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COMMISSION STAFF WORKING DOCUMENT

Statistics on the practical operation of the European arrest warrant – 2020

Summary

This Commission staff working document sets out quantitative information on the practical operation of the European arrest warrant ('EAW') in 2020. The statistics are based on information provided by the Member States to the Commission between May 2021 and April 2022, using the standard questionnaire contained in Council document 11356/13 of 24 June 2013.

The Member States agreed to provide EAW statistics for a given calendar year by 1 May of the following year. However, the deadline to provide 2020 statistics was extended due to the COVID-19 pandemic.

The questionnaire covers quantitative information from Member States acting both as issuing States and as executing States. This consists of data on, *inter alia*, the number of EAWs issued and executed, the number of persons arrested, the types of offences covered, the reasons for refusal and the duration of the surrender proceedings.

Only general conclusions can be drawn from the received replies, because they do not provide a complete set of data. Not all Member States replied to every question in the questionnaire and the response rates have varied over the years, making statistical comparisons sometimes difficult.

In particular, it should be highlighted that:

- the main indicators on the number of initiated proceedings, arrests, and effective surrender procedures have been rather stable (i.e. the ratio between these indicators has been relatively constant over the last few years);
- it appears that some Member States do not always take the decision on whether or not to execute an EAW within the time limits set by the Framework Decision, thus failing to comply with their obligations;
- some surrender procedures are taking longer, possibly as a result of the COVID-19 outbreak in 2020;
- Article 4(6) of the Framework Decision – where the executing Member State takes over the execution of a sentence – triggers the highest percentage of refusals to execute EAWs by comparison with other mandatory and optional grounds for refusal, as provided under Articles 3, 4 and 4a of the Framework Decision.

These conclusions broadly confirm the main trends already identified in 2019.

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Introduction

Council Framework Decision of 13 June 2002 on the European arrest warrant ('EAW') and the surrender procedures between Member States¹ ('the Framework Decision'), as amended by Council Framework Decision 2009/299/JHA concerning trials *in absentia*², is the first EU legal instrument on cooperation in criminal matters based on the principle of mutual recognition³. The Framework Decision has efficiently ensured that open borders are not exploited by those seeking to evade justice. It has also contributed to the EU objective of developing and maintaining an area of freedom, security and justice. The Framework Decision replaced the previous multilateral system of extradition between Member States with a simplified and effective system for the surrender of convicted persons or suspects for criminal proceedings and for the enforcement of judgments. This system is based on the principle of mutual recognition and on a high level of trust between the Member States' judicial authorities.

Objective and scope of the report

This Commission staff working document sets out quantitative information on the practical operation of the EAW in 2020. The statistics are based on information provided by the Member States to the Commission between May 2021 and April 2022, in their replies to the standard questionnaire contained in Council document 11356/13 of 24 June 2013.

Member States agreed to provide EAW statistics for a given calendar year by 1 May of the following year. However, the deadline to provide 2020 statistics was extended due to the COVID-19 pandemic.

From 2005 to 2013, these statistics were collected and published by the General Secretariat of the Council. Following the entry into force of the Treaty of Lisbon and the expiry in December 2014 of the transitional period for the former 'third-pillar' instruments, the Commission is now responsible for collecting and publishing this quantitative information⁴.

¹ OJ L 190, 18.7.2002, p. 1. Consolidated text: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02002F0584-20090328>.

² Council Framework Decision 2009/299/JHA of 26 February 2009 amending Framework Decisions 2002/584/JHA, 2005/214/JHA, 2006/783/JHA, 2008/909/JHA and 2008/947/JHA, thereby enhancing the procedural rights of persons and fostering the application of the principle of mutual recognition to decisions rendered in the absence of the person concerned at the trial, OJ L 81, 27.3.2009, p. 24.

³ The programme of measures to implement the principle of mutual recognition of criminal decisions set out in the Tampere European Council Conclusions and adopted by the Council on 30 November 2000 (OJ C 12 E, 15.1.2001, p. 10): 'The principle of mutual recognition is founded on mutual trust developed through the shared values of Member States concerning respect for human dignity, freedom, democracy, equality, the rule of law and human rights, so that each authority has confidence that the other authorities apply equivalent standards of protection of rights across their criminal justice systems.'

⁴ The Commission staff working documents covering statistics for the years 2014-2019 are available at https://e-justice.europa.eu/content_european_arrest_warrant-90-en.do.

The questionnaire covers quantitative information from Member States acting both as issuing States and as executing States. It consists of data related to, *inter alia*, the number of EAWs issued and executed, the number of persons arrested, the types of offences covered, the reasons for refusal and the duration of the surrender proceedings.

These data: (i) provide a basis for statistical analysis; (ii) enable comparisons between Member States, including between different years; and (iii) provide an overall picture and trends of the operation of the EAW.

Overview of Member States' replies

All 27 Member States submitted replies, however, not all of them replied to every question in the questionnaire.

Statistical comparisons of data from different years may not always be possible, because the response rates of Member States have varied over the years.

This staff working document is divided into two parts. The first part covers information provided by Member States acting as issuing States, while the second part covers information provided by Member States acting as executing States.

I. Replies by Member States as issuing States

Introduction

Article 1(1) of the Framework Decision provides that the EAW is a judicial decision issued by a Member State with a view to the arrest and surrender by another Member State of a requested person for the purposes of conducting a criminal prosecution or executing a custodial sentence or detention order.

An EAW may be issued: (i) for acts punishable by the law of the issuing Member State by a custodial sentence or a detention order for a maximum period of at least 12 months; or (ii) where a sentence has been passed or a detention order made, for sentences of at least 4 months.

However, the issuing judicial authorities of the Member States should consider whether a less coercive EU measure could be used to achieve an appropriate result, assessing whether issuing an EAW is proportionate in the light of the particular circumstances of each case⁵.

The Court of Justice of the European Union (hereinafter ‘the Court of Justice’) has held that the concept of ‘issuing judicial authority’ under Article 6(1) of the Framework Decision is not limited to the courts and judges of the Member States and must be interpreted broadly as including authorities participating in the administration of criminal justice. Public prosecutors’ offices therefore qualify as issuing judicial authorities as long as they are not exposed to the risk of being subject to directions or instructions from the executive (such as a minister for justice) in a specific case in connection with the adoption of a decision to issue an EAW⁶. The Court of Justice has also clarified that the term ‘judicial authority’ does not cover a police service⁷ or an organ of the executive of a Member State, such as a ministry of justice⁸.

According to Article 6(3) of the Framework Decision, Member States are obliged to notify the General Secretariat of the Council which judicial authorities are competent to issue an EAW. All the Member States have notified the General Secretariat of the Council of such authorities.

1.) Total number of issued EAWs

⁵ Handbook on how to issue and execute a European arrest warrant, OJ C 335, 6.10.2017, p. 1 ([https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52017XC1006\(02\)&from=DA](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52017XC1006(02)&from=DA)), particularly the section on proportionality on pp. 14-15.

⁶ The 2020 EU Justice Scoreboard https://ec.europa.eu/info/sites/default/files/justice_scoreboard_2020_en.pdf, pp. 49-53 (the 2021 and 2022 EU Justice scoreboards are also available). Judgment of 24 November 2020, AZ, C-510/19, EU:C:2020:953. Judgment of 27 May 2019, Joined Cases C-508/18, *OG* and C-82/19 PPU, *PI*, EU:C:2019:456. Judgment of 27 May 2019, C-509/18, *PF*, EU:C:2019:457.

⁷ Judgment of 10 November 2016, *Poltorak*, C-452/16 PPU, EU:C:2016:858.

⁸ Judgment of 10 November 2016, *Kovalkovas*, C-477/16 PPU, EU:C:2016:861.

All 27 Member States provided information on the number of EAWs issued ([Question 1](#)). The issuing judicial authorities of the 27 Member States issued a total of **15 938 EAWs** in 2020. In 2019, the 27 Member States issued 20 226 EAWs. This significant decrease can be explained by the fact that the considerable increase in 2019 was due to the reissuance of 2 379 EAWs⁹ (these 2 379 EAWs were reissued after being originally issued by German public prosecutors, which do not qualify as issuing judicial authorities under Article 6(1) of the Framework Decision as interpreted by the Court of Justice¹⁰). However, by way of comparison with the total number of issued EAWs in previous years (17 471 EAWs were issued in 2018), a certain decrease can be noted.

Only 18 Member States provided figures on the purpose of the issued EAWs ([Question 2](#)). 3 285 EAWs issued in 2020 by these 18 Member States were for prosecution purposes¹¹.

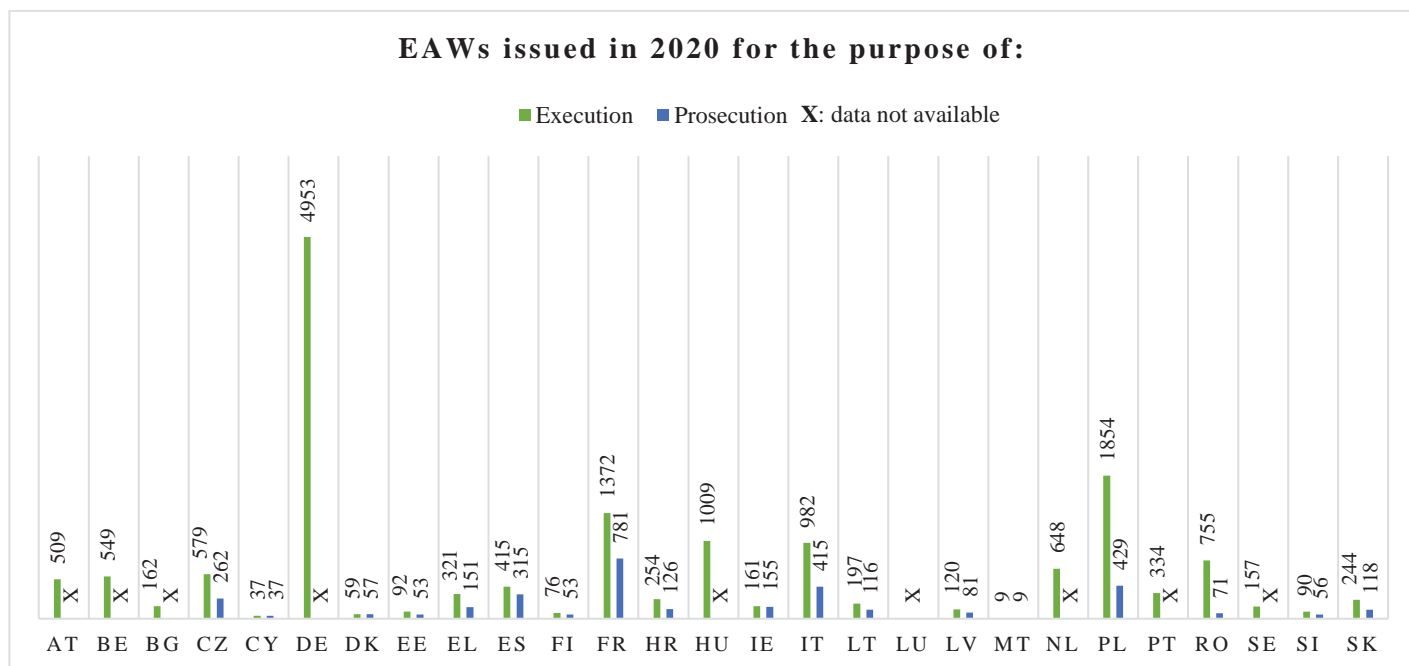
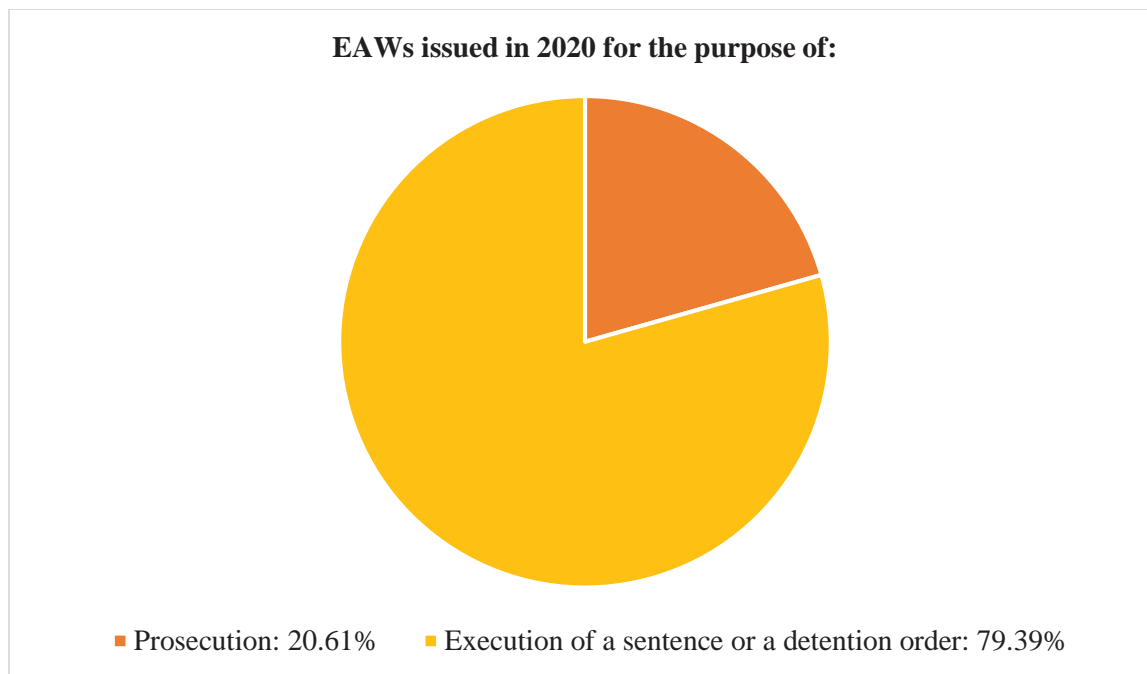
Three distinct categories can be observed among the Member States that provided these specific statistics.

