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COMMISSION STAFF WORKING DOCUMENT

Statistics on the practical operation of the European arrest warrant – 2022

Summary

This Commission staff working document sets out quantitative information on the practical operation of the European arrest warrant ('EAW') in 2022. The statistics are based on information provided by the Member States to the Commission between April 2023 and February 2024, using the standard questionnaire contained in Council document 11356/13 of 24 June 2013.

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;
- 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 2021.

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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 2022. The statistics are based on information provided by the Member States to the Commission between April 2023 and February 2024, in their replies to the standard questionnaire contained in Council document 11356/13 of 24 June 2013.

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 of the transitional period for the former 'third-pillar' instruments in December 2014, the Commission is now responsible for collecting and publishing this quantitative information.⁴

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.

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 2014-2020 are available at https://e-justice.europa.eu/content_european_arrest_warrant-90-en.do.

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

The Commission received replies from 26 of the 27 Member States. However, not all of them replied to every question in the questionnaire.

The data on the practical operation of the EAW in 2022, set out in Annex I, is thus based on the responses of 26 of the 27 Member States.

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 four 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 of justice) in a specific case in connection with the adoption of a decision to issue an EAW.⁶ 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 Member States have notified the General Secretariat of the Council of such authorities.

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 2021 EU Justice Scoreboard https://commission.europa.eu/system/files/2021-07/eu_justice_scoreboard_2021.pdf, pp. 46-52 (the 2022 EU Justice scoreboards is 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.

1.) Total number of issued EAWs

26 Member States provided information on the number of EAWs issued ([Question 1](#)). The issuing judicial authorities of the 26 Member States issued a total of **13 335** EAWs in 2022. In 2021, the 27 Member States issued 14 789 EAWs, in 2020 it was 15 938 EAWs. This decrease can be explained by the fact that the considerable increase in 2019, with 20 226 EAWs issued, 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 20 Member States provided figures on the purpose of the issued EAWs ([Question 2](#)). 3893 EAWs were issued in 2022 by these 20 Member States for prosecution purposes¹¹.

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

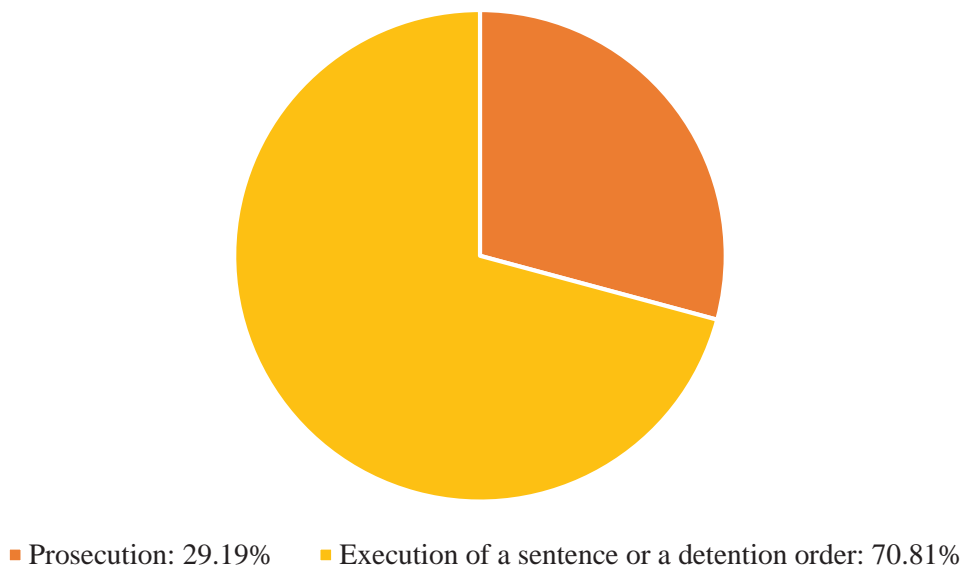
- 13 Member States issued significantly more EAWs for prosecution purposes: Belgium (361 out of 471 EAWs issued by Belgium were for prosecution purposes), Cyprus (44 out of 45), Denmark (85 out of 87), Greece (71 out of 128), Spain (415 out of 641), Finland (56 out of 85), France (838 out of 1 540), Croatia (243 out of 376), Ireland (38 out of 38), Lithuania (164 out of 241), Luxembourg (153 out of 169), Latvia (99 out of 166) and the Slovak Republic (134 out of 228).
- Two Member States issued significantly more EAWs for the execution of a sentence or detention order: Poland (1 126 out of 1 476) and Romania (748 out of 826). 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 five 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.

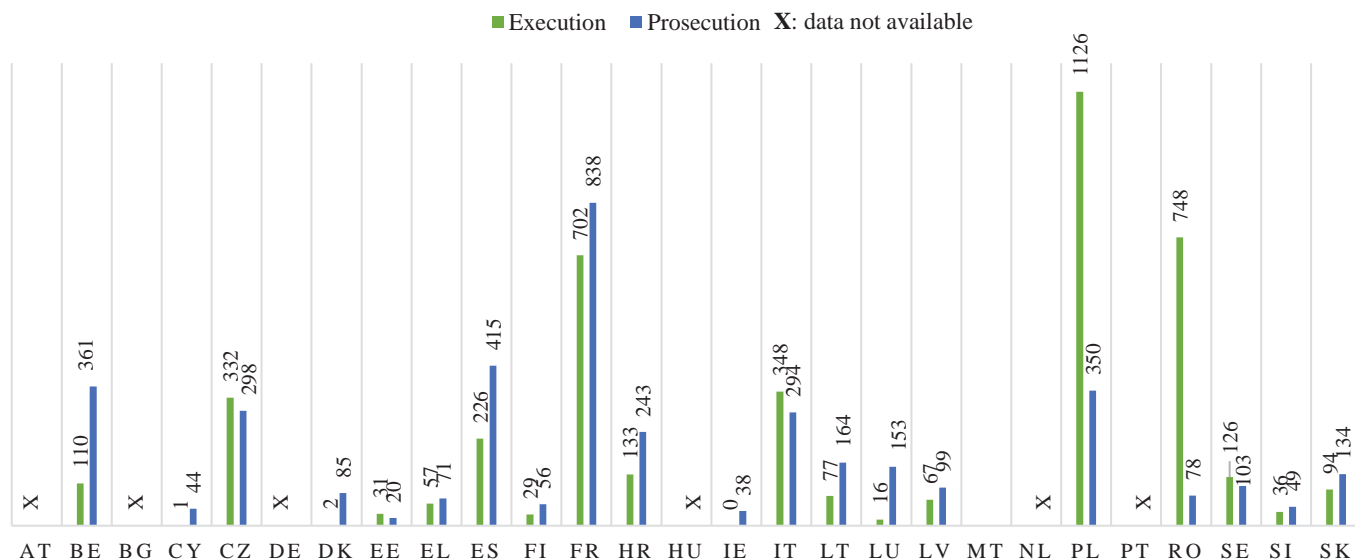
¹⁰ Judgment of 27 May 2019 in Joined Cases C-508/18, *OG* and C-82/19 PPU, *PI*, EU:C:2019:456.

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.

EAWs issued in 2022 for the purpose of:



EAWs issued in 2022 for the purpose of:



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 requested the Member States to distinguish more clearly between situations where there had not been any case (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 2022 (as was already the case in 2015-2021), **the most commonly identified categories of offences** were:

- a) **theft offences and criminal damage** (1 963 EAWs) ([Question 3.5](#));
- b) **drug offences** (1 711 EAWs) ([Question 3.2](#));
- c) **fraud and corruption offences** (1 254 EAWs) ([Question 3.6](#)).

However, the occurrence of each of these categories of offences varies greatly among Member States. For example, 487 of the 1 711 EAWs related to drug offences were registered in France alone.

