

## **FIRST WORKING SESSION**

### **DEBATING TEAMS : SPAIN 1 - THE NETHERLANDS**

#### **I-PRESENTATION**

Spain provided an appealing and original presentation. All Members were very efficient catching the attention.

The Netherlands also fared well in catching the attention, through a well-constructed power point slides illustration.

#### **II-CONTENT**

Spain pointed out arguments in support of adding mandatory grounds to execute EAWs. That is to say, the proportionality issue of the use of the EAW, the question of individual rights protection and the flaws of the EAW that can be corrected by article 34 and the question of the legal basis.

The Netherlands highlighted the importance of working together and insisted on the fact that EAWs are an essential part of cooperation (11 000 EAWs were executed). They underlined also the misuse of the EAW by certain Member States.

They focused on two strong arguments. Firstly, the fact that the FD is an instrument negotiated and agreed on by all Member States, which implies a legal certainty of this Decision. Secondly, they emphasized the fact that judicial authorities are involved rather than political and administrative bodies.

#### **III- OVERALL APPRECIATION**

Both teams were really convincing in such a way that it was difficult to decide which proposal to the EAW's flaws were the most relevant.

The mandatory grounds for refusal should have been addressed more deeply, especially in the Spanish presentation. While the general issue has been properly addressed, a more detailed approach would have been useful to this regard.