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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. : 8111/05 COPEN 75 EJN 23 EUROJUST 24; 9005/5/06 COPEN 52 EJN 12 EUROJUST 21
Subject : Replies to questionnaire on quantitative information on the practical operation of the European arrest warrant - Year 2006

Further to the questionnaire set out in 8111/05 COPEN 75 EJN 23 EUROJUST 24 (see also CM 1602/07), delegations will find attached a compilation of the replies received with regard to the year 2006.

Questions to Member States as issuing States:

	BE	CZ	DK	DE ¹	EE	EL	ES	FR	IE	IT	CY	LV	LT	LU	HU	MT	NL ²	AT	PL	PT	SI	SK	FI	SE	UK
1. How many European arrest warrants have been issued in 2006?		168	52 ³		42	53	450	1552	43		20	65 ⁴	538 ⁵	35	115	4	325	391	2421	+/- 102	67	111 ⁶	69		129

¹ DE: Cf. Annex I.

² NL: It seems important to note that although the data provided relate to the period of 1 January until 31 December 2006, this does not mean that those data do always relate to cases that started in 2006 and/or ended in 2006. Some cases have started in 2005 and ended in 2006 and others started in 2006 will end in 2007.

³ DK: **4** European arrest warrants were cancelled, **20** European arrest warrants are closed and 28 European arrest warrants are still open.

⁴ LV: **35** were transmitted directly.

⁵ LT: During 2006 the judicial authorities of Lithuania had issued: **388** EAW's by the Prosecutor General's Office in prosecution cases, and **150** EAW's by the Ministry of Justice in conviction matters.

⁶ SK: **15** of them were cancelled.

	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
2.1. How many of these European arrest warrants were transmitted via Interpol?		168	38		38	43	450	918	none		All	30	All	7	All 115	4	227	313	1690	⁷	67	111	45		129
2.2. How many of these European arrest warrants were transmitted via the SIS?		0	48		none	47	450	1300	none		Not yet in force	none	none	23	0	0	325	391	0	The same	0	0	69		0
2.3. How many of these European arrest warrants were transmitted via the VPN of the EJM?		0	0		none	---	---	0	none		None	none	None	0	0	0	None ⁸	0	30	The VPN is not yet used	0	0	0		0

⁷ PT: Once the internal procedures relate to what we can call a diffuse sending of arrest warrants all forms, when the person is not located are equally sent to SIRENE (for transmission via SIS) and INTERPOL (for transmission for States that don't have the SIS). Therefore this transmission of **88** forms was equally obtained through SIRENE and INTERPOL.

⁸ NL: None, since the VPN system of the EJM was not in use yet in 2006.

	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. How many of these arrest warrants resulted in the effective surrender of the person sought?		125	19 out of 20 ⁹		15	4	62 (out of 86 arrested)	237	20		2	14	57	22 ¹⁰	55	3	47	67	235	52, others are still pending	14	¹¹	35		86

⁹ DK: In 1 case the foreign country has made a decision on surrender, but the actual surrender is postponed depending on a criminal case in that country.

¹⁰ LU: (+ 3 postponed surrenders)

¹¹ SK: 10 of arrest warrants issued in 2005 resulted in the effective surrender in 2006. 23 of arrest warrants issued in 2006 resulted in the effective surrender in 2006.

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
4. How many European arrest warrants have been received by the judicial authorities of your Member State in 2006?		99	45 ¹²		30	79	721	490	127 13		12	17 ¹⁴	28	24	53	2	498 15	250	228	84	40	34 ¹⁶	13		4910

¹² DK: In 4 cases the European arrest warrants were cancelled, in 3 cases the persons were surrendered in pursuant of the surrender procedure between the Nordic countries, and in 1 case the person in question was earlier extradited to the member state, and the request in the new arrest warrant was related to the principle of speciality. 3 cases were dropped, while the persons were arrested in another member state, 3 cases are still open and in 31 cases Denmark has made a decision on surrender.

¹³ IE: 23 cases were cancelled/withdrawn as subjects were not in jurisdiction or were arrested elsewhere.

