



Council of the
European Union

Brussels, 21 February 2020
(OR. en)

5471/1/20
REV 1

COPEN 15
EUROJUST 9
EJN 9

NOTE

From: General Secretariat of the Council
To: Delegations

Subject: Implementation of Council Framework Decision 2002/584/JHA of 13 June 2002 on the European Arrest Warrant and the surrender procedures between Member States
- Information provided to the General Secretariat

Delegations will find attached a table with information about the state of play, including notifications/declarations, concerning the implementation of Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States (OJ L 190, 18.7.2002, p. 1).

The information is based on information provided by Member States to the Council General Secretariat, to which reference is made in the last column.

In accordance with Article 34(1), the Framework Decision should have been implemented by 31 December 2003.

According to the information received, all Member States have implemented the Framework Decision in their national legal order, and have made the necessary notifications/declarations. The UK has also implemented the Framework Decision.

Please note that the information in the table is a summary of the information received: delegations are invited to consult the documents referred to in the last column, in order to obtain more detailed information.

The information provided in the table is up-to-date as at 21 February 2020. Any comments or suggestions for improvement should be sent to steven.cras@consilium.europa.eu.

NB: all information relating to the implementation of the Framework Decision can also be found on the website of the European Judicial Network (EJN):

https://www.ejn-crimjust.europa.eu/ejn/EJN_Library_StatusOfImpByCat.aspx?l=EN&CategoryId=14

Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States

Member State	Notification Art. 6(3) (competent authorities)	(poss.) Notification Art. 7(2) (central authority)	(poss.) Notification Art. 8(2) (languages)	(poss.) Notification Art. 13(4) (revoke of consent)	Notification Art. 25(2) (transit authority)	(poss.) Notifications Art. 27 (1) / Art. 28 (1) (consent)	(poss) Notification Art. 31(2) (agreements)	Implementation Art. 34(2) + Doc nr
BELGIUM	Competent <u>issuing</u> judicial authority: - in the case of a EAW for the purposes of prosecution, the examining magistrate, - in the case of an EAW for the purposes of executing a sentence or a detention order, the public prosecutor. Competent <u>executing</u> judicial authority: - the examining magistrate and the court in chambers.	The Federal Public Service Justice (to assist the competent judicial authorities). (see address in 15548/13)			Minister of Justice.			Implemented. Entry into force of legislation: 1 January 2004 16376/03 15548/13
BULGARIA	Competent <u>issuing</u> judicial authority: - in the pre-trial	Minister of Justice.	(only Bulgarian)		Minister of Justice.			Implemented. Entry into force

www.parlament.gv.at

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	<p>phase of criminal proceedings and for sentenced persons: the relevant prosecutor</p> <p>- in the trial phase of criminal proceedings: the relevant court;</p> <p>- competent <u>executing</u> judicial authority: district courts.</p> <p>(see addresses in 17078/06)</p>							<p>of legislation:</p> <p>1 January 2007 (part of acquis)</p> <p>17078/06 + COR 1</p>
CZECH REPUBLIC	<p>Competent <u>issuing</u> judicial authority:</p> <p>- local, district, regional and high courts, Prague Municipal Court, Brno Municipal Court and the Supreme Court of the Czech Republic.</p>	<p>The Ministry of Justice, the Chief Public Prosecutor and the Police Presidium are the central authorities (to assist the competent judicial authorities).</p>	<p>Czech (or accompanied by a translation into Czech).</p> <p>In relation to SK, CZ also accepts a EAW in the Slovak language (or accompanied by a translation into the Slovak</p>		<p>Ministry of Justice</p> <p>(see contact details in 5783/14)</p>		<p>CZ will henceforth implement in full the European Convention on Extradition of 13 December 1957, its additional protocol 1975,</p>	<p>Implemented.</p> <p>Entry into force of legislation:</p> <p>1 November 2004 / 1 January 2014</p> <p>(5403/05)</p>

