



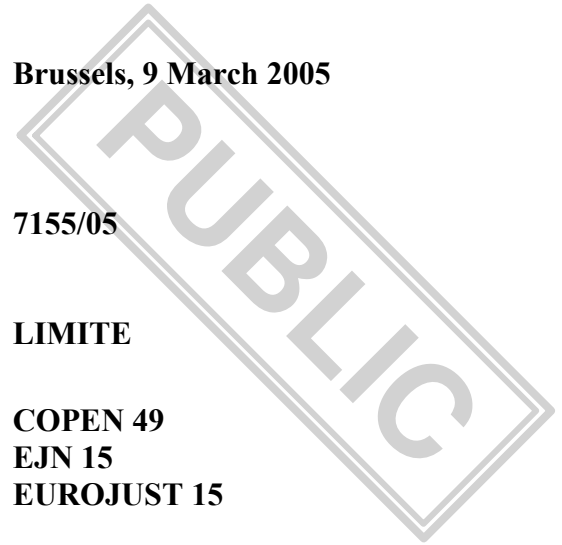
**COUNCIL OF
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INFORMATION NOTE

From : General Secretariat
To : Working Party on Cooperation in Criminal Matters (Experts on the European Arrest Warrant)
No. prev. doc. : 5932/05 COPEN 25 EJN 5 EUROJUST 5
Subject : Replies to questionnaire on quantitative information on the practical operation of the European arrest warrant

More than one year after the coming into effect of the Framework decision on the European arrest warrant, the Presidency deemed it appropriate to disseminate and discuss amongst Member States quantitative information on how the European arrest warrant is applied in practice.

The Presidency therefore sent out a brief questionnaire at the beginning of February. Delegations find hereafter a compilation the replies received so far from 17 Member States.

Questions to Member States as issuing States:

	BE	CZ	DK	DE	EE	EL	ES	FR	IE	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	SI	SK	FI	SE	UK
1.1. How many European arrest warrants have been issued in 2004?		/	64	appr. 1300 ¹	5		668		18		2	20	264	13	58	/			431 /71 ²	85			75	140	94
1.2. If possible, also provide the number of extradition requests issued to the other Member States in 2002.		NA	NA	492	36		148		34		4	NA	173	14	NA	/			60	65			41	94	46
1.3. If possible, also provide the number of extradition requests issued to the other Member States in 2003.		NA	NA	510	38		106		36		3	NA	187	7	NA	/			90	40			44	113	60
2. How many of these arrest warrants resulted in the surrender of the person(s) sought?		/	17	NA	2		29		3		3	1	33	3	13	NA			9	33			46	112	18

¹ Two thirds new alerts

² Only 71 were sent to EU Member States

	BE	CZ	DK	DE	EE	EL	ES	FR	IE	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	SI	SK	FI	SE	UK
3.1. In how many cases have the judicial authorities of your Member State received a request for additional guarantees under Article 5 of the Framework decision?		/	1	NA	/		/		0		/	NA	2	0	5	NA			NA	/			1	2	2
3.2. In how many of these cases were they able to deal with these requests in a satisfactory way (i.e. leading to surrender).		/	1	NA	NA		NA		/		NA	NA	2	0	5	NA			NA	/			1	2	1
4.1. How many of these European arrest warrants were transmitted via Interpol?		/	59	NA	5		398		/		all	20	most	0	all	NA			NA	2			75	140	94
4.2. How many of these European arrest warrants were transmitted via the SIS?		/	59	NA	/		649		/		NA	NA	0	13	/	NA			/	23			75	140	0

Questions to Member States as executing States:

	BE	CZ	DK	DE	EE	EL	ES	FR	IE	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	SI	SK	FI	SE	UK
5.1. How many European arrest warrants have been received by the judicial authorities of your Member State in 2004.		30	14	71 ³	9		461		28		7	11	21	16	28	/			49	32			4	25	1848
5.2. If possible, provide the number of extradition requests received from Member States concerning persons arrested in your country in 2002.		NA	NA	341	16		338		26		6	NA	17	8	NA	3			60	43			14	55	90
5.3. If possible, provide the number of extradition requests received from Member States concerning persons arrested in your country in 2003.		NA	NA	335	20		370		27		11	NA	18	3	NA	2			90	37			16	50	76
6.1. How many persons have been arrested under a European arrest warrant issued in your country?		1	14	NA	8		371		6		4	4	6	6	28	/			48	27			4	50	44
6.2. How many have been surrendered?		1	14	NA	9		306/ 247 ⁴		2		3	4	5	4	25	/			25	24			4	15	23

