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To: Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of
the European Union

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on quantitative information on the practical operation of the European
arrest warrant – Year 2018

Delegations will find attached document SWD(2020) 127 final.

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COMMISSION STAFF WORKING DOCUMENT

**Replies to questionnaire on quantitative information on the practical operation of the
European arrest warrant – Year 2018**

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Introduction

This Commission staff working document sets out in tabular form the quantitative information relating to the practical operation of the European arrest warrant (EAW)¹ in 2018. These statistics are based on information provided by Member States to the Commission between March 2019 and October 2019, in accordance with the standard questionnaire contained in Council document 11356/13 of 24 June 2013.

Member States are requested to provide EAW statistics for a given calendar year by 1 May of the following year, as it was agreed among Member States.

From 2005 to 2013, statistics were collected and published by the Council. Following the entry into force of the Treaty of Lisbon and the expiry in December 2014 of the transitional period concerning the former third pillar instruments, the Commission is now responsible for collecting and publishing this quantitative information².

At the European Parliament's request, the Commission first undertook a revision of the standard questionnaire, in order to obtain a more comprehensive overview of the practical operation of the EAW. The revised questionnaire was discussed by Member States' delegations and agreed upon at the Working Party on Cooperation in Criminal Matters, as reflected in the above-mentioned Council document (11356/13).

The questionnaire covers quantitative information from Member States dealing with EAWs both as issuing States and as executing States³. It consists of data related to, *inter alia*, the number of EAWs issued and executed, the number of persons arrested, the types of offences covered, the reasons for refusal and the duration of the surrender proceedings. These data provide a basis for statistical analysis, enable comparisons between Member States and provide an overall picture of the operation of the EAW. This information helps improve the operation of the EAW.

Annex I sets out, in tabular form, quantitative information on the practical operation of the EAW.

Annex II contains additional information supplied by a number of Member States.

Annex III contains a table showing the aggregated number of issued and executed EAWs from 2005 to 2018.

¹ Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States, OJ L 190, 18.7.2002, p. 1. ('Framework Decision 2002/584/JHA').

² The reports covering 2014-2017 are available at https://e-justice.europa.eu/content_european_arrest_warrant-90-en.do.

³ Article 1(1) of Framework Decision 2002/584/JHA: The European arrest warrant 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.

Overview of Member States' replies

The Commission received replies from 27 of the then 28 Member States⁴. However, not all of them provided replies to every question in the standard questionnaire and some provided additional information about the reasons for omissions.

The data on the practical operation of the EAW in 2018, set out in Annex I, are thus based on the responses of 27 of the then 28 Member States.

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

Please note that statistical comparisons of data from different years may not always be accurate, since Member States' response rates vary from year to year⁵.

I. Replies by Member States as issuing States

27 Member States provided information on the number of EAWs issued (*Question 1*). They issued a total of 17,471 EAWs in 2018. In 2017, the 28 Member States issued a total of 17,491 EAWs. There is thus little difference between the two years. By way of a comparison, the 27 Member States that responded to the questionnaire covering 2014 issued 14,948 EAWs in that year.

As regards the purpose of the issued EAWs, only 18 Member States provided figures (*Question 2*). Out of these replies, 3,192 of the 8,036 EAWs issued in 2018 by these 18 Member States were issued for prosecution purposes. However, several of the Member States that provided figures, indicated that it was not possible to distinguish EAWs issued for prosecution purposes from those issued for the purpose of executing a custodial sentence or a detention order. Among the Member States, able to provide these figures for 2018, three distinct trends are discernible. Some Member States issued significantly more EAWs for prosecution purposes: Denmark (102 out of 106), Ireland (102 out of 106), Cyprus (49 out of 49), Latvia (121 out of 179), Luxembourg (119 out of 124), Malta (4 out of 4), Slovenia (100 out of 121) and Finland (72 out of 122). Others issued significantly more EAWs for the purpose of executing a sentence or a detention order: Estonia (57 out of 92), Greece (314 out of 508), Croatia (265 out of 353), Poland (1,900 out of 2,394), Romania (1,019 out of 1,067), and Sweden (162 out of 270). Other Member States issued EAWs in relatively similar proportions for both purposes.

