



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 22 June 2011

**9120/1/11
REV 1**

**COPEN 83
EJN 46
EUROJUST 58**

NOTE

From : General Secretariat

To : Working Party on Cooperation in Criminal Matters (Experts on the European Arrest Warrant)

No. prev. doc. : 8111/05 COPEN 75 EJN 23 EUROJUST 24
9734/5/09 REV 5 COPEN 87 EJN 28 EUROJUST 28

Subject : Replies to questionnaire on quantitative information on the practical operation of the European arrest warrant – Year 2010

Further to the questionnaire set out in 8111/05 COPEN 75 EJN 23 EUROJUST 24, delegations will find in ANNEX a compilation of the replies received with regard to the year 2010 and in ANNEX I and ANNEX II the replies to questions 6.2. and 12.

Questions to Member States as issuing States:

	BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
1. How many European arrest warrants have been issued in 2010?	553	280	552	85	2096	74	132	566	1130			29	159	402 ¹	32	1015	16			3753	84	2000 ²	30	361 ³	116	169 ⁴	

¹ LT: 291 EAWs have been issued for the purposes of conducting a criminal prosecution and 111 EAWs have been issued for the purposes of executing a custodial sentence.

² RO: 1235 EAWs were transmitted for execution to the Member States.

³ SK: 7 of them were additional request; 122 of them were cancelled.

⁴ SE: (97 arrest warrants issued for the purpose of conducting a criminal prosecution and 72 issued for the purpose of executing a custodial sentence or detention order).

	BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
2.1. How many of these European arrest warrants were transmitted via Interpol?	¹	280 ²	none	44	1916	13	101	566	713			29	none	250	8	311	6			2792	80	³	18	4	53	169	

¹ BE: No statistics available.

² BG: Before November 2010, all the EAW were sent via Interpol channels. Since the SIS became operational in Bulgaria all the EAW has been inserted in the SIS and transmitted via Interpol channels also to United Kingdom, Ireland, Cyprus and Lichtenstein.

³ RO: Before November 2010, the EAW were sent for diffusion through Interpol channels. In November 2010, the SIRENE Office – Romania became operational. After November 2010, the database of the SIRENE continued to be updated with the EAW issued before and after November 2010. All EAW issued after November 2010 are transmitted only via SIS.

	BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
2.2. How many of these European arrest warrants were transmitted via the SIS?	623 ¹	280	none	52	2096	74	113	566	849			none	none	327 ²	29	704	5			3012	80	3	10	357	102	169	

¹ **BE:** The number of EAWs transmitted via the SIS does not correspond with the number provided in the answer to question 1. The fact is, the data are collected from different sources. The number of EAWs transmitted via the SIS is provided by the Belgian SIRENE office. All other data are derived from a national database. Since these data are inserted manually on a case-by-case base, some margin of error is inevitable.

² **LT:** The number of EAWs issued by the competent authorities of the Republic of Lithuania does not coincide with the number of EAWs transmitted via Interpol or via the SIS for several reasons. Firstly, international search is not announced when the location of the requested person is known to the competent authorities. In cases when more than one EAW is issued in respect of the same person, only one international search is announced (information about each of these EAWs is always provided for the Member State concerned). It should also be noticed that a EAW is not transmitted via Interpol in cases when information is received that a requested person is located in a Schengen state.

³ **RO:** The database of the SIRENE Office Romania continued to be updated with EAW issued before and after November 2010. A concrete number of the EAW sent via SIS per year can not be given. The programme which is presently used does not allow for such statistic.

	BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
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2.3. How many of these European arrest warrants were transmitted via the VPN of the EJM?	none	none	none	none	none	none	7	none	none			none	none	none	none ¹	none	none			none	none	none	1	none	none	not applicable	
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¹ LU: EAW by direct transmission to executing authority : **4**. EAW via Eurojust : **8**.

	BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
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3. How many of these arrest warrants resulted in the effective surrender of the person sought?	57	120	97	42 ¹	835 2	29 ³	33	97	424			4	48	79	14	231	1			929		855	4	164	49	65	
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¹ DK: Furthermore in 10 cases the person concerned is/has been in custody, but there is no information on the actual surrender. Finally in 4 cases correspondence between the Danish authorities and the other member state is pending).

² DE: This figure does not distinguish between surrenders based on EAWs transmitted in 2010 and those transmitted already in 2009.

³ EE: 29 persons surrendered, 3 persons detained in Estonia, in 3 cases the EAW was withdrawn and 39 persons are still wanted.

