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This Circular is about:

**IMPLEMENTATION OF THE
EUROPEAN UNION
EXTRADITION REGULATIONS
2002**

**From: JUDICIAL CO-OPERATION
UNIT**

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(Bow Street Magistrates' Court)
Court Officers
(Bow Street Magistrates' Court)
Scottish Executive
Scotland Office
Scottish Crown Office
Northern Ireland Office
Metropolitan Police Service
(Extradition Squad)
HM Customs & Excise
Inland Revenue
Serious Fraud Office

Dear Sir/Madam

HOME OFFICER CIRCULAR 10/2002

IMPLEMENTATION OF THE EUROPEAN UNION EXTRADITION REGULATIONS 2002

A: INTRODUCTION

A.1 The European Union Extradition Regulations 2002 implement the provisions of two European Union Conventions on extradition. These are: the 1995 Convention on Simplified Extradition Procedures Between Member States of the European Union ("the 1995 Convention" and the 1996 Convention on Extradition ("the 1996 Convention"). The Regulations were approved by Parliament on 19 December 2001, and will come into force, between the United Kingdom and those other Member States that have implemented the Conventions, on 20 March 2002. A notice will be placed to that effect in the London, Edinburgh and Belfast Gazettes. A copy of the Regulations is being sent to all addressees of this Circular.

2. The other Member States who will be part of the Convention regime with the United Kingdom, as of 20 March 2002, are: Austria, Denmark, Finland, Germany, Greece, Luxembourg, Netherlands, Spain, Sweden and Portugal; and, for the 1996 Convention only, Belgium.

3. Although Ireland is a party to the Conventions, these Regulations do not apply to extradition in either direction between the UK and Ireland as such extradition continues to be regulated by the Backing of Warrants (Republic of Ireland) Act 1965. However, Ireland is now, for the first time, about to consider extradition requests for fiscal offences. Our equivalent legislation, enabling us to consider similar requests from them, will also come into force on 20 March 2002. Accordingly, a note on the coming into force of this fiscal offences provision is also included within this Circular.

4. These Regulations do not yet apply to France and Italy, who have yet to ratify either Convention. That part of the Regulations relating to simplified extradition procedures under the 1995 Convention does not yet apply to Belgium, who have yet to ratify that Convention. It is understood that France and Belgium will probably complete their ratification procedures by 30 June 2002. In respect of each of the three countries, if and when they ratify each Convention, the Regulations will then apply to extradition arrangements with them. A notice will be placed in the London, Edinburgh and Belfast Gazettes indicating that ratification has taken place and setting out their respective declarations, statements and reservations.

5. Although they are not EU Member States, it is possible that Norway and Iceland may become parties to the Conventions in the future and at the point when the Conventions come into force in respect of them, the Regulations will apply. Again a notice will be placed in the Gazettes indicating that ratification has taken place and setting out their respective declarations, statements and reservations.

6. It is currently anticipated that action will be needed in 2003 in order to implement the Framework Decision on the European Arrest Warrant which would replace the Convention regime in respect of European Union Member States and other States that decide to implement it. Further guidance will be issued in advance of such implementation.

Contents

7. Part B of this Circular describes the Articles of the 1995 Convention, and Part C describes those of the 1996 Convention. Part D is a flowchart setting out the timetable for procedures under the 1995 Convention. Part E is a table of the declarations, statements and reservations made by those States that have ratified the 1995 Convention to date; and Part F is a similar table for those States that have ratified the 1996 Convention to date. Part G (to be issued to recipients within the near future) will contain the drafts of the forms needed to implement Articles 6 and 7 of the 1995 Convention. Finally, Part H is the note on the coming into force, also on 20 March 2002, of extradition for fiscal offences between the UK and Ireland.

Scotland

8. The guidance contained in this circular does not cover Scotland. Although the procedures in Scotland will be more or less identical, the relevant authorities are different. Accordingly the Scotland Office will in due course issue similar guidance referring to the relevant authorities in Scotland.

Legal status of the Circular

9. We hope that the non-statutory guidance in this circular will help to secure the appropriate application of the legislation, while recognising that only the courts can give a binding interpretation where a point of law is involved.

Further information

10. A copy of this circular will be placed on the Home Office website. A copy of the European Union Extradition Regulations 2002 (S.I.2002/419), made on 25 February 2002, can be found on:- www.legislation.hmso.gov.uk/acts.htm

11. We have consulted key stakeholders in the preparation of this guidance. Nevertheless, please contact us if you feel that any areas are not clear or would benefit from further guidance. The contact points are:

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Extradition Section

JCU
13 March 2002

B: 1995 CONVENTION ON SIMPLIFIED EXTRADITION PROCEDURES BETWEEN MEMBER STATES OF THE EUROPEAN UNION (“THE 1995 CONVENTION”)

ARTICLE 1 – GENERAL PROVISIONS

B.1.1 This Article simply sets out the aim of the 1995 Convention. This is “to facilitate the application” of the European Convention on Extradition by supplementing its provisions. It will not supersede the application of more favourable bi-lateral and multi-lateral agreements in force between Member States eg the UK’s arrangements with Ireland under the Backing of Warrants (Republic of Ireland) Act 1965.

Practical implementation

1.2 None.

Legislative amendment

1.3 None.

ARTICLE 2 – OBLIGATION TO SURRENDER PERSONS

B.2.1 This Article is a declaration that Member States will use the simplified procedures of the Convention subject to the consent of the persons sought for extradition and the agreement of the requested State.

Practical implementation

2.2 None.

Legislative amendment

2.3 None.

ARTICLE 3 – CONDITIONS FOR SURRENDER

B.3.1 This Article is to the effect that the simplified procedures will apply in provisional arrest cases as described in Article 16 of the European Convention on Extradition (ECE) and that, when applied, no formal requisition will be required as described in Article 12 of the ECE.

Practical implementation

3.2 None.

Legislative amendment

3.3 None.

ARTICLE 4 – INFORMATION TO BE PROVIDED

B.4.1 Article 4 describes the information that should be provided by the requesting State. This is the same as that which the UK already requires to be supplied for the purposes of the ECE.

Practical implementation

4.2 None.

Legislative amendment

4.3 None.

ARTICLE 5 – CONSENT AND AGREEMENT

B.5.1 This is a simple declaration that the consent of the arrested person requires to be given in accordance with the terms of the following two Articles, and that the requested state shall give its agreement in accordance with its national procedures.

Practical implementation

5.2 None.

Legislative amendment

5.3 None.

ARTICLE 6 - INFORMATION TO BE GIVEN TO A PERSON

B.6.1 This Article requires the competent authority to inform the arrested person of the request relating to him and of the possibility of his consent to surrender under the simplified procedure. **The competent authority for consent to be given to is the court of committal.**

Practical implementation

6.2 It is already current practice to advise the arrested person of the extradition request. **The court of committal** must now, **as soon as possible and before committing the person**, inform the person that he may consent to return under the simplified procedure – see also implementation of Article 7 below.

Legislative amendment

6.3 Paragraph 5 of Schedule 9 to the Regulations inserts a new Schedule 1A to the 1989 Act. Paragraph 4 of new Schedule 1A inserts a new subsection, Section 9(3A)(a) into the 1989 Act requiring the court of committal to give this information.