- 8 Member States issued significantly more EAWs for prosecution purposes: Cyprus and Malta (37 out of 37 and 9 out of 9 EAWs issued respectively – i.e. all the EAWs issued by Cyprus and Malta were for prosecution purposes), Denmark (57 out of 59), Ireland (155 out of 161), Finland (53 out of 76), Latvia (81 out of 120), Slovenia (56 out of 90) and Lithuania (116 out of 197).
- 3 Member States issued significantly more EAWs for the execution of a sentence or detention order: Romania (684 out of 755), Poland (1 425 out of 1 854) and Italy (567 out of 982). It could be argued that these differences correspond to the higher percentage of *in absentia* proceedings in some of these Member States, leading to lower numbers of EAWs being issued for prosecution purposes.
- The remaining 7 Member States that provided figures issued EAWs in relatively equal proportions for both purposes.

⁹ See the statistics on the practical operation of the European arrest warrant of 2019: https://ec.europa.eu/info/sites/default/files/law/search_law/documents/eaw_statistics_2019_swd_2021_227_final_08_2021_en.pdf, p. 6.

¹⁰ Judgment of 27 May 2019 in Joined Cases C-508/18, *OG* and C-82/19 PPU, *PI*, EU:C:2019:456.

¹¹ Germany and the Netherlands provided figures for Question 2, but explained that it was not possible, on the basis of their databases, to distinguish EAWs issued for prosecution purposes from those issued for the purpose of executing a custodial sentence or a detention order.



2.) Categories of offences the EAWs were issued for

Most Member States provided replies for the categories of offences for which EAWs were issued ([Question 3](#)).

The Commission had requested the Member States to distinguish more clearly between situations where there had not been any cases (0) and situations where no figures were available (x). Several Member States made an effort to give clearer answers and this reduced the previous level of ambiguity. However, certain replies were still not sufficiently clear, and this makes it difficult to draw exact conclusions from the figures provided.

The replies show that in 2020 (as was already the case in 2015-2019), **the most commonly identified categories of offences** were:

- a) **theft offences and criminal damage** (2 296 EAWs) ([Question 3.5](#));
- b) **drug offences** (1 508 EAWs) ([Question 3.2](#));
- c) **fraud and corruption offences** (1 154 EAWs) ([Question 3.6](#)).

However, the occurrence of each of these categories of offences varies greatly among Member States. For example, 679 of the 2 296 EAWs related to theft offences and criminal damage were registered in Poland alone.

On the other hand, the recorded figures show that **the least frequently identified categories of offences** in 2020 were:

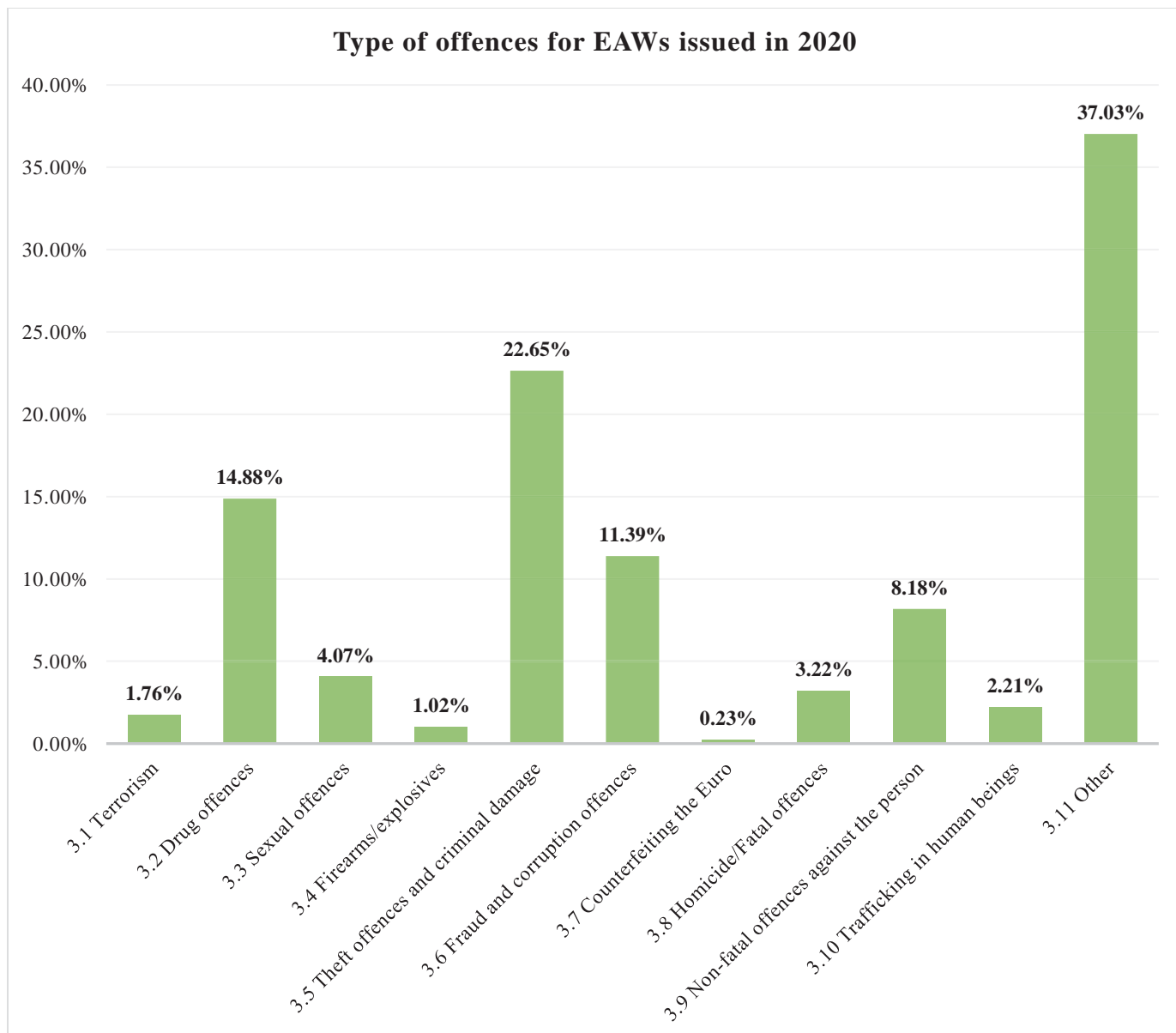
- a) **counterfeiting the Euro** (23 EAWs) ([Question 3.7](#));
- b) **offences concerning firearms/explosives** (103 EAWs) ([Question 3.4](#));
- c) **trafficking in human beings** (224 EAWs) ([Question 3.10](#)).

These figures are in line with the trends detected in previous years.

On trafficking in human beings ([Question 3.10](#)), 224 EAWs were issued in 2020 (183 EAWs were issued in 2019). Of these, 93 were issued by Romania, 61 by France and 39 by Belgium.

On terrorism offences ([Question 3.1](#)), 178 EAWs were issued in 2020 (274 EAWs were issued in 2019). Of these, 128 were issued by France alone. Contrary to the increases registered in 2017 and 2018, a slight decrease was registered in EAWs for terrorism offences in 2019. This trend continued in 2020, where numbers decreased still further.

Moreover, Member States recorded 3 082 EAWs for offences under the category of ‘3.11 Other’ ([Question 3.11](#)). In 2019, 2 917 EAWs were categorised as ‘3.11 Other’.



Disclaimer: Not all Member States provided detailed information on the type of offences.

3.) Total number of effective surrenders

On the effective surrender of the person sought ([Question 4](#)), 23 Member States provided figures as issuing States (with the exception of Belgium, Luxembourg, Austria and Sweden). In total, 4 612 EAWs issued by Member States' judicial authorities in 2020 or in previous years resulted in the effective surrender of the person sought. By way of illustration, 5 705 of the issued EAWs resulted in effective surrender in 2019 (according to data provided by 25 Member States – the exceptions being Belgium and Sweden).

II. Replies by Member States as executing States

Introduction

The executing judicial authority of a Member State has a general duty to act upon an EAW on the basis of on the principle of mutual recognition and in accordance with the provisions of the Framework Decision (Article 1(2) of the Framework Decision)¹².

The Court of Justice held in case C-510/19, *AZ*, that the entire surrender procedure between Member States must be carried out under judicial supervision and that the decision on issuing and executing an EAW must therefore be taken by a judicial authority¹³. On this point, the Court of Justice aligned the notion of ‘executing judicial authority’ (Article 6(2) of the Framework Decision) with its interpretation of the notion of ‘issuing judicial authority’ (Article 6(1) of the Framework Decision)¹⁴.

The concept of ‘executing judicial authority’ must therefore be interpreted as including the authorities of a Member State which, without necessarily being judges or courts, participate in the administration of criminal justice in that Member State, but act independently in the exercise of the responsibilities inherent in the execution of an EAW. This means that public prosecutors of a Member State¹⁵, who participate in the administration of justice but may receive instructions in a specific case from the executive, do not constitute an ‘executing judicial authority’ under the Framework Decision.

Article 6(3) of the Framework Decision requires the Member States to notify the General Secretariat of the Council which judicial authorities are competent to execute an EAW. All Member States have notified the General Secretariat of the Council of such authorities.

1.) Total number of arrests

25 Member States (except Belgium and Slovakia) provided figures on the number of persons arrested under an EAW ([Question 1](#)). In 2020, **6 152** requested persons were arrested – against 7 658 arrests in 2019 and 7 527 arrests in 2018 in the 26 Member States that provided information for those years¹⁶. The highest numbers of arrests in 2020 were recorded in Germany

¹² Judgment of 6 October 2009, *Wolzenburg*, C-123/08, EU:C:2009:616, paragraph 57. Judgment of 5 April 2016, *Aranyosi and Căldăraru*, C-404/15 and C-659/15 PPU, EU:C:2016:198, paragraph 79.

¹³ Judgment of 24 November 2020, *AZ*, C-510/19, EU:C:2020:953.

¹⁴ *Cf. supra* p. 5.

¹⁵ The 2019 EU Justice Scoreboard: https://ec.europa.eu/info/sites/info/files/justice_scoreboard_2019_en.pdf, pp. 51-52.

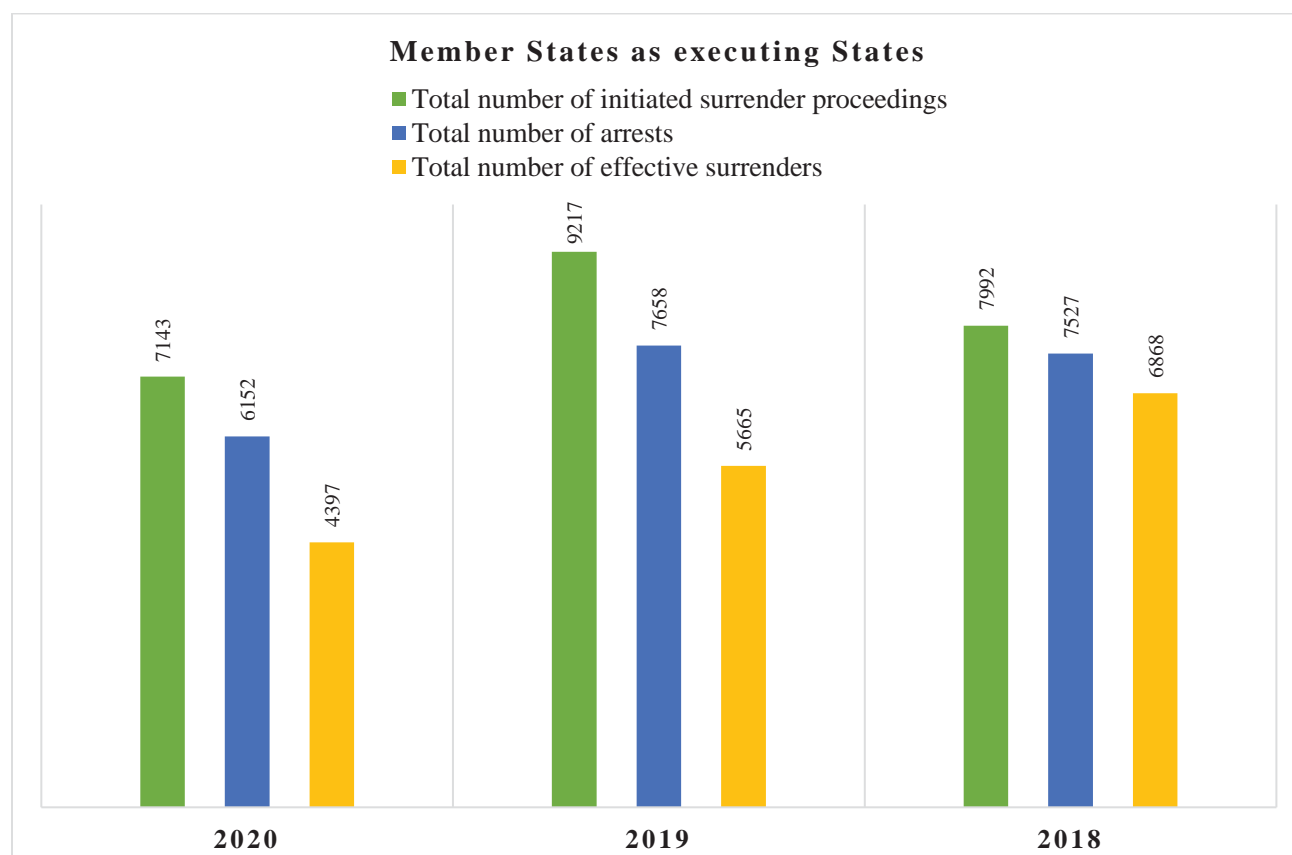
¹⁶ The 26 Member States who provided information for 2018 and 2019 were not the same as the 25 Member States who provided information for 2020.