Questions to Member States as executing States:

	BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
4. How many European arrest warrants have been received by the judicial authorities of your Member State in 2010?	543	123	330	64 ¹	²	36	213	1544	1156			34	40	75	22	204	16			297		547	99	111	30	117	

¹ DK: 8 were cancelled/withdrawn.

² DE: In 2010, the SIS - connected Member States entered 12.133 alerts on the base of a EAW. 1.889 alerts were entered in Interpol for EAWs by Member States that do not participate in the SIS.

	BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
5.1. How many persons have been arrested under a European arrest warrant in your country?	¹	123	221	41 ₂	1221	33	179	1105	832			11	18	69	15	178	6			249	96	Approximately 400	88	80	26	116 ₃	
5.2. How many have been effectively surrendered ?	68	120	179	35 ₄	1006	31 ⁵	139	931	673			11	18	60	12	165	6			162	73	372	73	42	28	99	

¹ BE: No statistics available.

² DK: Furthermore 6 persons covered by a European Arrest Warrant were arrested due to offences committed in Denmark.

³ SE: This figure includes 8 persons who were already deprived of their liberty in Sweden, i.e. 108 were deprived their liberty due to a EAW.

⁴ DK: Thereof 1 person was surrendered pursuant to the surrender procedure between the Nordic countries. Furthermore 3 persons travelled to the requesting member state voluntarily without police escort and 3 persons fled after the Danish authorities had made a decision on the surrender, but before the actual surrender took place. In addition to the 35 cases 6 cases are still pending.

⁵ EE: In respect of one person still pending criminal proceedings in Estonia, 2 EAW's issued for the extension of surrender and 1 person doesn't have connections with Estonia.

	BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
5.3. Of those surrendered, how many consented to the surrender?	at least 26 people	118	118	17	543	25	82	423	405			10	13	51	11	151	4			102		¹	54	21	18	53	
5.4. Of those surrendered, how many did not consent to the surrender?	at least 26 people	61	61	19	463	6	57	508	268			1	5	9	4 ²	14	2			60	15	³	28	21	10	46	

¹ RO: Approximately 85%.

² LU: Intermediate situations: - Arrested persons who consented to surrender, but where surrender is delayed and not realised before 31.12.2010 : **3**. Arrested persons who did not consent to surrender, but where surrender is delayed and not realised before 31.12.2010 : **none**.

³ RO: Approximately 15%.

	BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
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6.1. In how many cases have the judicial authorities of your Member State refused the execution of a European arrest warrant?	15	3	51	1	153 ¹	1	20	40	69			none	5	2	1	13	none			71	8	168	13	11	2	6	
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¹ DE: In the (other) 60 cases the EAW was withdrawn.

	BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
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6.2. Which were the grounds for refusal?	¹	Cf. Annex I	Cf. Annex I	²	Cf. Annex I	³	Cf. Annex I	⁴	Cf. Annex I				⁵	⁶	⁷	Cf. Annex I	none			Cf. Annex I	⁸	Cf. Annex I					
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¹ BE: No statistics available.

² DA: The Danish authorities had already decided that the person was to be surrendered to another member state, when the Danish criminal case against the person was concluded.

³ EE: The conduct for which the EAW was issued, did not constitute an offence under the Estonian law.

⁴ ES: Ne bis in idem, criminal prosecution is statute-barred, double criminality.

⁵ LV: The European Arrest warrant has been issued for the purpose of execution of custodial sentence in cases where the requested person is a national.

⁶ LT: In the 1st case the court did not receive any evidence confirming that the requested person committed the crimes for which he was convicted. In the 2nd case the statute of limitations for the execution of the judgement of conviction had expired under the criminal law of the Republic of Lithuania.

⁷ LU: Date of offence (<8.8.2002).

⁸ FI: The persons sought asylum in Finland. The Court of First Instance refused to surrender. Before the Supreme Court ruled on surrender, the issuing state withdrew the EAW.

	BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
7.1. How long does a surrender procedure take in average where the person agreed to the surrender (time between the arrest and the decision on the surrender of the person sought)?	4 days	10 days	49	16,5 days	15;4 days	8	10 - 30 days	12	13 days			10 - 15 days	Approximately 5 - 10 days	1 month	2 to 10 days	8 days in average	on average 7 days			21 days	12,78 days	1	1 - 30 days	28	15 days	Approximately 13 days	

¹ RO: After the arrest of the sought person, within 24 hours he or she appears before the court. If he or she consents to the surrender, the procedure takes approximately 3 - 4 days.

	BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
7.2. How long does a surrender procedure take in average where the person did not consent to the surrender (time between the arrest and the decision on the surrender of the person sought)?	23 days	30 - 45 days	61	38 days	36,8 days ¹	12	20 - 80 days	43	25 days			35 - 40 days	Approximately 15 - 20 days	2 months	²	25 - 30 days in average	on average 30-60 days			25 days	67,01 days	Approximately 15 - 20 days	5,5 days - 4 months 11 days	77	41 days	Approximately 60 days	

¹ DE: In the above mentioned procedures, in which the accused is in detention in Germany, either in provisional detention or serving a sentence, the time of the surrender procedure starts running only as from the moment the detention is maintained with a view to a surrender.

² LU: 45 days in case of appeal against the judicial decision to surrender.

	BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
8.1. In how many cases were the judicial authorities of your Member State not able to respect the 90-days time limit for the decision on the execution of the European arrest warrant according to Article 17(4) of the Framework Decision?	¹	none	6	²	32	none	none	13	9			none	none	none	none	none	none			5	none	none	6	3	none	3	

¹ BE: No statistics available.

² DK: In both cases the decision of the Danish Ministry of Justice was tried by the city court and the high court in Denmark. Furthermore in 1 of the 2 cases, the Danish police has difficulties finding the wanted person.

	BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
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8.2. In how many of those cases was Eurojust informed?	none	none	6	none	none ¹	none	none	none	²			none	none	none	none	none	none			1	none	not the case	none	1	none	3	
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¹ DE: According to § 83 c Abs. 4 of the German Mutual Assistance Act (IRG) should Eurojust be informed only in case of exceptional circumstances. These did not present themselves in any of the proceedings.

² FR: Except 1 case that was notified to Eurojust in July, the Ministry of Justice and Liberties is not aware of any cases departing this period which would have required a notification to Eurojust.

	BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
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9.1. In how many cases were the judicial authorities of your Member State not able to respect the 10-days time limit for surrender according to Article 23(2) of the Framework Decision?	1	2	4	21	521 3	none	none	92	94			none	none	none	none	none	none			20	none	4	18	none	none	4	
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¹ BE: No statistics available.

² BG: No statistics available.

³ DE: In case of transport over land, the judicial authorities competent for the execution of sentences of those States (Länder) over whose territory the person will be transported, must, on the basis of the federal structure of Germany, to be involved. This leads to delays. The majority of surrenders take place with neighbouring Member States, by whose authorities a timely take-over of the person is not assured in all cases.

⁴ RO: The 10 days limit could not be respected by Romania, as an executing state, in three cases. After the decision for surrender remained final, the competent authorities of the issuing state were informed in order to settle the date for surrender. The surrender date was postponed and the state of arrest of the requested person was maintained until the actual surrender took place – according to article 23 (3) of the Framework Decision.

	BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
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9.2. In how many of those cases was the person released, according to Article 23(5) of the Framework Decision?	1	2	none	2 ³		none	none	none	4			none	none	none	none	none	none			1	none	none	none	none	none	3	
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¹ BE: No statistics available.

² BG: No statistics available.

³ DK: There is no information on, whether the court referred to Article 23(5). In both cases the person fled and the actual surrender has not taken place.

⁴ FR: The Ministry of Justice and Liberties does not have these statistics.

	BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
10.1. In how many cases did the judicial authorities of your Member State execute an arrest warrant with regard to a national or resident of your Member State?	1	2	25 3	4	33	19	12	24	77			1	10	48	none	45	none			114	2	90%	4	24 ⁵	3	11	

¹ BE: Belgian authorities have registered the surrender of 12 people with Belgian nationality. There are no statistics available on the number of Belgian residents that have surrendered in 2010.

² BG: No statistics available.

³ CS: 23 nationals; 2 residents.

⁴ DK: 4 cases concerning a Danish national. (Please note that the national statistics only register nationality, not residency).

⁵ SK: The judicial authorities of the Slovak Republic executed EAW with regard to Slovak nationals in 24 cases. The Slovak Republic does not investigate the residence of arrested persons.

	BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
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10.2. In how many of those cases did the judicial authorities of your Member State request a guarantee under Article 5(3) of the Framework Decision?	¹	²	15 (nationals)	4	33	19	10	19	3			none	none	³	none	45	none			75		90%	2	no statistics available	2	⁴	
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¹ BE: No statistics available.

² BG: No statistics available.

³ LT: In all cases concerning the surrender of citizens of the Republic of Lithuania.

⁴ SE: In at least 9 cases. In two cases there is a lack of information.

	BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
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11. In how many cases have the judicial authorities of your Member State requested additional guarantees under Article 5(1) or Article 5(2) of the Framework Decision?	¹	²	none	² ³	1	none	20	11	11			1	none	none	none	32	none			2		20%	3	No statistics available	4	⁴	
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¹ BE: No statistics available.

² BG: No statistics available.

³ DK: In 1 case the Danish authority requested a guarantee under Article 5(1) and in 1 case a guarantee under Article 5(2).

⁴ SE: Data related to the number of requested guarantees as provided for in Article 5 (1) are not available. Sweden does not require a guarantee as provided for in Article 5 (2).

	BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
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12. Is there any other information regarding the operation of the European arrest warrant that you would like to give?	no	no	see Annex II	no	no	no	see Annex II	no	1			2	no	no	no	no	no			see Annex II	no	see Annex II	no	no	no	no	
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¹ FR: It should be pointed out that these statistics are only indicative in the sense that, in accordance with the Framework decision, the Ministry of Justice and Liberties does not centralize all EAW files and, on the contrary, encourages the direct transmission.

² CY: In some cases the disproportionate use of EAW for relatively minor offences was noticed.

Replies to question 6.2

"Which were the grounds for refusal?"

SLOVAKIA

- the criminal prosecution or punishment of the requested person was statute-barred
- the remaining custodial sentence to be executed is less than 4 months
- withdrawal of the EAW
- person was not located on the territory of the Slovak Republic
- lack of prescribed information in the EAW
- EAW was not forwarded

GERMANY

- The European Arrest Warrant does not fulfill the formal requirements: 9
- The offence is not punishable under the law of the requested Member State by a custodial sentence for a maximum period of at least 12 months: 1
- The remaining custodial sentence to be executed is less than four months: 1
- The person concerned has already been finally judged for the same offence in another Member State: 3
- Execution is requested on the basis of a sentence in absentia without the admissible conditions in Article 5 of the Framework Decision having been fulfilled: 7
- The investigation or execution is statute-barred according to German law: 24
- Double criminality does not obtain in relation to an offence not listed in Article 2(2) of the Framework Decision: 16
- Extradition would infringe European public policy: 1
- The person concerned is being prosecuted in Germany for the same offence: 3
- It cannot be presumed that the requesting State would consent to a similar request from Germany (non-reciprocity): 3
- A foreigner who is habitually resident in Germany has not consented to extradition for the purpose of execution of a sentence: 32

- There is no guarantee that a German national extradited for criminal investigation purposes will be returned in order to serve the sentence for the offence: 2
- An offence of which a German national has been accused has a significant domestic connection within the meaning of Section 80(2) of the Law on International Legal Assistance in Criminal Matters: 2
- A German national has not consented to extradition for the purpose of execution of a sentence: 50

Remark:

Two persons under investigation absconded.

HUNGARY

- prescription 5
- surrender requested of own national for execution of a sentence 3
- the arrested person was not identical to the person sought 2
- there were ongoing criminal proceedings in Hungary for the same offences 3

ROMANIA

Grounds for refusal based on the Framework Decision:

- Article 4 (2)
- Article 4 (6)

Other reasons for refusal:

- the EAW was withdrawn by the issuing Member State
- the sought person was not found on the Romanian territory
- he was arrested in another Member State

SWEDEN

- The matter concerned a judgment rendered in absentia (1)
- Dual criminality could not be established and it was not a “list offence” (3)
- The statutes of limitation in Swedish law (1)
- The arrest warrant concerned a custodial sentence and the wanted person was a Swedish national that demanded that the sanction should be enforced in Sweden (1)

CZECH REPUBLIC

- (2) Czech national - act committed before 1.11.2004
- (1) person is prosecuted for the same act as the one on which the EAW is based
- (11) requested person is a national and the EAW has been issued for the purposes of execution of a custodial sentence
- (5) the EAW is cancelled
- (10) the person is not located in the CZE
- (3) the act does not constitute an offence under the CZ law

PORTUGAL

- 2 (identity error);
- 4 (execution of foreign sentence in Portugal);
- 2 lack of (dual criminality).

POLAND

- Execution would violate human or citizen rights and freedoms (recital 12 of the EAW Framework Decision)
- the offender is a Polish citizen or is domiciled in Poland (art. 4 (6) of the EAW Framework Decision)
- parallel prosecutions conducted in Poland concerning the same person against whom the EAW was issued for the same acts (art. 4 (2) of the EAW Framework Decision)
- the offence was committed on the territory of Poland according to Polish law (art. 4 (7)(a) of the EAW Framework Decision).

