

## Combating terrorism. Framework Decision

2001/0217(CNS) - 12/11/2001 - \${summary.subTitle}

The committee adopted the report by Graham WATSON (ELDR, UK) amending the proposal under the consultation procedure with a view to tightening up the text and bolstering the rights of defendants. It specified that the crimes referred to in Article 29 of the Treaty on European Union and crimes harmonised at EU level should not be included in the negative list of actions on the basis of which a Member State could refuse to execute a European arrest warrant. The committee also wanted the text on the scope of the European arrest warrant to correspond more closely to the 1975 Council of Europe Convention on Extradition, specifying that the arrest warrant could be issued for final judgements punishable by a maximum detention of at least 12 months, where the punishment awarded was for a period of at least 4 months. The Commission proposal was based simply on the 4-month period actually awarded, and the committee felt that there was thus a risk of including relatively minor offences. The committee also wanted to add a clause specifying that, where a person was considered to be a minor under the national criminal law of the executing Member State, the state should be able to refuse to execute the arrest warrant. Moreover, although within the EU itself there was no risk of extraditing someone to a state where the death penalty could be imposed, as an extra precaution MEPs wanted Member States issuing a European arrest warrant to undertake not to extradite to a third country where the death penalty was in force. Lastly, the committee wanted the Court of Justice to have jurisdiction regarding the European arrest warrant. ?