(1 605), the Netherlands (719), Spain (699), and Romania (574). These four Member States were also responsible for the highest number of arrests in 2019, although Spain had more arrests than the Netherlands that year.

2.) Total number of initiated surrender proceedings

26 Member States (except Belgium) provided figures on the total number of initiated surrender proceedings for 2020, which amounted in total to 7 143 ([Question 2](#)). In comparison, in 2019 the total number of initiated surrender proceedings was 9 217 in all 27 Member States (7 992 in 26 Member States in 2018).

These figures, however, need to be compared with data on effective surrenders (see Section 3), given that initiated surrender proceedings may not result in effective surrender for a variety of different reasons, in particular due to the application of grounds for refusal.



Disclaimer: the Member States that provided figures for each year are not identical.

3.) Total number of effective surrenders

In 2020, 4 397 persons were effectively surrendered according to figures provided by 26 Member States as executing States ([Question 3](#))¹⁷, compared to 5 665 effective surrenders according to figures provided by 26 Member States in 2019.

In 2020, 70.38% of the total number of arrests resulted in effective surrenders, while 86.13% of initiated surrender proceedings resulted in effective surrenders. By way of comparison, in 2019, 73.97% of the total number of arrests resulted in effective surrender, but only 66% of initiated surrender proceedings resulted in effective surrenders.

The questionnaire for the 2020 statistics for the first time included questions asking the Member States to provide detailed quantitative data, where available, for each Member State to which a requested person was surrendered. 15 Member States supplied the requested data, though it is worth noting that these data are often not complete ([Question 3.1](#)).

3.1.) With the consent of a requested person

The consent of the requested person is particularly important when analysing the speediness of the surrender procedure in practice. The final decision on the execution of the EAW should be taken within 10 days of consent being given (Article 17(2) of the Framework Decision).

From the figures provided by 25 Member States on the consent of the requested person, it can be concluded that **53.51% of the persons effectively surrendered in 2020 consented to their surrender** (2 266 out of 4 235 persons surrendered by the same Member States). A very similar percentage of 54.7% was observed in the 2019 figures reported by 24 Member States ([Question 4](#) with reference to Question 3).

3.2.) Without the consent of a requested person

If the requested person does not consent to his or her surrender, the final decision on the execution of the EAW should be taken within 60 days after the arrest of the requested person (Article 17(3) of the Framework Decision).

In 2020, **46.49% of effectively surrendered persons did not consent to their surrender.**

¹⁷ All Member States except Belgium.

4.) Average time to take a decision whether to execute an EAW

Under Article 17(1) of the Framework Decision, all EAWs must be dealt with and executed as a matter of urgency. Strict time limits are set out for the execution of an EAW, depending on whether the requested person consents to his or her surrender.

If the requested person consents to his or her surrender, the final decision on the execution of the EAW should be taken within 10 days of consent being given (Article 17(2) of the Framework Decision).

If the requested person does not consent to his or her surrender, the final decision on the execution of the EAW should be taken within 60 days after the arrest of the requested person (Article 17(3) of the Framework Decision).

Those time limits may be extended by a further 30 days in exceptional cases when the EAW cannot be executed within the applicable time limits. In these cases, the executing judicial authority must immediately inform the issuing judicial authority of this extension and provide the reasons for the delay (Article 17(4) of the Framework Decision).

4.1.) When a person consented

Under [Question 5](#), only 21 Member States provided information on the duration of the procedure in cases where the requested person consented to the surrender¹⁸. For these Member States, the surrender procedure took an average of **44.6 days after the arrest** – compared to 16.7 days in 2019 and 16.41 days in 2018.

In 2020, the longest reported average duration of the procedure, when the requested person consented to the surrender, was 521 days for Greece. Greece did not provide any information/additional comment related to the considerable increase compared to 2019 (when Greece reported an average of only 20.66 days). Moreover, Denmark and Finland reported in 2020 averages of 57 and 45 days respectively. By way of comparison, in 2019, the longest reported average duration of the procedure, when the requested person consented to the surrender, was 60 days for Cyprus, which in 2020 registered only 30 cases but provided

¹⁸ Ireland did not provide figures under this question. However it provided a comment:

‘Consent is difficult to quantify as, under Irish Law, an individual can consent to surrender even after proceedings are at an advanced stage or if a judgement or appeal in a related case went against their objections to surrender.

The average time for consented surrenders can be broken down as follows:

2 persons consented and were surrendered within 0-30 days of arrest (average 28 days)

9 persons consented and were surrendered within 30-90 days of arrest (average 57 days)

7 persons consented and were surrendered within 90 - 300 days of arrest (average 176 days)

2 persons consented and were surrendered within 300-500 of arrest (average 452 days)

6 persons consented and were surrendered within 500-2 400 days of arrest (average 1 203 days).’

additional comments explaining that the provisions laid down in Article 23(2) of the Framework Decision were applied instead due to the COVID-19 pandemic.

Some significant increases can be noted in a few Member States in 2020 compared to previous years (for instance in Denmark and Estonia). This might be due to the COVID-19 outbreak.

In 2020, the shortest reported average durations of the surrender procedure were 1 day in Luxembourg, 2 days in Malta and 4.5 days in Slovenia, all of which also recorded the shortest durations in 2019.

4.2.) When a person did not consent

When a requested person did not consent to the surrender, the procedure lasted on average **111.74 days** in the 21 Member States which provided figures, compared with **55.75** days in 2019 and 45.12 days in 2018 ([Question 6](#)).

Greece reported an extremely high average of 907 days, without providing any explanation or comment on the considerable increase in duration when compared with the figures provided in 2019 and previous years (49.27 days in 2019 and 53.44 in 2018).

Ireland reported a lengthy average duration of 558 days and referred to two pending preliminary references before the Court of Justice¹⁹ as a reason for delays. Lengthy durations were also reported by Cyprus (90 days), Slovakia (88 days) and Portugal (81 days) – similarly to 2019.

By contrast, the shortest average durations were reported by Luxembourg (15 days), Malta (18 days), Spain and Romania (both 20 days).

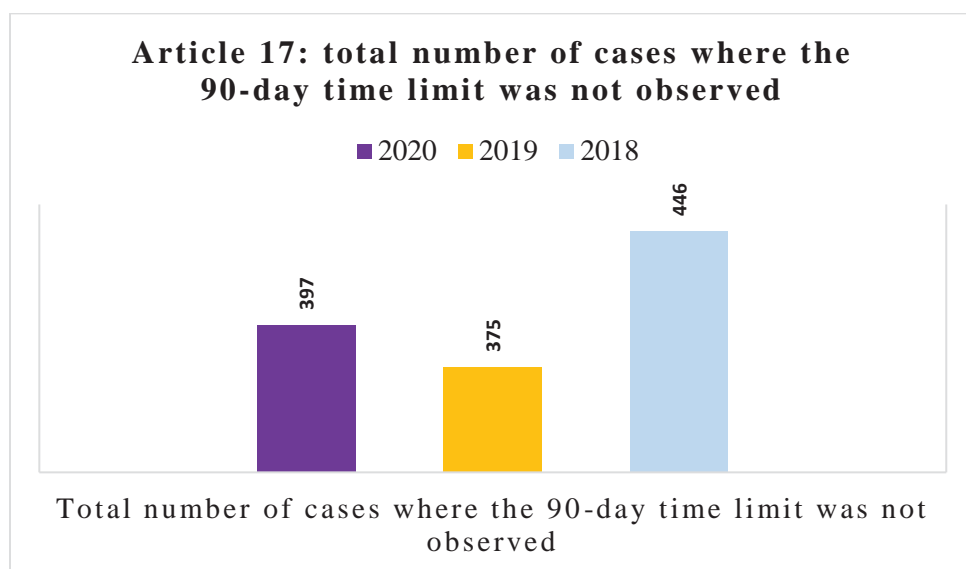
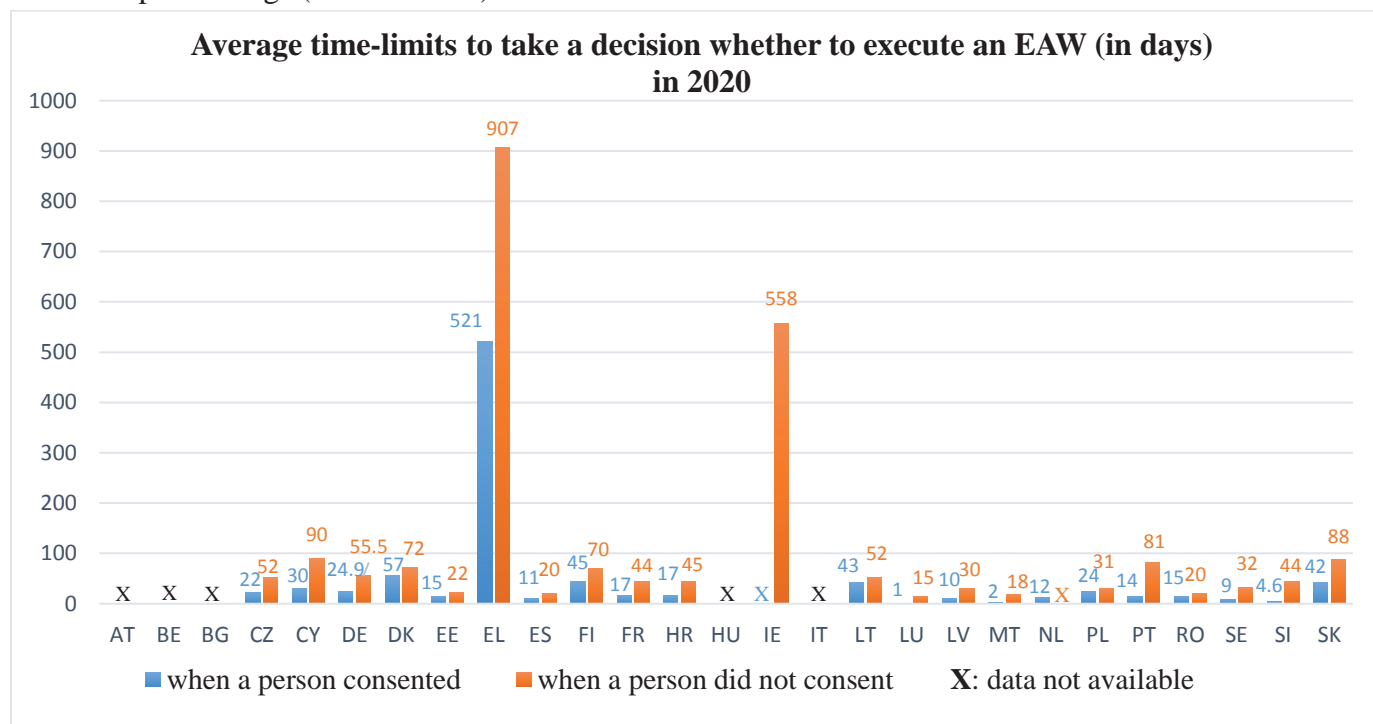
There were significant increases in certain Member States in 2020 (for instance in Estonia, Latvia and Malta). This might also be due to the COVID-19 pandemic outbreak.

As already observed in the reports for previous years, the Netherlands provided figures only on the numbers of decisions taken within 60 days, between 60 and 90 days and after 90 days²⁰.

4.3.) Total number of cases where the 90-day time limit was not observed

²⁰ NL: ‘Out of the 485 decisions on surrender: 30 decisions were taken within 60 days, 153 decisions were taken between 60 and 90 days, 169 decisions were taken after the time limit of 90 days expired. Finally 133 decisions related to persons already detained for a Dutch criminal case or on the basis of another EAW, where the time limit of Article 17 does not run.’

Under [Question 8.1](#), the 90-day time limit was exceeded in 397 cases in 12 of the 20 Member States that replied. This figure is slightly higher than the total reported for 2019 (375 cases reported by 14 of the 22 Member States that replied). The most significant numbers were registered by the Netherlands (169 cases), Germany (106 cases) and Ireland (68 cases). Together, these three Member States reported most of the cases where the 90-day time limit was exceeded (86.4% of cases). A comparison with the number of initiated surrender proceedings in the same Member States reveals that the 90-day time limit was exceeded in 13.34% of the initiated surrender proceedings (5.1% in 2019).



Disclaimer: the Member States that provided figures for each year are not identical.

4.4.) Eurojust being informed when the 90-day time limit was not observed

Where competent authorities cannot comply with the time limits, the competent authorities must inform Eurojust, giving the reasons for the delay (Article 17(7)). Eurojust can then monitor the cases and help identify the problems causing delays. To improve compliance with the time limits in surrender proceedings, Eurojust can also facilitate the exchange of information between the competent authorities.