GREECE

- Law 3251/2004 :
- article 11 (d) one case,
 - article 11 (g.i) three cases
 - article 11 (f) five cases
 - article 11 (h) three cases
 - article 11 (b) one case
 - article 12 (e) one case
 - non existence of the conditions foreseen in article 10 par 1b , three cases
 - non existence of the conditions stipulated in article 2 par.1 and failure of the issuing Member State to provide relative information, three cases

BULGARIA

1. The court has refused to execute an EAW for lack of guarantees in the meaning of Art. 41, para 3 of the Bulgarian Law on Extradition and European Arrest Warrant (LEEAW). After receiving the guarantees the court has granted execution of a EAW and in 2011 the EAW has been executed and the person has been surrendered.
2. The court has refused to execute an EAW because of the expiration of the absolute limitation period for the crime for which the person has been convicted.
3. The court has refused to execute an EAW for lack of guarantees in the meaning of Art. 41, para 3 of the LEEAW.

FRANCE

- original of the EAW was not provided (in case the fax does not allow to verify the authenticity of the EAW)
- insufficient summary of facts allegedly committed
- execution of a foreign sentence in case of a French national (art. 4§(6) Framework decision)
- lack of reply to a request for supplementary information
- ne bis in idem
- mistaken identity
- lack of double criminality for facts not among the 32 offences
- withdrawal by the issuing State.

SLOVENIA

Paragraph 4 of the Article 4 of the FD (lapse of time); withdrawal (revocation) of the EAW;
paragraph 2 of the article 3 of the FD, article 5 of the FD (issuing state did not provide requested
guarantees).

Replies to question 12

"Is there any other information regarding the operation of the European arrest warrant that you would like to give?"

GERMANY

The figures given are based on a statistical survey covering cases where surrender took place after 17 January 2010 and the report from the judicial administration of the relevant Land was submitted to the Federal Justice Office (Justice Ministry) by 16 January 2010.

ROMANIA

1) After the surrender of the person sought based on the article 5 (3) of the Framework Decision, Romanian authorities have encountered difficulties in finding a legal base for the transfer of the surrendered person from the issuing state of the EAW. In practice, Romanian authorities considered that the procedure provided by the European Convention on the transfer of sentenced person – Strasbourg 1983 must be followed. Some of the Member States do not agree with this point of view.

Romania would like to know whether other Member States have any special procedure that, which for the time being, allows them to transfer the person in question simply based on article 5 (3) of the Framework Decision (and moreover, allows them to incarcerate the person simply based on the foreign sentence, without a recognition procedure in the executing state) or whether they are following the provision of the European Convention - Strasbourg 1983, or whether there is a different practice at EU level.

2) The Member States must provide *ex officio* the period of detention served in the executing Member State, according to the provisions of the article 26 (2) of the Framework Decision.

3) Regarding the provisions of article 23 paragraph 3 of the FD, Romania would like to know if, in practice, the new date for surrender is being decided by the police authorities from the two MS, or between the judicial authorities (courts or prosecutor's offices) of the issuing and executing MS.

CZECH REPUBLIC

19 cases were concluded in different way (e.g. person was located on the territory of another Member State, the Czech competent authorities did not received original EAW, etc.)

In 31 cases the surrender was postponed

In 5 cases the consent was given with the prosecution for other offences

In 22 cases the procedure have not been yet closed.

POLAND

Some courts raised issues with the practical operation of the EAW system. The concerns were following:

- the periods set by courts in other Member States for the receipt of the surrendered persons are too short and do not always allow for carrying out proper convoy and transport arrangements.
- the EAW procedure is sometimes needlessly lengthy due to the fact that courts have to wait a long time for the delivery of the original of the EAW or have to request information whether the surrendered person invoked the principle of speciality the issuing State.
- some executing Member States infringe art. 26 of the EAW Framework Decision by not providing information on the length of detention of the surrendered person.

GREECE

In one case, our competent authorities in the Court of Appeal of Athens issued an EAW (translated in to Italian language) for an Italian citizen, who had been arrested by the Italian authorities. The Italian authorities asked for copies of almost the whole of the Greek case file, which is not in accordance with the recommendation 17 of the final report on the 4th round of the mutual evaluations. Nevertheless, our authorities sent all requested documents, translated in Italian. Then we asked to be informed about the execution or not of the EAW, but we did not receive an answer. We were only informed by our National Desk in Eurojust, that the Court of Appeal of Naples refused the execution of the EAW without any further clarifications. After that, we asked from the Italians authorities a copy of the decision, but until today we have not received an answer yet.
