

EAW and judgments in absentia

PER HEDVALL

Article 4a(1)(a)(i) – Chapter 6.2 of the Report

- ▶ (i) either was **summoned in person** and thereby informed of the scheduled date and place of the trial which resulted in the decision, **or by other means actually received official information** of the scheduled date and place of that trial in such a manner that it was unequivocally established that he or she was aware of the scheduled trial;

Dworzecki Judgment (C-108/16)

- ▶ Autonomous concepts of EU law.
- ▶ Summons which was not served directly on the person concerned but was handed over, at the latter's address, to an adult belonging to that household who undertook to pass it on to him, when it cannot be ascertained from the European arrest warrant whether and, if so, when that adult actually passed that summons on to the person concerned, does not in itself satisfy the conditions set out in Article 4a(1)(a)(i).

Article 4a(1)(c) – Chapter 6.4 of the Report

- ▶ (c) after **being served with the decision** and being expressly informed about the right to a retrial, or an appeal, in which the person has the right to participate and which allows the merits of the case, including fresh evidence, to be re-examined, and which may lead to the original decision being reversed:

Mutual Recognition – Mutual Trust

- ▶ The Executing Authority should rely on the information given in the EAW by the Issuing Authority.
- ▶ Important that the EAW-form is used in a correct manner.
- ▶ Additional information under Section (d)4.