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	<p>- competent <u>executing</u> judicial authority:</p> <p>- the regional public prosecutors, the Prague Municipal Public Prosecutor, regional courts, high courts and the Prague Municipal Court.</p> <p>The bodies competent to accept a EAW by a Member State are the regional public prosecutors and the Prague Municipal Public Prosecutor.</p> <p>(see for contact details 5783/14)</p>		language).				its second additional protocol 1978, and the relevant provisions of Part III Chapter 4 of the Convention of 19 June 1990 implementing the Schengen Agreements 1985. CZ will proceed thus until notifying the CoE under Art. 28(3) of the Convention on Extradition.	5783/14
DENMARK	Competent issuing and executing authority: Ministry of Justice.	(Ministry of Justice).	Danish Swedish English (or accompanied	Consent may be revoked at any time prior to surrender.	Ministry of Justice.		Since 16 October 2012, DK uses the Convention on the surrender	Implemented. Entry into force of legislation:

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	PM (new notification will follow).		by a translation into one of those three languages).				procedures between the Nordic countries (the Nordic Arrest Warrant), signed on 15 December 2005 by Denmark, Finland, Iceland, Norway and Sweden, instead of the Framework Decision on the EAW in relation to the said MS (see 15838/12).	1 January 2004 5348/04 + ADD 1 15838/12
DEUTSCHLAND/ GERMANY	Competent <u>issuing</u> judicial authority: - the local, regional or higher regional courts and the Federal Court of Justice.		(German) DE also accepts EAW's in any official language of any issuing state which recognises EAW's		The chief public prosecutor's office which is territorially competent.		(see 16037/10)	Implemented. Entry into force of legislation: 2 August 2006

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	<p>The public prosecutors in those courts shall be responsible for enforcement of EAW's and shall also be the competent contact persons for all matters concerning recognition of the EAW's and surrender.</p> <p>Competent <u>executing</u> judicial authorities:</p> <ul style="list-style-type: none"> - public prosecutor's offices in the higher regional courts, which shall take final decisions on surrender cases on the basis of decisions by those higher regional courts. 		in German issued by DE judicial authorities.					12509/06 16037/10 14444/19

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ELLAS / GREECE	<p>Competent judicial <u>issuing</u> authority:</p> <ul style="list-style-type: none"> - public prosecutor by the Court of Appeal who has the territorial jurisdiction: a) for the trial concerning the offence for which the arrest and surrender of the extraditee is requested, b) for the execution of the custodial sentence or the detention order. <p>Competent judicial <u>executing</u> authority:</p> <ul style="list-style-type: none"> - The Presiding Judge of the Court of Appeal, if the arrested person consents to surrender; 	Ministry of Justice (to assist the competent judicial authorities).			Public Prosecutor by the Court of Appeal of Athens.			<p>Implemented.</p> <p>Entry into force of legislation: 9 July 2004</p> <p>12887/04 5885/20</p>

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	- The Judicial Council of the Court of Appeal, if the arrested person does not consent to surrender. NB: The judicial authority responsible for receiving the EAW is the territorially competent Public Prosecutor by the Court of Appeal, by default the Public Prosecutor by the Court of Appeal of Athens.							
ESPAÑA / SPAIN	Competent judicial <u>issuing</u> authority: - the Judge or Court that presided over the case (to the extent that issuing an EAW is appropriate). Competent judicial	Ministry of Justice (to assist the competent judicial authorities).			Ministry of Justice.			Implemented. Entry into force of legislation: 14 March 2003 / 11 December 2014

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	<p><u>executing</u> authority:</p> <ul style="list-style-type: none"> - the Central Examining Magistrate of the National High Court. <p>Where the warrant relates to a minor, the Central Juvenile Court Judge will be competent.</p>							<p>16232/03 8138/15 8708/15</p>
ESTONIA	<p>Competent judicial <u>issuing</u> authority:</p> <ul style="list-style-type: none"> - EAW's for prosecution are issued by the public prosecutor. - EAW's for court proceedings are issued by the court which conducts the proceedings. - EAW's for the execution of a judgment are 	Ministry of Justice (both for the administrative transmission and reception of EAW's as for providing assistance to the competent judicial authorities).	Estonian English		Ministry of Justice.	Confirmed under Art. 27(1) - consent is presumed to have been given.		<p>Implemented.</p> <p>Entry into force of legislation: 1 July 2004</p> <p>11972/04 5774/13</p> <p>NB: for practical information see</p>

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	issued by the court which has enforced the judgment. Competent judicial <u>executing</u> authority: Harju County Court and Tartu County Court.							5775/13.
FRANCE	Competent judicial <u>issuing</u> authority: - prosecutors in the public prosecutor's office, after an arrest warrant was issued by an examining magistrate, a trial court or a judge responsible for the execution of sentences. Competent judicial <u>executing</u> authority: - the principal public prosecutors	Ministry of Justice (for the waiving of a privilege or immunity, see contact details in 7450/04).			Ministry of Justice (see contact details in 7450/04)			Implemented. Entry into force of legislation: 9 March 2004 7450/04