¹⁴ LV: 2 of them were put into search system

¹⁵ NL: We refer to question 12 for a more detailed overview. Compared with 2005 this is an increase of 12,5 %. We would like to indicate here that in 16 cases an EAW has been withdrawn in a later stage, even where the person sought had been arrested.

¹⁶ SK: The Slovak Republic received 34 warrants in 2006: from Republic of Hungary: 13, from Federal Republic of Germany: 2, from Republic of Poland: 2, from Republic of Austria: 2, from Czech Republic: 12, from Malta: 1, from Italy : 1, from the UK: 1.

	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 persons have been arrested under a European arrest warrant in your country?		70	27 (out of 34)		27 ¹⁷	60	515	404	92		3	12	25	11	44	1 ¹⁸	133 ¹⁹	160	129	20	34	23 ²¹	4		268
5.2. How many have been effectively surrendered?		49	27 (out of 31) ²²		30	45	423 ²³	339	45		1	12	25	8	43	0	287 ²⁴	157	139	65	24 ²⁵	9 ²⁶	4		160

¹⁷ EE: **3** wanted persons served their sentences in Estonian prisons

¹⁸ MT: Subject was, however, released after Austria withdrew the EAW issued by Vienna Provincial Court.

¹⁹ NL: In addition, **239** persons were in 2006 provisionally arrested on the basis of a signal in the SIS or Interpol, while **54** persons were already under arrest in relation to a criminal prosecution in the Netherlands.

²⁰ PT: In Portugal, the execution of the EAW begins with the detention of the person.

²¹ SK: **9** persons have been arrested in Slovak Republic in 2006 under a EAW issued in 2005. **14** persons have been arrested in Slovak Republic in 2006 under a EAW issued in 2006.

²² DK: The surrender is postponed in two cases, in **1** case the person was already surrendered, cf. rules of speciality, and in **1** case the surrender was denied.

²³ ES: Out of **564** granted, including various requests regarding the same person.

²⁴ NL: This includes persons in respect of whom more than one EAW coming from different judicial authorities from the same Member State was received and executed. Compared with 2005 this is an increase of 25%.

²⁵ SI: In several cases extradition is pending or has been postponed.

²⁶ SK: In 2006 **3** persons have been effectively surrendered from Slovak Republic under a EAW issued in 2005. In 2006 **6** persons have been effectively surrendered from Slovak Republic under a EAW issued in 2006.

	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
5.3. Of those surrendered, how many consented to the surrender?		34	9 (out of 27)		21	31	231	197	23		1	9	15	5	43	N/A	73	146	65	52	13	3 ²⁷			39
5.4. Of those surrendered, how many did not consent to the surrender?		15	18 (out of 27)		9	14	315	142	22		/	3	11	3	0	N/A	214	23	74	13	11	6 ²⁸			121

²⁷ SK: **None** of those surrendered in 2006 from Slovak Republic consented to the surrender under a EAW issued in 2005. **3** of those surrendered in 2006 from Slovak Republic consented to the surrender under a EAW issued in 2006.

²⁸ SK: **3** of those surrendered in 2006 from Slovak Republic did not consent to the surrender under a EAW issued in 2005. **3** of those surrendered in 2006 from Slovak Republic did not consent to the surrender under a EAW issued in 2006.

	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
6.1. In how many cases have the judicial authorities of your Member State refused the execution of a European arrest warrant?		11	1 (out of 31)		none	12	15	24	5		1	3	3	8	9	0	72 ²⁹	38	35	1	7	7			38
6.2. Which were the grounds for refusal?		Cf. Annex II	Cf. Annex II		none	Cf. Annex II	Cf. Annex II	Cf. Annex II	³⁰		³¹	Cf. Annex II	Cf. Annex II	Cf. Annex II	Cf. Annex II	N/A	Cf. Annex II	Cf. Annex II	³²	³³	Cf. Annex II	³⁴			Cf. Annex II

²⁹ NL: The public prosecutor in Amsterdam refused the execution of **39** EAWs and the district Court in Amsterdam refused the execution of **33** EAWs.