ARTICLE 7 – ESTABLISHING CONSENT

B.7.1 Article 7 states that the consent of the arrested person and, if appropriate, his express renunciation of entitlement to the specialty rule, must be given before a competent *judicial authority* in the requested State.

7.2 Consent and renunciation must be established in such a way as to show that the person has expressed them voluntarily and in full awareness of the consequences; and must be recorded. Accordingly, the person must have a right to legal counsel; in the UK, legal aid is already available in such cases, to ensure the right to legal counsel.

7.3 Consent and renunciation may not be revoked, although it is possible for Member States to make declarations in accordance with Article 7 that would enable consent and renunciation to be revoked.

7.4 Because of the UK's position on Article 9, below, that consent to extradition automatically entails a renunciation of entitlement to the specialty rule, it is only necessary to cater for consent being given in accordance with Article 7.

Practical implementation – incoming requests

7.5 Following on from the court of committal advising the person of the possibility of giving consent (as at Article 6 above), this requires:

- **the court of committal**, as soon as practicable, and before committing the person under Section 9 of the 1989 Act, to explain the effects of their consent, and the procedure that will apply if they do consent; and
- **the court of committal** to explain that consent needs to be given in writing and is irrevocable

7.6 If a person who **has not been committed** decides to give consent, he must give it to the **court of committal**.

7.7 A person who decides to give his consent **after he has been committed** must give their consent to **the Secretary of State**. Whilst the Secretary of State is not, strictly speaking, a *judicial authority*, the UK has made a reservation to cover this (and the Scottish Ministers, for Scotland).

7.8 New forms will be made available, under the forthcoming Magistrates Courts (Extradition) Rules 2002, for the greater ease of fulfilling this Article (equivalent forms and procedures will apply in Scotland). Guidance as to the interim period before these Rules come into force is given under the heading of “Legislative amendments”, below.

Practical implementation – outgoing requests

7.9 **Prosecuting authorities should note:** Denmark, Finland and Sweden have all

made declarations in accordance with Article 7 that would enable consent and renunciation to be revoked, in cases where they are the requested States.

Legislative amendments

7.10 Paragraph 4 of the new Schedule 1A, already referred to 2002 Regulations have inserted new subsections, Section 9(3B)(b)and(c), into the 1989 Act, setting out to whom consent is to be given. New Section 9(3A)(b) requires the explanation of the effects of, and procedures for, consent to be given. New Section 14A, inserted by paragraph 5 of Schedule 1A, confirms that consent is to be given in writing and is irrevocable.

7.11 The new forms (Part F) will be implemented as the Magistrates Courts (Extradition) Rules 2002, an Order amending paragraphs 5 and 6 of the Magistrates Courts (Extradition) Rules 1989, which will come into force soon after the Regulations themselves.

7.12 The following procedures should be observed in the period between the coming into force of the European Union (Extradition) Regulations 2002 on the 20th March and the coming into force of the Magistrates Courts (Extradition) Rules 2002:

7.13 Should anyone consent during this period, then they should do so in writing as it states in the new section 14A(3) of the Extradition Act. The person should be told:

- That he may consent to his return
- The effect of that consent and the procedure that will apply if he gives such consent
- That the consent is irrevocable
- That he will also be able to consent after committal
- What specialty considerations apply

7.14 If the forms are agreed before the 20th March then it will be permissible to use the draft forms as a means for fugitives to consent (even though it will be two or three working weeks before they legally come into force).

7.15 The Court will thus be able to distribute these forms, which set out the consequences of consenting, and should inform the fugitive that this is the most convenient way of consenting. Upon agreement to return the fugitive will be able to sign the new form although, until coming into force, there would be no obligation for the fugitive to use it as his means of written consent.

7.16 Although the forms will not be Statutory Instruments for a period of approx. 10-15 days after 20th March 2002, they will still provide the fugitive with the most convenient avenue of consent.

ARTICLE 8 – NOTIFICATION OF CONSENT

B.8.1 This Article requires the requested State “immediately” to notify the requesting State of the consent of the person. So that the requesting State may know for sure whether or not that consent has been given, the requested State must notify it, no later than 10 days after provisional arrest, whether or not the person has given consent. This leaves the requesting State still with 30 days, out of the 40 required under the ECE, in which to make a formal request for the person.

8.2 Where the UK is the requested State, notification will be carried out by the Home Office as the central authority. It is the Home Office that has the obligation to give the requesting State the information needed to fulfil Article 8.

Practical implementation

8.4 Current procedures are that the court of committal will see the person on the first day and then again on the seventh. There is no need to timetable in an additional court appearances on the 10th day in order to meet the requirements of this Article. Clearly, however, when a person indicates that they wish to give consent they will normally be brought before the district judge or sheriff.

Between the 1st and 10th day after provisional arrest:

8.5 If the person gives his written consent to the court of committal **at any time**, whether or not at a scheduled court appearance, **the court of committal must inform the Home Office immediately by fax** and the Home Office will immediately pass the information on to the requesting State.

On the 10th day after provisional arrest:

8.6 If the person has not given consent up to the tenth day, or if the Home Office has not yet been informed of a consent just given, it is recommended that **the court of committal informs the Home Office by fax on the morning of the tenth day as to whether or not the person has given consent**. If the Home Office does not hear that the person has given consent then it will assume that consent has not been given and will inform the requesting State accordingly by the afternoon of the tenth day.

Between the 10th and 40th day after provisional arrest:

8.7 If the person turns out to have given his consent by the 10th day and the Home Office has not been informed, then the court of committal must inform the Home Office immediately by fax.

8.8 If the person gives his consent at any time between the 10th and the 40th day, then again the court of committal must inform the Home Office immediately by fax.

8.9 In both these cases, the Home Office will pass on the information immediately to the requesting State. This will also help to fulfil the requirements of Article 12(1) of

the Convention (see below).

Where consent has been given after receipt of a formal requisition, whether or not it follows a provisional arrest

8.10 If a person gives their consent at any time after receipt of a formal requisition, the court of committal must inform the Home Office immediately by fax. The Home Office will then pass on the information immediately to the requesting State. This will also help to fulfil the requirements of Article 12(2) of the Convention (see below).

8.11 N.B. As a general rule, when consent is given before committal, the order for surrender will be made immediately so that the Court will simultaneously be notifying both the person's consent and the decision to return. Please see Article 10 for the implications of this notification.

Where consent has been given after committal to the Secretary of State

8.12 The Home Office will pass on the information immediately to the requesting State, and will seek Ministers' agreement to signing the warrant for surrender (see Article 10 below).

Legislative changes

8.13 None were required – this is achieved administratively.

ARTICLE 9 – RENUNCIATION OF ENTITLEMENT TO THE SPECIALTY RULE

B.9.1 This offers States the option of choosing to declare that where a person in accordance with Article 7 consents to extradition, the entitlement to the specialty rule under Article 14 of the ECE shall not apply. The alternative is to require the person expressly to renounce his entitlement to the specialty rule, as set out at Article 7.

Practical implementation – incoming requests

9.2 This has been dealt with under Article 7 because, as already mentioned, the UK has chosen to make the declaration that, simply by consenting to extradition under the Article 7 procedures, the person consents to the renunciation of entitlement to the specialty rule.