As regards the categories of offences for which EAWs were issued, 21 Member States provided replies (*Question 3*). Following the Commission's previous request to Member States to differentiate more clearly between situations where there had not been any cases (0) and situations where no figures are available (x), several Member States made an effort to

⁴ Since 2016, Belgium has been gradually implementing a new, uniform IT system (MaCH) in its various judicial districts. During the period in question, the old and the new systems were mutually incompatible. Belgium was therefore unable to produce detailed statistics on the EAW for 2018.

⁵ The complete data on the number of issued EAWs are available only for 2015, 2016 and 2017; cf. p. 28.

give clearer answers, resulting in less ambiguity. However, certain replies were still insufficiently clear.

The replies compiled show that in 2018, as already noted for 2015 - 2017, the most commonly identified categories were: *3.5 Theft offences and criminal damage* (2,893 EAWs), *3.6 Fraud and corruption offences* (1,739 EAWs) and *3.2 Drug offences* (1,610 EAWs). However, the frequency of each of these categories of offences varies among Member States.

For terrorism offences (*3.1 Terrorism*), 300 EAWs were issued (against 241 EAWs issued in 2017). Of these 215 EAWs were issued by France alone, and 46 EAWs by Italy. Moreover, an increase in the number of issued EAWs concerning terrorism offences, already observed in 2017, is again evident in 2018.

The number of EAWs issued for crimes related to counterfeiting the Euro (*3.7 Counterfeiting the Euro*) remains proportionately low (38 EAWs, with 13 EAWs issued by France, 9 EAWs issued by Greece, and 7 EAWs issued by Estonia), but the number is steadily increasing (10 EAWs in 2016 and 27 EAWs in 2017).

As regards trafficking in human beings (*3.10 Trafficking in human beings*), 20 Member States provided figures. Of the 137 EAWs issued (against the 139 EAWs issued in 2017), France (55) and Hungary (24) together issued 79 EAWs.

Moreover, a significant proportion of the offences were categorised as *3.11 Other* (2,695 EAWs).

27 Member States provided figures concerning EAWs that resulted in the effective surrender of the person sought (*Question 4*). In total, according to these figures, 6,976 EAWs issued by Member States' judicial authorities – in 2018 or earlier – resulted in the effective surrender of the person sought. This recorded figure shows a steady increase since 2015⁶ (5,304 EAWs), 2016⁷ (5,812 EAWs) and 2017⁸ (6,317 EAWs).

As the 2017 report noted, several Member States mentioned that it was not possible to distinguish between a surrender based on an EAW transmitted in 2018 and one based on an EAW from previous years. This is likely to affect the results, depending on how Question 4 is interpreted.

II. Replies by Member States as executing States

26 Member States provided figures on the number of persons arrested under an EAW (*Question 1*). In 2018, 7,527 persons were arrested, against 7,738 arrests in 2017 in the 26 Member States that provided information for that year. The largest numbers of arrests in 2018 occurred in the United Kingdom (1,294 arrests), Spain (1,022 arrests) and Romania (719 arrests). However, Germany provided figures for SIS hits, without clarifying whether these had resulted in arrests.

⁶ However, two Member States (Italy and the Netherlands) did not provide data on the execution of EAWs.

⁷ However, three Member States (Belgium, Italy and Hungary) did not provide data on the execution of EAWs.

⁸ However, one Member State (Belgium) did not provide data on the execution of EAWs.

In the 26 Member States that provided specific figures, their executing judicial authorities initiated 7,992 surrender proceedings (*Question 2*). The total number of initiated surrender proceedings fell compared with 2016 (8,137 reported by 25 Member States) and 2017 (8,801 reported by 26 Member States).

In 2018, 6,868 persons were effectively surrendered according to figures provided by 27 Member States (*Question 3*), against 7,004 in 2017. However, as noted in the 2017 and 2016 reports, caution is needed in analysing this proportion with regard to *Question 1*, as 27 Member States provided figures in response to *Question 3* on effective surrender, while only 26 provided figures in response to *Question 1* on arrests.