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	and the examining magistrates' offices.							
HRVATSKA / CROATIA	<p>Competent judicial <u>issuing</u> authority:</p> <ul style="list-style-type: none"> - the competent state attorney's office (in proceedings prior to the confirmation of an indictment); - the competent court (after the confirmation of an indictment and in proceedings relating to the execution of a custodial sentence). <p>Competent judicial <u>executing</u> authority:</p> <ul style="list-style-type: none"> - the district courts competent under domestic law. <p>NB: The judicial authority competent to</p>		In urgent cases, a translation into English will be accepted on condition of reciprocity.		Minister of Justice.			<p>Implemented.</p> <p>Entry into force of legislation: 1 July 2013 / 1 January 2014</p> <p>12335/14 6157/15</p>

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	receive a EAW is the competent county state attorney's office. By default the County State Attorney's Office in Zagreb.							
IRELAND	Competent judicial <u>issuing</u> authority: - the District Court, the Circuit Criminal Court, the High Court and the Special Criminal Court. Competent judicial <u>executing</u> authority: - the High Court.	Minister for Justice, Equality and Law Reform (see contact details in 16378/03)	(Irish or English)	(consent may not be revoked, see 9125/10)	Minister for Justice, Equality and Law Reform			Implemented. Entry into force of legislation: 1 January 2004 16378/03 9125/10
ITALY	Competent judicial <u>issuing</u> authority: - For the purposes of prosecution: the judges or courts with criminal proceedings	Minister for Justice (responsible for the tasks laid down in Article 7(1) and (2)).			Minister for Justice.			Implemented. Entry into force of legislation: 14 May 2005

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	pending before them. - For the purposes of enforcing a custodial sentence or detention order: the public prosecutor's office for the judge supervising enforcement. Competent judicial <u>executing</u> authority: - the appeal courts.							8687/05 + ADD 1
KYPROS / CYPRUS	Competent judicial <u>issuing</u> authority: - a judge of the District Court, having jurisdiction for trying the offence or the Court that issued the decision on the sentence or the preventing measure.	Ministry of Justice and Public Order (responsible for receiving EAW's and for assisting the competent judicial authorities)	Also English.		Ministry of Justice and Public Order			Implemented. Entry into force of legislation: 28 July 2006 10114/04

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	Competent judicial <u>executing</u> authority: - a judge of the territorially competent District Court, or by default a judge of the District Court of Nicosia.							
LATVIA	Competent judicial <u>issuing and executing</u> authority: - The Prosecutor General's Office; (see contact details in 6218/20)	Office of the Prosecutor General	Also English		Prosecutor General's Office.			Implemented. Entry into force of legislation: 30 June 2004 / 21 October 2004 10784/04 + ADD 1 6218/20
LITHUANIA	Competent judicial <u>issuing</u> authority: - For the purpose of prosecution:		Also English		Office of the Prosecutor General.			Implemented. Entry into force of legislation:

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	<p>The Office of the Prosecutor General;</p> <p>- For the purpose of execution of a sentence of imprisonment: the territorially competent county court.</p> <p>Competent judicial <u>executing</u> authority:</p> <p>- Vilnius County Court</p> <p>NB: competent authority to receive a EAW is the Office of the Prosecutor General.</p> <p>Also info on urgent cases.</p> <p>(see contact details in 6309/14)</p>							<p>1 May 2004</p> <p>9652/04 (13629/08) 6309/14</p>
LUXEMBOURG	Competent <u>issuing</u> judicial authority:		Also English		Chief Public Prosecutor			Implemented.

