



Council of the
European Union

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Subject: Council Decision determining which provisions of the 1995 Convention on simplified extradition procedure between the Member States of the European Union and of the 1996 Convention relating to extradition between the Member States of the European Union constitute developments of the Schengen acquis in accordance with the Agreement concerning the Republic of Iceland's and the Kingdom of Norway's association with the implementation, application and development of the Schengen acquis

- Questions in light of the negotiation mandate given to the Presidency

(doc. 10944/3/02 CATS 42 COPEN 41 REV 3 RESTREINT UE)

Delegations will find attached the declassified version of the above document.

The text of this document is identical to the previous version.

RESTREINT UE



**COUNCIL OF
THE EUROPEAN UNION**

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ADD 2

RESTREINT UE

COPEN 33

ADDENDUM TO NOTE

From : General Secretariat

To : Delegations

No. prev. doc. : 5853/02 COPEN 10 COMIX 71; 6300/03 COPEN 8; 8023/03 COPEN 33

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- Questions in light of the negotiation mandate given to the Presidency (doc. 10944/3/02 CATS 42 COPEN 41 REV 3 RESTREINT UE)

Delegations will find attached the reply received from the Austrian delegation to doc. 6300/03 COPEN 8.

RESTREINT UE

Questions to the JHA Counsellors

1. **Are there any special items that need to be considered when it comes to the extradition convention of 1996, the 2000 MLA Convention or its Protocol, or may it be taken for granted that Norway and Iceland could join the workings of these instruments without problems ?**
Could, in this context, a consultation mechanism be instituted between the European Union and the Member States ?
 - A.1. Austria has no problem when Norway and Iceland join the workings of the mentioned instruments.

2. **According to the Presidency mandate, the Agreement with Norway and Iceland should "make the mechanism of the Framework Decision on the European Arrest Warrant and the surrender procedures between Member States applicable in the relations between Iceland and Norway and between each of those States and the Member States of the EU, without, however, necessarily incorporating all of its elements". Moreover, constitutional provisions of the Member States shall be respected. In the light of this mandate, could Member States inform the Presidency whether there are problems in relation to such an agreement in the following respects:**
 - 2.a. **surrender of own nationals,**
 - 2.b. **abandoning double criminality for the list of offences contained in Article 2(2) of the European Arrest Warrant,**
 - 2.c. **abandoning the political offence exception in relation to Norway and Iceland.**
 - A.2.a. Austria still has constitutional problems surrendering own nationals in general.
 - A.2.b. No problems
 - A.2.c. No problems

3. **How do Member States interpret that Norway and Iceland should join the "mechanism"? Is the mechanism limited to the transmission of a European Arrest Warrant under Article 9 of the Council Framework Decision or can it also be extended for instance to Articles 10, 17 and 23 or even beyond those provisions ?**
 - A.3. In our opinion, the "mechanism" is not limited to the transmission of a EAW under Article 9.