However, as was observed in previous years, statistics on informing Eurojust reveal that this provision is of limited application in practice. In 2020, Eurojust was informed in only 48 cases, according to the figures provided by 19 Member States ([Question 8.2](#)). In 2019, Eurojust was informed in 98 cases, according to figures provided by 20 Member States.

5.) Grounds for non-execution (refusal) and guarantees

The general duty to execute an EAW, enshrined in Article 1(2), is limited under Articles 3, 4 and 4a of the Framework Decision by the mandatory and optional grounds for non-execution of the EAW.

Following the case law of the Court of Justice, these grounds for non-execution are in principle exhaustive²¹. A refusal to execute an EAW is intended to be an exception, which must be interpreted strictly.

The execution of an EAW was refused in 1 047 cases in the 26 Member States that provided figures for 2020 ([Question 7](#)). This aggregate figure has increased, compared to 1 042 refusals in 26 Member States in 2019, 879 refusals in 26 Member States in 2018, 796 in 24 Member States in 2017, and 719 in 25 Member States in 2016. However, it is not possible to provide exact statistical comparisons, since different Member States provided the figures for those years.

Most Member States gave specific replies to questions on the grounds for their refusals. The figures provided show that – as in 2017, 2018 and 2019 – the most common ground for refusal to surrender was Article 4(6) of the Framework Decision, covering 328 EAWs (290 in 2019).

Article 4(6) of the Framework Decision provides that the executing judicial authority may refuse to execute the EAW if the EAW has been issued for the purposes of execution of a custodial sentence or detention order, where the requested person is staying in, or is a national or a resident of, the executing Member State and that Member State undertakes the execution of the sentence

²¹ Judgment of 6 October 2009, *Wolzenburg*, C-123/08, EU:C:2009:616, paragraph 57. Judgment of 26 February 2013, *Melloni*, C-399/11, EU:C:2013:107, paragraph 38. Judgment of 30 May 2013, *Jeremy F*, C-168/13 PPU, EU:C:2013:358, paragraph 36. Judgment of 5 April 2016, *Aranyosi and Căldăraru*, C-404/15 and C-659/15 PPU, EU:C:2016:198, paragraph 80.

or detention order according to its domestic law. A refusal to surrender based on Article 4(6) of the Framework Decision does not lead to impunity, since the executing Member State takes over the execution of the sentence or detention order²².

There were no registered cases concerning: (i) lack of guarantee of review in respect of a life sentence under Article 5.2 ([Question 7.12](#)) and (ii) privilege or immunity under Article 20 of the Framework Decision ([Question 7.16](#)).

5.1.) Mandatory grounds for non-execution

The Framework Decision sets out three mandatory grounds for non-execution under Article 3, where the executing judicial authority is obliged to refuse to execute the EAW: (i) amnesty; (ii) *ne bis in idem*; and (iii) being under the age of criminal responsibility.

- Amnesty (Article 3(1))

Execution of an EAW must be refused if the offence on which the EAW is based is covered by an amnesty in the executing Member State. Another requirement is that the executing Member State must have jurisdiction to prosecute the offence under its own criminal law. In 2020, execution was refused in 1 case because of amnesty – by Poland ([Question 7.1](#)). By way of comparison, 2 cases were registered in 2019 and 5 cases were reported in 2018.

- *Ne bis in idem* (Article 3(2))

Execution of an EAW must be refused if the executing judicial authority is informed that the requested person has been finally judged by a Member State for the same acts. It is also required where a sentence has been passed, that sentence has been served or is currently being served, or may no longer be executed under the law of the sentencing Member State (the enforcement requirements).

In 2020, the total number of refusals on the ground of *ne bis in idem* was 5 ([Question 7.2](#)). In 2019, the total number was 7 (3 in Poland alone). 7 cases were also reported in 2018, but only 4 cases were reported in 2017.

- Under the age of criminal responsibility (Article 3(3))

Execution of an EAW must be refused in cases where, due to his or her age, the requested person cannot be held criminally responsible for the acts on which the EAW is based under the law of

²² Judgment of 29 June 2017, *Popławski I*, C-579/15, EU:C:2017:503.

the executing Member State. The age limits for criminal responsibility vary among the different Member States.

In 2020, 2 cases of refusal of surrender on this basis were recorded: 1 in Denmark and 1 in Poland ([Question 7.3](#)). This is consistent with the figures of 2019, when 2 cases of refusals of surrender on this basis were also recorded (1 in Hungary and 1 in Poland). In 2018, 4 cases were recorded (1 in Germany and 3 in Poland).

5.2.) Optional grounds for non-execution (Articles 4 and 4a)

Articles 4 and 4a of the Framework Decision provide eight optional grounds for non-execution. As regards the grounds for optional non-execution referred to in Article 4, an executing judicial authority may only invoke these grounds if they are transposed into its national law. The Court of Justice has held that Member States have a certain margin of discretion when implementing the optional grounds for non-execution²³ but that this discretion needs to be consistent with the purpose of the Framework Decision, in accordance with the principle of mutual recognition. Moreover, the Court of Justice has held that the executing judicial authorities must be able to take the specific circumstances of each case into account and to assess the applicability of the optional grounds for non-execution in a specific case²⁴.

- Lack of double criminality (Article 4(1))

Execution of an EAW may be refused where, in cases referred to in Article 2(4) of the Framework Decision, the act on which the EAW is based does not constitute an offence under the law of the executing Member State. The Court of Justice has held that there is no need for a perfect match between the constituent elements of the offence concerned in the issuing Member State and in the executing Member State²⁵. This optional ground for refusal only concerns offences not covered by the list of 32 offences under Article 2(2), for which the verification of double criminality is not required if the threshold of 3 years is met.

For 2020, 12 of the 24 replying Member States reported 56 refusals based on the lack of double criminality ([Question 7.4](#)). By way of comparison, 15 of the 25 replying Member States reported 67 refusals based on the lack of double criminality for 2019.

- Prosecution pending in the executing Member State (Article 4(2))

Execution of an EAW may be refused where the person who is the subject of the EAW is being prosecuted in the executing Member State for the same act as that on which the EAW is based.

²³ Judgment of 6 October 2009, *Wolzenburg*, C-123/08, EU:C:2009:616, paragraphs 61 and 62.

²⁴ Judgement of 29 April 2021, X, C-665/20 PPU, EU:C:2021:339, paragraphs 40-48.

²⁵ Judgement of 14 July 2021, *KL*, C-168/21, EU:C:2022:558.

In 2020, 6 of the 23 reporting Member States reported 6 refusals (1 case each) based on this optional ground for non-execution ([Question 7.5](#)). By way of comparison, 21 cases were registered in 6 Member States for 2019 and 16 cases were registered in 7 Member States for 2018.

- Prosecution for the same offence precluded in the executing Member State (Article 4(3))

Execution of an EAW may be refused: (i) where the judicial authorities of the executing Member State have decided either not to prosecute for the offence on which the EAW is based or to stop proceedings; or (ii) where a final judgment has been passed upon the requested person in a Member State, in respect of the same acts, which prevents further proceedings.

For 2020, 2 Member States reported 3 refusals based on this ground for non-execution. 2 of these were reported in Germany ([Question 7.6](#)). By way of comparison, in 2019 for 23 Member States a total of 8 cases was registered, with Germany registering 6 refusals.

- Prosecution or punishment statute-barred (Article 4(4))

Execution of an EAW may be refused where the criminal prosecution or punishment of the requested person is statute-barred according to the law of the executing Member State, and the acts fall within the jurisdiction of that Member State under its own criminal law.

For 2020, 20 refusals based on this ground for non-execution were reported in 10 of the 23 replying Member States ([Question 7.7](#)), with Germany alone reporting half of those cases (10). By way of comparison, 43 refusals based on this ground for non-execution were reported in 9 of the 24 Member States that replied for 2019 (16 in Germany and 18 in Hungary), against 36 refusals in 11 Member States in 2018.

- Final judgment in a third State (Article 4(5))

Execution of an EAW may be refused where the executing judicial authority is informed that the requested person has been finally judged by a third State for the same acts (the *idem* requirement) provided that, where there has been a sentence, the sentence has been served or is currently being served or may no longer be executed under the law of the sentencing country (enforcement requirements).

For 2020, Poland recorded 3 cases of refusal on the basis of the existence of a final judgment in a third State ([Question 7.8](#)). By comparison, for 2019, only 1 case of refusal was recorded by

Slovenia on the basis of a final judgment in a third State. Numbers were also low in the previous years, when 2 cases were reported in 2018 and 1 case in 2017.

- The executing Member State undertakes the execution of the sentence (Article 4(6))

Where the EAW has been issued for the purposes of execution of a custodial sentence or detention order, and the requested person is staying in, or is a national or a resident of, the executing Member State, the executing judicial authority might decide to execute the sentence in its own Member State instead of surrendering the person to the issuing Member State.

For 2020, 24 Member States reported 328 refusals based on cases where the executing Member State undertakes the execution of the sentence ([Question 7.9](#)). Romania alone reported 86 cases – the highest number by far for the Member States that provided figures. Germany followed with 45 cases. By comparison, for 2019, 25 Member States reported 290 such refusals and there were 204 such refusals in 2018 and 229 in 2017. It is interesting to note that there are no consistent patterns. For example, Germany registered a decrease in case of refusals under Article 4(6) from 2017 (56) to 2018 (27) but reported an increase in 2019 to 48 cases and 45 cases in 2020. By way of comparison with previous years, an increase was observed for Spain until 2019, where refusals increased from 17 cases in 2017 to 39 cases in 2018 and 47 cases in 2019 while dropping back to 22 cases in 2020.

- Extraterritoriality (offences committed outside the territory of the issuing Member State) (Article 4(7))

Execution of an EAW may be refused where the EAW relates to offences which:

- (a) are regarded by the law of the executing Member State as having been committed in whole or in part in the territory of the executing Member State or in a place treated as such;
- (b) have been committed outside the territory of the issuing Member State and the law of the executing Member State does not allow prosecution for the same offences when committed outside its territory.

For 2020, 82 refusals reported by 6 of the 23 reporting Member States were based on extraterritoriality ([Question 7.10](#)). Germany alone reported half of the cases (41) and Greece reported another 30 cases. By way of comparison, 63 refusals were reported by 7 of the 25 reporting Member States in 2019 and 66 refusals were reported by 7 Member States in 2018.

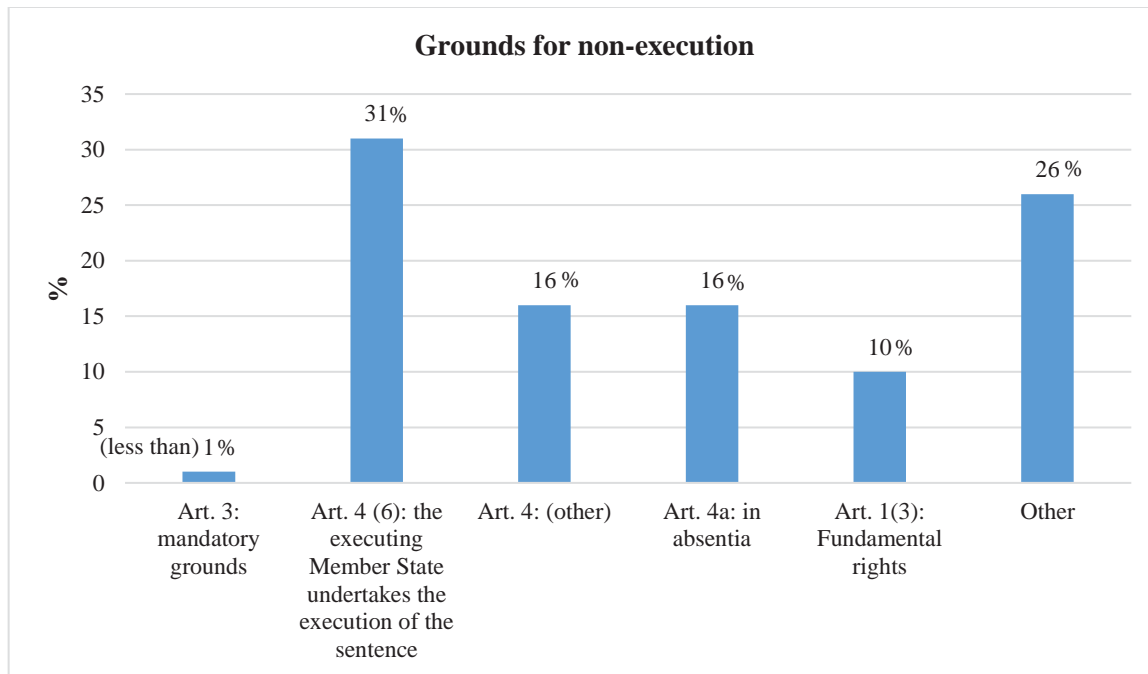
- Trials *in absentia* (Article 4a)

Article 4a provides an optional ground for non-execution for situations where an executing judicial authority has received an EAW for execution of a custodial sentence or a detention order arising from proceedings in the issuing Member State where the person was not present (a decision rendered *in absentia*). However, this option is accompanied by four exceptions, where an executing judicial authority cannot refuse to execute an EAW based on a decision rendered *in absentia*.