As regards the 23 Member States that provided statistics on consent, 54.5% of the persons they effectively surrendered in 2018 consented to their surrender (2,939 out of 5,393 persons surrendered by these Member States), against 62.96% in 2017 (*Question 4* with reference to *Question 3*).

22 Member States provided information on the duration of the procedure in cases where the requested person consented to the surrender⁹ (*Question 5*). For these Member States, in this case, the surrender procedure took an average of 16.41 days after the arrest (14.99 days in 2017). The highest averages reported in some Member States were higher than in 2017. In 2018, the highest average reported by the Member States was 43 days for Denmark – which explicitly noted that a few cases took a very long time to process, pushing the average up significantly – and 38 days for Slovakia. The average duration of the surrender procedure when the requested person consented was still 1 day in Malta, as in 2017, 3.5 days in Luxembourg (1 day in 2017); and 4 in Hungary (2 days in 2017), according to the statistics provided by these Member States.

When a requested person did not consent to the surrender¹⁰, the procedure lasted on average 45.12 days in the 22 Member States which provided figures, compared with 40.13 days in 2017, and 50.4 days in 2016 (*Question 6*). In some Member States, it is worth noting, the average duration of surrender proceedings fluctuates from year to year¹¹.

As already observed in the previous reports, the Netherlands provided figures on the proportions of decisions taken within 60 days, between 60 and 90 days, and after 90 days. Ireland differentiated the figures according to the type of proceedings concerned. As regards the figures from other Member States, the longest average durations reported were 90 days

⁹ Article 17(2) of Framework Decision 2002/584/JHA: In cases where the requested person consents to his surrender, the final decision on the execution of the European arrest warrant should be taken within a period of 10 days after consent has been given.

Article 17(4) of Framework Decision 2002/584/JHA: Where in specific cases the European arrest warrant cannot be executed within the time limits laid down in paragraphs 2 or 3, the executing judicial authority shall immediately inform the issuing judicial authority thereof, giving the reasons for the delay. In such case, the time limits may be extended by a further 30 days.

¹⁰ Article 17(3) of Framework Decision 2002/584/JHA: In other cases, the final decision on the execution of the European arrest warrant should be taken within a period of 60 days after the arrest of the requested person. Article 17(4) of Framework Decision 2002/584/JHA: Where in specific cases the European arrest warrant cannot be executed within the time limits laid down in paragraphs 2 or 3, the executing judicial authority shall immediately inform the issuing judicial authority thereof, giving the reasons for the delay. In such case, the time limits may be extended by a further 30 days.

¹¹ Please compare with the previous reports available at:

https://e-justice.europa.eu/content_european_arrest_warrant-90-en.do.

(Italy and Portugal) and 60 days (Latvia and Cyprus). The lowest average durations reported for 2018 in such cases were 12.5 days (Luxembourg) and 20 days (Romania).

The execution of an EAW was refused in 879 cases in the 26 Member States that provided figures (*Question 7*). This recorded aggregate figure has increased since 2017 (796 refusals for 24 Member States) and 2016 (719 refusals for 25 Member States).

27 Member States provided specific replies to questions on the reasons for refusals (against 23 Member States in 2017). The figures provided show that – as in 2017 – the most common ground for refusal to surrender was Article 4(6)¹² of Framework Decision 2002/584/JHA (*Question 7.9*), covering a total of 204 EAWs (229 in 2017).

The grounds for mandatory non-execution (Article 3; *Questions 7.1–7.3*)¹³ were still rarely applied in these Member States.

11 Member States reported a total of 119 refusals based on failure to meet the requirements applicable to trials *in absentia* as provided for by Article 4a¹⁴ of Framework Decision 2002/584/JHA (*Question 7.11*). The Netherlands reported the highest figure (65 refusals).

Only 1 refusal based on privileges or immunities was reported for 2018 (Finland) (*Question 7.16*). 4 Member States reported a total of 8 cases of refusal based on priority given to a conflicting request (*Question 7.19*).

Fundamental rights issues led to 82 refusals reported by 5 Member States (76 in Germany) (*Question 7.20*). By way of a comparison, 7 Member States reported 109 cases in 2017.

Moreover, 15 Member States reported a total of 134 cases in which other reasons for refusal were applied (*Question 7.21*).