On the other hand, the recorded figures show that **the least frequently identified categories of offences** in 2022 were:

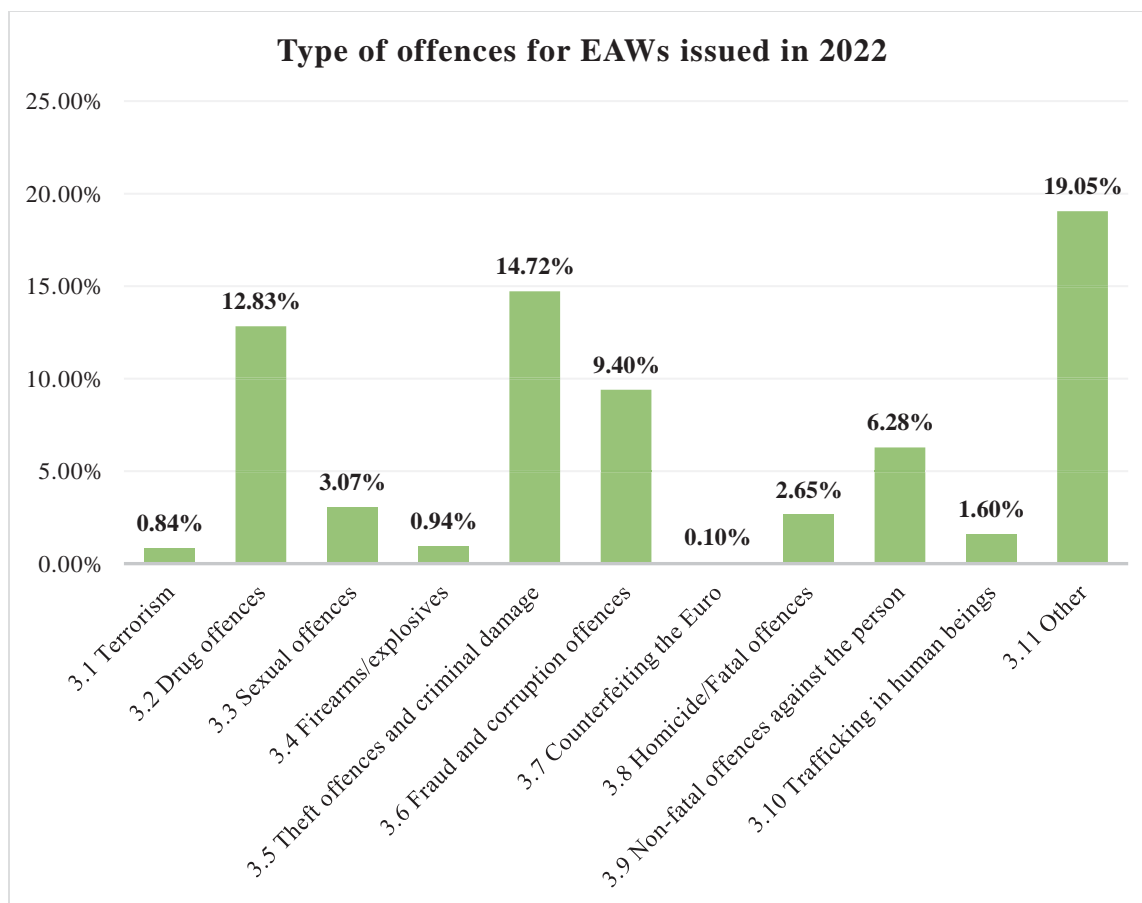
- a) **counterfeiting the Euro** (14 EAWs) ([Question 3.7](#));
- b) **terrorism** (112 EAWs) ([Question 3.1](#));
- c) **offences concerning firearms/explosives** (126 EAWs) ([Question 3.4](#)).

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

On trafficking in human beings ([Question 3.10](#)), 213 EAWs were issued in 2022 (248 EAWs were issued in 2021). Of these, 74 were issued in France, and 60 by Romania.

On terrorism offences ([Question 3.1](#)), 112 EAWs were issued in 2022 (167 EAWs were issued in 2021). Of these, 78 were issued by France alone. Contrary to the increase registered in 2017 and 2018, a slight decrease was registered in EAWs for terrorism offences in 2019 (274 EAWs issued). This trend continued from 2020 and onwards, where numbers decreased still further.

Moreover, Member States recorded 2 540 EAWs for offences under the category of ‘3.11 Other’ ([Question 3.11](#)). In 2021, 3 538 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](#)), 25 Member States provided figures as issuing States (with the exception of Austria and Malta). In total, 5 125 EAWs issued by Member States' judicial authorities in 2022 or in previous years resulted in the effective surrender of the person sought. By way of illustration, 4 723 of the issued EAWs resulted in effective surrender in 2021 (according to data provided by 25 Member States – the exceptions being Austria and the Slovak Republic).

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 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 Austria and Malta) provided figures on the number of persons arrested under an EAW ([Question 1](#)). In 2022, **7 346** requested persons were arrested – against 7 262 arrests in 2021 and 6 152 arrests in 2020 in the 25 and 26 Member States that provided information for those years respectively¹⁶. The highest numbers of arrests in 2022 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.

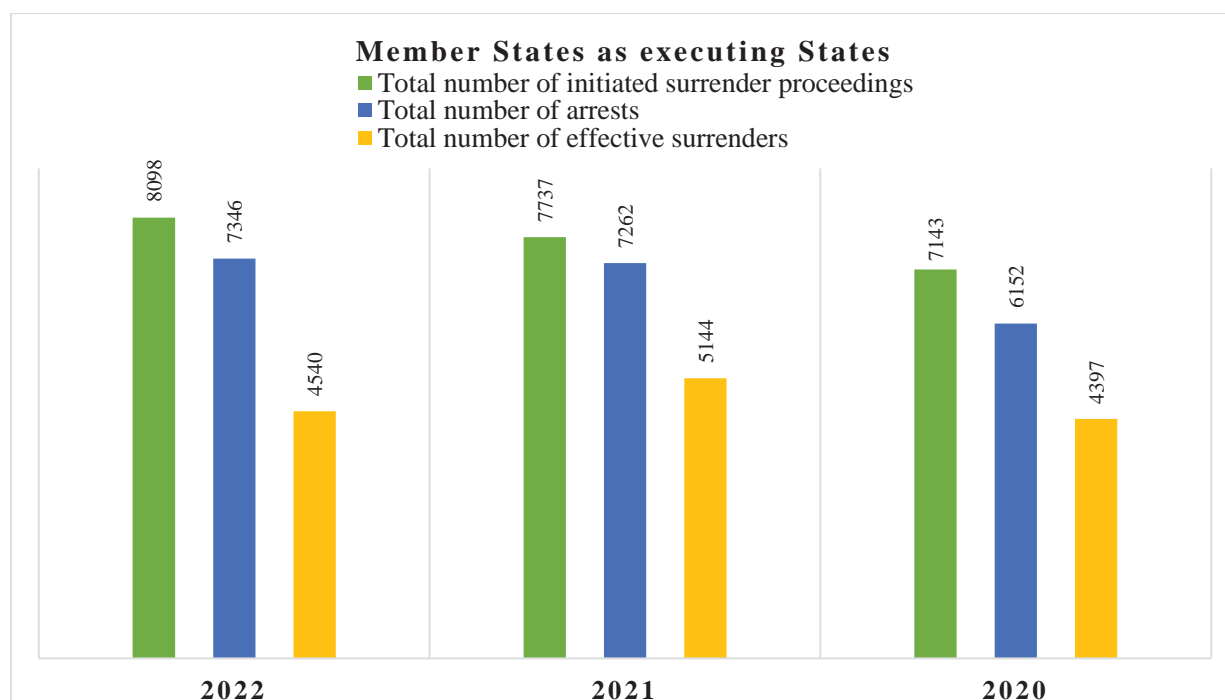
¹⁶ The Member States who provided information vary from year to year.

(1 667), Spain (947), the Netherlands (931) and Romania (596). These four Member States were also responsible for the highest number of arrests in 2021.

2.) Total number of initiated surrender proceedings

26 Member States (except Malta) provided figures on the total number of initiated surrender proceedings for 2022, which amounted in total to 8 098 ([Question 2](#)). In comparison, in 2021 the total number of initiated surrender proceedings was 7 737 in 26 Member States (7 143 in 26 Member States in 2020).

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 2022, 4 540 persons were effectively surrendered according to figures provided by 25 Member States (except Malta and the Netherlands) as executing States ([Question 3](#)), compared to 5 144 effective surrenders according to figures provided by all 27 Member States in 2021.

In 2022, 67.87%¹⁷ of the total number of arrests resulted in effective surrenders, while 66.13%¹⁸ of initiated surrender proceedings resulted in effective surrenders. By way of comparison, in 2021, 70.8%¹⁹ of the total number of arrests resulted in effective surrender, while 66.4%²⁰ of initiated surrender proceedings resulted in effective surrenders.

The questionnaire for the 2022 statistics included, for the third time, questions asking the Member States to provide detailed quantitative data, where available, for each Member State to which a requested person was surrendered. 19²¹ Member States supplied the requested data, though it is worth noting that these data sets 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).

25 Member States (except Austria and Malta) provided data on the consent of the requested person. From the data provided by the same Member States²², it can be concluded that **56.02% of the persons effectively surrendered in 2022 consented to their surrender** (2 439 out of 4 354 persons surrendered by the same Member States). A percentage of 49.48% was observed in the 2021 figures reported by 26 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 2022, 43.98% of effectively surrendered persons did not consent to their surrender.

¹⁷ This percentage will be 61.80% if it is taken into account that the 25 Member States that provided figures on the total number of arrests are not the same 25 Member States that provided figures on the total number of effective surrenders.

¹⁸ This percentage will be 56.06% if it is taken into account that 26 Member States provided figures on the total number of initiated surrender proceedings while 25 Member States provided figures on the total number of effective surrenders.

¹⁹ This percentage will be 67.24% if it is taken into account that 25 Member States provided figures on the total number of arrests while 26 Member States provided figures on the total number of effective surrenders.