The Court of Justice has clarified that Article 4a of the Framework Decision should be transposed as an optional ground for non-execution, because it held that *[i]f the executing judicial authority were to consider that the conditions, set out in Article 4a(1)(a) or (b) of that framework decision, which preclude the possibility of refusing to execute a European arrest warrant, are not satisfied, as Article 4a provides for a case of optional non-execution of that warrant, that court may, in any event, take into account other circumstances that enable it to satisfy itself that the surrender of the person concerned does not entail a breach of his rights of defence, and surrender that person to the issuing Member State (see, to that effect, judgment of 24 May 2016, Dworzecki, C-108/16 PPU, EU:C:2016:346, paragraph 50).*²⁶

For 2020, 24 Member States (8 of which did not record any cases) together reported a total of 173 refusals based on decisions rendered *in absentia*. In particular, Germany reported 66 cases and the Netherlands registered 54 cases ([Question 7.11](#)). In comparison, in 2019, refusals under Article 4a amounted to a total of 162 in 25 Member States (14 of which did not record any cases). It should be noted that Germany and the Netherlands also registered the higher number of cases in 2019.

²⁶ Judgment of 17 December 2020, *TR v Generalstaatsanwaltschaft Hamburg*, C-416/20 PPU, EU:C:2020:1042, paragraph 51 (emphasis added).



5.3.) Fundamental rights (Article 1(3))

Article 1(3) of the Framework Decision provides that the Framework Decision shall not have the effect of modifying the obligation to respect fundamental rights and fundamental legal principles as enshrined in Article 6 of the Treaty on European Union.

In this regard, the Court of Justice has decided that the executing judicial authority may, in exceptional circumstances and subject to certain conditions, refuse to execute an EAW where the person, if surrendered, would suffer a real risk of a serious breach of their fundamental rights in the following situations: (i) where there is a real risk that the surrender of the person concerned could lead to inhuman or degrading treatment within the meaning of Article 4 of the Charter of Fundamental Rights of the European Union (‘the Charter’) due to the detention conditions in the issuing Member State²⁷; or (ii) where there is a real risk of breach of the fundamental right to a fair trial guaranteed by the second paragraph of Article 47 of the Charter due to concerns about the independence of the judiciary in the issuing State²⁸.

In 2020, fundamental rights issues led to a total of 108 refusals reported by 10 of the 22 replying Member States. 73 of these refusals were registered in Germany alone ([Question 7.20](#)). By way

²⁷ Judgment of 5 April 2016, C-404/15, *Aranyosi and Căldăraru*, EU:C:2016:198. Judgment of 25 July 2018, C-220/18 PPU, *ML*, paragraphs 88-94. Judgment of 15 October 2019, C-128/18, *Dorobantu*, EU:C:2019:857, paragraphs 52-55.

²⁸ Judgment of 25 July 2018, C-216/18, *LM*, EU:C:2018:586. Judgment of 17 December 2020 in Joined Cases C-354/20, *L* and C-412/20, *P*, EU:C:2020:1033.

of comparison, 9 Member States reported 81 refusals for 2019 and 65 of these were registered by Germany.

5.4.) Guarantees to be given by the issuing Member State (Article 5)

Article 5 provides that the execution of the EAW by the executing judicial authority may, by its national law, be subject to certain conditions which are exhaustively laid down in Article 5. Those conditions may relate either to the review of life-time imprisonment (Article 5(2) of the Framework Decision) or to the return of nationals and residents to the executing Member State to serve custodial sentences passed against them in the issuing Member State (Article 5(3) of the Framework Decision).

- Request of a guarantee

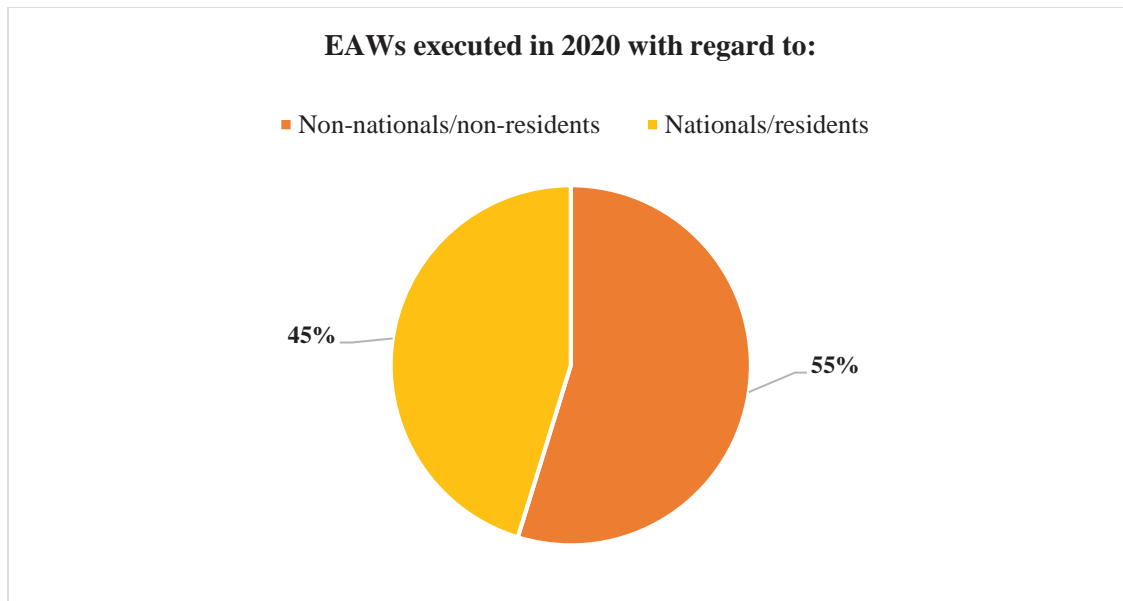
A guarantee related to the review of life-time imprisonment (Article 5(2) of the Framework Decision) was requested in 12 cases, half of which were registered in Poland ([Question 10](#)). However, 6 Member States did not provide data on whether they requested a guarantee. A significant increase can be observed compared to the figures from 2019 when only 2 requests for a guarantee were registered (both in Slovenia). However, it should be noted that, in 2019, 7 Member States did not provide data on requests for a guarantee.

- Lack of a guarantee

In relation to conditions relating to the review of life-term imprisonment (Article 5(2) of the Framework Decision), no cases of refusal based on the lack of a guarantee by the issuing Member State were reported ([Question 7.12](#)). This is consistent with previous years, when very few or no cases were reported.

On the condition requiring the return of nationals and residents to the executing Member State to serve custodial sentences passed against them in the issuing Member State (Article 5(3) of the Framework Decision), 4 out of 23 Member States reported a total of 19 refusals in 2020 based on the lack of a guarantee by the issuing Member State ([Question 7.13](#)). Luxembourg reported 10 of these refusals. By way of comparison, in 2019, 5 out of 23 Member States reported a total of 13 refusals and in 2018 6 Member States reported 28 refusals based on Article 5(3) (Bulgaria alone reported 17 of these).

In 2020, the execution of an EAW concerned a national or a resident of the executing Member State in 1 710 cases in the 22 Member States that provided figures (1 541 cases were registered in 22 Member States in 2019) ([Question 9](#)).



Disclaimer: only the 22 Member States that provided figures under Question 9 have been taken into account.

A comparison with the total number of persons effectively surrendered by the same Member States in 2020 (3 780, [Question 3](#)) suggests that the execution of an EAW involved own nationals or residents in **45.24%** of cases. This proportion has increased compared to 2019, when 30.56% of cases of effective surrender involved nationals or residents; and 2018, when 24.42% of cases of effective surrender involved nationals or residents in 25 Member States.

5.5.) Other provisions of the Framework Decision

- EAW content does not conform with requirements of the Framework Decision (Article 8)

Article 8(1) of the Framework Decision lays down the requirements for the content of an EAW. This includes:

- evidence of an enforceable judicial decision (such as a national arrest warrant) which must be distinct from the EAW itself in order to guarantee the first level of judicial protection;
- the nature and legal classification of the offence;
- a description of the circumstances in which the offence was committed, including the time, place and degree of participation in the offence by the requested person and the penalty imposed.

Under [Question 7.14](#), 24 refusals were based on the non-conformity of the EAW with the requirements laid down in Article 8 of the Framework Decision. The figures have been

consistent down the years: there were 23 such refusals in 2019, 33 in 2018 and 23 in 2017, with Germany consistently recording the highest numbers.

- Lack of requested additional information (Article 15(2))

Article 15(2) of the Framework Decision imposes a duty on the executing judicial authority to request supplementary information from the issuing judicial authority whenever it finds that the information provided by the issuing judicial authority is insufficient to allow it to decide on surrender. This particularly concerns the content required in the EAW form (Article 8), which is needed to assess whether it is possible to execute the EAW, but it also concerns all the information necessary to assess whether any ground for refusal is applicable (Articles 3 to 5)²⁹.

In 2020, 6 out of 22 Member States recorded 55 refusals to execute an EAW due to a lack of the requested additional information ([Question 7.15](#)). Most were recorded in Czechia (38) and France (10). For comparison, in 2019, 7 out of 24 Member States recorded 76 such refusals. The highest numbers of this type of refusal were recorded in Czechia (32), followed by Poland (22).

- Privilege or immunity (Article 20)

Article 20 of the Framework Decision concerns privileges and immunities on which the requested person can rely. There were no cases of refusals of execution on these grounds registered in the 21 Member States that provided figures for 2020 ([Question 7.16](#)). This is in line with previous years, when very few or no cases were reported³⁰.

- The thresholds of 12 months/4 months not met (Article 2(1))

As previously underlined³¹, an EAW may be issued: (i) for acts punishable by the law of the issuing Member State by a custodial sentence or a detention order for a maximum period of at least 12 months; or (ii) where a sentence has been passed or a detention order made for sentences of at least 4 months. These two thresholds are laid down in Article 2(1) of the Framework Decision.

In 2020, 1 case where the first threshold of 12 months was not met was recorded ([Question 7.17](#)). This is in line with previous years, when very few or no cases were reported³².

²⁹ Handbook on how to issue and execute a European arrest warrant, OJ C 335, 6 October 2017, p. 34.

³⁰ 2019: no cases; 2018: 1 case; 2017: no cases.

³¹ Cf. *supra* p. 5.

³² 2019: no cases; 2018: 2 cases.

However, 3 of the 21 replying Member States together reported 8 cases of EAWs being issued for the purpose of executing a custodial sentence or detention order where the 4-month threshold was not met ([Question 7.18](#)). In 2019, 8 such cases were reported by 6 Member States.

- Priority of a conflicting request (Article 16(1), 16(3) and 16(4))

The same person may simultaneously be subject to more than one EAW issued by the authorities of one or more Member States, either for the same acts or for different acts. In these cases, it is for the executing authority to decide which EAW to execute, taking due account of all the circumstances provided for in Article 16 of the Framework Decision. There could also be a situation where the same person might be subject to both an EAW and a competing extradition request from a third country.

The executing authority, while encouraging coordination among the different issuing authorities, may consider different factors when making its decision (e.g. the relative seriousness of the offences; the place where the offences were committed; the respective dates of the EAWs; and whether the warrant has been issued for the purposes of prosecution or for execution of a custodial sentence or detention order).

In 2020 under [Question 7.19](#), 11 refusals reported by 5 out of 22 Member States concerned conflicting requests. This is consistent with the findings for 2019 (7 refusals in 4 Member States) and 2018 (8 refusals in 4 Member States).

- Other reasons

6 Member States reported a total of 139 cases in which the execution of the EAW was not finalised due to different reasons, such as the withdrawal of an EAW or a surrender being postponed ([Question 7.21](#)). In comparison, in 2019, 12 Member States reported 114 cases.

6.) Surrender of a person (Article 23)

The time limit for surrendering the requested person starts to run immediately after the final decision on the execution of the EAW is taken (see Section 4). Under Article 23 of the Framework Decision, the authorities concerned should arrange and agree on the person's surrender as soon as possible and the surrender must take place no later than 10 days after the final decision on the execution of the EAW.

6.1.) Number of cases where the time limits were not observed

Article 23(3) and Article 23(4) address, respectively: (i) extensions of the time limits in cases when the surrender of the requested person within the ten-day period is prevented by circumstances beyond the control of any of the Member States³³; and (ii) extensions of the time limits for serious humanitarian reasons.

Responses to [Question 8.3](#) show that in 2020 the surrender did not take place due to non-compliance with the time limit of 10 days prescribed by Article 23(2) of the Framework Decision in 153 cases, which were registered in 20 Member States. There has been a steady increase in recent years: 115 cases were registered in 21 Member States in 2019 and only 56 cases in 22 Member States in 2018.

6.2.) Number of cases where a requested person was released since the time limits were not observed

Article 23(5) requires the release of a person still in custody when the time limits referred to in paragraphs 2 to 4 of Article 23 expire.

In 2020, 51 cases of requested persons being released were reported in 6 out of 20 Member States. 3 out of 21 Member States reported 8 cases in 2019, and 9 cases in 6 out of 20 Member States in 2018 ([Question 8.4](#)). This significant increase is probably linked to the COVID-19 outbreak.

Conclusions

Only general conclusions can be drawn on the basis of the submitted replies, since the provided data are not complete. These conclusions broadly reflect the same trends identified in 2019, but with a few differences.

In particular, it should be highlighted that:

- the main indicators on the number of initiated proceedings, arrests and effective surrender procedures have been rather stable – i.e. arrests and surrender procedures have remained broadly consistent as a proportion of initiated proceedings;
- it appears that some Member States do not comply with their obligations under the Framework Decision concerning the time limits to take a decision whether to execute an EAW;

³³ Judgment of 25 January 2017, *Vilkas*, C-640/15, EU:C:2017:39.