The 90-day time limit¹⁵ was exceeded in 446 cases, according to the figures provided by 23 Member States (*Question 8.1*). This figure is higher than the total reported for 2017 (358 for 22 Member States). A comparison with the total number of surrender proceedings initiated in 2018 (*Question 8.1* with reference to *Question 2*) by these 23 Member States (7,565) suggests that this time limit was exceeded in roughly 5.9% of these surrender proceedings (compared to 4.32% in 2017 – 358 out of 8,276 cases in the 22 Member States that provided figures in response to both *Question 2* and *Question 8.1*). However, Eurojust was informed in only 75 cases, according to figures provided by 21 Member States (*Question 8.2*). The number of cases reported to Eurojust was slightly lower in 2017 (66 cases) according to

¹² Article 4(6) of Framework Decision 2002/584/JHA: The executing judicial authority may refuse to execute the European arrest warrant: if the European arrest warrant has been issued for the purposes of execution of a custodial sentence or detention order, where the requested person is staying in, or is a national or a resident of the executing Member State and that State undertakes to execute the sentence or detention order in accordance with its domestic law.

¹³ E.g. Article 3(2) of Framework Decision 2002/584/JHA, *ne bis in idem*.

¹⁴ Article 4a was inserted by Council Framework Decision 2009/299/JHA of 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.

¹⁵ Article 17(4) of Framework Decision 2002/584/JHA: Where in specific cases the European arrest warrant cannot be executed within the time limits laid down in paragraphs 2 or 3, the executing judicial authority shall immediately inform the issuing judicial authority thereof, giving the reasons for the delay. In such case, the time limits may be extended by a further 30 days.

figures provided by 21 Member States. It should be noted that Ireland reported to Eurojust all cases in which the 90-day time limit was exceeded (63 cases).

In the 22 Member States, which answered *Question 8.3*, the reason for not surrendering the requested person was non-compliance with the time limits prescribed by Article 23(2) of Framework Decision 2002/584/JHA in 56 cases (44 cases in 2017). The requested persons were released in 9 cases according to figures provided by 21 Member States (23 cases in 15 Member States in 2017) (*Question 8.4*).

The execution of an EAW concerned a national or a resident of the executing Member State in 1,575 cases in the 25 Member States that provided figures in 2018 (1,550 cases in 22 Member States in 2017) (*Question 9*). A comparison with the total number of persons effectively surrendered by these Member States in 2018 (6,449, *Question 3*) suggests that the execution of an EAW involves own nationals or residents in about 24.42% of cases. This proportion has changed little since 2016 (25.98% in 2016).

Out of the 22 Member States that provided figures, a guarantee related to the review of life-term imprisonment was requested in 14 cases in 5 Member States (*Question 10*).

Annex I – Replies to the questionnaire on quantitative information on the practical operation of the European arrest warrant –

Year 2018

“0” = Zero cases reported by the Member State concerned.

“X” = No data available in the Member State concerned.

I. Questions to Member States as issuing States

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

	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
x	478	667	106	3783	508	92	508	824	1311	106	353	1362	49	179	288	124 ¹⁶	1042	4	787	662	2394	321	1067	121	275	122	270	176

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

	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
x	x	308	102	x	x	35	194	x	947	102	88	x	49	121	174	119	x	4	x	x	494	x	48	100	127	72	108	x

¹⁶ Note from the Commission: as regards figures provided by LU, the total number of EAWs issued in 2018 (124) does not match the sum of the EAWs issued in the various categories of offences (128).

3.4. Firearms/explosives

3. Where possible, please advise how many EAWs issued this year were for the following categories of offence?

3.1. Terrorism

	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
x	x	7	1	x	0	6	24	215	0	0	46	0	0	0	0	1	0	0	x	x	0	x	0	0	0	0	0	0

3.2. Drug offences

	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
x	x	57	16	x	16	66	196	236	18	31	324	4	45	34	5	36	0	x	x	421	x	x	6	16	42	19	22	

3.3. Sexual offences

	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
x	x	9	3	x	2	18	47	72	18	6	161	0	4	3	3	10	1	x	x	48	x	x	2	5	17	7	36	