²⁰ This percentage will be 63.83% if it is taken into account that 26 Member States provided figures on the total number of initiated surrender proceedings while 27 Member States provided figures on the total number of effective surrenders.

²¹ Not all Member States provided consistent data for each Member State to which a requested person was surrendered.

²² The Netherlands, who provided data for persons consenting to their surrender, were not taken into account as they did not provide the total number of persons that were effectively surrendered.

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 surrender²³. For these Member States, in 2022 the surrender procedure took an average of **20.48 days after the arrest** – compared to 20.14 days in 2021 and 21.26 days in 2020²⁴.

In 2022, the longest reported average duration of the procedure, when the requested person consented to the surrender, was 43 days for Lithuania. By way of comparison, in 2021, the longest reported average duration of the procedure, when the requested person consented to the surrender, was 58 days for Denmark.

In 2022, the shortest reported average durations of the surrender procedure were 0.6 day in Luxembourg, four days in Spain and five days in Estonia. By way of comparison, Luxembourg, Malta (who did not provide data for 2022) and Spain recorded the shortest durations in 2021.

²³ Ireland did provide figures under this question. However, it provided a comment saying that consent is difficult to quantify in Irish EAW proceedings as an individual can consent at any stage from arrest up until a surrender order is issued.

²⁴ The 2020 statistics referred to 44.6 days. However, Greece provided revised figures in February 2023 which resulted in an average of 21.26 days after the arrest of the requested person in cases where he or she consented to the surrender.

4.2.) When a person did not consent

When a requested person did not consent to the surrender, the procedure lasted on average **57.29 days** in the 22 Member States which provided figures, compared to 53.72 days in 2021 and 72.45 days in 2020²⁵ ([Question 6](#)).

Ireland reported a lengthy average duration of 309 days²⁶. This was also the case in 2021 for which Ireland reported a lengthy average duration of 226 days. Lengthy durations were also reported by the Slovak Republic (101 days²⁷).

By contrast, the shortest average durations were reported by Spain (eight days), Luxembourg (14.8 days), and Romania (23 days).

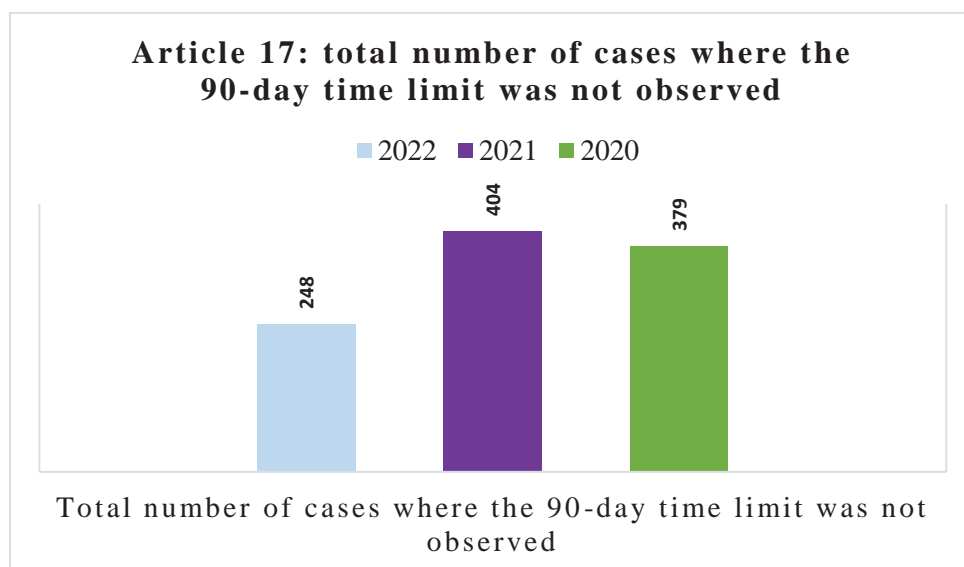
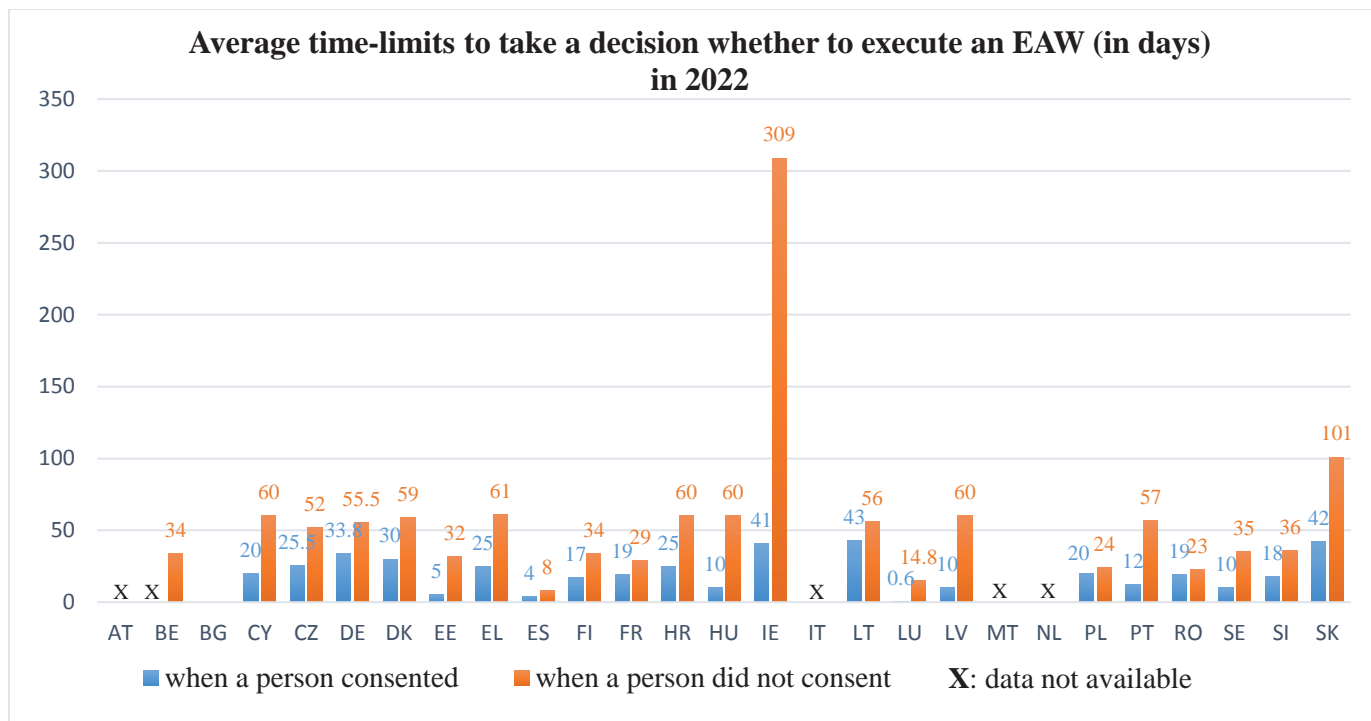
4.3.) Total number of cases where the 90-day time limit was not observed

Under [Question 8.1](#), the 90-day time limit was exceeded in 248 cases in 15 of the 19 Member States that replied. This figure is lower than the total reported for 2021 (404 cases reported by 13 of the 22 Member States that replied). The most significant numbers were registered by Germany (119 cases) and Ireland (67 cases). Together, these two Member States reported most of the cases where the 90-day time limit was exceeded (75% of cases). Estonia reported no cases where the time limit was exceeded. A comparison with the number of initiated surrender proceedings in the same Member States reveals that the 90-day time limit was exceeded in 4.28% of the initiated surrender proceedings (6.21% in 2021).

²⁵ The 2020 statistics referred to 111.74 days. However, Greece provided revised figures in February 2023 which resulted in an average of 72.45 days where the person did not consent to the surrender.

²⁶ Ireland stated that it was mostly abscondments, references to the CJEU or ongoing appeals related to an objection raised in another similar EAW matter, that were largely responsible for delays in surrender times in 2022.

²⁷ The Slovak Republic stated that the average length was influenced by three specific cases, in which the duration of the surrender procedure was exceptionally long.



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 2022, Eurojust was informed in 78 cases, according to the figures provided by 17 Member States²⁸ ([Question 8.2](#)). In 2021, Eurojust was informed in 88 cases, according to figures provided by 19 Member States, in 2020 it were only 48 based on information given by 19 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 exhaustive²⁹. 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 1 100 cases in 26 Member States for 2022 ([Question 7](#)). This aggregate figure has increased compared to 1 034 refusals in 27 Member States in 2021 and 1 047 refusals in 26 Member States in 2020. This is a further increase compared to 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, 2019, 2020 and 2021 – the most common ground for refusal to surrender was Article 4(6) of the Framework Decision, covering 384 EAWs in 2022 (324 in 2021).

