide cooperation in criminal matters in the EU. It is dedicated particularly to the long-discussed issue of procedural rights of persons in criminal proceedings. The author analyses the Directive 2010/64 / EU on the right to interpretation and translation, Directive 2012/13 / EU on the rights to information in criminal proceedings and Directive 2013/45 / EU on the right of access to a lawyer in criminal proceedings and in EAW proceedings. This chapter offers the comprehensive study and practical guide to the latest development in the field of European cooperation in criminal matters.

Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States 2002/584/JHA (FD EAW) and EAW itself are among the most frequently accented topics related to the European integration. This legal institute attracted attention of the representatives of the doctrine in within many spheres of legal research (European law, criminal law, constitutional law, international law and human rights law). Introduction of the EAW and surrender procedures, which replaced the traditional extradition law, need to be considered as the turnover in patterns of interstate cooperation in criminal matters. Besides this, it is obvious that new rules of cooperation also raised difficult questions about the frontiers of European integration, the nature of law, which originated within the former third pillar and the question of the relationship of the EU law and national law of the Member States.

Suppression of the cross-border crime and the surrender of suspects or convicted persons have played one of the key roles within the third pillar cooperation. The main objective of the EAW FD was to simplify and unify this area of cooperation and reduce the possibility of criminals to avoid prosecution. The execution of the EAW = automatic surrender of requested person is based on the principle of mutual recognition of foreign judicial decisions. Inspiration for the introduction of this concept emerged from the experience with the functioning of the internal market, where mutual recognition forms an elementary aspect of freedom of movement (especially goods). Transferring the principle of mutual trust and mutual recognition from the sphere of economic integration into the area of state cooperation under the third pillar has not been so smooth. The reason of complications lay primarily in the specifics of the third pillar

and the area of criminal law in general. EAW and the principles it is based on transformed also the contours of European constitutionality. The anticipated necessity of critical analysis of this instrument before national courts became a reality in the decision of several high judicial authorities across the EU. It was the constitutional courts of Poland, Germany, the Czech Republic and Belgium, and the Cypriot Supreme Court, which had an opportunity to assess the compliance of the surrender procedure based on the EAW with the principles and norms of their constitutional legal systems.

EAW is the complex legal instrument which requires the complex study and expertize. The book of Libor Klimek fulfils this requirement and enriched the up-to-date knowledge of legal scholarship. The book must be considered as a complex volume. It offers doctrinal depth views as well as practical relevance and, moreover, is written in a clear and interesting language. The advantage of this book in comparison to other similar works lays in its contemporaneity, some time lapse offering the retrospective view and high quality work with the case-law. It is a work that I highly recommend to academics, practicing lawyers, state officials and students who intend to research or further study in this area. European Arrest Warrant by Libor Klimek is a work we can rely on and the volume we may follow in next research of EAW.

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