Practical implementation – outgoing requests

9.3 **Prosecuting authorities should note:** For the purposes of outgoing requests from the UK, Denmark, Finland, Germany, Greece and Sweden require persons requested **from** them to give an express renunciation, if they are to waive entitlement to specialty rule.

Legislative change

9.4 For requests made to the UK this has been implemented by paragraph 3 of new Schedule 1A, which inserts a new subsection, Section 6(6A) into the 1989 Act, disapplying Section 6(4) where a person has consented under new Section 14A.

9.5 For requests from the UK this is implemented by paragraph 6 of Schedule 1A which amends Section 18 of the 1989 Act.

ARTICLE 10 – NOTIFICATION OF THE EXTRADITION DECISION

B.10.1 This Article simply requires the requested State (represented by the Home Office, for England, Wales and Northern Ireland) to confirm to the requesting State that they have decided to surrender the person once he has consented under the simplified procedures. This must be done within 20 days of the date of consent, which emphasises the importance of the consent being notified promptly to the Home Office.

Practical implementation – incoming requests

10.2 The decision to return is an important ingredient within the timetable for the simplified procedures. In practical terms, the order for committal for return by the district judge/sheriff under new Section 14A(5) and (6), and the order for return, made by warrant, by the Secretary of State under 14A(10), would both be “decisions to return”.

10.3 In terms of timetable, this means that:

* the requesting State should be told immediately of the fugitive giving their consent (as already mentioned under Article 8);

* they should be told, within a further 20 days, of the decision to order return (Article 10) – NB not within 20 days of the decision itself, but within 20 days of the date of consent;

* surrender should take place within 20 days from the date that they are told of the decision (see Article 11.1 below), although a new date may be agreed if surrender is prevented from taking place owing to circumstances beyond the control of the competent authority in the requested State; and surrender should then take place within 20 days of that date (Article 11.2 below).

10.4 As under the present waiver system, the district judge/sheriff will normally order committal for return on the same day as consent is given. At that point, the timetable under new section 14A(8) will become effective, requiring surrender within 20 days unless reasonable cause, as in old section 14, is shown for a delay. The court should let the Home Office/Scotland Office know as soon as possible that the order has been made, so that they too would be aware of the requirement to surrender within 20 days.

10.5 Under current procedures, where it is known to all parties that the fugitive is facing domestic charges, the two proceedings run side by side. We are not aware of cases in which a fugitive has waived whilst still facing domestic charges or a sentence. However, if this does happen under the new procedures, our view is that it *would* amount to reasonable cause for a delay in terms of new section 14A(8).

10.6 The situation is rather more straightforward in the case of Ministers ordering return, as then there would be up to 20 days from the consent being given by the fugitive for Ministers to complete the formality of signing the warrant for return, followed by up to 20 days for surrender. In this case, Section 12(3) - prohibiting an

order for return in the case of a person who is serving a sentence of imprisonment or charged with an offence in the UK - would apply, but section 14A(8) would not apply.

Practical implementation – outgoing requests

10.7 The Home Office will pass information on as necessary to prosecuting authorities in outgoing request cases where consent is notified by the requested State.

Legislative amendment

10.8 Subsections (5) and (6) of new Section 14A, as inserted by paragraph 5 of new Schedule 1A, cover the formal orders for committal under the new simplified procedure.

ARTICLE 11 – DEADLINE FOR SURRENDER

B.11.1 The surrender must take place within 20 days of the date on which the extradition decision at Article 10 was notified. If this deadline is not adhered to, the person must be discharged from extradition. However, if surrender is prevented by circumstances beyond the control of the requested State, then a new surrender date must be agreed with the requesting State. If this fresh deadline is not adhered to, the person must be discharged from extradition.

Practical implementation

11.2 The Home Office will liaise with the Metropolitan Police to ensure prompt surrender.

Legislative amendment

11.3 In cases where the person consents to their extradition before committal, this is a statutory requirement under new Section 14A(8) of the 1989 Act, inserted by the 2002 Regulations. In cases where consent is after committal, it is an administrative matter.

ARTICLE 12 – CONSENT GIVEN AFTER EXPIRY OF THE DEADLINE LAID DOWN IN ARTICLE 8 OR OTHER CIRCUMSTANCES

B.12.1 This Article allows States to declare that they will implement the simplified procedures in various cases where consent is given after the 10 day notification required under Article 8. It also gives States the option to declare that they will implement the procedures where consent is given when no request for provisional arrest has been made, and a full order request has been received. The UK has declared that it will accept all the various options, which are to implement the simplified procedures when:

- consent is given after the 10 day notification but before a formal request has been received under Article 12 of the ECE
- consent is given after the 10 day notification and after a formal request has been received under Article 12 of the ECE
- consent is given when no request for provisional arrest has been made, and a full order request has been received.

12.2 All of the other signatory States have adopted the same positions for requests made to them, subject to the declarations that any have made as to revoking of consent under Article 7 and express renunciation of specialty under Article 9.

Practical implementation

12.3 As already set out under Articles 6-11. **Prosecuting authorities should note** that, where Netherlands and Portugal are the requested States, consent cannot be given after the beginning of the judicial stages of extradition.

Legislative amendment

12.4 Paragraphs 4 and 5 of new Schedule 1A, already mentioned, enable the simplified procedure to apply regardless of when the person consents.

ARTICLE 13 – RE-EXTRADITION TO ANOTHER MEMBER STATE

B.13.1 This Article permits the renunciation of specialty, made in accordance with Article 9, to apply to re-extradition to another Member State, so that Article 15 of the ECE will not apply. States may specify that Article 15 should apply, in their declarations under Article 9, but the UK has not imposed any such limitation. The UK has accepted the higher position under Article 12 of the 1996 Convention (see below).

Practical implementation – incoming requests

13.2 None.

Practical implementation – outgoing requests

13.3 **Prosecuting authorities should note:** Luxembourg are the only State to have specified that Article 15 should apply, where they are the requested State.

Legislative amendment

13.4 None.

ARTICLE 14 – TRANSIT

B.14.1 The provisions of this Article do not apply to the UK as we do not apply Article 21 of the ECE, and strongly discourage the use of the UK for transit of extradited persons.

Practical implementation

14.2 None.

Legislative amendment

14.3 None.

ARTICLE 15 – DETERMINING THE COMPETENT AUTHORITIES

B.15.1 As required by this Article, the UK has made a declaration as to who are the competent authorities for the purposes of Articles 4 to 8 and 10 of the Convention. They are: the Home Office, the Scottish Ministers, the Scottish Executive Justice Department, the Senior District Judge (Chief Magistrate) or another District Judge (Magistrates Courts) and a Sheriff of Lothian and Borders.

Practical implementation

15.2 None.

Legislative amendment

15.3 None.

ARTICLE 16 – ENTRY INTO FORCE

B.16.1 Full entry into force of the Convention technically cannot take place until 90 days after the last of all the Member States to ratify the Convention has deposited their instrument of ratification, acceptance and approval. However the UK has made a declaration as permitted under this Article. This is to the effect that we will apply the Convention, with all Member States who have made the equivalent declaration, with effect from a date 90 days after we ourselves have deposited our instrument of ratification, i.e. with effect from 20 March 2002. The Member States with whom we are applying the Convention from 20 March 2002 are those listed in paragraph 2 of the introduction to this Circular.

