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International Legal Order and Human Rights
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THE RESPECT OF FUNDAMENTAL RIGHTS IN THE EXECUTION OF THE EUROPEAN ARREST WARRANT: THE EVOLUTION OF THE TWO-STEP TEST AND THE ROLE OF PREVENTIVE MECHANISMS AGAINST TORTURE

The execution of the European arrest warrant is characterized by a close relationship between the protection of fundamental rights and the principle of mutual trust. As is well known, the Court of Justice developed (in the *Aranyosi and Căldăraru* judgment) the so-called two-step test, a method, to be used in “exceptional circumstances”, to verify the conditions of detention to which the person subjected to a EAW would be subjected to. This article analyzes the evolution of this test in the Court’s case law and the role that international and national torture prevention mechanisms play and could play in providing useful information to assess whether there is an objective, reliable and specific risk that the individual subjected to a European arrest warrant will be exposed to a real risk of a violation of his fundamental rights.