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
x	x	0	1	x	1	21	6	13	1	2	15	4	2	12	x	6	0	x	x	30	x	x	0	0	0	7	6

3.5. Theft offences and criminal damage

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
x	x	160	38	x	32	124	71	278	3	80	441	11	62	62	104	147	1	x	x	907	x	x	38	69	26	22	114

3.6. Fraud and corruption offences

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
x	x	113	3	x	9	45	96	100	0	87	80	10	12	50	9	363	0	x	x	598	x	x	30	44	27	24	39

3.7. Counterfeiting the Euro

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
x	x	0	0	x	0	7	0	13	0	9	x	0	0	1	x	3	0	x	x	4	x	x	0	1	0	0	x

3.8. Homicide/Fatal offences

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
x	x	6	7	x	1	35	42	51	3	36	x	13	3	15	1	11	1	x	x	25	x	x	0	2	1	3	10

3.9. Non-fatal offences against the person

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
x	x	28	24	x	10	30	18	83	0	3	80 ¹⁷	0	14	19	1	9	1	x	x	511	x	x	10	5	7	32	28

3.10. Trafficking in human beings

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
x	x	0	0	x	0	11	6	55	1	2	3	1	0	1	x	24	0	x	x	8	x	x	3	1	1	2	17

3.11. Other

¹⁷ IT: "80 (including homicide/fatal offences)".

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
x	x	287	13	x	28	185	318	301	62	88	212	6	47	91	4	x	x ¹⁸	x	x	867	x	x	30	132	3	17	4

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

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
x	201	403	43	1185	45	79	268	396	61	195	342	12	63	175 ₁₉	64	214	2	327	319	1428	118	639 ₂₀	53	31	59	69	185

¹⁸ MT: “Forgery of Documents and use thereof”.

¹⁹ LT: “175 (126 for the purpose of prosecution and 49 for the purpose of execution of the custodial sentence)”.

²⁰ RO: “639 (No distinction is made between surrenders resulting from the EAWs transmitted in 2018 and those resulting from EAW transmitted earlier)”.

II. Questions to Member States as executing States

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

	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
x	278	361	58	x ²¹	32	181	1022	572	127	309	435	31	19	119 ₂₂	39	308	10	746	97	368	106	719	76	82	18	120	1294	

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

	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
x	237	406	80	1484	30	156	121 ₂	398	72	728	28	11	111	44	308	10	928	206	412	106	722	78	82	24	116	x		

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

	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
x	183	258	43	1240	23	124	862	412	65	162	310	28	23	91	28	266	10	507	109	275	58	677	60	56	23	102	873	

²¹ DE: "In 2018, searches carried out by SIS Member States resulted in 1698 hits on alerts under Article 26 of the Council Decision on SIS II (ex Article 95 of CISA) for EU Member States (77 were hits for the associated countries of Norway, Iceland, Switzerland and Liechtenstein). Moreover, five people were arrested on the basis of search requests by INTERPOL States applying the EAW but not participating in the SIS (Ireland and Cyprus). One person was arrested as a result of targeted requests from other Schengen States via INTERPOL. However, no distinction can be made between actual arrests and simply establishing the whereabouts of the wanted person in cases where the alert was flagged".

²² LT: "119 (detention was applied in 101 instances, in other cases milder measures of constraint were applied or a person has already been arrested in a domestic criminal case)".

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

	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
x	x	137	23	626	20	75	396	22	261	22	56	x	20	17	80	20	182	7	66	x	159	34	592	40	38	11	57	x

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)?

	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
x	x	26	43 ²³	21, 13	7	22, 5	12	16	16	x ²⁴	21, 82	x	15	10	13	3,5	4	1	12	x	21	10, 9	15	4,2	38	30	14	x

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)?

	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
x	x	47	45	42,5 9	25	53,4 4	26	44	44	x ²⁵	54,3	90	60	60	28	12,5	47	47	x ²⁶	x	26	90	20	40	53	46	36	x

²³ Note from the Commission: Please see DK general comments at the end of the document.

²⁴ IE: "Consented at arrest hearing - 10 days; Consented at notional hearing - 21 days; Contested initially but eventually consented - 247 days".