Practical implementation

16.2 Other Member States, such as France and Belgium, have yet to deposit their instruments of ratification. The Home Office will notify all recipients of these guidelines in advance of the Conventions coming into force with each and any further Member State, and notices will be placed in the Gazettes as described at paragraph 5 of the introduction..

Legislative amendment

16.3 The Regulations have been drawn up so that they can come into force with further Member States on the dates to be notified in the Gazettes. The UK's declaration, along with our other declarations and reservations, may be found at Schedule 2 of the Regulations, and those of other Member States at Schedule 4.

ARTICLE 17 – ACCESSION

B.17.1 This is a formal Article and, as we have acceded to the Convention, it requires no further action from the UK.

ANNEX C: THE CONVENTION RELATING TO EXTRADITION BETWEEN MEMBER STATES OF THE EUROPEAN UNION (“THE 1996 CONVENTION”)

ARTICLE 1 – GENERAL PROVISIONS

C.1.1 This Article sets out the aims of the 1996 Convention, which are to supplement the provisions and facilitate the application of the ECE, the European Convention on the Suppression of Terrorism, the Convention on the Schengen Agreement and the Benelux Treaty. Again, it will not supersede the application of more favourable bi-lateral and multi-lateral agreements in force between Member States eg the UK’s arrangements with Ireland under the Backing of Warrants (Republic of Ireland) Act 1965.

Practical implementation

1.2 None.

Legislative amendment

1.3 None.

ARTICLE 2 – EXTRADITABLE OFFENCES

C.2.1 So far as the UK is concerned, the only change made by this Article that applies is that the extradition crime threshold is reduced, for requested States, to a maximum period of at least 6 months, rather than 12 months, as formerly.

Practical implementation

2.2 **Prosecuting authorities** to note need to apply the new threshold.

Legislative amendment

2.3 Paragraph 9 of new schedule 1A has amended sections 2(1)(a), 2(2) and 2(3) of the 1989 Act accordingly.

ARTICLE 3 – CONSPIRACY AND ASSOCIATION TO COMMIT OFFENCES

C.3.1 This Article allows Member States not to apply dual criminality in the case of offences covered in Articles 1 and 2 of the European Convention on the Suppression of Terrorism; or any other offence punishable with a maximum of at least 12 months' imprisonment in the field of drug trafficking and other forms of organised crime or other acts of violence against the life, physical integrity or liberty of a person, or creating a collective danger for persons.

Practical implementation – incoming requests

3.2 The UK intends to apply this Article in full, but no fresh action is needed to do so as we are satisfied that any conduct falling within the above description is already extraditable conduct under the 1989 Act.

Practical implementation – outgoing requests

3.3 **Prosecuting authorities should note that:** the following States have reserved the right not to apply Article 3: Austria, Belgium, Denmark, Netherlands and Sweden.

Legislative amendment

3.4 None.

ARTICLE 4 – ORDER FOR DEPRIVATION OF LIBERTY IN A PLACE OTHER THAN A PENITENTIARY INSTITUTION

C.4.1 This Article provides that extradition for the purpose of prosecution shall not be refused on the grounds that the person will be held in a place other than a penitentiary institution, eg house arrest. As Section 2 of the 1989 Act does not specify where imprisonment should be, the UK does not have to make any changes for this provision.

Practical implementation

4.2 None.

Legislative amendment

4.3 None.

ARTICLE 5 – POLITICAL OFFENCES

C.5.1 This provides that no offence shall be regarded by a requested Member State as a political offence. Member States can limit the application of this Article to offences, and conspiracy to commit offences, under Articles 1 and 2 of the European Convention on the Suppression of Terrorism.

Practical implementation – incoming requests

5.2 The prosecuting authorities representing requesting States will allow Article 5 to apply to all offences.

Practical implementation – outgoing requests

5.3 **Prosecuting authorities should note that:** those Member States which have limited the application of this Article to Articles 1 and 2 of the European Convention on the Suppression of Terrorism are: Austria, Denmark, Greece, Luxembourg and Netherlands.

Legislative amendment

5.4 Paragraph 10(2) of new Schedule 1A omits Section 6(1)(a) of the 1989 Act with respect to Convention Member States.

ARTICLE 6 – FISCAL OFFENCES

C.6.1 This Article states that extradition shall be granted with regard to taxes, duties, customs and exchange in respect of offences which correspond with similar offences under the law of the requested State. Member States may limit the application of this Article to offences in connection with excise, VAT or customs.

Practical implementation – incoming requests

6.2 With respect to the majority of the Convention States, extradition for fiscal offences has already been in effect by virtue of the European Convention on Extradition (Fiscal Offences) Order 2001.

Practical implementation – outgoing requests

6.3 France (yet to ratify the 1996 Convention), Greece and Luxembourg were not yet designated under the 2001 Order. Greece and Luxembourg are the Member States which, as requested States, have so far limited the application of this Article to offences in connection with excise, VAT or customs, while it is likely that France will follow suit when they ratify the 1996 Convention.

Legislative amendment

6.4 Regulation 2(3) enables extradition to Greece and Luxembourg in respect of excise, VAT or customs offences (a minor error in Schedule 1A in respect to their position will be corrected in minor secondary legislation which will come forward shortly).

ARTICLE 7 – EXTRADITION OF NATIONALS

C.7.1 This Article states that extradition shall not be refused on the grounds that the person concerned is an own national. The UK already extradites its own nationals.

Practical implementation

7.2 **Prosecuting authorities should note that:** Member States which have declared when ratifying that they will not extradite their own nationals under the 1996 Convention are: Austria, Denmark, Germany, Greece and Luxembourg. The other Member States to have ratified; Belgium, Finland, Netherlands, Portugal, Spain and Sweden, have set various conditions, invariably including the condition that their nationals shall be returned to them in order to serve any custodial sentences that may have been imposed.

Legislative amendments

7.3 None.

ARTICLE 8 – LAPSE OF TIME

C.8.1 This Article states that extradition may not be refused on the ground that the prosecution or punishment of the person would be statute-barred according to the law of the requested State. There is no action needed as this is not a ground for refusal under the 1989 Act.

Practical implementation

8.2 None.

Legislative amendment

8.3 None.

ARTICLE 9 – AMNESTY

C.9.1 This Article provides that extradition shall not be granted in respect of an offence covered by an amnesty in the requested Member state where that State was competent to prosecute the offence under its own criminal law. To the extent that the issue of amnesty might arise in the UK, it would be dealt with as part of the Home Secretary's general discretion.

Practical implementation

9.2 None.

Legislative amendment

9.3 None.

ARTICLE 10 – OFFENCES OTHER THAN THOSE UPON WHICH THE REQUEST FOR EXTRADITION IS BASED

C.10.1 This Article is concerned with the issue of specialty. It allows a person who has been extradited to be prosecuted for offences committed before surrender other than those for which he has been extradited, provided that those offences are not punished by imprisonment or restrictions upon personal liberty. However a person may also be prosecuted for offences punishable by imprisonment or restrictions upon personal liberty if after surrender he has expressly waived specialty.

