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NOTE

From: Presidency
To: Delegations

No. prev. doc.: 11808/19

Subject: Agreement of 28 June 2006 on the surrender procedure between the Member States of the European Union and Iceland and Norway
- Practical matters following the entry into force on 1 November 2019

On 1 November 2019, the EU-Iceland-Norway Surrender Agreement ¹ entered into force (see OJ L 230, 6.9.2019, p.1).

The notifications and declarations that have been presented in relation to the Agreement by the EU Member States, and by Iceland and Norway, are set out in 11808/19.

The Arrest Warrant, annexed to the Surrender Agreement, is available in all EU languages and can be found on the website of the European Judicial Network (see <https://www.ejn-crimjust.europa.eu/ejn/libdocumentproperties/EN/2177>). The Icelandic and Norwegian language versions will be available on the same website soon.

¹ OJ L 292, 21.10.2006, p. 2. See also the EJN website, which equally contains the declarations and notifications: <https://www.ejn-crimjust.europa.eu/ejn/libcategories/EN/103/-1/-1/-1>

The Presidency considers it useful to have an exchange of views about the practical operation of the Agreement in the presence of colleagues of Iceland and Norway.

The Presidency is in particular interested to know how the competent authorities deal with the issue of *in absentia* judgments. While Framework Decision 2002/584/JHA on the European Arrest Warrant, including the form of the European Arrest Warrant, was modified by Framework Decision 2009/299/JHA on decisions rendered in the absence of the person concerned at the trial, no such modification was made regarding the Surrender Agreement. Hence, there is a discrepancy between FD 2002/584/JHA and the Surrender Agreement as regards the *in absentia* rules.

Should any (practical) measure be taken in this regard? Is there anything else that could or should be done?

Delegations could also raise any other issue, e.g. as regards competent (issuing and executing) authorities.
