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# *European Arrest Warrant Procedures in a Post Brexit Landscape.*

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- *January 2004, the European Arrest Warrant ('EAW') system came into force - 'Three times faster to use an EAW and it is four times less expensive for us to be able to do that as well'.*
- *Brexit – 30<sup>th</sup> March 2019 + a two year transition period.*
- *Ireland's main partner for EAW's is the U.K.*
- *Red line issue for the U.K. "an end to the jurisdiction of the European Court of Justice in Britain" .*

- *U.K. courts will still be required to use European case law.*
- **Intermediate procedures required to deal with pre-existing EAW's.**
- *The EU (Withdrawal) Bill purpose to convert existing EU law into U.K. national law.*
- *U.K. position paper – ‘Security, Law Enforcement and Criminal Justice - a Future Partnership Paper’.*

- *Solution 1: The U.K. enters into in a harmonised EAW style system (with the remaining 27 EU Member States, which includes Ireland).*
- *The most beneficial solution from both a U.K. and EU perspective .*
- *A collective, coherent extradition agreement, analogous to the EAW system.*
- *Main issue: the guiding principle of the supremacy of EU law – Iceland and Norway example.*

- *Solution 2: Ireland and the U.K. fall back upon pre-existing extradition procedures.*
- *Section 29 of the Petty Sessions (Ireland) Act 1851.*
- *Part III of the Extradition Act 1965 - repealed in Ireland when the EAW system was introduced in its place.*
- *Repealed - therefore it is no longer in existence.*

- *Solution 3: The European Convention on Extradition 1957– extradition between Member States and Third Countries.*
- *Practical issues: A new Statutory Instrument required.*
- *Double criminality, slower and less effective.*
- *Section 14 of the Extradition Act 1965 - Ireland ‘shall not’ extradite ‘a citizen of Ireland’.*

- *Solution 4: Ireland and the U.K. in the absence of any another practical alternative enter into a Bi Lateral Extradition Treaty.*
- *Consider the potential negative and disproportionate effects of no agreement on extradition.*
- *A last resort, on an interim basis.*
- *‘No deal is better than a bad deal’ not entirely accurate.*



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