Practical implementation

10.2 Prosecuting authorities to note.

Legislative amendment

10.3 The provisions have been implemented under the 2002 Regulations by means of Paragraph 10(3) of new Schedule 1A which amends Section 6(4) of the 1989 Act (for incoming requests); and by Paragraph 11(2) of new Schedule 1A which amends Section 18(1) of the 1989 Act (for persons returned to the UK).

ARTICLE 11 – PRESUMPTION OF CONSENT OF THE REQUESTED STATE

C.11.1 This Article goes beyond Article 10 and removes specialty protection altogether, as between States that have declared that their consent to the waiver of specialty protection can be presumed to be given, unless they indicate otherwise.

Practical implementation

11.2 **Prosecuting authorities to note that:** the UK has signed up to this higher position, along with Austria and Germany.

Legislative amendment

11.3 The provisions have been implemented under the 2002 Regulations by means of Paragraph 10(5) of new Schedule 1A which amends Section 6(6) of the 1989 Act (for incoming requests); and by Paragraph 11(3) of new Schedule 1A which amends Section 18(1) of the 1989 Act (for persons returned to the UK).

ARTICLE 12 – RE-EXTRADITION TO ANOTHER MEMBER STATE

C.12.1 This Article removes the provision in the ECE for the consent of the requested State to be sought when considering requests for onward extradition from the requesting Member State to another Member State. Member States may choose to apply this Article only to simplified procedure cases under the 1995 Convention or cases where the person consents to re-extradition, but the UK will apply it to its fullest extent. Member States who have taken a more limited position are:

Practical implementation – outgoing requests

12.2 **Prosecuting authorities to note that:** Belgium, Denmark, Finland, Greece, Luxembourg, Netherlands, Portugal and Sweden have taken a more limited position than the UK and apply the Article only to consent/simplified procedure cases.

Legislative amendment

12.3 None.

ARTICLE 13 – CENTRAL AUTHORITY AND TRANSMISSION OF DOCUMENTS BY FACSIMILE

C.13.1 This Article requires Member States to designate a central authority or authorities who will be responsible for transmitting and receiving extradition requests. It also allows for extradition requests to be sent by facsimile transmission (fax), using cryptographic devices to ensure the authenticity and confidentiality of the transmission. For these purposes, the Home Office and the Scotland Office will be the central authorities for incoming requests, with the addition of the Northern Ireland Office. The Home Office will be consulting the authorities of the other Member States in order to ensure that compatible technology will be used.

Practical implementation

13.2 The Home Office will procure, and advise the other designated central authorities on the process of procuring, the necessary equipment.

Legislative amendment

13.3 None.

ARTICLE 14 – SUPPLEMENTARY INFORMATION

C.14.1 This Article is not being implemented by the UK. It would allow the judicial authorities of a Member State to make requests for supplementary information directly to the judicial authorities of another Member State but would have involved administrative change. Given that these measures are likely to be replaced by the European Arrest Warrant before too long, that change was considered to be unnecessary.

Practical implementation

14.2 None.

Legislative amendment

14.3 None.

ARTICLE 15 – AUTHENTICATION

C.15.1 This Article exempts any document or copy document from authentication unless expressly required by the ECE, the 1996 Convention or the Benelux Treaty. In practice, for the UK, this means that only copies of certificates of conviction or arrest warrants need to be authenticated as this is a requirement of Article 12(2)(a) of the ECE.

15.2 It is already a requirement of our courts that copies of arrest warrants/certificates of conviction should be certified as true copies. An amendment to Section 26 of the 1989 Act has, however, been made in order to achieve legislative certainty as to which documents require certification.

Practical implementation

15.3 None.

Legislative amendment

15.4 Section 26 of the 1989 Act is amended by paragraph 12 of new Schedule 1A.

ARTICLE 16 – TRANSIT

C.16.1 As with Article 14 of the 1995 Convention, the provisions of this Article do not apply to the UK as a result of this country's reservation to Article 21 of the ECE.

Practical implementation

16.2 None.

Legislative amendment

16.3 None.

ARTICLE 17 – RESERVATIONS

C.17.1 This is a formal Article, making it clear that no reservations may be entered in respect of this Convention, except where the option of making a reservation has been expressly permitted by one of its other Articles.

Practical implementation

17.2 None.

Legislative amendment

17.3 None. The UK's declarations and reservations are listed at Schedule 6 to the Regulations, while those of other Member States are at Schedule 8.

ARTICLE 18 – ENTRY INTO FORCE

C.18.1 As with the 1995 Convention, full entry into force of this Convention technically cannot take place until 90 days after the last of all the Member States to ratify the Convention has deposited their instrument of ratification, acceptance and approval. However the UK has made a declaration as permitted under this Article. This is to the effect that we will apply the Convention, with all Member States who have made the equivalent declaration, with effect from a date 90 days after we ourselves have deposited our instrument of ratification, i.e. with effect from 20 March 2002. The Member States with whom we are therefore applying the Convention from 20 March 2002 are those listed in paragraph 2 of the introduction to this Circular, with the addition of Belgium, which has ratified this Convention, but not the 1995 Convention.

Practical implementation

18.2 Other Member States, such as France, have yet to deposit their instruments of ratification. The Home Office will notify all recipients of these guidelines in advance of the Conventions coming into force with each and any further Member State, and notices will be placed in the Gazettes as described at paragraph 5 of the introduction.

Legislative amendment

18.3 The Regulations have been drawn up so that they can come into force with further Member States on the dates to be notified in the Gazettes.

ARTICLE 19 – ACCESSION OF NEW MEMBER STATES

C.19.1 As with the 1995 Convention, this is a formal article requiring no further action from us.

