



Council of the
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NOTE

From:	Presidency
To:	Delegations
No. prev. doc.:	9974/19 + ADD 1 + ADD 2
Subject:	Judgments of the CJEU of 27 May 2019 in joined cases C-508/18 and C-82/19 PPU and in case C-509/18 - public prosecutors offices acting as judicial authorities - Follow-up / update

On 27 May 2019, the CJEU rendered its judgments in joined cases C-508/18 and C-82/19 PPU, and in case C-509/19, concerning public prosecutor offices acting as 'issuing judicial authority' in European arrest warrant cases (see for joined cases C-508/18 (OG) and C-82/19 PPU (PI) the judgment [here](#) and for case C-509/18 (PF) the judgment [here](#)).

In short, the CJEU decided that public prosecutor offices can only act as an 'issuing judicial authority' within the meaning of Article 6(1) EAW FD when they are independent from the executive. The question whether this is the case depends from Member State to Member State.

The COPEN Working Party / Friends of the Presidency discussed these cases already on 21 May 2019 (9385/19 and 9968/19) and on 19 June (9974/19 + ADD 1).

The Presidency considers it appropriate to table this issue again, taking also into account pending new cases before the CJEU, so as to give the delegations the possibility for follow-up / updates, including regarding the following:

1. Notes by Member States

Further to the judgments, some Member States issued special notes, e.g. about the independence of their public prosecutor offices for issuing a EAW.

The notes that were made available to the General Secretariat have been set out in the Annex to 9974/19 (DE, IT, SE, FI, AT), in 9974/19 ADD 1 (BG, DK, HR, ES, DE, NO) and - most recently - in 9974/19 ADD 2 (BE).

The EJN has placed some notes on the open part of its website, see [here](#). Other notes are available on the EJN contact points' restricted area.

Member States that wish to add or clarify anything regarding these notes are invited to do so.

2. Revision of legislation

Some Member States, such as NL, announced that they would modify their legislation following the Court judgments.

Member States that wish to provide any information in this respect are invited to do so.

3. Any other issue

Member States that wish to raise any other issue or provide any other information relating to the judgments of 27 May 2019, including relating to pending new cases before the CJEU ¹, are invited to do so.

¹ See in particular case C-489/19 PPU, as well as cases C-398/19 and C-488/19.