In The Netherlands the public prosecutor as well as the court can refuse to execute an EAW. The public prosecutor, when receiving the EAW, checks it for its completeness. In a case of incompleteness additional information is requested in all cases. The public prosecutor is also responsible for checking whether a ground for refusal does apply. If the EAW remains incomplete or it is apparent that a ground for refusal does apply the public prosecutor is competent to refuse the execution of the EAW, without any referral to the Court.

³⁰ IE: Surrender was refused in **4** cases due to delay and in **1** case due to lack of correspondence.

³¹ CY: The executing judicial authority, i.e. the District Court of Larnaca, refused to execute the EAW because it was convinced that the requested person has been finally judged by the requesting state for the same offences and the sentence has been executed.

³² PL: The grounds for refusal were primarily related to double criminality, lis pendens, lack of consent to surrender in cases of Polish citizens.

³³ PT: Lack of double incrimination on infraction not mentioned in box e).

³⁴ SK: - the original of EAW in Slovak language was not sent to Slovak judicial authorities, - the condition of dual criminality was not fulfilled

	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
7.1. How long does a surrender procedure take in average where the person agreed to the surrender (time between the arrest and the decision on the surrender of the person sought)?		54 days	11 days ³⁵ 20 days ³⁶		6	10-30 days	10 days	9 days	7 days		10-15 days	Approx. 5-10 days	Approx. 1 month	4-5 days	7 days	7 days	1 day / 11 days ³⁷	17 days	10 days	13 days	7 days	29 days	N/A		11 days
7.2. How long does a surrender procedure take in average where the person did not consent to the surrender (time between the arrest and the decision on the surrender of the person sought)?		84 days	27 days ³⁸ 34 days ³⁹		6	20 days - 4 months	33 days	33 days	4 months ⁴⁰		35-40 days	Approx. 5-10 days	2 months	36 days ⁴¹	We had no such case in 2006	2-3 months ⁴²	72.5 days	65 days	2 months	56 days	37 days	59 days	N/A		65 days ⁴³

³⁵ DK: **11 days** (9 cases) from either the time of arrest or from the receipt of all necessary information (if later than the time of arrest) to the decision on surrender was made.

³⁶ DK: **20 days** from either the time of arrest or from the receipt of all necessary information (if later than the time of arrest) to the actual surrender.

³⁷ NL: In 2005, the average duration of a simplified surrender from persons arrested in the border regions was : **1 day**. In 2006, the average duration of a simplified surrender from persons from Amsterdam was : **11 days**.

³⁸ DK: **27 days** (including the two cases mentioned under 8.1.: 53 days) (19 cases) from either the time of arrest or from the receipt of all necessary information (if later than the time of arrest) to the decision on surrender was made.

³⁹ DK: **34 days** (including the two cases mentioned under 8.1.: 68 days) from either the time of arrest or from the receipt of all necessary information (if later than the time of arrest) to the actual surrender

⁴⁰ IE: **12 persons** appealed the decision to surrender, thereby delaying surrender.

⁴¹ LU: After 2 levels of jurisdiction

⁴² MT: **2-3 months** due to Constitutional Proceedings being instituted.

⁴³ UK: **65 days** (In Scotland, the average time taken was 53 days)

	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. In how many cases were the judicial authorities of your Member State not able to respect the 90-days time limit for the decision on the execution of the European arrest warrant according to Article 17(4) of the Framework Decision?		5	2 ⁴⁴		none	---	9	none	12		none	none	none	0	0	none in 2006	22	0	1	4	0	1	N/A		24
8.2. In how many of those cases was Eurojust informed?		4	none		none	in one case	---	none	12		none	none	in one case ⁴⁵	0	0	N/A	⁴⁶	0	0	4	0	1	N/A		24

⁴⁴ DK: - In on case a member state made a request for extradition on 3 may 2005. On 16 June 2005 the Danish Ministry of Justice decided that the person should be extradited for the purpose of prosecution. The decision of the Ministry of Justice was subsequently brought before the City Court, and by decision of 4 July 2005 the Court found the decision of the Ministry legal. The decision of the City Court was appealed to the Danish High Court, which on 13 September 2005 confirmed the decision of extradition for prosecution with a few amendments. On 23 September 2005 the person in question made an application to the Danish Board of Appeal Permission for permission to appeal the decision from Danish Western High Court to the Danish Supreme Court. The application was rejected by the Board on 16 January 2006, and thus the person could be extradited.