- certain differences compared to previous years and an increase in the duration of the surrender procedures can be noticed. This might be due to the COVID-19 outbreak;
- Article 4(6) of the Framework Decision – where the executing Member State takes over the execution of a sentence – accounts for the highest proportion (31.33%) of grounds for non-execution when compared with other mandatory and optional grounds provided under Articles 3, 4 and 4a of the Framework Decision.

In 2020, the Commission started infringement proceedings against all Member States subject to those proceedings for the incomplete and/or incorrect transposition of the Framework Decision into their national legal orders. By the time of issuing this staff working document, the Commission issued 26 letters of formal notice against all the Member States (with the exception of Denmark). It is expected that, if the affected Member States take steps to amend their national laws to bring them in line with the Framework Decision, most of these deficiencies will be remedied.

Annex I – Replies to the questionnaire on quantitative information on the practical operation of the EAW

2020

0 = Zero cases reported by the Member State concerned.
X = No data available in the Member State concerned.

I. Replies by Member States as issuing States

1. How many EAWs have been issued this year by the judicial authority of your country?

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
509	549 ³⁴	162 ³⁵	579	37	4 953	59	92	321	415	76	1 372	254	1 009	161	982	197 ³⁶	X	120	9	648	1 854	334	755 ³⁷	157	90	244

2. How many of the EAWs issued this year were for the purpose of prosecution?

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	X	X	262	37	X ³⁸	57	53	151	315	53	781	126	X	155	415	116	X	81	9	X ³⁹	429	X	71 ⁴⁰	X	56	118

3.1. Terrorism

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	2	X	6	0	X ⁴¹	0	0	4	21	0	128 ⁴²	0	X	0	17	0	X	X	0	X	0	X	0	0	0	0

3.2. Drug offences

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	144	X	52	3	X	17	19	42	144	18	300	17	X	31	193	43	X	42	0	X	345	X	49	39	4	6

³⁴ BE: 'These are the statistics gathered by the Central Authority International Co-operation in Criminal Matters of the Federal Public Service Justice and provided by the judicial authorities.'

³⁵ BG: 'All data provided by the Ministry of Justice, acting as Central Authority, according to the data provided by the national and EU Member States' judicial authorities.'

³⁶ LT: '116 – for the purpose of prosecution, 81 – for the purpose of the execution of the custodial sentence.'

³⁷ RO: 'According to the figures provided by the Romanian issuing courts, in 2020 were sent for a proper execution 755 EAWs (including EAWs sent to UK and Norway)..'

³⁸ DE: 'The distinction between arrest warrants for the purpose of prosecution and arrest warrants for the purpose of execution – as presupposed by the question – is not statistically recorded.'

³⁹ NL: 'In the Dutch data base on EAWs there is no distinction between EAW for prosecution and for execution of a sentence. Therefore we are unable to give figures in this respect.'

⁴⁰ RO: 'EAW issued in pre-trial stage: 41 EAW issued in trial proceedings before conviction: 30.'

⁴¹ DE: 'There are no statistics which distinguish between the categories of offences in EAWs.'

⁴² FR: 'MAE émis uniquement par la juridiction de Paris compétente pour ce type d'infraction : le PNAT parquet national anti-terroriste.'

3.3. Sexual offences

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	8	X	8	2	X	4	0	12	44	7	89	11	X	37	103	3	X	10	0	X	53	X	14	6	1	1

3.4. Firearms/explosives

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	10	X	0	0	x	2	0	8	10	3	21	2	X	3	15	8	X	X	0	X	19	X	0	2	0	0

3.5. Theft offences and criminal damage

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	167	X	143	9	X	7	47	66	96	24	290	67	X	39	250	57	X	76	0	X	679	X	182 ⁴³	23	22	52

3.6. Fraud and corruption offences

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	0	X	69	21	X	0	17	22	81	19	114	52	X	19	70	32	X	4	0	X	435	X	134 ⁴⁴	18	28	19

3.7. Counterfeiting the Euro

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	3	X	0	0	X	0	0	5	0	0	2 ⁴⁵	2 ⁴⁶	X	0	2	1	X	X	1	X	6	X	0	0	1	0

3.8. Homicide/Fatal offences

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	26	X	6	2	X	8	2	35	52	0	82	24	X	2	16	14	X	3	2	X	25	X	22	4	1	0

3.9. Non-fatal offences against the person

⁴³ RO: 'theft: 145, robbery: 35, destruction: 2.'

⁴⁴ RO: 'fraud: 58, tax fraud: 55, money laundering: 13, corruption: 6, embezzlement: 2.'

⁴⁵ FR: 'Juridictions de Marseille et de Nice.'

⁴⁶ HR: 'Data are not available for Euro only, because statistics is made for all currencies.'

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	X	X	22	2	X	1	10	18	59	6	96	16	X	37	24	31	X	7	6	X	392	X	74 ⁴⁷	16	8	4

3.10. Trafficking in human beings

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	39	X	0	0	X	1	0	5	13	0	61	0	X	2	0	5	X	2	0	X	3	X	92 ⁴⁸	1	0	0

3.11. Other

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	X	X	273	7	X	X	28	140	488	2	273	63	X	48	430	111	X	44	X	X	725	X	219 ⁴⁹	48	21	162

4. How many EAWs issued by your judicial authorities resulted in the effective surrender of the person sought this year?

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	X	115	382	11	893	21	51 ⁵⁰	53	62	54 ⁵¹	348	81	198	40	187	147 ⁵²	X	32	2	261 ⁵³	855 ⁵⁴	100	689 ⁵⁵	X	22	8

II. Replies by Member States as executing States

⁴⁷ RO: 'bodily harm: 26, forgery of documents and use of forged documents: 17, smuggling: 13, outrage: 9, blackmail: 5, kidnapping: 2, disregard of the protection order: 2.'

⁴⁸ RO: 'traffick in human beings: 38, pimping: 26, traffick of minors: 16, traffick of migrants: 12.'

⁴⁹ RO: 'road traffic offences: 147, organised crime: 67, illegal access to an IT system: 5.'

⁵⁰ EE: 'In total 51 persons were effectively surrendered in 2020 based on all EAWs which were issued by Estonian judicial authorities (issued during all years). From those 51 surrendered persons, 26 were surrendered based on the EAWs which were issued by Estonian judicial authorities in 2020.'

⁵¹ The number submitted by FI in the questionnaire was "5428". This is most likely a typing error, combining the answers for Q I. 4 (54) and II. 1 (28).

⁵² LT: 'There were 42 surrenders in 2020 on the basis of EAWs issued in 2020 (25 for the purpose of prosecution and 17 for the purpose of execution of the custodial sentence). There were 147 surrenders in total on the basis of EAWs regardless of the year of the issue (101 for the purpose of prosecution and 46 for the purpose of execution of the custodial sentence).'

⁵³ NL: 'informatie komt van Bureau Sirene.'

⁵⁴ PL: 'Total number of all requested persons surrendered in 2020 (including those on the basis of EAWs issued in previous years).'

⁵⁵ RO: 'The executed EAWs refers to EAWs issued in 2020 or earlier.'

1. How many persons have been arrested this year under an EAW in your country?

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X ⁵⁶	X	154 ⁵⁷	290 ⁵⁸	23	1 605	48	22	177	699	28	438	81	189	118	260	75 ⁵⁹	32	19	7	719	315	91	574	149	39	X

2. How many surrender proceedings have been initiated by the judicial authorities of your Member State this year pursuant to receipt of an EAW?

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
313	X	155 ⁶⁰	326	23	1 214	68	20	152	741	31	364	61	238	383	455	75	35	24	7	947	353	91	751 ⁶¹	149	44	123

3. How many persons have been effectively surrendered this year?

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
162	X	111 ⁶²	215	19	1 041	44	13	93	355	28	363	68	210	79	137	69	22	21	5	383 ⁶³	203	43	509 ⁶⁴	108	29	67

3.1. Could you please provide detailed quantitative data for each Member State to which a requested person was surrendered, if available⁶⁵:

⁵⁶ AT: 'Information has not been provided yet by the competent Austrian Ministry of Interior.'

⁵⁷ BG: 'All data provided by the Ministry of Justice, acting as Central Authority, according to the data provided by the national judicial authorities. 1 case was related to a waiver of the specialty rule (Article 27.4 of the Framework Decision).'

⁵⁸ CZ: 'Figure provided by the Police Presidium of the Czech Republic (Sirene Office).'

⁵⁹ LT: 'detention was applied in 61 instances, in 14 cases milder measures of constraint were applied or a person has already been arrested in a domestic criminal case.'

⁶⁰ BG: 'All data provided by the Ministry of Justice, acting as Central Authority, according to the data provided by the national judicial authorities.'

⁶¹ RO: 'The 751 EAWs includes the one issued and received before 31.12.2020 for a proper execution from UK (still a EU Member State) and Norway (based on the Agreement with EU).'

⁶² BG: '7 persons were surrendered in the first 6 months of 2021 following 2020 EAW proceedings.'

⁶³ NL: 'In this overview the United Kingdom is not mentioned. In 2020 we have effectively surrendered 13 persons to the UK.'

⁶⁴ RO: 'The Romanian executing courts granted surrender in 535 cases. However, due to Covid pandemic and travel restrictions, some of the requested persons could not be effectively surrendered and were set free after the legal deadline expired (26 cases). Considering that only in 509 cases the surrender took place, this number will be the one officially mentioned.'

⁶⁵ A number of Member States provided additional figures and comments with regard to surrender to the UK:

- CY: 'One wanted person has been surrendered to the UK on the basis of an EAW.'

3.1.1 Austria

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
n/a	X	7	X	0	X	0	0	X	2	X	X	10	X	0	9	X	X	X	X	3	X	0	55	1	X	41

3.1.2 Belgium

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	n/a	8	X	0	X	2	0	X	13	X	X	3	X	0	10	X	X	X	X	91	X	6	27	3	X	1

3.1.3 Bulgaria

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	X	n/a	X	4	X	1	0	X	11	X	X	0	X	0	5	X	X	X	1	3	X	0	2	1	X	0

3.1.4 Croatia

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	X	1	X	0	X	2	0	X	1	X	X	n/a	X	0	3	X	X	X	X	0	X	0	3	3	X	0

3.1.5 Cyprus

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
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-
- IE: 'Remaining 24 people surrendered to UK.'
 - MT: 'Norway – 2.'
 - NL: 'UK – 13.'
 - PT: 'United Kingdom – 4.'
 - RO: 'To the above figures/country we can add: Received from UK: 37, 13 Received from Norway: 3. The above figures/country represent the persons effectively surrendered.'
 - SK: 'United Kingdom – 4. We have available data for each Member State pursuant to receipt of an EAW, so the total number (123) correspond to data in the column 2.'

X	X	2	X	n/a	X	0	0	X	0	X	X	0	X	0	0	X	X	X	X	1	X	0	1	0	X	1
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3.1.6 Czechia

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	X	5	n/a	0	X	0	0	X	5	X	X	1	X	3	1	X	X	X	X	10	X	0	5	1	X	44

3.1.7 Denmark

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	X	0	X	0	X	n/a	0	X	4	X	X	0	X	0	0	X	X	X	X	2	X	0	7	0	X	0

3.1.8 Estonia

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	X	0	X	0	X	1	n/a	X	2	X	X	0	X	0	0	X	X	9	X	1	X	0	0	6	X	0

3.1.9 Finland

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	X	2	X	0	X	0	6	X	8	n/a	X	1	X	0	1	X	X	X	X	1	X	0	0	0	X	0

3.1.10 France

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	X	7	X	1	X	0	1	X	70	X	n/a	0	X	1	14	X	X	1	X	32	X	8	49	2	X	1

3.1.11 Germany

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	X	39	X	2	n/a	11	2	X	50	X	X	29	X	3	40	X	X	5	1	87	X	6	126	16	X	11

3.1.12 Greece

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	X	17	X	1	X	0	0	n/a	2	X	X	0	X	0	0	X	X	X	X	0	X	0	0	4	X	3

3.1.13 Hungary

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	X	0	X	0	X	0	0	X	3	X	X	3	72 ⁶⁶	1	3	X	X	X	X	18	X	0	24	2	X	6

3.1.14 Ireland

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	X	0	X	0	X	0	0	X	0	X	X	0	X	n/a	0	X	X	1	X	0	X	0	3	0	X	0

3.1.15 Italy

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	X	9	X	0	X	1	0	X	41	X	X	10	X	0	n/a	X	X	X	2	9	X	0	72	11	X	4

3.1.16 Latvia

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	X	0	X	1	X	1	1	X	0	X	X	0	X	0	1	X	X	n/a	X	10	X	0	0	3	X	0

⁶⁶ This figure is probably to be intended as a mistake.