Article 4(6) of the Framework Decision provides that the executing judicial authority may refuse to execute an EAW if the EAW has been issued for the purposes of the 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 or detention order according to its domestic law. A refusal to surrender based on Article 4(6) of

²⁸ The Netherlands indicated that they inform Eurojust in principle in all cases. This information is not reflected in the number provided above.

²⁹ 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.

the Framework Decision does not lead to impunity, since the executing Member State takes over the execution of the sentence or detention order³⁰.

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 2022, execution was refused in three cases because of amnesty – one case being in Germany, Poland and Slovenia respectively ([Question 7.1](#)). By way of comparison, three cases were registered in 2021 and one case was reported in 2020.

- *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 2022, the total number of refusals on the ground of *ne bis in idem* was six ([Question 7.2](#)). In 2021, the total number was four, while five cases were reported in 2020.

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

³⁰ Judgment of 29 June 2017, *Popławski I*, C-579/15, EU:C:2017:503.

In 2022, two cases of refusal of surrender on this basis were recorded: one in Luxembourg and one in Poland ([Question 7.3](#)). In 2021, four cases of refusal of surrender on this basis were recorded, while in 2020 it was two cases.

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-execution³¹ 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 case³².

- 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 State³³. 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 three years is met.

For 2022, 13 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 26 replying Member States reported 78 refusals based on the lack of double criminality for 2021.

- 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.

In 2022, six of the 23 reporting Member States reported nine refusals based on this optional ground for non-execution ([Question 7.5](#)). By way of comparison, nine cases were registered in six Member States for 2021 and six cases were registered in six Member States for 2020.

³¹ Judgment of 6 October 2009, *Wolzenburg*, C-123/08, EU:C:2009:616, paragraphs 61 and 62.

³² Judgement of 29 April 2021, X, C-665/20 PPU, EU:C:2021:339, paragraphs 40-48.

³³ Judgement of 14 July 2021, *KL*, C-168/21, EU:C:2022:558.

- 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 2022, eight of the 24 reporting Member States reported 16 refusals based on this ground for non-execution. Four of these were reported in Bulgaria and Croatia respectively ([Question 7.6](#)). By way of comparison, in 2021 a total of 10 cases were registered, with Bulgaria registering four 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 2022, 24 refusals based on this ground for non-execution were reported in nine of the 24 replying Member States ([Question 7.7](#)). By way of comparison, 27 refusals based on this ground for non-execution were reported in 11 of the 25 Member States that replied for 2021 against 20 refusals in 10 of the 23 Member States that replied for 2020 (with Germany alone reporting half of those cases).

- 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 2022, two cases of refusal on the basis of the existence of a final judgment in a third state were recorded in Hungary (one) and Poland (one) ([Question 7.8](#)). By comparison, for 2021, four cases of refusal were recorded by Belgium (two), Greece (one) and Poland (one). Poland on the basis of a final judgment in a third State. Numbers were also low in previous years, when only three cases were reported in 2020 and one case in 2019.

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

Where the EAW has been issued for the purpose 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 2022, 16 Member States reported 384 refusals based on cases where the executing Member State undertakes the execution of the sentence ([Question 7.9](#)). The Netherlands alone reported 85 cases – the highest number for the Member States that provided figures. Germany followed with 72 cases. By comparison, for 2021, 26 Member States reported 324 refusals and there were 328 refusals in 2020 and 290 in 2019. 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, 45 cases in 2020, 56 in 2021 and 72 in 2022. 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 and increasing again in 2021 with 41 and 2022 with 39 cases.

- 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 2022, 19 refusals reported by nine of the 24 reporting Member States were based on extraterritoriality ([Question 7.10](#)). By way of comparison, 55 refusals were reported by seven of the 24 reporting Member States in 2021 and 82 refusals were reported by six of the 23 reporting Member States in 2020.

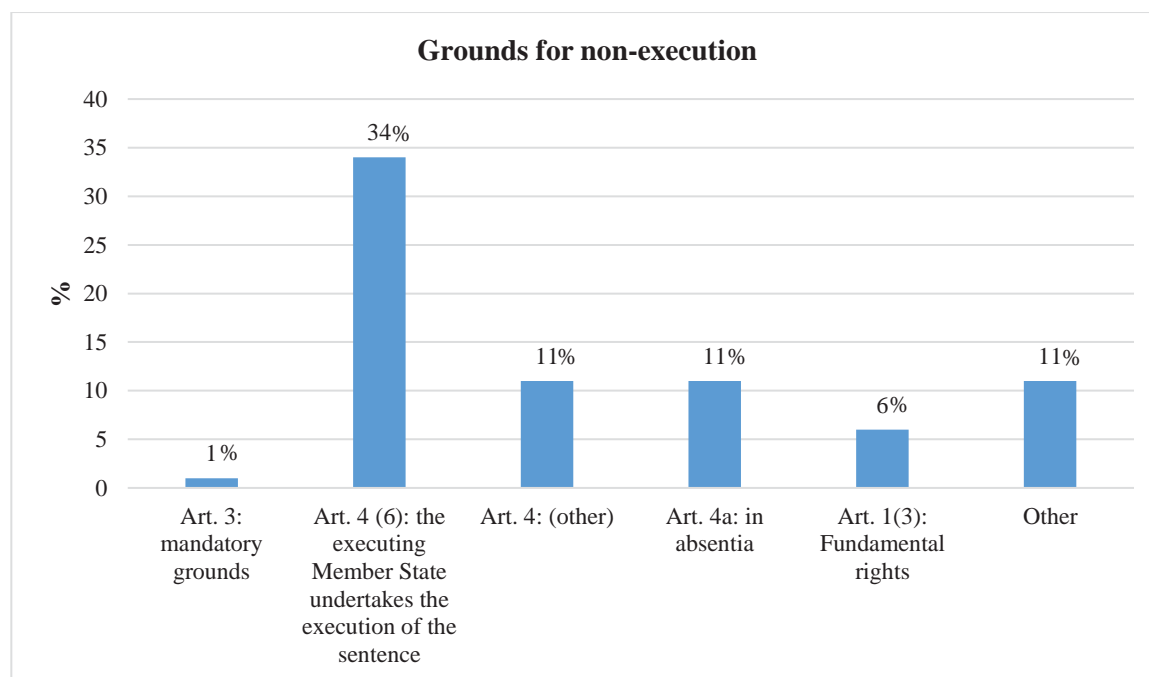
- Trials *in absentia* (Article 4a)

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)”.³⁴

For 2022, 24 Member States (13 of which did not record any cases) together reported a total of 117 refusals based on decisions rendered *in absentia*. In particular, Germany reported 81 cases ([Question 7.11](#)). In comparison, in 2021, refusals under Article 4a amounted to a total of 159 in 26 Member States (13 of which did not record any cases). It should be noted that Germany also registered the highest number of cases in 2021, 2020 and 2019.



³⁴ 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 State³⁵; 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 State³⁶.

In 2022, fundamental rights issues led to a total of 59 refusals reported by nine of the 24 replying Member States. 35 of these refusals were registered in Germany alone ([Question 7.20](#)). By way of comparison, 10 Member States reported 86 refusals in 2021, 64 of those being registered by Germany alone, and 10 Member States reported 108 refusals in 2020, with 73 being 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 a 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 64 cases, almost all of which were registered in Bulgaria ([Question 10](#)). However, eight Member States did not provide data on whether they requested a guarantee.

³⁵ 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.

³⁶ 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.

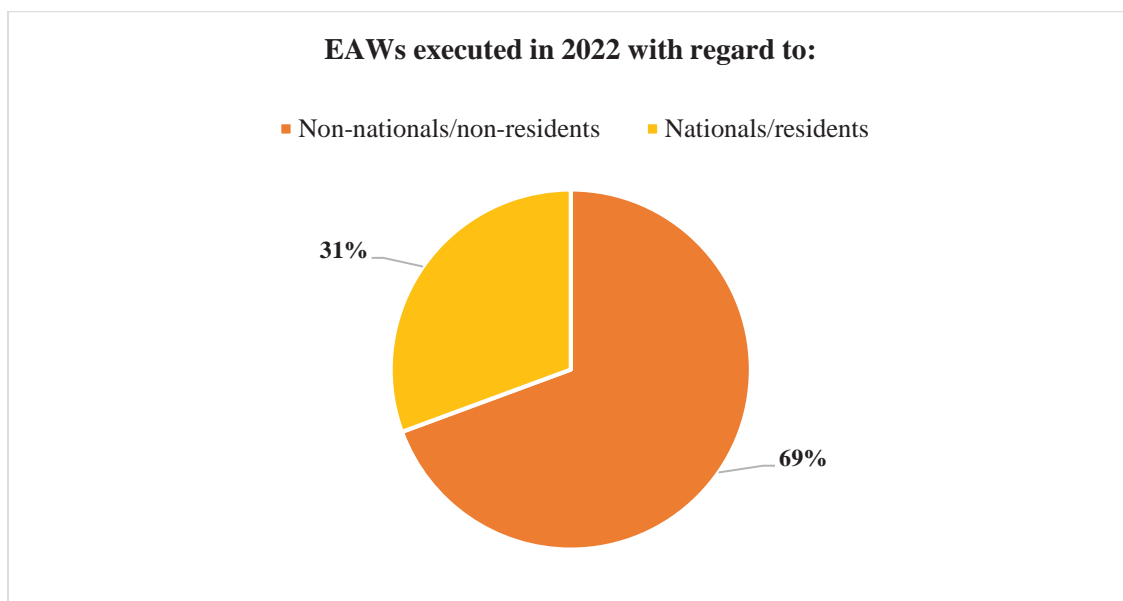
In 2021, such a request was made in 108 cases. A significant increase can be observed compared to the figures from 2020 when only 12 requests for a guarantee were registered.