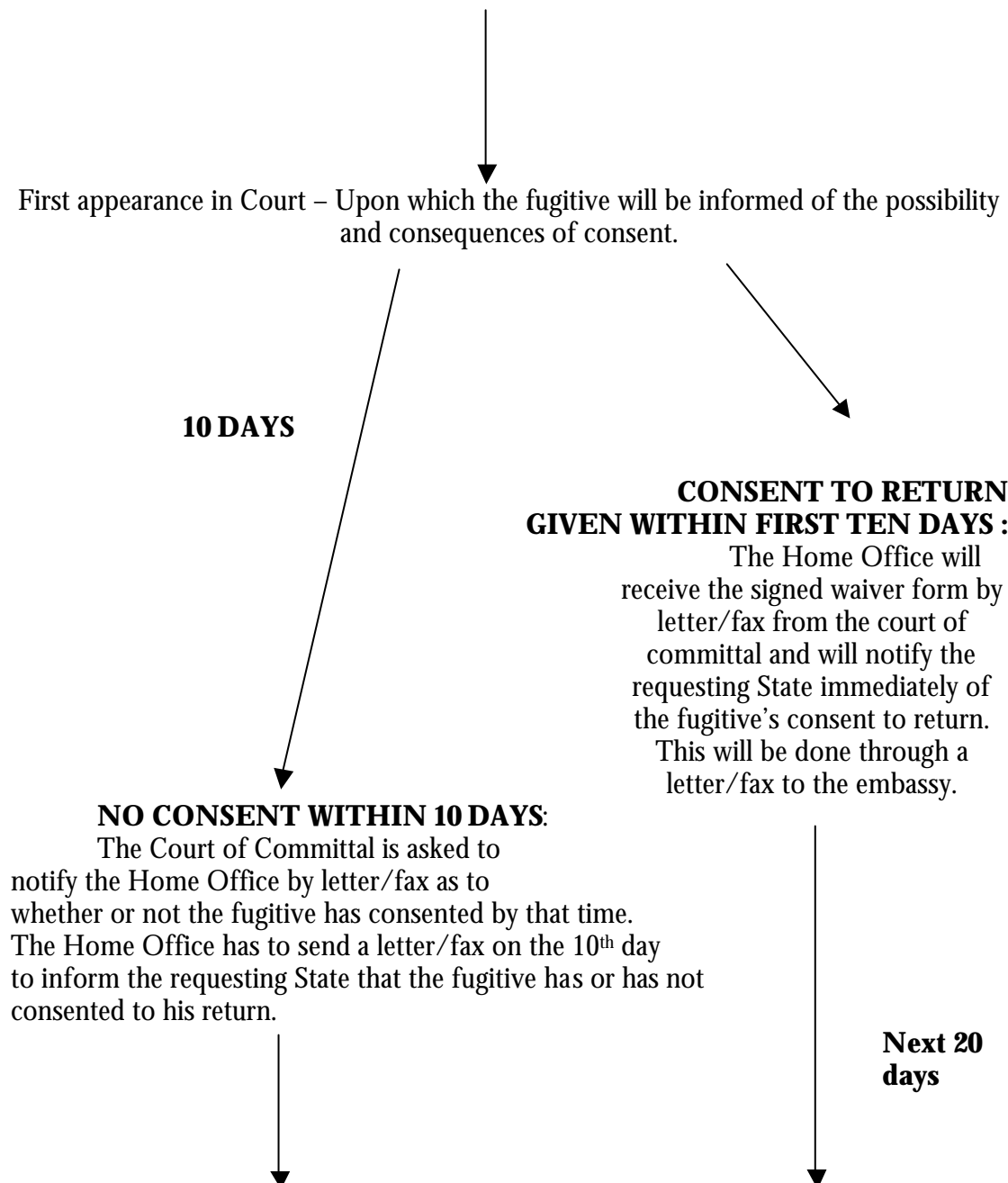
PART D

DEADLINES FOR THE NEW 1995 EU CONVENTIONS (SIMPLIFIED PROCEDURES)

Please find below a flowchart of the new “simplified procedures” for consenting to return. These deadlines apply to all EU countries that have signed up to the 1995/96 EU Conventions on extradition.

PROVISIONAL/FULL ORDER ARREST

Upon receiving the arrest report from the Extradition Squad a letter will be sent to the relevant embassy informing them of the individual involved and the alleged offences. This letter will now also inform them of the new 10-day deadline in which the fugitive has the chance to consent. (Please note that the fugitive can consent at any time but that we are bound under the conventions to notify the requesting state after 10 days of the first court appearance of his decision).



↓

Within the following 20 days the Home Office must write to give the requesting State official notification of the decision. From this date there are 20 days in which to surrender the accused. (this letter will be copied to the Met Squad to inform them of the deadline of return).

Post-Committal Consent:

This will run along the same lines as pre – committal. The post-committal consent form will be signed and sent directly to the Home Office who will immediately inform the requesting State.

Next 20 days

↓

Within the following 20 days the Home Office must write to give the requesting State official notification of the decision. From this date there are 20 days in which to surrender the accused. (this letter will be copied to the Met Squad to inform them of the deadline of return).

Next 20 days

SURRENDER

Must be complete within 20 days or else the accused will be released.

Next 20 days

SURRENDER

Must be complete within 20 days or else the accused will be released.

PLEASE NOTE: The 20-Day deadline for surrender can be revised if the authorities run into difficulties. Article 11 (3) of the 1995 EU convention states that “should the surrender of the person within the deadline be prevented by circumstances beyond its control then the two authorities should agree a new surrender date. The surrender will then take place 20 days from the date agreed.

Part E

The Declarations and Reservations made by States ratifying the 1995 EU Extradition Conventions

Article 7: Revocation of consent

Article 7.4 permits Member States to declare that consent and, where appropriate, renunciation of entitlement to the specialty may be revoked.

United Kingdom	Will not allow revocation
Austria	Will not allow revocation
Denmark	Allows consent and renunciation to be revoked
Finland	Allows consent and renunciation to be revoked
Germany	Will not allow revocation
Greece	Will not allow revocation
Luxembourg	Will not allow revocation
The Netherlands	Will not allow revocation
Spain	Will not allow revocation
Sweden	Allows consent and renunciation to be revoked

Article 9: Specialty Protection

Article 9 of the 1995 EU Convention offers the Member States the option of choosing to declare that where a person consents to extradition (in accordance with article 7), the entitlement to the specialty rule under Article 14 of the ECE shall not apply.

The alternative is to require a person to expressly renounce his entitlement to the specialty rule.

United Kingdom	Will apply this article in full
Austria	Will apply this article in full
Denmark	Will apply this article where a person expressly renounced his entitlement to specialty protection.
Finland	Will apply this article where a person expressly renounced his entitlement to specialty protection.
Germany	Will apply this article where a person expressly renounced his entitlement to specialty protection.
Greece	Will apply this article where a person expressly renounced his entitlement to specialty protection.
Luxembourg	Will apply this article in full
The Netherlands	Will apply this article in full
Spain	Will apply this article in full
Sweden	Will apply this article where a person has expressly renounced his entitlement to specialty protection.

Article 12: Deadlines for Consent to be given

Article 12 allows states to declare that they will implement the simplified procedures in various cases where consent is given after the 10-day deadline notification required under Article 8. It also gives states the option to declare that they will implement the procedures where consent is given when no request for provisional arrest has been made, and a full order request has been received.

Member States must decide if they are to implement simplified procedures when:

- a) Consent is given after the 10-day notification but before a formal request has been received under Article 12 of the ECE.
- b) Consent is given after the 10-day notification and after a formal request has been received under Article 12 of the ECE.
- c) Consent is given when no request for provisional arrest has been made, and a full order request has been received.

United Kingdom	Will apply this article in full
Austria	Will apply this article to points b and c only
Denmark	Will apply this article to points b and c only
Finland	Will apply this article to points b and c only
Germany	The decision to apply point's b and c will be taken in the light of the stage reached in the individual extradition procedure.
Greece	Will apply this article to points b and c only
Luxembourg	Will apply this article to points b and c only
The Netherlands	Will apply this article to points b and c on the understanding that consent is given no later than the day prior to the committal.
Portugal	The fugitive must give consent before the beginning of the judicial stage.
Spain	Will apply this article to points b and c only
Sweden	Will apply this article to points b and c only

Article 13: Re- extradition

Article 13 permits the renunciation of specialty, made in accordance with Article, to apply to re-extradition to another member state, so that article 15 of the ECE will not apply. Only one country has set this condition:

Luxembourg	Will not apply this article and will continue to apply article 14 of the ECE in the event of re-extradition to another Member State.
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Article 15: Designated Authorities for the EU Member States

Article 15 of the Convention says that Member States must make a declaration as to who are the competent authorities for the purposes of this legislation. As at the date of this Circular, the following Member States have made declarations as shown:

United Kingdom: The Home Office
The Scottish Ministers
The Scottish Executive Justice Department
The Senior District Judge (Chief Magistrate) or another District Judge (Magistrates Court).
A Sheriff of Lothian and Borders

Austria: **Article 6 to 8 and 10:**
The Court of First Instance in the district where the person resides or, if the person has no residence, the Court of First Instance in the district where the person was apprehended.