- In one case a member state made a request for extradition on 19 July 2005. After having requested and received additional information concerning the matter, and after principal considerations regarding the provisions in the Framework Decision on the European arrest warrant concerning grounds for refusals, the Danish Ministry of Justice decided on 22 March 2006 that the person should be extradited for the purpose of prosecution. The decision of the Ministry of Justice was subsequently brought before the City Court, but on 2 May 2006 the person in question withdraw the appeal, and thus the decision of the Ministry of Justice was enforceable and the person could be extradited.

⁴⁵ LT: The reason was, however, not related to time limits.

⁴⁶ NL: Eurojust is informed on a regular basis on the application of the FD EAW in the Netherlands and complications are discussed. In one instance Eurojust organised upon request from The Netherlands and Belgium a meeting to discuss some issues.

	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
9.1. In how many cases were the judicial authorities of your Member State not able to respect the 10-days time limit for surrender according to Article 23(2) of the Framework Decision?		10	2		none	----	69	27 ⁴⁷	none		none	none	in one case ⁴⁸	0	1 ⁴⁹	0		4 ⁵⁰	6	No cases known	1	0	N/A		2
9.2. In how many of those cases was the person released, according to Article 23(5) of the Framework Decision?		0	none ⁵¹		none	----	none	none	none		none	none	none	0	1	0	18 ⁵²	0	3	No cases known	0	0	N/A		NIL

⁴⁷ FR: Including postponed surrenders.

⁴⁸ LT: Correspondence concerning the receiving of additional information took place.

⁴⁹ HU: In fact it was not the Hungarian judicial authority that did not respect the 10 days time limit, but the Requesting State was unable to take the person over in 10 days. Thus the requested person has been released.

⁵⁰ AT: On reasons of the issuing State.

⁵¹ DK: The persons in question were not in custody.

⁵² NL: The majority of those cases concerned persons against whom a national criminal prosecution was pending or who were released pending the decision on the EAW.

	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
10.1. In how many cases did the judicial authorities of your Member State execute an arrest warrant with regard to a national or resident of your Member State?		3	7		20	11	45	100 ⁵³	10		none	3	19	2 ⁵⁴	0	1	83 ⁵⁵	0	87	39	2	7 ⁵⁶	N/A		49
10.2. In how many of those cases did the judicial authorities of your Member State request a guarantee under Article 5(3) of the Framework Decision?		3	All 7		20	9	25	7	none		none	3	⁵⁷	0	0	0	83	0	43	Not known	0	0	N/A		Statistics not held

⁵³ FR: The correct figure for 2005 is **91** (and not 19) (cf 9005/5/06 REV 5 COPEN 52 EJM 12 EUROJUST 21)

⁵⁴ LU: In **2** cases EAW procedure was applied to a Luxembourg national and an integrated foreign resident; the surrender of both persons was refused on the ground that the sentence for which their surrender was requested will be served in Luxembourg.

⁵⁵ NL: In 2005 the total number of nationals surrendered is: **83**, which is compared to 2006 an increase of 30%. In 2005 the total number of persons surrendered who are regarded as equivalent to nationals is: **0**.

⁵⁶ SK: The Slovak Republic does not investigate the residence of arrested persons.

⁵⁷ LT: For all citizens of Lithuania.

	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
11. In how many cases have the judicial authorities of your Member State requested additional guarantees under Article 5(1) or Article 5(2) of the Framework Decision?		0	Conc. Art 5(1): 1 Conc. Art 5(2): 0		none	1	7	Not known	none		none	none	none	0	1	0	⁵⁸	1	7	Not known	0	0	N/A		Statistics not held
12. Is there any other information regarding the operation of the European arrest warrant that you would like to give?			⁵⁹								no	no	no			⁶⁰	Cf. Annex III	no					N/A		

⁵⁸ NL: Data related to the number of requested guarantees as provided for in Article 5 (1) are not available. The Netherlands does not require a guarantee as provided for in Article 5 (2).