- Lack of a guarantee

In relation to conditions relating to the review of life-term imprisonment (Article 5(2) of the Framework Decision), two cases of refusal based on the lack of a guarantee by the issuing Member State were reported, one in Germany and one in Romania in 2022 ([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), six out of 24 Member States reported a total of 37 refusals in 2022 based on the lack of a guarantee by the issuing Member State ([Question 7.13](#)). Romania alone reported 30 of these refusals. By way of comparison, in 2021, five out of 24 Member States reported a total of 10 refusals and in 2020 four out of 23 Member States reported 19 refusals based on Article 5(3).

In 2022, the execution of an EAW concerned a national or a resident of the executing Member State in 1 215 cases in the 22 Member States that provided figures (1 525 cases were registered in 24 Member States 2021, while 1 710 cases were registered in 22 Member States in 2020) ([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 2022 (4 354 cases, [Question 3](#)) suggests that the execution of an EAW involved own nationals or residents in **30.63%** of cases. This proportion has decreased compared to 32, 83% of cases in 2021 and 45.24% in 2020. However, in 2019 30.56% of cases of effective surrender involved nationals or residents and in 2018 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](#), 20 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 roughly consistent throughout the years: there were 30 such refusals in 2021, 24 in 2020, 23 in 2019 and 33 in 2018, 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)³⁷.

In 2022, seven out of 23 Member States recorded 48 refusals to execute an EAW due to a lack of the requested additional information ([Question 7.15](#)). Most were recorded in Czechia (32). For comparison, in 2021, six out of 24 Member States recorded 41 such refusals. The highest numbers of this type of refusal was also recorded in Czechia (28).

³⁷ Handbook on how to issue and execute a European arrest warrant, OJ C 335, 6 October 2017, p. 34.

- Privilege or immunity (Article 20)

Article 20 of the Framework Decision concerns privileges and immunities on which the requested person can rely. In 2022, one case was recorded in France. ([Question 7.16](#)). This is in line with previous years, when very few or no cases were also reported³⁸.

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

As previously underlined³⁹, 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 four months. These two thresholds are laid down in Article 2(1) of the Framework Decision.

In 2022, 23 cases where the first threshold of 12 months was not met were recorded, 16 of which were recorded in Hungary alone ([Question 7.17](#)). This is an increase when compared to previous years, when very few or no cases were reported⁴⁰.

Six of the 24 replying Member States together reported 10 cases of EAWs being issued for the purpose of executing a custodial sentence or detention order where the four-month threshold was not met in 2022 ([Question 7.18](#)). In 2021, six such cases were reported by three Member States and in 2020, eight cases were recorded in three 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).

³⁸ 2021: no cases; 2020: no cases; 2019: no cases; 2018: 1 case; 2017: no cases.

³⁹ Cf. *supra* p. 5.

⁴⁰ 2021: 4 cases; 2020: 1 case; 2019: no cases; 2018: 2 cases.

In 2022 under [Question 7.19](#), seven refusals reported by five out of 24 Member States concerned conflicting requests. This is consistent with the findings for 2021 (seven refusals in four Member States) and 2020 (11 refusals in five Member States).

- Other reasons

13 Member States reported a total of 113 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 2021, 10 Member States reported 96 cases and in 2020, six Member States reported 139 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 States⁴¹; and (ii) extensions of the time limits for serious humanitarian reasons.

Responses to [Question 8.3](#) show that in 2022 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 192 cases, which were registered in 19 Member States. There has been a steady increase in recent years: 185 cases were registered in 20 Member States in 2021 and 153 cases in 20 Member States in 2020.

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 2021, five cases of requested persons being released were reported in four out of 20 Member States. Four out of 20 Member States reported 14 cases in 2020,

⁴¹ Judgment of 25 January 2017, *Vilkas*, C-640/15, EU:C:2017:39.

six out of 20 Member States reported 51 cases in 2020, and eight cases in three out of 21 Member States were reported in 2019 ([Question 8.4](#)).

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 2021, 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.
- Certain differences compared to previous years and an increase in the duration of the surrender procedures can be noticed. This might still be linked to the COVID-19 pandemic.
- Article 4(6) of the Framework Decision – where the executing Member State takes over the execution of a sentence – accounts for the highest proportion (34%) 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 2022, the Commission continued infringement proceedings against all Member States 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). In 2023 and 2024 the Commission took further steps in the infringement proceedings issuing additional Letters of Formal Notice and Reasoned Opinions. Currently, infringement proceedings are open against 22 Member States since the Commission decided to close the infringements where the Member States remedied the issues identified in the Letters of Formal Notice. The Commission is currently assessing the replies and notified legislation of the remaining Member States.

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

2022

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	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
522	471 ⁴²	104	45	630	3222	87	51	128	641	85	1540 ⁴³	376	542 ⁴⁴	38 ⁴⁵	642	241	169	166		552	1476	239	826	229	85	228

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

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	361	X	44	298	X ⁴⁶	85	20	71	415	56	838	243	X	38 ⁴⁷	294	164	153	99		X ⁴⁸	350 ⁴⁹	X	78	103	49	134

3.1. Terrorism

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	1 ⁵⁰	X	0	4	X ⁵¹	2	0	1	7	0	78	0	X	0	18	0	0 ⁵²	0		X	1	X	0	0	0	1

⁴² BE: 'Based on the numbers of the police, the following additional information can be provided:

- 1163 BE alerts based on art 26 SIS

- According to EULISA statistics, there were 42 HITs abroad on BE art 26 alerts.

- In Belgium, there were 23 HITs on foreign art 26 alerts.'

⁴³ FR: 'In 2022, the number of EAW issued at national level increased by 13,8% compared to 2021.'

⁴⁴ HU: 'Out of the 542 issued EAWs: 313 was issued by judges and 229 was issued by penitentiary judges.'

⁴⁵ IE: 'A further 50 warrants were issued under the EU-UK TCA Agreement.'

⁴⁶ 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.'

⁴⁷ IE: 'A further 50 prosecution warrants were issued under the EU-UK TCA Agreement'

⁴⁸ NL: 'This is not registered in the Netherlands.'

⁴⁹ PT: 'Pursuant to Art. 1 sec. 1 of the Framework Decision of 13 June 2002 on the European Arrest Warrant and surrender procedures between Member States (2002/54/JHA), the term "prosecution" in question point 2 - refers to the stages of preparatory and exploratory proceedings (i.e. without enforcement proceedings).'

⁵⁰ BE: 'There were 98 cases where the offence wasn't registered. This implies that the above figure might be an underestimation of the real number of EAWs concerning terrorism.'

⁵¹ DE: 'There are no statistics which distinguish between the categories of offences in EAWs.'

⁵² LU: 'Please note that these statistics include double-counting: some EAW's could be counted more than once, when more than one offences was listed against the same person.'

3.2. Drug offences

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	110	X	6	70	X	19	14	17	211	41	487	21	X	15	91	93	9	62		X	306	X	51	79	1	8

3.3. Sexual offences

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	24	X	4	11	X	3	6	4	71	7	59	9	X	23	92	15	3	9		X	35	X	13 ⁵³	14	0	8

3.4. Firearms/explosives

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	4	X	3	1	X	1	0	3	17	8	27	7	X	2	2	12	4	6		X	20	X	2	5	1	1

3.5. Theft offences and criminal damage

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	80	X	6	189	X	16	14	23	119	10	211	72	X	8	122	93	139	79		X	486	X	180	45	13	58

3.6. Fraud and corruption offences

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	6	X	17	90	X	5	12	40	73	15	147	93	X	8	32	61	64	9		X	410	X	70 ⁵⁴	64	20	18

3.7. Counterfeiting the Euro

AT	BE	BG	CY	CZ	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	0	0	X	0	0	1	0	0	0	0	X	0	4	1	0	0		X	2	X	4	0	0	2

⁵³ RO: 'rape – 10; sexual intercourse with a minor – 3.'

⁵⁴ RO: 'fraud – 36; tax fraud – 23; corruption offences – 11.'