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	<p>- for purposes of prosecution: the examining magistrate</p> <p>- for purposes of enforcement of a sentence or order: the Chief Public Prosecutor.</p> <p>Competent <u>executing</u> judicial authority:</p> <p>- The public prosecutor's office, the examining magistrate and the pre-trial chamber at the relevant district court and, on appeal, the Chief Public Prosecutor and the pre-trial chamber at the LU High Court.</p>				(contact details in 7754/04)			<p>Entry into force of legislation: 20 March 2004</p> <p>7754/04</p>
MAGYARORSZÁG / HUNGARY	<p>Competent <u>issuing</u> judicial authority:</p> <p>- For the purposes</p>	Ministry of Justice (for the administrative	(Hungarian) Also English, French and		Ministry of Justice.			<p>Implemented.</p> <p>Entry into force</p>

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	of prosecution: the the competent court. - For the purposes of executing a custodial sentence or a detention order: the competent criminal court. Competent <u>executing</u> judicial authority: - the Court of Budapest.	transmission and reception of EAW's, see contact details in 8929/04).	German in relation to MS which do not exclusively accept EAW's in (one of) their own official language(s).					of legislation: 1 May 2004 8929/04
MALTA	Competent <u>issuing</u> judicial authority: - a Magistrate sitting in the Court of Magistrates. Competent <u>executing</u> judicial authority: - the Court of Magistrates (Malta) sitting as a Court of	The Office of the Attorney General (to assist the competent judicial authorities).			Commissioner of Police and Principal Immigration Officer.			Implemented. Entry into force of legislation: 7 June 2004 12438/04

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	Criminal Inquiry.							
THE NETHERLANDS	Competent <u>issuing</u> judicial authority: - all examining judges in NL. Competent <u>executing</u> judicial authority: - the public prosecutor at the Amsterdam District Public Prosecutor's Office; - the examining magistrate, responsible for criminal cases at the Amsterdam District Court; and - the Amsterdam District Court.		Also English.		The public prosecutor at the Amsterdam District Public Prosecutor's Office (see contact details in 9002/04, also for urgent cases).			Implemented. Entry into force of legislation: 12 May 2004 9002/04 14979/19
ÖSTERREICH / AUSTRIA	Competent <u>issuing</u> judicial authority: - Regional courts and District Courts, and the Public	The Federal Ministry of Justice, the Federal Ministry of the Interior's Directorate-	AT accepts EAW's in any official language of those Member States which accept EAW's in		Federal Minister of Justice.	Confirmed under Art. 27(1) - consent is presumed to have been		Implemented. Entry into force of legislation:

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	Prosecutor's Offices at the Regional Courts Competent <u>executing</u> judicial authority: - The Public Prosecutor's Offices at the Regional Courts. (see detailed explanation in 6016/20)	General for Public Security, and the Federal Criminal Police Office are the central authorities (to assist the competent judicial authorities).	German issued by AT courts.			given.		1 May 2004 9608/04 5711/08 (15305/19) 6016/20
POLAND	Competent <u>issuing</u> judicial authority: - the circuit court having territorial jurisdiction; Competent <u>executing</u> judicial authority: - the circuit court having territorial jurisdiction. NB: certain circuit prosecutor's offices	Minister for Justice – Attorney General (see contact details in 5912/08).			Minister for Justice – Attorney General (see contact details in 5912/08).			Implemented. Entry into force of legislation: 1 May 2004 9328/04 5912/08

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	having territorial jurisdiction are competent to receive EAWs (see names and contact details in 9328/04).							
PORTUGAL	Competent <u>issuing</u> judicial authority: - judges and public prosecutors competent to order detention and imprisonment; Competent <u>executing</u> judicial authority: - Courts of Appeal. NB: EAW's should be sent to the public prosecutor attached to the criminal section of these Courts.	Office of the Public Prosecutor (for the purposes of the tasks set out in Art. 7(2), see contact details in 5165/04).			Office of the Public Prosecutor (see contact details in 5165/04).			Implemented. Entry into force of legislation: 1 January 2004 5165/04
ROMANIA	Competent <u>issuing</u> judicial authority: - Courts and	Ministry of Justice (see contact details in 16285/08).	Also: French English		Ministry of Justice	Confirmed (consent is presumed to have been		Implemented. Entry into force

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	tribunals; Competent <u>executing</u> judicial authority: - Courts of Appeal (see 16907/06)					given)		of legislation: 1 January 2007 (as part of the acquis) 16907/06 16285/08
SLOVENIA	Competent <u>issuing</u> judicial authority: - Local Courts and District Courts Competent <u>executing</u> judicial authority: - District Courts.	Ministry of Justice (to assist the competent judicial authorities - see contact details in 13636/08 and 17988/13).	Also English.		Ministry of Justice (see contact details in 13636/08 and 17988/13).			Implemented. Entry into force of legislation: 1 May 2004 / 20 September 2013 9651/04 13636/08 17988/13 [NB: statement given on 18 May 2004 under Art. 32 is withdrawn].
SLOVAKIA	Competent <u>issuing</u>	Ministry of	(Slovak)		Ministry of			Implemented.

