

Observations File

SPAIN 2 against FRANCE 4

1) Position of Spain : to execute a European Arrest Warrant in a case of murder

We very enjoyed their presentation, their support on the screen was very clear. They made a summary of their presentation and of the texts they were talking about, which allowed us to follow completely their arguments. The creative way to present the practical case (the movie) was highly appreciated.

a. Relevant arguments

We appreciated the fact that they founded their arguments on the legal instruments and case law. Each time they wanted to prove that the EAW had to be executed, they had the text to refer to, which was convincing.

We liked the ability of adaptation of the Spanish team, especially when they had to respond to the French team.

b. Debated arguments

We noticed that they did not develop everything, such as the possible further procedure if the EAW has not been executed.

2) Position of France : the non-execution of the European Arrest Warrant

Their PowerPoint presentation was short but clear, and summed up the strongest arguments.

a. Relevant arguments

We appreciated the “one shot investigation argument”: investigations to lead in Member State B were already made in a short period of time. So for that reason, EAW was not necessary.

We also appreciated the fact that they proposed other instruments of cooperation if the EAW were not executed.

b. Debated arguments

Maybe the French team should have mentioned that the criteria they mentioned to refuse the EAW were too light and should have been sustained by a legal text.