³ Hits in 515 only

⁴ 306 decisions granting surrender / 247 persons handed over

	BE	CZ	DK	DE	EE	EL	ES	FR	IE	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	SI	SK	FI	SE	UK
6.3. Of those surrendered, how many agreed to the surrender?		1	6	NA	7		134		2		2	4	5	4	9	/			NA	18			1	50%	14
6.4. Of those surrendered, how many opposed the surrender?		/	8	NA	2		172		/		1	NA	/	0	16	/			NA	6			3	50%	9
7. In how many cases have the judicial authorities of your Member State refused the execution of an arrest warrant based on the respect of human rights or procedural safeguards?		/	/	NA	/		2		/		/	NA	/	0	/	/			NA	0			0	0	0

	BE	CZ	DK	DE	EE	EL	ES	FR	IE	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	SI	SK	FI	SE	UK
8.1. How long does a surrender procedure take in average?		28	77	NA	24		26		/		28-30	NA	45	NA	NA	/			NA	29			11	/	17
8.2. How long does a surrender procedure take in average where the person agreed to the surrender?		28	57	NA	19		14		10		8-10	17	30	3-8	NA	10-15			NA	20			8	/	12
8.3. How long does a surrender procedure take in average where the person opposed the surrender?		28	102	NA	40		38		/		60	NA	60	45	NA	/			NA	64			19	/	25
9.1. In how many cases were the judicial authorities of your Member State not able to respect the 90-days delay of Article 17(4) of the Framework decision?		/	3	NA	/		10		1		/	NA	/	0	/	NA			NA	1			0	1	8
9.2. In how many of those cases was Eurojust informed?		/	1	NA	/		NA		1		NA	NA	/	0	/	NA			/	1			/	1	8

	BE	CZ	DK	DE	EE	EL	ES	FR	IE	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	SI	SK	FI	SE	UK
10. In how many cases were the judicial authorities of your Member State not able to respect the delays for surrender of Article 23 of the Framework decision?		/	5	NA	/		20		/		/	NA	/	0	/	NA			NA	0			0	/	4
11.1. In how many cases did the judicial authorities of your Member State execute an arrest warrant with regard to a national of your Member State?		/	3	23	8		55		1		/	4	4	0	6	NA			6	12			1	3/4	12
11.2. In how many of these cases was the return clause (Articles 5 (and 25, in case of transit) of the Framework decision) used?		/	3	NA	5		NA		/		/	0	1	0	6	NA			NA	4			0	3/4	0

	BE	CZ	DK	DE	EE	EL	ES	FR	IE	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	SI	SK	FI	SE	UK
12.1. In how many cases have the judicial authorities of your Member State requested additional guarantees under Article 5 of the Framework decision?		/	4	NA	/		19		/		/	0	4	0	6	NA			NA	5			0	/	0
12.2. In how many of these cases were the additional guarantees they eventually received satisfactory (i.e. resulted in the execution of the arrest warrant)?		/	4	NA	NA		19		/		NA	NA	1	0	6	NA			NA	4			/	/	0

Information on the situation of requested persons pending the decision

	BE	CZ	DK	DE	EE	EL	ES	FR	IE	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	SI	SK	FI	SE	UK
13.1. How many were remanded in custody?		1	14	NA	all		23		3		2	4	6	6	28	/			NA	19			4	/	30
13.2. How many were released on bail?		/	/	NA	/		4		3		1	0	/	0	/				NA	5			0	0	14
13.3 In cases where persons were remanded in custody, what was the average length of their custody?		28	43	NA	24-19		26		2-90		20	17	30		NA				NA	/			11	/	16
14.1. How many cases of competing requests between an EAW and an extradition request from a third State occurred in your Member State?		/	/	NA	/		1		/		/	0	/	0	/	NA			/	0			0	/	0
14.2. In how many cases was the preference given to the extradition request from a third State?		/	/	NA	NA		1		/		/	NA	/	0	/	NA			/	0			/	/	/