3.8. Homicide/Fatal offences

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	33	X	0	2	X	13	0	12	62	10	86	8	X	3	12	21	7	4		X	27	X	32	17	1	4

3.9. Non-fatal offences against the person

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	15	X	2	29	X	8	16	10	46	8	139	29	X	14	15	67	19	12		X	221	X	129	40	10	8

3.10. Trafficking in human beings

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	16	X	3	0	X	0	0	8	12	4	74	1	X	0	13	6	3	2		X	7	X	60 ⁵⁵	1	2	1

3.11. Other

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	71	X	10	234	X	20	17	33	458	1	0	222	X	0	351	252	25	41		X	659	X	X ⁵⁶	0	30	116

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

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X ⁵⁷	8	95	19	398	1038	24	19	63	128	37	404 ⁵⁸	134	212	36 ⁵⁹	190	82 ⁶⁰	107	44		285	968	86	532 ⁶¹	92	73	73

⁵⁵ RO: 'traffic in human beings – 39; traffic of minors - 21.'

⁵⁶ RO: 'road traffic offences – 186; smuggling – 18; skimming – 16; forgery and use of false documents – 12; blackmail – 8; money laundering – 6; etc.'

⁵⁷ AT: 'We don't have data on the effective surrender, but 418 persons were arrested abroad due to an Austrian EAW.'

⁵⁸ FR: '737 people wanted by the French judicial authorities were arrested abroad on the basis of a French EAW in 2022.'

⁵⁹ IE: 'A further 46 surrenders were effected under the EU-UK TCA Agreement.'

⁶⁰ LT: 'There were 82 surrenders in total in 2022 on the basis of EAWs regardless of the year of the issue (61 for the purpose of prosecution and 21 for the purpose of execution of the custodial sentence).'

⁶¹ RO: 'The executed EAWs refers to warrants issued in 2022 or earlier.'

II. Replies by Member States as executing States

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

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	237	205	21	250 ⁶²	1667	67	31	133	947	23	559	109	311	93 ⁶³	385	63 ⁶⁴	52 ⁶⁵	22		931	301	105	596	92	73	73

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	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
308	429	206 ⁶⁶	20	290	1306	37	31	129	1019	23	595	87	311	113 ⁶⁷	407	63	63	27		1233	344	105	661	117	77	97

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

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
186	38	149	18	189	1116	35	29	100	688	22	371	83	267	70 ⁶⁸	122	57	37 ⁶⁹	24		X ⁷⁰	192	70	477	80	60	60

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

3.1.1 Austria

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	0	18	0	27	X	3	1	X	9	X	12	17	X	1	20	4	0	0		14	X	X	62	2	7	22

⁶² CZ: 'Figure provided by the Police Presidium of the Czech Republic (Sirene Office).'

⁶³ IE: 'a further 20 individuals were arrested under the EU-UK TCA Agreement.'

⁶⁴ LT: 'Detention was applied in 46 cases, in 17 cases milder measures of constraint were applied or a person has already been arrested in a domestic criminal case.'

⁶⁵ LU: 'This number refers to the EAW's received during 2022 and for which a notification date was registered in our electronic system before 01/01/2023.'

⁶⁶ BG: 'One case concerned a previously executed (in 2016) EAW with the wanted person already surrendered.'

⁶⁷ IE: 'a further 21 proceedings were initiated under the EU-UK TCA Agreement.'

⁶⁸ IE: 'a further 20 individuals were surrendered to the United Kingdom under the EU-UK TCA Agreement.'

⁶⁹ LU: '8 of the 37 concern postponed surrenders.'

⁷⁰ NL: 'Due to the transition to a new database in which the EAW are registered, we do not have accurate figures on the actual number of surrendered persons over the year 2022.'

3.1.2 Belgium

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	X	6	0	1	X	0	1	X	55	X	73	0	X	1	29	1	4	1		231	X	X	34	3	0	0

3.1.3 Bulgaria

AT	BE	BG	CY	CZ	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	2	5	X	0	0	X	2	X	4	0	X	0	6	0	0	0		4	X	X	4	2	1	2

3.1.4 Croatia

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

3.1.5 Cyprus

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

3.1.6 Czechia

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	1	3	0	0	X	1	0	X	10	X	4	2	X	4	5	1	1	0		24	X	X	12	2	4	18

3.1.7 Denmark

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	0	1	0	0	X	0	0	X	3	X	3	2	X	0	2	1	0	0		6	X	X	2	⁷¹ SE: ‘14 naw.’	0	0

⁷¹ SE: ‘14 naw.’

3.1.8 Estonia

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

3.1.9 Finland

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	0	1	0	0	X	0	14	X	4	X	2	1	X	0	4	1	0	0		8	X	X	4	0 ⁷²	0	0

3.1.10 France

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	9	7	2	4	X	3	0	X	141	X	0	5	X	3	33	2	11	0		49	X	X	55	1	4	1

3.1.11 Germany

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	5	72	6	78	X	11	6	X	109	X	89	31	X	2	87	28	14	10		168	X	X	136	20	13	5

3.1.12 Greece

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	1	13	1	0	X	1	0	X	3	X	5	1	X	0	10	0	1	0		5	X	X	1	2	0	0

3.1.13 Hungary

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	0	1	0	8	X	0	0	X	9	X	3	2	X	3	3	1	0	0		39	X	X	14	6	4	5

⁷² SE: '19 naw.'

3.1.14 Ireland

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

3.1.15 Italy

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	4	34	1	4	X	3	0	X	106	X	46	8	X	1	0	3	0	0		32	X	X	90	1	13	2

3.1.16 Latvia

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	0	0	1	7	X	1	1	X	8	X	1	0	X	6	0	5	0	0		20	X	X	0	1	0	0

3.1.17 Lithuania

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

3.1.18 Luxembourg

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	1	0	0	1	X	0	0	X	5	X	23	0	X	0	1	0	0	0		10	X	X	0	0	0	0

3.1.19 Malta

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

3.1.20 Netherlands

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	3	10	0	6	X	1	0	X	34	X	15	1	X	1	4	2	1	0		X	X	X	8	2	0	0

3.1.21 Poland

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	4	5	3	23	X	13	2	X	44	X	18	2	X	23	26	4	0	4		315	X	X	9	14	2	3

3.1.22 Portugal

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	0	0	0	0	X	0	0	X	26	X	16	0	X	1	0	0	4	0		8	X	X	7	1	0	1

3.1.23 Romania

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	4	7	2	13	X	6	1	X	63	X	57	1	X	8	13 1	0	1	0		55	X	X	X	4	2	1

3.1.24 Slovak Republic

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	0	3	0	90	X	0	0	X	0	X	0	0	X	0	6	0	0	0		9	X	X	6	0	1	0

3.1.25 Slovenia

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

3.1.26 Spain

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	4	11	0	0	X	3	0	X	0	X	39	5	X	0	23	0	0	1		23	X	X	11	4	1	0

3.1.27 Sweden

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	2	3	0	0	X	0	1	X	19	X	4	0	X	4	5	0	0	0		6	X	X	7	X	0	0

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

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	0	88	14	90	493	24	29	64	306	11	293	67	191	37 ⁷³	6	44	23 ⁷⁴	20		182 ⁷⁵	136	31	372	57 ⁷⁶	47	50

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	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	X ⁷⁷	X	20	25.5	33.8	30	5	25	4	17	19	25	10	41 ⁷⁸	X	43	0.6 ⁷⁹	10		X ⁸⁰	20	12	19	10	18	42

⁷³ IE: 'Consent is difficult to quantify in Irish EAW proceedings as an individual can consent at any stage from arrest up until a surrender order/decision is made.'

⁷⁴ LU: 'These are the number of EAW's for which persons were effectively surrendered (directly or postponed) and gave their consent.'

⁷⁵ NL: 'Since the changes of the Dutch Surrender Act in April 2021, the amount of people that consented to the surrender has doubled.'

⁷⁶ SE: '57 eaw, 25 naw.'

⁷⁷ BE: 'No data available to calculate the average in days, since no person consented to the surrender.'

⁷⁸ IE: 'Consent is difficult to quantify in Irish EAW proceedings as an individual can consent at any stage from arrest up until a surrender order/decision is made.'

As such we have broken down the average number of days for proceedings from the time of arrest to when the person consented into two categories as follows:

1. Consented at arrest hearing, notional hearing or within 90 days of arrest: 41 days average proceedings

2. Initially contested but consented after 90 days had elapsed since initial arrest: 504** days average proceedings (**the lengthy delays related to this figure were mostly caused by abscondments, CJEU references or ongoing appeals related to an objection raised in another, similar EAW matter).

⁷⁹ LU: 'To calculate the average time (in days) for MAEs without consent, we have taken into account the timeframe between the date of notification and the final decision of the Council Chamber (of the district court or Court of Appeal) on 01/01/2023.'

⁸⁰ NL: 'Due to technical problems and a major transition of the database, we are unable to give figures on the average duration of the surrender procedure in the Netherlands over the year 2022.'