Article 4,5(2) and 14:
The Federal Minister of Justice

Denmark: **Article 4 and 5:**
Ministry of Justice

Articles 6,8 and 10:
The local Chief Constable.

Article 7:
The courts

Article 14:
The National Commissioner of Police (Interpol).

Germany: **Article 4,5 and 10:**
The competent local public prosecutor's offices at the Higher Regional Courts (Oberlandesgerichte).

Article 6:
The local public prosecutor's offices at the Higher Regional Courts (Oberlandesgerichte) and the local courts (Amtsgerichte) with local jurisdiction.

Article 7(1):
The Local Courts (Amtsgerichte) with local jurisdiction.

Article 8 (Where Germany is the requested state)

The local public prosecutors offices at the Higher Regional Courts (Oberlandesgerichte).

Article 8 (Where Germany is the requesting state)

Public prosecutor's offices with responsibility for the subject matter of the case or, in individual cases, the juvenile courts.

Article 14:

The public prosecutors offices at the Higher Regional Courts (Oberlandesgerichte)

Greece:

Articles 4,5,10 and 14:

Minister for Justice

Articles 6 and 8:

The Public Prosecutor of the Appeal Court – in the area where the fugitive resides.

Article 7:

The Presiding Judge of the Appeal Court – in the area where the fugitive resides.

Luxembourg:

Article 4:

The Public Prosecutors Office attached to the district court with jurisdiction for the place in question is empowered to request information for this article.

Articles 6 to 8:

The Public Prosecutor's office attached to the district court with jurisdiction for the place in question

Articles 4,5,10 and 14:

The Minister for Justice

Portugal:

Articles 4 and 10:

The Judge of the Court of Appeal in whose district the person requested resides or is found at the time of the request.

Article 14:

The Minister of Justice

Spain:

Articles 4 to 8 and 10:

The Central Examining Magistrate of the High Court in Madrid.

Article 14:

The Ministry of Justice

Sweden:

Articles 4,5 and 10:

The Cabinet

The Minister of Justice or the Chief Public Prosecutor

Articles 6-8

The Chief Public Prosecutor

Article 14:

The Minister of Justice

F

The Declarations and Reservations made by States ratifying the 1996 EU Extradition Conventions

Article 3: Dual Criminality

Article 3 allows Member States not to apply dual criminality in the case of offences covered in Article 1 and 2 of the European Convention on the Suppression of Terrorism, or any other offence punishable with a maximum of at least 12 months imprisonment in the field of drug trafficking, and other forms of organised crime which endanger the lives of others.

Austria	Will not apply this article if the offence is not punishable under Austrian law.
Belgium	Reserves the right not to apply this article
Denmark	Will not apply this article if the offence is not punishable under Austrian law
Luxembourg	Agrees to article and suggests the inclusion of “the sale of medicinal substances in the fight against drug addiction” is included as an offence.
The Netherlands	Reserves the right not to apply this article.
Sweden	Reserves the right not to apply this article.

PLEASE NOTE: All states who have entered reservations to this article are still bound to extradite for the above crimes under the terms of Article 12 2(a) of the ECE.

Article 5: Political Offences

Article 5 states that no offence can be regarded by a requested member state as a political offence. This can be limited to offences covered by Article 1 and 2 of the European Convention on the Suppression of Terrorism and by those offences mentioned in Article 3 of the 1996 EU convention.

Austria	Will only apply this article in relation to offences covered by Article 1 and 2 of the European Convention on the Suppression of Terrorism and the offences mentioned in Article 3 of the 1996 EU convention
Denmark	Will only apply this article in relation to offences covered by Article 1 and 2 of the European Convention on the Suppression of Terrorism and the offences mentioned in Article 3 of the 1996 EU convention
Greece	Will only apply this article in relation to offences covered by Article 1 and 2 of the European Convention on the Suppression of Terrorism and the offences mentioned in Article 3 of the 1996 EU convention
Luxembourg	Will only apply this article in relation to offences covered by Article

	1 and 2 of the European Convention on the Suppression of Terrorism and the offences mentioned in Article 3 of the 1996 EU convention
The Netherlands	Will only apply this article in relation to offences covered by Article 1 and 2 of the European Convention on the Suppression of Terrorism and the offences mentioned in Article 3 of the 1996 EU convention

Article 6: Fiscal Offences

Article 6 of the 1996 EU Convention on Extradition states that extradition shall be granted for all types of fiscal offences, irrespective of whether or not the tax is imposed in the requested State. A lower position of only agreeing to extradite for excise, value-added tax or customs offences may be entered by reservation. The following chart sets out which States have and have not made this reservation, as permitted by Article 6(3) of the Convention.

Austria	Will extradite for all fiscal offences.
Belgium	Will extradite for all fiscal offences.
Denmark	Will extradite for all fiscal offences.
Finland	Will extradite for all fiscal offences.
Germany	Will extradite for all fiscal offences.
Greece	Will only extradite for fiscal offences connected with excise, value-added tax or customs.
Ireland	Amendments to Backing of Warrants Scheme between Ireland and the UK mean that extradition will now take place for all fiscal offences.
Italy	Not ratified. Has ratified Chapter II of the Second Additional Protocol to the European Convention on Extradition, and will extradite for all fiscal offences
Luxembourg	Will only extradite for fiscal offences connected with excise, value-added tax or customs.
Netherlands	Will extradite for all fiscal offences.
Portugal	Will extradite for all fiscal offences.
Spain	Will extradite for all fiscal offences.
Sweden	Will extradite for all fiscal offences.

Article 7: Own Nationals

Article 7 of the 1996 EU Convention on Extradition states that “extradition may not be refused on the ground that the person claimed is a national of the requested Member State”. The following chart sets out any reservations to this position, as permitted by Article 7(2) of the Convention, and shows whether those European Union States ratifying the 1996 EU Convention on Extradition will, or will not, extradite their own nationals, or what conditions they impose on such an extradition.

