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Replies to questionnaire on quantitative information on the practical operation of the European arrest warrant – Year 2017

Contents

Introduction

This Commission Staff Working Document compiles, in a table form, the quantitative information relating to the practical operation of the European arrest warrant (EAW)[1] for the year 2017. These statistics are based on information provided by Member States to the Commission between May 2018 and February 2019 in accordance with the standard questionnaire contained in Council document 11356/13 of 24 June 2013.

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

From 2005 to 2013, statistics were collected and published by the Council. Due to the entry into force of the Treaty of Lisbon and the expiration of the transitional period concerning the former third pillar instruments in December 2014, the Commission is now responsible for collecting and publishing this quantitative information[2].

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

The questionnaire covers quantitative information from Member States dealing with EAWs both as issuing and as executing States[3]. It consists of data related to, *inter alia*, the amount of EAWs issued and executed, persons arrested, types of offences covered, applied grounds for non-execution and the duration of the surrender proceedings. This data provides a basis for statistical analysis, enables comparisons between Member States and provides an overall picture of the operation of the EAW. This data will contribute to improving the operation of the EAW.

Annex I contains quantitative information relating to the practical operation of the European arrest warrant in a table form.

Annex II contains additional information sent by some Member States.

Annex III contains a table providing an overview of the number of European arrest warrants issued and executed from 2005 to 2017.

[1] Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States, OJ L 190, 18.7.2002, p. 1–20 (further referred to as: Framework Decision 2002/584/JHA).

[2] The reports covering 2014, 2015 and 2016 are available at https://ec.europa.eu/info/publications/how-help-legal-practitioners-make-europe-safer-factsheets-and-statistics_en and https://e-justice.europa.eu/content_european_arrest_warrant-90-en.do.

[3] Article 1(1) Framework Decision 2002/584/JHA: The European arrest warrant is a judicial decision issued by a Member State with a view to the arrest and surrender by another Member State of a requested person, for the purposes of conducting a criminal prosecution or executing a custodial sentence or detention order.

Overview of the Member States' replies

Although Member States are not under a legal obligation to provide the quantitative information on the practical operation of the European arrest warrant, the Commission has received replies from all the 28 Member States. Nonetheless, not all of them provided replies to every question of the standard questionnaire and some of them provided additional information about the reasons for it.

The quantitative information relating to the practical operation of the EAW for the year 2017, as set out in Annex I, is therefore based on the responses of 28 Member States.

It should be noted that statistical comparisons between different years might not always be accurate, since the response rates of Member States vary from year to year.

This report is divided into two parts. The first part relates to information provided by Member States as issuing States, and the second part to information provided by Member States as executing States.

I. Replies by Member States as issuing States

Information on the number of EAWs issued was provided by 28 Member States (*Question 1*). The total number of EAWs issued by Member States for the year 2017 is 17491, whereas 16636 EAWs were issued in 2016 and 16144 in 2015.

This figure shows a slight increase compared to 2015 and 2016.

In comparison, in 2009, 15827 EAWs were issued by 25 Member States which provided replies for that year. For the year 2014, 14948 EAWs were issued by 27 Member States which provided replies for that year.

As concerns the purpose of the issued EAWs, only 18 Member States provided figures (*Question 2*). Out of these replies, 2960 of the 9005 EAWs issued in 2017 by these 18 Member States were issued for the purpose of prosecution. However, several other Member States indicated it was not possible to distinguish EAWs issued for the purpose of prosecution and EAWs issued for the purpose of execution of a custodial sentence or a detention order. Among the Member States that could provide these specific statistics, two significant proportions may be noted for the year 2017. On the one hand, some countries issued EAWs significantly more for the purpose of prosecution, for instance Denmark (79 out of 88, although it should be noted that Denmark issued 140 EAWs in 2016, and only 88 in 2017), Ireland (75 out of 76), Cyprus (50 out of 50), Luxembourg (128 out of 146), Malta (14 out of 14), and Slovenia (82 out of 115). On the other hand, some Member States issued significantly more EAWs for the purpose of execution of a custodial sentence or a detention order, for example Croatia (213 out of 275), Hungary (1005 out of 1376), Poland (1911 out of 2432), Romania (1252 out of 1350), and Sweden (285 out of 409). Other Member States

issued EAWs for the purpose of prosecution and for the purpose of execution of a custodial sentence or a detention order in relatively similar proportions.

As concerns categories of offences for which EAWs were issued, 21 Member States provided replies (*Question 3*). Following the Commission's previous request to Member States to better differentiate between situations where there had not been any cases (0) and situations where no figures are available, several Member States made efforts to clarify their answers, which led to less ambiguity than in 2016 regarding the compilation of 2017 statistics. However, certain replies were still unclear. The compiled replies indicate that in 2017, as already noted for the years 2015 and 2016, in general, the most commonly identified categories were *3.5 Theft offences and criminal damage* (2649 EAWs), *3.6 Fraud and corruption offences* (1538 EAWs) and *3.2 Drug offences* (1535 EAWs). All these figures slightly increased compared to 2016. However, it should be noted that the frequency of each of these categories varies by Member States. For terrorism offences (*3.1 Terrorism*), 241 EAWs were issued (against 165 EAWs issued in 2016), among which 183 were issued by France alone, and 30 by Italy. The increase observed in 2016 is therefore observed once more in 2017. Regarding trafficking in human beings (*3.10 Trafficking in human beings*), 19 Member States were able to provide figures. Out of 139 EAWs issued (184 issued in 2016), France (37) and Hungary (34) alone issued 71 of them. EAWs issued for crimes related to counterfeiting the Euro (*3.7 Counterfeiting the Euro*) remain low in proportion (27 EAWs, among which 6 EAWs issued by France, 6 EAWs issued by Hungary, and 5 EAWs issued by Greece) but the number almost tripled compared to 2016 (10 EAWs).