⁵⁹ DK: Denmark would like to mention that a translation of the relevant legal provision(s), cf. section e) – (“Nature and legal classification of the offence(s) and the applicable statutory provision/code”) has been missing in many of the European arrest warrant certificate that Denmark as executing state has received in 2006.

⁶⁰ MT: Malta issued an EAW to Austria in April 2006 for an Austrian national for offences of fraud (inter alia against the EU’s financial interests) and forgery. To date subject has neither been surrendered nor prosecuted by the Austrian authorities for no clear reason. Constant and well-appreciated efforts are being made by the Austrian Desk at Eurojust.

Note from GERMANY

Please note that unfortunately Germany will not be able to provide the General Secretariat with the requested information for 2006 and find the reasons for that below:

The German delegation asks for your understanding that due to the decision of the German Constitutional Court of 18 July 2005 by which it declared the German law to implement the FD EAW null and void, the Act implementing the Framework Decision on the European arrest warrant and the surrender procedures between Member States of the European Union (European Arrest Warrant Act) was redrafted. It entered into force on 2 August 2006. Due to the numerous specificities of the transitional situation before that date (e.g. (1) Some Member States accept EAWs issued by DE, other Member States do not. (2) Some Member States surrender nationals to DE, others do not), it hasn't been possible to collect accurate statistical data. Therefore, the entry into force of the above mentioned Act during 2006 does not allow us to deliver meaningful data relating to the Framework Decision on the EAW for the whole year.

Replies to question 6.2***"Which were the grounds for refusal ?"*****AUSTRIA**

- withdrawn/revoked (7)
- Austrians (6)
- no arrest warrant despite of an existing alert (5)
- not punishable (3)
- no assurances (1)
- domestic proceedings
- arrest in an other State

CZECH REPUBLIC

The act on which the European arrest warrant was based did not constitute an offence under the Czech law [Article 2(4) of the Framework Decision applied].

The sought person was not located in the territory of the Czech Republic.

The sought person is being prosecuted in the Czech Republic for the same act as that on which the European arrest warrant is based.

The sought person was a Czech national and did not consent to the surrender (exclusively the European arrest warrants issued by a Member State which does not surrender its own nationals). In all these cases of refusal either a criminal proceeding against the sought person was initiated or a sentence was executed in the territory of the Czech Republic.

Out of this scope are left the cases in which the surrender proceedings were initiated but the competent judicial authority of the issuing Member State cancelled the European arrest warrant in the course of the proceedings.

DENMARK

The Danish Act on Extradition Section 10 g, cf. Article 5(1) of the Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States. (According to Danish law extradition for the purpose of executing of a sentence by a decision rendered in absentia can only be granted, if the person has been summoned in person or otherwise informed of the date and place of the hearing which led to the decision rendered in absentia. Extradition can although be granted, if the person in question will have an opportunity to apply for a retrial of the case in the issuing state and to be present at the judgment, cf. the Danish Act on Extradition Section 10 g (which is based on Article 5(1) of the Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States). The issuing state did not provide information showing that the person in question was indeed summoned in person or otherwise informed of the date and place of the hearing. Furthermore, the issuing state declared that the person in question did not have the opportunity of a retrial of the case.

FRANCE

French jurisdiction has refused the execution of an EAW in the following cases:

1. the persons referred to in the EAW are being/have been prosecuted in France for the same facts,
2. the EAW has been issued in view of the enforcement of an imprisonment sanction, it concerns a French resident and the execution authority commits itself to execute the sanction in accordance with national law
3. the EAW covers an offence not punishable under French Criminal Law,
4. the EAW is incomplete,
5. a French translation of the EAW is lacking at the moment of the hearing,
6. the EAW has been withdrawn by the issuing State,
7. the request for additional information has not been followed up.