3.1.17 Lithuania

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	X	0	X	1	X	3	2	X	8	X	X	1	X	8	0	n/a	X	5	X	7	X	1	1	4	X	0

3.1.18 Luxembourg

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	X	0	X	0	X	1	0	X	2	X	X	0	X	0	0	X	n/a	X	X	2	X	1	5	0	X	0

3.1.19 Malta

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	X	0	X	0	X	0	0	X	1	X	X	0	X	0	0	X	X	X	n/a	0	X	0	0	0	X	0

3.1.20 Netherlands

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	X	4	X	0	X	0	0	X	29	X	X	0	X	0	5	X	X	X	X	n/a	X	0	9	0	X	0

3.1.21 Poland

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	X	1	X	3	X	8	0	X	27	X	X	1	X	33	7	X	X	1	1	66	n/a	0	1	34	X	4

3.1.22 Portugal

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
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X	X	3	X	0	X	1	0	X	16	X	X	0	X	0	0	X	X	X	X	1	X	n/a	3	0	X	0
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3.1.23 Romania

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	X	2	X	4	X	8	0	X	47	X	X	1	X	4	27	X	X	X	X	3	X	3	n/a	8	X	2

3.1.24 Slovak Republic

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	X	0	X	1	X	0	0	X	1	X	X	1	X	1	1	X	X	X	1	2	X	1	1	2	X	n/a

3.1.25 Slovenia

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	X	0	X	0	X	0	0	X	0	X	X	6	X	0	0	X	X	X	X	0	X	0	0	0	n/a	0

3.1.26 Spain

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	X	2	X	0	X	4	1	X	n/a	X	X	0	X	1	6	X	X	X	X	8	X	12	66	7	X	0

3.1.27 Sweden

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	X	1	X	0	X	0	0	X	12	X	X	2	X	0	2	X	X	X	X	7	X	1	9	n/a	X	1

4. Of those persons surrendered this year, how many consented to the surrender?

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	X	72	118	19	493	23	11	68	132	11	235	45	169	26 ⁶⁷	34	53	18	20	2	71	120	25	369	51	24	57

5. On average this year, how many days did the surrender procedure take where the person consented to surrender (time between the arrest and the decision on surrender)?

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	X	X	22	30 ⁶⁸	24.9	57	15	521 ⁶⁹	11	45	17 ⁷⁰	17	X	X ⁷¹	X	43	1 ⁷²	10	2	12	24	14	15	9	4.6	42

6. On average this year, how many days did the surrender procedure take where the person did *not* consent to the surrender (time between the arrest and the decision on surrender)?

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK

⁶⁷ IE: '11 persons consented to surrender from UK requests. 15 persons consented to surrender to member states from above list.'

⁶⁸ CY: 'The provisions laid down in article 23(2) of the FD (2002/584/JHA) were applied, due to the pandemic COVID-19.'

⁶⁹ It should be noted that Greece did not provide any information/additional comment related to the considerable duration increase compared to 2019, when Greece instead reported an average of 20.66 days.

⁷⁰ FR: 'Les données transmises par les parquets généraux des différentes Cours d'Appel montrent une certaine disparité entre un délai extrêmement court de quelques jours (relativement fréquent) à un délai relativement long de 43 jours (rare).'

⁷¹ IE: 'Consent is difficult to quantify as under Irish Law, an individual can consent to surrender even after proceedings are at an advanced stage or if a judgement or appeal in a related case went against their objections to surrender. The average time for consented surrenders can be broken down as following: 2 persons consented and were surrendered within 0-30 days of arrest (average 28 days), 9 persons consented and were surrendered within 30-90 days of arrest (average 57 days), 7 persons consented and were surrendered within 90-300 days of arrest (average 176 days), 2 persons consented and were surrendered within 300-500 of arrest (average 452 days) 6 persons consented and were surrendered within 500-2 400 days of arrest (average 1 203 days).'

⁷² LU: 'In calculating the average time (in days) for EAWs with consent, we considered the time from the date of notification to the date of consent.'

X	X	X	52	90 ⁷³	55.5 ⁷⁴	72	22	907 ⁷⁵	20	70	44 ⁷⁶	45	X	558 ⁷⁷	X	52	15 ⁷⁸	30	18	X ⁷⁹	31	81	20	32	44	88
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7. In how many cases this year has a judicial authority in your Member State refused the execution of an EAW?

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
31	X	27	57	1	329 ⁸⁰	8	1	41	32	3	79	5	28	31	35	0	1	1	0	139	64	4	120	7	3	0

7.1. Amnesty (Framework Decision, Article 3(1))

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
0	X	0	0	0	0	0	0	X	0	0	0	0	0	0	0	0	X	X	0	X	1	0	0	0	0	0

7.2. *Ne bis in idem* (Framework Decision, Article 3(2))

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
0	X	0	0	0	0	0	0	X	2	0	0	0	0	1	0	0	X	X	0	1	1	0	0	0	0	0

⁷³ CY: ‘The provisions laid down in article 23 (2) of the FD (2002/584/JHA) were applied, due to the pandemic COVID-19’

⁷⁴ DE: ‘The relevant period starts from the moment of detention for the purpose of surrender.’

⁷⁵ Greece, also in this regard, reported an extremely high average of 907 days, but did not provide any explanation or comment on the considerable increase on the figures provided in 2019 and previous years.

⁷⁶ FR: ‘Les données communiquées par les parquets généraux des Cours d’Appel montrent une certaine disparité entre un délai qui reste majoritairement court en dépit de l’absence de consentement (en général moins d’un mois) à un délai exceptionnellement relativement long (196 jours).’

⁷⁷ IE: ‘The overall average was 558. However, surrender was delayed in 2020 pending judgement in two ECJ references two Dutch references PPU C-354/20 and C-412/20 CJEU Hearing on 12th October. They were lodged in the ECJ in July 2020 and were to do with the rule of Law in Poland so many of the Polish cases here held up. In 2020 the COVID-19 crisis had a considerable impact on the EAW surrender procedure which often lead to difficulties in carrying out the surrender of the requested person to the issuing State. In certain cases it became impracticable to transfer the requested person to the issuing State due to the practical and legal measures adopted at national level to combat the COVID-19 crisis. Ireland is also reliant on transfers taking place by air and due to persistent limitations in commercial flights; both as to their frequency and destinations, the Irish High Court was left with no alternative but to postpone numerous surrenders pursuant to Article 23 EAW FD causing surrenders to take longer to effect under the EAW framework. The average time for contested surrenders can be broken down as following: 10 individuals were surrendered within 0-90 days of arrest (average 65 days) 7 individuals were surrendered within 90-200 days of arrest (average 162 days) 14 individuals were surrendered within 200-500 days of arrest (average 326 days) 14 individuals were surrendered within 500-1000 days of arrest (average 709 days) 8 individuals were surrendered within 1000-2500 days of arrest (average 1657 days) Total 53 surrenders did not consent.’

⁷⁸ LU: ‘In calculating the average time (in days) for EAWs without consent, we considered the length of time from the date of notification to the final decision of the Council Chamber (of the District Court or Court of Appeals).’

⁷⁹ NL: ‘Out of the 485 decisions on surrender: 30 decisions were taken within 60 days, 153 decisions were taken between 60 and 90 days, 169 decisions were taken after the time limit of 90 days expired. Finally 133 decisions related to persons already detained for a Dutch criminal case or on the basis of another EAW, where the time limit of Article 17 does not run.’

⁸⁰ DE: ‘In the event of a refusal, several grounds for refusal may be recorded statistically.’

7.3. Under the age of criminal responsibility (Framework Decision, Article 3(3))

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
0	X	0 ⁸¹	0	0	0	1	0	X	0	0	0	0	0	0	0	0	X	X	0	X	1	0	0	0	0	0

7.4. Lack of double criminality (Framework Decision, Article 4(1))

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
5	X	2	2	0	0	0	0	X	2	0	2	0	13	4	3	0	X	1	0	7 ⁸²	14	0	0	1	0	0

7.5. Prosecution pending in the executing Member State (Framework Decision, Article 4(2))

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
0	X	0	1	0	1	0	0	X	1	0	0	0	1	0	0	0	X	X	0	X	1	0	1	0	0	0

7.6. Prosecution for the same offence precluded in the executing Member State (Framework Decision, Article 4(3))

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
0	X	0 ⁸³	0	0	2	0	0	X	0	0	0	1	0	0	0	0	X	X	0	X	0	0	0	0	0	0

7.7. Prosecution or punishment statute-barred (Framework Decision, Article 4(4))

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
1	X	1	1	0	10	0	1	1	1	0	0	1	2	0	0	0	X	X	0	X	0	0	0	1	0	0

7.8. Final judgment in a third State – transnational *ne bis in idem* (Framework Decision, Article 4(5))

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
0	X	0	0	0	0	0	0	X	0	0	0	0	0	0	0	0	X	X	0	X	3	0	0	0	0	0

⁸¹ BG: ‘We have 1 case where the Executing judicial authority has refused to execute the EAW due to a mental illness of the requested person.’

⁸² NL: ‘Offence was: not paying child alimony.’

⁸³ BG: ‘We have information on 7 cases where the issuing judicial authority has withdrawn the EAW, although we do not have information on the exact reasons for that.’

7.9. The executing Member State undertakes the execution of the sentence (Framework Decision, Article 4(6))

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
12	X	21 ⁸⁴	4	1	45	0	0	4	22	0	29	2	5	0	25	0	X	X	0	41	27	3	86	0	1	0

7.10. Extraterritoriality (offences committed outside the territory of the issuing Member State) (Framework Decision, Article 4(7))

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
0	X	0	0	0	41	0	0	30	2	0	3	0	0	1	0	0	X	X	0	X	5	0	0	0	0	0

7.11. Trial *in absentia* (Framework Decision, Article 4a)

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
5	X	2	4	1	66	7	0	1	0	1	11	0	1	12	0	0	X	X	0	54	1	0	1	5	1	0

7.12. Lack of guarantee of review in respect of life sentence (Framework Decision, Article 5(2))

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
0	X	0	0	0	0	0	0	X	0	0	0	0	0	0	0	0	X	X	0	X	0	0	0	0	0	0

7.13. Lack of guarantee of return of national/resident to serve sentence (Framework Decision, Article 5(3))

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
0	X	1	0	0	7	0	0	10	0	0	0	0	1	0	0	0	X	X	0	X	0	0	0	0	0	0

7.14. EAW content is not in conformity with Framework Decision, requirements (Framework Decision, Article 8)

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
0	X	1 ⁸⁵	0	0	6	0	0	X	2	0	4	2	0	4	1	0	X	X	0	2	0	0	2	1	0	0

⁸⁴ BG: 'On 20 cases we have total 21 applications of Article 4.6.'

⁸⁵ BG: 'Lack of information under FD Article 8(1)(c).'

7.15. Lack of requested additional information (Framework Decision, Article 15(2))

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
0	X	0	38	0	0	0	0	X	0	0	10	0	0	2	2	0	X	X	0	X	0	1	2	0	0	0

7.15.1. Could you provide quantitative information concerning cases when the issuing judicial authority did not respond:

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
0	X	X	X	0	0	X	0	X	0	X	⁸⁶	0	0	0	2	0	X	X	X	X	X	X	2	X	X	0

7.15.2. Could you provide quantitative information concerning cases when the issuing judicial authority did respond, but with a delay:

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
0	X	X	X	0	0	X	0	X	0	X	⁸⁷	0	0	0	0	0	X	X	X	X	X	X	X	X	X	0

7.16. Privilege or immunity (Framework Decision, Article 20)

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
0	X	0	0	0	0	X	0	X	0	0	0	0	0	0	0	0	X	X	0	X	0	0	0	0	0	0

7.17. Maximum penalty no more than 12 months (Framework Decision, Article 2(1))

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
0	X	0	0	0	0	X	0	X	1	0	0	0	0	0	0	0	X	X	0	X	0	0	0	0	0	0

7.18. Sentence less than 4 months (Framework Decision, Article 2(1))

⁸⁶ FR: 'Dans le cadre du recueil statistique effectué par l'autorité centrale que constitue le BEPI au sein du Ministère de la justice français (et la procédure du MAE étant entièrement judiciaire) nous n'avons pas le détail des compléments d'information sollicités ni l'information selon laquelle la réponse n'a pas été apportée, a été apportée avec retard, ou s'est avérée insuffisante à autoriser l'exécution du MAE.'

⁸⁷ FR: 'Dans le cadre du recueil statistique effectué par l'autorité centrale que constitue le BEPI au sein du Ministère de la justice français (et la procédure du MAE étant entièrement judiciaire) nous n'avons pas le détail des compléments d'information sollicités ni l'information selon laquelle la réponse n'a pas été apportée, a été apportée avec retard, ou s'est avérée insuffisante à autoriser l'exécution du MAE.'

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
5	X	0	0	0	0	X	0	X	0	0	0	0	2	0	0	0	X	X	0	X	1	0	0	0	0	0

7.19. Priority of a conflicting request (Framework Decision, Article 16(1), (3) and (4))

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
0	X	0	0	0	4	X	0	1	1	0	3	0	0	0	0	0	X	X	0	X	0	0	2	0	0	0

7.20. Fundamental rights (Framework Decision, Article 1(3))

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
5	X	0	0	0	73	X	0	X	0	2	10	0	3	7	2	0	X	X	0	2 ⁸⁸	2	0	2	0	0	0

7.20.1. Poor detention conditions

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
4	X	X	X	0	X	X	0	X	0	X	0	0	X	3	1	0	X	X	X	2	X	0	0	0	X	0

7.20.2. Fair trial rights

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
0	X	X	X	0	X	X	0	X	0	X	0	0	X	0	1	0	X	X	X	X	X	0	0	0	X	0

7.20.3. Other issues concerning fundamental rights

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
1	X	X	X	0	X	X	0	X	0	X	0	0	X	4 ⁸⁹	0	0	X	X	X	X	X	0	X	0	X	0

7.21. Other

⁸⁸ NL: 'It regards two Romanian EAWs.'