²⁵ IE: "General proceedings - 80 days; Where additional information was required - 251 days; Where individuals absconded - 712 days; Where domestic matters delayed proceedings - 238 days; Where CJEU references delayed proceedings - 529 days".

²⁶ NL: "Out of the 674 decisions on surrender: 79 decisions were taken within 60 days, 237 decisions were taken between 60 and 90 days, 253 decisions were taken after the time limit of 90 days expired. Finally 105 decisions related to persons already detained for a Dutch criminal case or on the bases of another EAW, where the time limit of Article 17 does not run".

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

	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
x	25	20	2	226	2	27	49	99	12	3	56	0	5	3	2	26	0	155	7	97	2 ²⁷	42	10 ₂₈	1	1	7	x	

In how many cases this year was the refusal for the following reasons?

7.1. FD Article 3.1

	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
x	0	0	0	0	1	0	0	0	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

7.2. FD Article 3.2

	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
x	1	0	0	0	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0	3	0	0	1	0	0	0	0	

²⁷ PT: “refused to execute an EAW in 2 cases on the basis of Article 4(2) and Article 4(6). This led to the withdrawal of the EAW in both cases”.

²⁸ Note from the Commission: SI listed 10 refusals, but provided detailed figures for each category of refusal for a total of 13.

7.3. FD Article 3.3

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
x	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	0	0	0	0	0	0

7.4. FD Article 4.1

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
x	1	2	0	1	0	0	0	2	3	0	7	0	2	1	0	9	0	5	1	19	0	0	0	1	0	2	0

7.5. FD Article 4.2

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
x	0	0	0	1	0	0	0	1	0	0	1	0	0	0	0	2	0	0	4	6	0	0	1	0	0	0	0

7.6. FD Article 4.3

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
x	0	0	0	6	0	0	0	0	0	0	0	0	0	0	1	1	0	0	0	4	0	0	0	0	0	0	0

7.7. FD Article 4.4

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
x	0	3	0	12	0	2	0	1	0	0	3	0	1	0	0	2	0	0	0	2	0	2	4	0	0	1	0

7.8. FD Article 4.5

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
x	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0

7.9. FD Article 4.6

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
x	0	5	0	27	0	2	39	13	0	0	29	0	2	0	1	6	0	24	0	29	2	23	2	0	0	0	

7.10. FD Article 4.7

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
x	0	0	0	19	0	15	4	2	0	0	10	0	0	0	0	0	0	0	0	14	0	2	0	0	0	0	

7.11. Trial in the absence of the accused without meeting requirements (FD Article 4a as inserted by FD 2009/299/JHA)

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
x	3	4	2	28	0	0	0	6	7	0	0	0	0	0	0	1	0	65	0	1	0	1	0	0	0	1	0

7.12. Lack of guarantee of review in respect of life sentence (FD Article 5.2)

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
x	0	0	0	0	0	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

7.13. Lack of guarantee of return of national/resident to serve sentence (FD Article 5.3)

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
x	17	0	0	6	1	0	0	1	0	0	0	0	0	0	0	1	0	0	0	1	0	0	1	0	0	0	0

7.14. EAW content is not in conformity with FD requirements (FD Article 8)

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
x	1	0	0	15	0	0	0	1	0	0	0	0	0	0	0	0	0	9	0	3	0	3	1	0	0	0	0

7.15. Lack of requested additional information (FD Article 15.2)

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
x	0	0	0	0	0	0	0	4	1	0	2	0	0	0	0	0	0	0	1	3	0	2	2	0	0	0	0

7.16. Privilege or immunity (FD Article 20)

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
x	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0

7.17. Maximum penalty no more than 12 months (FD Article 2.1)

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
x	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0

7.18. Sentence of less than 4 months (FD Article 2.1)

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
x	0	0	0	1	0	0	0	2	0	0	0	0	0	0	1	1	0	0	1	0	0	0	0	0	0	0	0

7.19. Priority of a conflicting request (FD Article 16.1, 16.3 and 16.4)

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	
x	0	0	0	4	0	0	0	2	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1	0

7.20. Fundamental rights (FD Article 1.3)

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	
x	0	0	0	76	0	0	0	2	0	0	0	0	0	2	0	1	0	0	0	0	0	0	0	0	0	0	1	0

7.21. Other

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
x	2	6	0	30	1	8	0	9	1	3	4	0	0	x ²⁹	0	1 ³⁰	0	52	0	7	0	8 ³¹	1	0	0	1	0

²⁹ LT: “In 13 cases execution was postponed due to the fact that a request person serves a sentence following the national criminal procedure, and in 2 instances EAW was withdrawn (because the person agreed to arrive before the court himself, EAW was changed into the transfer of criminal procedure)”.