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	judicial authority: - any Slovak court. Competent <u>executing</u> judicial authority: - the territorially competent Regional Prosecutor's Office. (see contact details in 15516/1/17 REV 1).	Justice (to provide assistance to the judicial authorities of the issuing Member State and to the executing judicial authorities - see contact details in 15516/1/17 REV 1).	Other languages accepted: - Czech (in relation to CZ) - Polish (in relation to PL) - German (in relation to AT).		Justice (see contact details in 15516/1/17 REV 1).			Entry into force of legislation: 1 August 2004 15516/1/17 REV 1
SUOMI / FINLAND	Competent <u>issuing</u> judicial authority: - for the purposes of prosecution: prosecutors - for the purposes of enforcing a custodial sentence: the Criminal Sanctions Agency. Competent <u>executing</u> judicial authority: - district courts in	The SIRENE Bureau is competent to transmit EAW's and correspondence relating thereto to the competent prosecutors. EAW's may however also be sent directly to the competent prosecutor. The Ministry of	Also English (apart from Finnish and Swedish).		Ministry of Justice.		FI applies the Convention on the surrender procedures between the Nordic countries (the Nordic Arrest Warrant, involving Denmark, Finland, Iceland, Norway and Sweden) since	Implemented. Entry into force of legislation: 1 January 2004 5166/04 14440/12

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	Helsinki, Kuopio, Oulu and Tampere, and the Supreme Court. NB: The competent authorities for receiving a EAW are the district prosecutors working in the area of jurisdiction of the district courts in Helsinki, Kuopio, Oulu and Tampere. In special cases some other prosecutor may also be competent.	Justice may be contacted on questions relating to the EAW's. Where necessary, if other methods of transmission cannot be considered appropriate, the Ministry may also receive EAW's for transmission to the competent prosecutor. (see contact details in 5166/04)					16 October 2012 (see 14440/12).	
SWEDEN	Competent <u>issuing</u> judicial authority: - Swedish Prosecution Authority. Competent <u>executing</u> judicial authority: - public prosecutor	Ministry of Justice (to assist the competent judicial authorities).	(Swedish) Also: Danish, Norwegian English	Consent to surrender may be revoked by the person whose surrender is requested if it occurs before the court has issued its decision on the question of	National Police Board.	SE does not grant the consent referred to in <u>Art. 27(1)</u> to prosecution, sentencing or detention for another offence	Since 16 October 2012, SE uses the Convention on the surrender procedures between the Nordic countries (the Nordic Arrest	Implemented. Entry into force of legislation: 1 January 2004 10400/09 14200/12

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	and ordinary courts.			surrender.		committed prior to surrender from SE. SE does not grant the consent provided for in <u>Art. 28(1)</u> to the surrender of a person to a Member State other than SE pursuant to a EAW for an offence committed prior to surrender from SE.	Warrant), signed on 15 December 2005 by Denmark, Finland, Iceland, Norway and Sweden, instead of the Framework Decision on the EAW in relation to the said MS (see 14200/12).	6122/17

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UNITED KINGDOM (former MS)	Competent <u>issuing</u> judicial authority: a) for requests made by England and Wales, a District Judge (Magistrates' Courts); a justice of the peace or a judge entitled to exercise the jurisdiction of the Crown Court; b) for Scotland, a sheriff, and c) for Northern Ireland, a justice of the peace, a resident magistrate or a Crown Court judge. Competent <u>executing</u> judicial authority: a) in England and Wales, a District Judge (Magistrates'	Central authority (to assist the competent judicial authorities): a) for the United Kingdom: the National Criminal Intelligence Service; b) where the subject of the warrant is known to be in Scotland: The Scottish Crown Office (see contact details in 16352/03).			National Criminal Intelligence Service (see contact details in 16352/03).			Implemented. Entry into force of legislation: 1 January 2004 16352/03.

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	Courts) designated by the Lord Chancellor; b) in Scotland, the sheriff of Lothian and Borders; and c) in Northern Ireland; a county court judge or resident magistrate designated by the Lord Chancellor.							