⁸⁹ IE: '4 other - 2x medical condition, 1 x Refugee Status and 1 x humanitarian grounds.'

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
0	X	X	7	0	85	X	0	10	0	0	3	0	X	0	2	X ⁹⁰	X	X	X	X	8	0	24 ⁹¹	0	0	0

8.1. In how many cases this year were the judicial authorities of your Member State not able to respect the 90-day time limit for the decision on the execution of the EAW according to Article 17(4) of the Framework Decision?

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	X	X	7	1	106	6	0	X	16	0	3	2	X	68	X	0	0 ⁹²	0	0	169 ⁹³	4	X ⁹⁴	0	3	0	12

8.2. In how many of the cases in 8.1 above was Eurojust informed (Framework Decision, Article 17(7))?

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	X	X	6 ⁹⁵	1	0	0	0	X	0	0	1	0	X	68	X	0	0	0	0	X ⁹⁶	1	X ⁹⁷	0	3	1	3

8.3. In how many cases this year did the surrender not take place because of noncompliance with the time limits imposed by Article 23(2) of the Framework Decision?

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	X	X	3	11	1	0	0	1	9	1	14 ⁹⁸	0	X	0	X	0	3	0	0	0	11	X ⁹⁹	98 ¹⁰⁰	X	1	0

⁹⁰ LT: 'In 7 cases execution was postponed due to the fact that a requested person serves a sentence following the national criminal procedure, in 2 instances EAW was withdrawn (1 because the person was ill).'

⁹¹ RO: 'EAWs were withdrawn by the issuing authorities: 19. The requested persons were already surrendered to another MS: 3.'

⁹² LU: 'The procedure provided for the conduct of EAW cases in Luxembourg does not allow the 90-day period between the date of notification and the date of the decision to be exceeded'.

⁹³ NL: 'Mainly pending preliminary questions to the Court of Justice by Dutch or executing authorities from other Member States (C-314/18 SF, C-354/20 L,P) and pending answers upon requests for additional information as a consequence of the Court of Justice decisions C-695/15 Caldararu and C-496/16 Aranyosi, C-271/17 Zdiaszek, C-270/17 Tupikas, C-108/16 Dworzecki, C-314/18 SF.'

⁹⁴ PT: 'The year was quite atypical due to COVID-19; so, for several times the surrenders were suspended or delayed.'

⁹⁵ CZ: 'Figure provided by CZ Desk at Eurojust.'

⁹⁶ NL: 'The issuing judicial authority was always informed immediately. Eurojust was informed later.'

⁹⁷ PT: 'Information to be provided by EUROJUST.'

⁹⁸ FR: 'En raison de la pandémie de Covid-19.'

⁹⁹ PT: 'The year was quite atypical due to COVID 19; so, for several times the surrenders were suspended or delayed.'

¹⁰⁰ RO: 'Covid pandemic and the travel restrictions were the major reasons for the delays.'

8.4. In how many of the cases in 8.3 above was the person released according to Article 23(5) of the Framework Decision?

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	X	X	0	0	1	0	0	X	9	1	13	0	X	0	X	0	0 ¹⁰¹	0	0	0	0	0	26 ¹⁰²	X	1	0

9. In how many cases this year did your judicial authority execute an EAW with regard to a national or resident of your Member State?

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	X	123 ¹⁰³	61	10	4	8	10	14	31	2	95	19	X	32	X	70	13	16	2 ¹⁰⁴	383 ¹⁰⁵	145	17	564	X	5	86

10. In how many cases this year did the judicial authorities of your Member State request a guarantee under Article 5(2) of the Framework Decision?

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	X	2	0	0	0	0	0	X	0	1	0	0	X	0	X	0	X	0	0	0	6	2	0	0	1	0

11. Is there any other information regarding the operation of the EAW that you would like to give?

Bulgaria

‘In 4 cases the Executing Bulgarian judicial authority has decided to postpone the surrender on the grounds of FD Article 24.1 due to ongoing criminal proceedings against the requested person in Bulgaria; In 2 cases the Issuing MS and the Executing Bulgarian judicial authorities has agreed to a temporary surrender of the requested person (FD Article 24.2); On multiple occasions the Bulgarian judicial authorities had to apply FD Article 23.4 due to the travel restrictions, however in the course of the year these persons were surrendered and are counted in the total number under II.3 of the questionnaire.’

¹⁰¹ LU: ‘The delays were always motivated, in none of the cases the person was released because of the delays of the surrender.’

¹⁰² RO: ‘In those cases the issuing states could not provide an approximate time frame for the taking over of the requested persons or did not requested for an extended detention of the persons for a certain period of time.’

¹⁰³ BG: ‘In 1 case the EAW was issued for a national of another EU Member State who had a permanent residence in Bulgaria.’

¹⁰⁴ MT: ‘National – 2, Resident - 6’.

¹⁰⁵ NL: ‘99 nationals / 284 residents’.

Romania

‘The pandemic crisis has revealed several more problems in the execution of the European arrest warrant. If the requested person is refusing a Covid test required by the travel regulations, he/she cannot be surrendered, so, after expiring the deadlines provided by legislation, he/she is free, despite the surrender decision of the executing state. Handing over the requested person in a state of freedom is not an effective measure and most of the time it cannot be put into practice (several MS still have this practice).’

Annex II – Overview of the number of issued and executed EAWs 2005-2019

EAWs in Member States – Number of issued EAWs (‘issued’) and number of EAWs that resulted in the effective surrender of the person sought (‘executed’) based on statistics provided to the Council (2005-2013) and the Commission (2014-2019) by Member States¹⁰⁶

¹⁰⁶ Sources:

- the Council’s documents 9005/5/06 COPEN 52; 11371/5/07 COPEN 106; 10330/2/08 COPEN 116; 9743/4/09 COPEN 87; 7551/7/10 COPEN 64; 9120/2/11 COPEN 83; 9200/7/12 COPEN 97; 7196/3/13 COPEN 34; 8414/4/14 COPEN 103; and
- the Commission’s documents SWD(2017) 319 final; SWD(2017) 320 final; SWD(2019) 194 final, SWD(2019) 318 final, SWD(2020) 127 final and SWD(2021) 227 final.

	BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK	Total
2005 issued¹⁰⁷			4	64		38	38	519	1 914	29		121	44	44	500	42	42	1	373	975	1 448	200		81	56	86	144	131	6 894
2005 executed¹⁰⁸			0	19		10	12	54	162	6		57	3	10	69	24	23	0	30	73	112	38		10	14	37	10	63	836
2006 issued			168	52		42	53	450	1 552	43			20	65	538	35	115	4	325	391	2 421	102		67	111	69	137	129	6 889
2006 executed			125	19		15	4	62	237	20			2	14	57	22	55	3	47	67	235	52		14	23	37	27	86	1 223
2007 issued			435		1 785	31	83	588	1 028	35			20	97	316	44	373	3	403	495	3 473	117	856	54	208	84	170	185	10 883
2007 executed			66		506	14	16	59	345	14			4	16	60	15	84	1	17	47	434	45	235	8	71	43	22	99	2 221
2008 issued			494	52	2 149	46	119	623	1 184	40			16	140	348	40	975	2	392	461	4 829	104	2 000	39	342	107	190	218	14 910
2008 executed			141	26	624	22	10	93	400	13			3	22	68	22	205	1		28	617	63	448	11	81	44	40	96	3 078
2009 issued	508		439	96	2 433	46	116	489	1 240	33			17	171	354	46	1 038	7	530	292	4 844	104	1 900	27	485	129	263	220	15 827
2009 executed	73		67	51	777	21	19	99	420	16			3	40	84	26	149	2	0	37	1367	63	877	6	79	47	28	80	4 431
2010 issued	553	280	552	85	2 096	74	132	566	1 130				29	159	402	32	1 015	16			3 753	84	2 000	30	361	116	169	257	13 891
2010 executed	57	120	97	42	835	29	33	97	424				4	48	79	14	231	1			929		855	4	164	49	65	116	4 293
2011 issued	600		518	128	2 138	67		531	912	71			26	210	420	60		15			3 089	193		53	350		198	205	9 784
2011 executed	57		238	91	855	31		99	297	19			8	39	113	29		4			930	54		16	105		69	99	3 153
2012 issued	616		487	117	1 984	61		587	1 087	88			34		473	60		11		552	3 497	223			414	135	239		10 665
2012 executed	68		186	70	1 104	30		103	322	22			15		131	28		6		151	1 103	54			125	59	75		3 652
2013 issued	716		327	157	1 932	88		582	1 099	69			24	186	519			9	548	665	2 972	303	2 238	56	335	91	226		13 142
2013 executed	63		104	106	900	35		121	305	17			7	54	109			1	90	125	731	61	422	22	43	55	96		3 467
2014 issued	754	228	501	115	2 219	85	269	683	1 070	78	271		42	217	460	126	839	14	544	590	2 961	227	1 583	89	381	126	248	228	14 948
2014 executed	69	156	197	78	965	33	53	75	411	27	21		15	59	270	68	333	3	208	201	1 120	60	774	32	91		73	143	5 535

¹⁰⁷ Answers to Question 1 to issuing Member States in the yearly questionnaire on quantitative information on the practical operation of the EAW.

¹⁰⁸ Answers to Question 4 to issuing Member States in the yearly questionnaire on quantitative information on the practical operation of the EAW.

2015 issued	785	152	631	101	2 23 7	97	227	655	1 13 1	92	147	1 91 8	56	170	391	135	941	22	484	830	2 39 0	270	1 26 0	96	335	105	258	228	16 14 4
2015 executed	131	151	321	56	1 03 8	43	38	73	129	23	63		7	43	252	63	412	8		196	1 27 9	97	530	29	59	70	72	121	5 304
2016 issued	660	291	889	140	2 42 1	95	312	730	1 30 6	85	197	1 76 8	56	234	348	111	948	11	774	602	2 21 5	204	1 05 2	120	362	118	239	348	16 63 6
2016 executed		143	413	83	1 35 8	47	55	201	367	20	19		31	35	243	59		5	252	245	1 16 0	114	525	42	92	54	87	162	5 812
2017 issued	757	280	787	88	2 60 0	93	291	618	1 27 1	76	275	1 29 1	50	260	346	146	1 37 6	14	652	783	2 43 2	440	1 35 0	115	308	105	409	278	17 49 1
2017 executed		173	319	31	1 23 4	49	66	201	376	47	100	405	13	44	236	77	239	4		337	1 34 9	119	515	34	58	37	71	183	6 317
2018 issued	X	478	667	106	3 78 3	92	508	824	1 31 1	106	353	1 36 2	49	179	288	124	1 04 2	4	787	662	2 39 4	321	1 06 7	121	275	122	270	176	17 47 1
2018 executed	X	201	403	43	1 18 5	45	79	268	396	61	195	342	12	63	175	64	214	2	327	319	1 42 8	118	639	53	31	59	69	185	6 976
2019 issued	309	239	667	107	6 16 2	10 2	406	665	1 68 2	107	494	1 43 0	35	178	298	178	999	5	977	645	2 33 8	358	1 37 3	85	230	128	193	X	20 22 6
2019 executed	X	124	278	51	1 18 5	32	133	688	438	109	75	207	21	31	98	40	225	9	503	189	252	72	630	69	71	32	103	X	5 665
2020 issued	549	162	579	59	4 95 3	92	321	415	1 37 2	161	254	982	37	120	197	X	1 00 9	9	648	509	1 85 4	334	755	90	244	76	157	X	15 93 8
2020 executed	X	111	215	44	1 04 1	13	53	93	355	363	68	137	19	21	69	22	210	5	383	162	203	43	509	29	67	28	108	X	4 397

The available statistics provided by Member States and compiled for **2005-2020** record a total of **221 739 issued EAWs**, of which **66 334 were executed**.

NB: Please bear in mind when reading these data that a number of Member States (MS) did not provide data every year:

2005 – 6 894 issued – 836 executed (no data from 2 MS – BE, DE)

2006 – 6 889 issued – 1 223 executed (no data from 3 MS – BE, DE, IT)

2007 – 10 883 issued – 2 221 executed (no data from 4 MS – BE, BG, DK, IT)

2008 – 14 910 issued – 3 078 executed (no data from 3 MS – BE, BG, IT, and no data on execution from 1 MS – NL)

2009 – 15 827 issued – 4 431 executed (no data from 2 MS – BG, IT)

2010 – 13 891 issued – 4 293 executed (no data from 4 MS – IE, IT, NL, AT, and no data on execution from 1 MS – PT)

2011 – 9 784 issued – 3 153 executed (no data from 8 MS – BG, EL, IT, HU, NL, AT, RO, FI)
2012 – 10 665 issued – 3 652 executed (no data from 9 MS – BG, EL, IT, LV, HU, NL, RO, SI, UK)
2013 – 13 142 issued – 3 467 executed (no data from 6 MS – BG, EL, IT, LU, HU, UK)
2014 – 14 948 issued – 5 535 executed (no data from 1 MS – IT, and no data on execution from 1 MS – FI)
2015 – 16 144 issued – 5 304 executed (no data on execution from 2 MS – IT, NL)
2016 – 16 636 issued – 5 812 executed (no data on execution from 3 MS – BE, IT, HU)
2017 – 17 491 issued – 6 317 executed (no data on execution from 1 MS – BE)
2018 – 17 471 issued – 6 976 executed (no data from 1 MS – BE)
2019 – 20 226 issued – 5 665 executed (no data on execution from 1 MS – BE)
2020 – 15 938 issued – 4 397 executed (no data from 1 MS - BE)