GREECE

- lack of common legal basis (3 cases)
- revocal of the EAW by the issuing State (in 1 case)
- statutory limitation cases (1 case). Remark: the Prosecutor's office at the court of Appeal do not count statutory limitation cases as refusal of execution of an EAW
- refusal on the grounds of Article 4 para 6 (5 cases) and 7a (1 case) and of Article 3 para 2 (1 case)

HUNGARY

- lack of double criminality **2 cases**
- prescription **2 cases**
- the arrested person was not identical with the person sought **2 cases**
- there were criminal proceedings in course in Hungary for the same offences **3 cases**

LATVIA

- The European arrest warrant has been issued for the purpose of execution of custodial sentence, where the requested is a national of the sentence or detention order in accordance with its domestic law.
- The European arrest warrant has been issued relating to the offence which was not a criminal offence in accordance with Latvian law.

LITHUANIA

In the first case Lithuania refused to execute due to the statute of limitations, in the second case Lithuania took over the execution of the sentence, in the third case Lithuania refused to execute the EAW as the criminal act was not considered to be a crime according to the Criminal Code of the Republic of Lithuania.

LUXEMBOURG

- 3 x offences committed before 8.8.2002;
- 2 x EAW procedure not applicable for EAWs issued by German authorities (national implementation law declared void by Constitutional Court);
- 2 x service of sentence in Luxembourg (1 x Luxembourg national; 1 x integrated foreign resident);
- 1 x prosecution of the same criminal act before a Luxembourg Court.

THE NETHERLANDS

The public prosecutor in Amsterdam refused the execution of an EAW for the following reasons:

- Incompleteness of the EAW: 2 ;
- Art. 2 (4) : 5 ;
- Art. 4 (2): 2 ;
- Art. 4 (6) : 9 ;
- Art. 4 (7) (a) , where a previous extradition request had been refused: 1 ;
- Art. 5 (1), where the issuing judicial authority did not provide a guarantee: 1 ;
- Art. 5(3) FD EAW : 3 ;
- The person sought is not in The Netherlands: 1 ;
- Identity of the person claimed unclear: 1 ;
- Previous extradition request had been refused : 2 ;
- Previous extradition request had been granted for the same offences : 1
- The EAW concurred with a pending extradition request for the same facts: 1 ;
- Human rights clause, lack of an effective remedy: 1 ;
- The offence carried less than 12 months imprisonment: 3 .

The District Court in Amsterdam refused the execution of an EAW for the following reasons:

- Incompleteness of the EAW : 7 ;
- Art. 2 (4): 1 ;
- Art. 4 (4): 2 ;
- Art. 4 (6): 1 ;
- Art. 4 (7) (a), although the public prosecutor had expressly requested the surrender : 4 ;
- Art. 5 (1), insufficient guarantee : 2 ;
- Human rights clause, lack of an effective remedy: 2 ;
- EAW withdrawn by the executive judicial authority: 16 ;
- The person claimed did not appear in court and it was unknown whether he was in The Netherlands: 2 ;
- Delay in forwarding the EAW to the Court: 1.

SLOVENIA

- Four cases: EAW refused because the offence was committed prior to 7.8.2002 and the claimed person was Slovenian citizen.
- One case: claimed person became immune by reason of lapse of time from prosecution.
- One case: EAW was withdrawn.
- One case: executing member states did not give an assurance from Article 12 point h) of the European arrest warrant and surrender procedures between Member States Act (Article 5 point 3 of the Framework Decision)

SPAIN

- ne bis in idem
- double criminality
- criminal prosecution is statute-barred

UNITED KINGDOM

- double jeopardy
- time limit for prosecution expired
- insufficient information concerning the conduct
- voluntary presentation to issuing judicial authority
- offence not an extradition offence
- subject already arrested for offences in requesting state.

Replies to question 12:

"Is there any other information regarding the operation of the European arrest warrant that you would like to give?"

THE NETHERLANDS

Overview of the Member States from whom EAB's were received

MEMBER STATE	NUMBER	MEMBER STATE	NUMBER
Belgium	100	Latvia	1
Cyprus	1	Lithuania	9
Danmark	1	Luxemburg	5
Germany	160	Malta	1
Estonia	0	Austria	11
Finland	3	Poland	81
France	49	Portugal	3
Greece	3	Slovenia	1
United Kingdom	10	Slovak Republic	1
Hungary	4	Spain	16
Ireland	3	Czech Republic	2
Italy	28	Sweden	5