



Commission decides to refer **POLAND** and **SWEDEN** to the Court of Justice of the European Union for incorrectly transposing rules on the European Arrest Warrant

Brussels, 18 June 2025

Today, the European Commission decided to refer **Poland** and **Sweden** to the Court of Justice of the European Union for failing to comply with the Framework Decision on the European Arrest Warrant and the surrender procedures between Member States ([Council Framework Decision 2002/584/JHA](#)).

In February 2021, the Commission sent a first letter of formal notice to Sweden. After analysing the reply, the Commission concluded that Sweden had failed to correctly transpose the provisions regarding the possibility for the issuing judicial authority to request to hear or to temporarily transfer the person pending the decision to surrender and the provisions regarding the requirements related to the hearing pending the decision. Therefore, in February 2024, the Commission decided to send an additional letter of formal notice to Sweden. However, the Commission still considered that the transposition by Sweden was not correct and therefore sent a reasoned opinion in October 2024.

In December 2020, the Commission sent a first letter of formal notice to Poland. After assessing the reply, the Commission considered that some of the grievances persisted and therefore sent an additional letter of formal notice to Poland in July 2023. However, the Commission still considered that Poland failed to correctly transpose the provisions related to the mandatory and optional grounds for refusal, the guarantees to be given by the issuing Member State in particular cases, the situation pending the decision and the transit. Therefore, the Commission sent a reasoned opinion to Poland in April 2024.

The Commission considers that efforts by the national authorities have, to date, been insufficient and is, therefore, referring Poland and Sweden to the Court of Justice of the European Union.

Background

The European Arrest Warrant (EAW) is a simplified cross-border judicial procedure to surrender a requested person for the purpose of prosecution or executing a custodial sentence or detention order. Operational since 1 January 2004, the European Arrest Warrant has replaced the lengthy extradition procedures that existed between EU Member States.

More Information

[EU infringement procedure](#)

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[June 2025 Infringement cycle](#)

Infringement procedure Poland ([INFR\(2020\)2308](#))

Infringement procedure Sweden ([INFR\(2020\)2362](#))

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