³⁰ HU: “1 (FD Article 28.3.d)”.

³¹ RO: “Withdrawn (7), humanitarian reasons/state of health (1)”.

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 FD?

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	
x	0	15	7(4)	77	0	5	9	7	63	5	x	0	x	0	0	0	0	253	x	0	0	4	1	0	0	0	0	x

8.2. In how many of the cases in 8.1 above was Eurojust informed (Article 17.7 FD)?

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	
x	0	7	0	0	0	4	x	0	63	0	x	0	x	0	0	0	0	x	x	0	0	1	0	0	0	0	0	x

8.3. In how many cases this year did the surrender not take place because of non-compliance with the time limits imposed by Article 23.2 FD?

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
x	0	2 ³²	0	0	0	1	3	12	0	0	x	1	x	0	0	0	0	0 ³³	x	6	0	31	0	0	0	x	x

³² CZ: "Execution of the surrender was postponed".

³³ NL: "In 116 cases there was a reason for postponement of the surrender (Article 24)".

8.4. In how many of the cases in 8.3 above was the person released according to Article 23.5 FD?

	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
x	0	0	0	0	0	0	1	x	3	0	0	x	1	x	0	0	0	0	0	x	1	1	2	0	0	0	x	x

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?

	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
x	0	126	2	5	20	24	17	49	20	27	27	x	0	18	85	11 ³⁴ 34	91	0	158	x	163	20	659	7	51	3	2	17

10. In how many cases this year did the judicial authorities of your Member State request a guarantee under Article 5.2 of the FD?

	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
x	0	0	0	0	0	0	0	0	x	2	2	0	0	1	1	0	0	0	0	x	8	x	x	2	x ³⁵	0	0 ³⁶	0

³⁴ LU: “11 cases (4 nationals and 7 residents)”.

³⁵ SK: “Not applicable”.

³⁶ SE: “Sweden does not require a guarantee as provided for in article 5”.

Annex II – Other information provided by several Member States

BULGARIA

In 2 cases the Bulgarian court postponed the surrender of the persons due to pending criminal proceedings (Article 24, Framework Decision 2002/584/JHA). In 3 cases the EAW has been withdrawn by the issuing Member State.

With regard to question 7.11 the 3 cases concern 6 EAWs, 4 of which were issued against the same person.

CZECH REPUBLIC

Except items 1 and 8.2 in the second part of the questionnaire the statistical data were provided by the Ministry of Justice of the Czech Republic from the statistical monitoring of the courts and public prosecution offices.

DENMARK

Under section 5 regarding the average time from the arrest to the decision to surrender, in cases where the person consented to transfer, it should be noted that a few cases took a very long time processing since we had to ask for information regarding prison conditions and information on judgments rendered in absentia. The average time without these special cases were 16 days from the arrest to the decision to surrender.

Please note that the numbers provided for this questionnaire has been counted manually and therefore minor inaccuracies can occur.

GREECE³⁷

Clarifications provided by the Public Prosecutor's Office at the Thessaloniki Court of Appeal:

As regards the scope of Council Framework Decision 2008/909/JHA of 27 November 2008, it has been known for a foreign judicial authority that issued a European Arrest Warrant and assured the Greek authorities that the individual concerned would return to Greece to serve a sentence imposed by the foreign court to request — despite that assurance — that a surrender procedure be carried out under Council Framework Decision 2008/909/JHA (on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union) rather than under Council Framework Decision 2002/584/JHA of 13 June 2002 on the European Arrest Warrant.