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	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	34	X	60	52	55.5 ⁸¹	59	32	61	8	34	29	60	60	309 ⁸²	X	56	14.8 ⁸³	60		X	24	57	23	35	36	101 ⁸⁴

7. In how many cases this year has a judicial authority in your Member State refused the execution of an EAW?

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
40	57	42	2	99	260 ⁸⁵	9	0	15	50	X	74	9	36	15	21	2	10	2		161 ⁸⁶	65	3	113	7	7	1

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

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
0	0 ⁸⁷	0	0	0	1	0	0	0	0	X	0	0	0	0	0	0	0	0		X	1	0	0	0	1	0

⁸¹ DE: ‘The relevant period starts from the moment of detention for the purpose of surrender.’

⁸² IE: ‘The lengthy delays related to this figure were mostly caused by abscondments, CJEU references or ongoing appeals related to an objection raised in another, similar EAW matter.’

⁸³ LU: ‘To calculate the average time (in days) for MAEs with consent (where thus no decision of the Council Chamber was necessary), we have taken into account the timeframe between the date of notification and the date of consent. We take into account only those MAEs where a surrender effectively took place, and exclude from the average calculation the deferred surrenders, i.e. 32 of the 37 surrenders which effectively took place.’

⁸⁴ SK: ‘The average length of the surrender procedure without the consent of the person was influenced by three specific cases of European Arrest Warrant, in which the duration of the surrender procedure was exceptionally long. In the first case, the duration was 257 days, mainly caused by the health problems of the requested person and the necessity for additional information from the issuing Member State.’

⁸⁵ DE: ‘In the event of a refusal, several grounds for refusal may be recorded statistically.’

⁸⁶ NL: ‘In 85 cases the reason for the refusal was based on article 4 par 6 of the FD 2002/584 (an EAW for execution purposes regarding a national or resident in the Netherlands). With regard to the remaining number of refusals, the majority is based on article 4 a (EAWs regarding in absentia judgments, in which the wanted persons did not have the opportunity to defend him/herself).’

⁸⁷ BE: ‘There were 53 cases where the reason for refusal wasn’t registered. This implies that the above figure might be an underestimation of the real number of refusals due to FD article 3.1.’

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

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
0	0 ⁸⁸	0	0	0	4	0	0	0	0	X	1	1	0	0	0	0	0	0		X	0	0	0	0	0	0

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

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

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

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
10	0 ⁹⁰	1 ⁹¹	0	6	1	0	0	1	4	X	3	0	8	1	4	0	0	0		X	11	0	0	5	1	0

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

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
1	2 ⁹²	0	0	0	3	0	0	0	1	X	0	0	0	0	1	0	0	0		X	1	X ⁹³	0	0	0	0

⁸⁸ BE: ‘There were 53 cases where the reason for refusal wasn’t registered. This implies that the above figure might be an underestimation of the real number of refusals due to FD article 3.2.’

⁸⁹ BE: ‘There were 53 cases where the reason for refusal wasn’t registered. This implies that the above figure might be an underestimation of the real number of refusals due to FD article 3.3.’

⁹⁰ BE: ‘There were 53 cases where the reason for refusal wasn’t registered. This implies that the above figure might be an underestimation of the real number of refusals due to FD article 4.1.’

⁹¹ BG: ‘In one case the executing judicial authority refused to execute an EAW due to lack of dual criminality.’

⁹² BE: ‘There were 53 cases where the reason for refusal wasn’t registered. This implies that the above figure might be an underestimation of the real number of refusals due to FD article 4.2.’

⁹³ PT: ‘The refusals to execute were based on articles 4.2 and 4.6.’

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

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
1	0 ⁹⁴	4	0	0	3	0	0	0	0	X	1	4	0	1	0	0	0	0		X	1	0	0	0	1	0

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

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
0	0 ⁹⁵	1	0	1	12	0	0	0	3	X	1	0	2	0	0	1	0	0		X	1	0	0	2	0	0

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

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

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

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
24 ⁹⁷	2 ⁹⁸	31	2	6	72	0	0	5	39	X	30	0	5	0	12	0	8	2		85	24	X ⁹⁹	37	0	0	0

⁹⁴ BE: ‘There were 53 cases where the reason for refusal wasn’t registered. This implies that the above figure might be an underestimation of the real number of refusals due to FD article 4.3.’

⁹⁵ BE: ‘There were 53 cases where the reason for refusal wasn’t registered. This implies that the above figure might be an underestimation of the real number of refusals due to FD article 4.4.’

⁹⁶ BE: ‘There were 53 cases where the reason for refusal wasn’t registered. This implies that the above figure might be an underestimation of the real number of refusals due to FD article 4.5.’

⁹⁷ AT: ‘Including EU-Member-State-Citizens who have permanent residence in Austria (10 cases).’

⁹⁸ BE: ‘There were 53 cases where the reason for refusal wasn’t registered. This implies that the above figure might be an underestimation of the real number of refusals due to FD article 4.6.’

⁹⁹ PT: ‘The refusals to execute were based on articles 4.2 and 4.6.’

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

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
1	0 ¹⁰⁰	1	0	0	5	0	0	1	1	X	1	0	0	1	0	0	0	0		X	7	0	0	1	0	0

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

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
2	0 ¹⁰¹	0	0	1	81	9	0	0	1	X	6	0	0	6	1	0	0	0		X ¹⁰²	6	0	3	0	0	1

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

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
0	0 ¹⁰³	0	0	0	1	0	0	0	0	X	0	0	0	0	0	0	0	0		X	0	0	1	0	0	0

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

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
0	0 ¹⁰⁴	1	0	1	3	0	0	0	0	X	1	0	1	0	0	0	0	0		X	0	0	30 ¹⁰⁵	0	0	0

¹⁰⁰ BE: 'There were 53 cases where the reason for refusal wasn't registered. This implies that the above figure might be an underestimation of the real number of refusals due to FD article 4.7.'

¹⁰¹ BE: 'There were 53 cases where the reason for refusal wasn't registered. This implies that the above figure might be an underestimation of the real number of refusals due to FD article 4a.'

¹⁰² NL: 'We do not have the exact figure of the refusals.'

¹⁰³ BE: 'There were 53 cases where the reason for refusal wasn't registered. This implies that the above figure might be an underestimation of the real number of refusals due to FD article 5.2.'

¹⁰⁴ BE: 'There were 53 cases where the reason for refusal wasn't registered. This implies that the above figure might be an underestimation of the real number of refusals due to FD article 5.3.'

¹⁰⁵ RO: 'The return guarantee was requested in 136 cases.'

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

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
0	0 ¹⁰⁶	1	0	0 ¹⁰⁷	9	0	0	1	1	X	7	0	0	0	1	0	0	0		X	0	0	0	0	0	0

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

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
2	0 ¹⁰⁸	0	0	32 ¹⁰⁹	1	0	0	0	X	X	4	1	0	0	0	0	X	0		X	1	0	7	X	0	0

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

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	X ¹¹⁰	X	0	X	X	0	0	0	X	X	4	0	0	X	0	0	X	0		X	X	0	1	0	X	0

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

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	X ¹¹¹	X	0	X ¹¹²	X	0	0	0	X	X	0	0	0	X	0	0	X	0		X	X	0	0	0	X	0

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

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
0	0 ¹¹³	0	0	0	0	0	0	0	0	X	1	0	0	0	0	0	0	0		X	0	0	0	0	0	0

¹⁰⁶ BE: 'There were 53 cases where the reason for refusal wasn't registered. This implies that the above figure might be an underestimation of the real number of refusals due to FD article 8.'

¹⁰⁷ CZ: 'Items 7.14 and 7.15 are tracked together in one indicator. In total, there are 32 cases.'

¹⁰⁸ BE: 'There were 53 cases where the reason for refusal wasn't registered. This implies that the above figure might be an underestimation of the real number of refusals due to FD article 15.2.'

¹⁰⁹ CZ: 'Items 7.14 and 7.15 are tracked together in one indicator. In total, there are 32 cases.'

¹¹⁰ BE: 'There were no cases where FD Article 15.2 was registered.'

¹¹¹ BE: 'There were no cases where FD Article 15.2 was registered.'

¹¹² CZ: 'These cases are not statistically tracked.'

¹¹³ BE: 'There were 53 cases where the reason for refusal wasn't registered. This implies that the above figure might be an underestimation of the real number of refusals due to FD article 20.'

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

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
0	0 ¹¹⁴	X	0	0	3	0	0	1	2	X	0	1	16	0	0	0	0	0		X	0	0	0	0	0	0

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

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
1	0 ¹¹⁵	1	0	1	3	0	0	0	0	X	0	0	2	0	0	0	0	0		X	2	0	0	0	0	0

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

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
0	0 ¹¹⁶	0	0	0	1	0	0	1	1	X	2	0	0	0	0	0	0	0		X	0	0	2	0	0	0

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

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
0	0 ¹¹⁷	0	0	1	35	0	0	0	0	X	14	0	1	4	1	1	0	0		X	0	0	1	0	1	0

7.20.1. Poor detention conditions

AT	BE	BG	CY	CZ	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	X	0	0	0	0	X	X	0	0	1	0	0	X	0		X	X	0	1	0	X	0

¹¹⁴ BE: 'There were 53 cases where the reason for refusal wasn't registered. This implies that the above figure might be an underestimation of the real number of refusals due to FD article 21.'