Austria	Will not extradite own nationals – constitutional bar
Belgium	Will extradite own nationals, but only in accusation cases, if the person will be returned to serve the sentence in Belgium, if the person agrees and if there is reciprocity.
Denmark	Retained discretion not to extradite own nationals.
Finland	Will extradite own nationals, but subject to a large number of conditions: it must be for an offence punishable with at least four year's imprisonment; the dual criminality requirement must be met; it must be possible for the person to return to serve their sentence in Finland if they want to; it must not be a political crime or a crime committed in Finland (including aboard Finnish vessels or aircraft); a Finnish national must not be prosecuted for any offences other than those they were extradited for and no Finnish national may be re-extradited without consent.
Germany	Will not extradite own nationals – constitutional bar (although this is being reviewed)
Greece	Will not extradite own nationals under any circumstances
Ireland	No extradition under ECE due to Backing of Warrants Scheme between Ireland and the UK Both sides extradite own nationals.
Italy	Not ratified. Position is unclear. Some prosecutors have noted the existence of a ‘silent reservation’ to the ECE. Others have observed a reluctance to arrest Italian nationals until a full-order request is received.
Luxembourg	Will not extradite own nationals.
Netherlands	Will extradite own nationals, but only in accusation cases, and provided the fugitive will be returned to the Netherlands to serve their sentence.
Portugal	Will extradite own nationals, but only on a very limited basis. Portugal will extradite in accusation cases involving terrorism and international organised crime provided that the fugitive can serve their sentence in Portugal (assuming they consent to do so)
Spain	Will extradite own nationals, provided the dual criminality requirement is met and the fugitive will be returned to serve their sentence in Spain.
Sweden	Will extradite own nationals, but only if a large number of conditions are fulfilled. In an accusation case the fugitive must have been permanently resident in the requesting state for at least two years at the time of the offence, or the offence must be punishable with

	<p>imprisonment of at least four years. The dual criminality requirement must be met. If the offence was committed entirely in Sweden extradition may be granted only if the offence involves complicity in a criminal offence committed outside the country. Extradition may be subject the condition that the person be returned to Sweden to serve their term of imprisonment. In a conviction case the fugitive must have been permanently resident in the requesting state for at least two years at the time of the offence or must have consented to extradition.</p>
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In addition, for the purposes of extradition of nationals from Denmark and Finland, the term "nationals" includes the nationals and residents of all Nordic states (Finland, Denmark, Iceland, Norway and Sweden).

Article 11: Specialty Protection

Article 11 allows for the removal of specialty protection altogether, between states that have declared that, their consent to the waiver of specialty protection can be presumed to be given, unless they indicate otherwise. Three states have done so:

United Kingdom	In relation with other states who have made the same declaration, consent for relaxation of specialty is presumed to have been given unless stated otherwise.
Austria	In relation with other states who have made the same declaration, consent for relaxation of specialty is presumed to have been given unless stated otherwise.
Germany	In relation with other states who have made the same declaration, consent for relaxation of specialty is presumed to have been given unless stated otherwise.

Article 12: Re-extradition

Article 12 of this Convention allows for the removal of the provision within the ECE where consent is sought when considering requests for onward extradition from the requesting state to another Member State. Member States may seek to apply this only to simplified extradition cases under the 1995 EU convention.

Belgium	Article 15 of the ECE shall continue to apply (protection against re-extradition)
Denmark	Will only apply Article 12 if the fugitive agreed to return to a third member state.
Finland	Will only apply Article 12 if the fugitive agreed to return to a third member state.
Greece	Will only apply Article 12 if the fugitive agreed to return to a third member state.
Luxembourg	Will only apply Article 12 if the fugitive agreed to return to a third member state.
The Netherlands	Article 15 shall continue to apply in the case of Dutch nationals
Portugal	Will only apply Article 12 if the fugitive agreed to return to a third member state.
Sweden	Will only apply Article 12 if the fugitive agreed to return to a third member state.

Articles 13 and 14: Designated Authorities for the EU Member States

Article 13 of the 1996 EU convention asks Member States to designate the relevant central authorities responsible for transmitting and receiving extradition requests; Article 14 asks States to designate competent authorities between which supplementary case information could be exchanged. As at the date of this Circular, the following Member States have made declarations as shown:

- United Kingdom - Article 13:**
Request **to** the UK: Home Office and Scotland Office
Request **from** the UK: Home Office, Scottish Executive Justice Department and the Northern Ireland Office
- Austria - Article 13:**
Federal Ministry of Justice
Article 14:
The higher district courts (“Landesgerichte”)
- Belgium - Article 13:** Individual Cases Section of the International Judicial Co-operation Department in the Directorate-General for Criminal Legislation and Human Rights of the Ministry of Justice
Article 14:
The public prosecutor’s offices – the national magistrates
- Denmark - Article 13:**
The Ministry of Justice
Article 14:
The Ministry of Justice
Director of Public Prosecutions
Public Prosecutors
Commissioner of the Copenhagen Police and Chief Constables
- Finland - Article 13:**
The Ministry of Justice
Article 14:
The Ministry of Justice
The Central Criminal Police
The Supreme Court
- Germany - Article 13:**
Federal Minister of Justice (sole authority for fax transmissions)
Justice Ministers and Senators of the Länder
Article 14:
(As the requested state) The Public Prosecutors offices at the Higher Regional Courts
(As the requesting state) The Head of the prosecution department at the Federal Supreme Court
The Public Prosecutors offices at the District Court

- Greece -** The Public Prosecutors offices at the Higher Regional Courts
Article 13:
Ministry of Justice
- Luxembourg -** **Article 13:**
Ministry of Justice
Article 14:
(As the requesting state) Principal Public Prosecutor of the State
(As the requested state) Ministry of Justice;
The Principal Public Prosecutor (of the State);
The judicial authorities responsible for the extradition procedure
- The Netherlands -** **Article 14:**
(As the requesting state) – The Judicial authority referred to in the request
(As the requested state) – The Public Prosecutors Office at the State Council of the Netherlands; and the Public Prosecutors Office at the District Court which is responsible for dealing with the request for extradition.
- Spain -** **Article 13:**
Technical General Secretariat of the Ministry of Justice
Article 14:
Supplementary information requests can be made directly to the judicial body which requested extradition.
- Sweden -** **Article 13:**
Ministry of Justice
Article 14:
The Prosecutor-General
Any other Prosecutors dealing with extradition cases.

PART H

COMMENCEMENT ORDER TO ENABLE UK/IRELAND EXTRADITION FOR FISCAL OFFENCES

H.1 The Republic of Ireland has recently amended its domestic extradition legislation in order to implement the 1995 and 1996 EU Extradition Conventions. As part of this process, they will now become able to consider extradition requests for all categories of fiscal offence, a type of offence at present excluded from UK/Irish extradition arrangements by virtue of s 2(2)(a) of the Backing of Warrants (Republic of Ireland) Act 1965. The UK gave itself the power to alter the equivalent part of our law by passing s 159(3) of the Criminal Justice and Public Order Act 1994, which has not hitherto been brought into force due to the previous lack of reciprocity in this area from Ireland.

2. We have now arranged a commencement order for s 159(3) that comes into force on 20 March 2002, the same day as the Conventions. The equivalent amendment in Ireland, for requests that the UK will make to them, is likely to come into force within a few days on either side of the UK's Commencement Order of 20 March 2002. UK prosecuting authorities will wish to check the exact date of Irish implementation with the Home Office before proceeding with their first cases under this provision.

Practical implementation

3. Prosecuting authorities will wish to note that it will, from a date to be advised, but close to 20 March, become possible to seek extradition of fiscal offenders from Ireland.

Legislative implementation

4. Section 159(3) of the Criminal Justice and Public Order Act 1994 is being amended by Criminal Justice and Public Order Act 1994 (Commencement No.13) Order 2002.