There have also been cases where foreign authorities have refused to execute a European Arrest Warrant issued by a Greek authority citing reasons not provided for in the relevant legislation, in particular the residence of the individual concerned, his/her 'protected right' to social rehabilitation in the foreign country, the fact that he/she is gainfully employed or has no criminal record, or the lack of consent for his/her extradition.

NETHERLANDS

An overview of the EA W's the Netherlands received in 2018 from:

Poland	307
Belgium	239
Germany	173
France	31
Italy	29
UK	23
Hungary	19

³⁷ Translation into English provided by the Commission.

Latvia	17
Austria	11
Romania	11
Finland	10
Spain	8
Luxembourg	7
Portugal	6
Lithuania	7
Czech Republic	5
Bulgaria	5
Denmark	4
Sweden	4
Croatia	3
Slovenia	2
Ireland	2
Estonia	2
Slovakia	1
Greece	1
Cyprus	1
Total	928

Annex III – Overview of the number of issued and executed European arrest warrants 2005–2018

European arrest warrants in Member States – Number of issued European arrest warrants (“issued”) and the number of European arrest warrants that resulted in the effective surrender of the person sought (“executed”) based on statistics provided to the Council (2005–2013) and the Commission (2014–2018) by Member States³⁸

	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 issued ³⁹			4	64		38	38	519	1914	29		121	44	44	500	42	42	1	373	975	1448	200		81	56	86	144	131	6894	
2005 executed ⁴⁰			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	1552	43			20	65	538	35	115	4	325	391	2421	102		67	111	69	137	129	6889	
2006 executed			125	19		15	4	62	237	20			2	14	57	22	55	3	47	67	235	52		14	23	37	27	86	1223	
2007 issued			435		1785	31	83	588	1028	35			20	97	316	44	373	3	403	495	3473	117		856	54	208	84	170	185	10883
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	2221
2008 issued			494	52	2149	46	119	623	1184	40			16	140	348	40	975	2	392	461	4829	104		2000	39	342	107	190	14910	
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	3078
2009 issued	508		439	96	2433	46	116	489	1240	33			17	171	354	46	1038	7	530	292	4844	104		1900	27	485	129	263	15827	
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	4431
2010 issued	553	280	552	85	2096	74	132	566	1130				29	159	402	32	1015	16			3753	84		2000	30	361	116	169	257	13891
2010 executed	57	120	97	42	835	29	33	97	424				4	48	79	14	231	1			929			855	4	164	49	65	116	4293
2011	600		518	128	2138	67		531	912	71			26	210	420	60		15			3089	193			53	350		198	205	9784

³⁸ 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; the Commission’s documents: SWD (2017) 319 final; SWD (2017) 320 final; SWD(2019) 194 final and SWD(2019) 318 final.

³⁹ Answers to question 1 to issuing Member States in the yearly questionnaire on quantitative information on the practical operation of the EAW.

⁴⁰ Answers to question 4 to issuing Member States in the yearly questionnaire on quantitative information on the practical operation of the EAW.

2008 – 14910 issued – 3078 executed (no data from 3 MS – BE, BG, IT, and no data on execution from 1 MS – NL)
2009 – 15827 issued – 4431 executed (no data from 2 MS – BG, IT)
2010 – 13891 issued – 4293 executed (no data from 4 MS – IE, IT, NL, AT, and no data on execution from 1 MS – PT)
2011 – 9784 issued – 3153 executed (no data from 8 MS – BG, EL, IT, HU, NL, AT, RO, FI)
2012 – 10665 issued – 3652 executed (no data from 9 MS – BG, EL, IT, LV, HU, NL, RO, SI, UK)
2013 – 13142 issued – 3467 executed (no data from 6 MS – BG, EL, IT, LU, HU, UK)
2014 – 14948 issued – 5535 executed (no data from 1 MS – IT, and no data on execution from 1 MS – FI)
2015 – 16144 issued – 5304 executed (no data on execution from 2 MS – IT, NL)
2016 – 16636 issued – 5812 executed (no data on execution from 3 MS – BE, IT, HU)
2017 – 17491 issued – 6317 executed (no data on execution from 1 MS – BE)
2018 – 17471 issued – 6976 executed (no data from 1 MS – BE)