¹¹⁵ BE: 'There were 53 cases where the reason for refusal wasn't registered. This implies that the above figure might be an underestimation of the real number of refusals due to FD article 2.1.'

¹¹⁶ BE: 'There were 53 cases where the reason for refusal wasn't registered. This implies that the above figure might be an underestimation of the real number of refusals due to FD article 16.1, 3, 4.'

¹¹⁷ BE: 'There were 53 cases where the reason for refusal wasn't registered. This implies that the above figure might be an underestimation of the real number of refusals due to FD article 1.3.'

7.20.2. Fair trial rights

AT	BE	BG	CY	CZ	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	X	0	0	0	0	X	X	0	0	0	1	X	0	0		X	X	0	0	0	X	0

7.20.3. Other issues concerning fundamental rights

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
0	X ¹¹⁸	0	0	1 ¹¹⁹	X	0	0	0	0	X	X	0	1	3 ¹²⁰	0	X	0	0		X	X	0	0	0	X	0

7.21. Other

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
1	0 ¹²¹	8 ¹²²	0	50 ¹²³	33	0	0	4	0	1 ¹²⁴	X	1	1	2 ¹²⁵	1	0 ¹²⁶	1	0		X	7	0	X	0	3	0

¹¹⁸ BE: 'There were no cases where FD Article 1.3 was registered.'

¹¹⁹ CZ: 'Individual reasons are not monitored.'

¹²⁰ IE: 'There were three matters where the court found that surrender should be refused as to do so would be a breach of the individual's right under Article 8 ECHR.'

¹²¹ BE: 'There were 53 cases where the reason for refusal wasn't registered. This implies that the above figure might be an underestimation of the real number of refusals due to other reasons.'

¹²² BG: 'Under 7.21 are listed 4 (four) cases where the issuing judicial authority has withdrawn the EAW. In 3 (three) other cases the requested persons were not found in Bulgaria. In one case the EAW proceedings were dismissed by the issuing judicial authority as the sentence of imprisonment in the issuing Member State was substituted for a financial penalty.'

¹²³ CZ: '12 cases EAW was revoked; 1 case temporary transfer was rejected' 37 cases other reason/not specified.'

¹²⁴ FI: 'The issuing country has withdrawn the EAW after the decision has been made.'

¹²⁵ IE: 'One other refused due to ne bis in idem (double jeopardy). One other refused due to inability to separate out offences contained in a cumulative judgement (surrender could not be ordered on one offence within a cumulative sentence and therefore surrender was refused on all offences).'

¹²⁶ LT: 'In 7 cases execution was postponed due to the fact that a requested person serves a sentence following the national criminal procedure, in 1 case EAW was withdrawn.'

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	CY	CZ	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	1	4	119	6	0	7	24	X	5	1	X	67	X	0	0 ¹²⁷	0		X	1	2	1	X	2	6

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

AT	BE	BG	CY	CZ	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	1	2	0	3	0	4	X	X	0	0	X	67	X	0	0	0		X ¹²⁸	0	X	0	X	1	0

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	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	X ¹²⁹	X	8	2	1	0	0	0	0	X	7	0	0	0	X	0	15	0		X	7	0	151 ¹³⁰	X	1	0

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	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	X ¹³¹	X	0	0	1	0	0	0	0	X	2	0	0	0	X	0	0 ¹³²	0		X	1	0	0	X	1	0

¹²⁷ LU: 'The procedure for executing EAWs in Luxembourg does not allow the 90-day period between the date of notification and the date of decision to be exceeded.'

¹²⁸ NL: 'In principle in all cases.'

¹²⁹ BE: 'There is currently no data available to determine this.'

¹³⁰ RO: 'According to the decision of the Court of Justice in case no. C 804/21 C and CD, if the surrender of the sought person could not take place in 10 days after the decision on surrender remained final, the length of the detention period was prolonged at the request of the issuing authority if the provisions of article 23 (2) of the FD 2002/584 were met.'

¹³¹ BE: 'There is currently no data available to determine this.'

¹³² LU: 'As the delays were always justified, there were no cases where the person was released because of the delay in the surrender procedure.'

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	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	9	87	0	67	31	13	15	13	24	1	134	26	42	21	X	56	30	10		X	127	14	434	X	12	49

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	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	1	53	5	0	0	0	0	2	0	X	3	0	X	0	X	0	X	0		X	0	X	0	X ¹³³	0	0

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

Bulgaria

‘All data provided is based on the information available to the Ministry of Justice as a Central Authority. Please note that Bulgaria gathers offences statistics data on incoming EAWs when acting as Executing Member State.’

Poland

The Regional Court in Kraków, as in previous years, stated that:

- problems regarding the enforcement of the warrants themselves related to the content of the Framework Decision regarding the so-called in absentia judgment remain. Foreign authorities increasingly require additional information on the circumstances of the decision, even if the warrant does not state that the decision was in default. This applies not only to the issue of the decision itself, but also to all decisions affecting the enforcement of the penalty, such as decisions ordering the enforcement of a previously suspended penalty. Foreign parties more and more often demand evidence confirming that the wanted person knew about the issue of ordering the execution of the penalty, and the Court is usually unable to provide such proof, because the ordering of the execution of the penalty takes place without the participation of the wanted person.

Other Courts did not submit any comments in part III of the questionnaire.

¹³³ SE: ‘Sweden does not require a guarantee under Article 5.2 of the FD.’

Annex II – Overview of the number of issued and executed EAWs 2005-2022

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 (2014-2022) by Member States¹³⁴

¹³⁴ 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, SWD(2021) 227 final and SWD(2023) 262 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 issued¹³⁵			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 executed¹³⁶			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
2015 issued	785	152	631	101	2 237	97	227	655	1 131	92	147	1 918	56	170	391	135	941	22	484	830	2 390	270	1 260	96	335	105	258	228	16 144
2015 executed	131	151	321	56	1 038	43	38	73	129	23	63		7	43	252	63	412	8		196	1 279	97	530	29	59	70	72	121	5 304

2016 issued	660	291	889	140	2 421	95	312	730	1 306	85	197	1 768	56	234	348	111	948	11	774	602	2 215	204	1 052	120	362	118	239	348	16 636
2016 executed		143	413	83	1 358	47	55	201	367	20	19		31	35	243	59		5	252	245	1 160	114	525	42	92	54	87	162	5 812
2017 issued	757	280	787	88	2 600	93	291	618	1 271	76	275	1 291	50	260	346	146	1 376	14	652	783	2 432	440	1 350	115	308	105	409	278	17 491
2017 executed		173	319	31	1 234	49	66	201	376	47	100	405	13	44	236	77	239	4		337	1 349	119	515	34	58	37	71	183	6 317
2018 issued	X	478	667	106	3 783	92	508	824	1 311	106	353	1 362	49	179	288	124	1 042	4	787	662	2 394	321	1 067	121	275	122	270	176	17 471
2018 executed	X	201	403	43	1 185	45	79	268	396	61	195	342	12	63	175	64	214	2	327	319	1 428	118	639	53	31	59	69	185	6 976
2019 issued	309	239	667	107	6 162	102	406	665	1 682	107	494	1 430	35	178	298	178	999	5	977	645	2 338	358	1 373	85	230	128	193	X	20 226
2019 executed	X	124	278	51	1 185	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	4 953	92	321	415	1 372	161	254	982	37	120	197	X	1 009	9	648	509	1 854	334	755	90	244	76	157	X	15 938
2020 executed	X	111	215	44	1 041	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
2021 issued	1 435	91	493	93	3 460	65	220	588	1 259	48	524	864	29	119	250	118	726	18	564	422	1 541	436	886	93	187	96	164	X	14 789
2021 executed	83	165	195	31	1 110	24	93	640	393	96	62	221	25	29	56	35	205	2	519	195	220	60	475	36	66	25	83	X	5 144
2022 issued	471	104	630	87	3 222	51	128	641	1 540	38	376	642	45	166	241	169	542		552	522	1 476	239	826	85	228	85	229	X	13 335
2022 executed	38	149	189	35	1 116	29	100	688	371	70	83	122	18	24	57	37	267		X	186	192	70	477	60	60	22	80	X	4 540

The available statistics provided by Member States and compiled for **2005-2022** record a total of **249 863 issued EAWs**, of which **76 018 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)

¹³⁵ Answers to Question 1 to issuing Member States in the yearly questionnaire on quantitative information on the practical operation of the EAW.

¹³⁶ Answers to Question 4 to issuing Member States in the yearly questionnaire on quantitative information on the practical operation of the EAW.

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)
2021 – 14 789 issued – 5 144 executed (all 27 MS provided data)
2022 – 12 793 issued – 4 540 executed (no data from 1 MS – MT, and no data on execution from 1 MS – NL)