Moreover, a significant part of the offences were categorised as *3.11 Other* (3135 EAWs).

26 Member States provided figures concerning EAWs that resulted in the effective surrender of the person sought (*Question 4*). In total, according to the figures provided, 6317 EAWs issued by Member States' judicial authorities – issued in 2017 or earlier – resulted in the effective surrender of the person sought in 2017. Although two Member States (Belgium and the Netherlands) could not provide any data, this number is stably increasing compared to the year 2015, during which 5304 EAWs were executed, and to the year 2016, during which 5812 EAWs resulted in an effective surrender of the person sought.

As observed in the 2016 report, it should be noted that several Member States mentioned that no distinction could be made in terms of whether the surrender was based on an EAW sent in 2017 or on one from previous years, which is likely to affect the results, depending on the interpretation made of Question 4.

II. Replies by Member States as executing States

26 Member States provided figures on the number of persons arrested under an EAW (*Question 1*) – in 2017, the total number of actually arrested persons was 7738, compared to 7056 persons arrested under an EAW in 2016 in 24 Member States which provided

information for that year. The highest number of arrests in 2017 occurred in the United Kingdom (1510 arrests), Romania (853 arrests), and Spain (818 arrests).

In 2017, 7004 persons were effectively surrendered, based on the statistics provided by 27 Member States (*Question 3*), compared to 6793 persons in 2016. However, as observed in the 2016 report, this proportion should be analysed with caution with regard to *Question 1*, as 27 Member States provided figures in *Question 3*, while only 26 Member States could provide clear figures in *Question 1* regarding arrests.

In the 26 Member States that provided specific figures, judicial authorities initiated 8801 surrender proceedings (*Question 2*), and one Member State (Belgium) replied to *Question 2* mentioning that the number of "EAWs received" was 549. The total number of initiated surrender proceedings slightly increased compared to 2016 (8137). Regarding the 23 Member States which provided statistics on consent, 62,96% of the persons these Member States effectively surrendered in 2017 consented to their surrender (3237 out of 5141 persons surrendered by these Member States) (*Question 4* with reference to *Question 3*).

As concerns the duration of the procedure when the person consented to the surrender[4], 22 Member States provided replies (*Question 5*). For these Member States, in this case, the surrender procedure lasted on average 14,99 days after the arrest (15,8 days in 2016). Moreover, the highest averages reported in some Member States were not as high as in 2016, where figures such as 65 or 40 days had been reported. In 2017, the highest average reported by the Member States was 32 days for Finland, and 30 days for Slovakia. It should be noted that the average duration of the surrender procedure when the person consented was still of 1 day in Luxembourg, as in 2016, and of 2 days in Hungary and Malta, according to the statistics provided by these Member States.

When a person did not consent to the surrender[5], the procedure lasted on average 40,13 days for 22 Member States which provided specific replies, whereas for 2016, this number was of 50,4 days for the same number of Member States providing statistics, and of 56 days for 24 Member States in 2015 (*Question 6*). Thus, this duration seems to decrease. As already observed last year, one Member State (the Netherlands) provided numbers regarding the proportion of decision taken within 60 days, between 60 and 90 days, and after 90 days. It should be noted that the distinctively high number reported for Ireland for 2015 and 2016 (230 days) could not be compared, as Ireland mentioned it was difficult to quantify in 2017 due to the distorting effect of various preliminary reference cases pending at the Court of Justice and the implications of these specific cases for others similarly affected. Regarding the figures provided by other Member States, the highest average duration reported is 90 days

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

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

(Italy) and 83,8 days (Portugal). The lowest durations reported for 2017 in such cases were 11 days (Romania) and 15 days (Malta).

The execution of an EAW was refused in 796 cases in 24 Member States that provided their numbers (*Question 7*). This figure is quite stable compared to 2016 (719 refusals for 25 Member States).

23 Member States provided specific replies to questions concerning at least some of the reasons for refusals. The analysed replies indicate, however, that as in 2016, the most common reason for refusal to surrender was Article 4(6)[6] of the Framework Decision (*Question 7.9*), covering in total 229 EAWs (158 in 2016). The grounds for mandatory non-execution (Article 3; *Questions 7.1–7.3*)[7] were still rarely applied in these Member States. 7 Member States reported a total of 100 refusals based on the lack of requirements set in Article 4a[8], as inserted by Framework Decision 2009/299/JHA[9] (*in absentia* situations; *Question 7.11*). This figure has increased since 2016, where only 65 refusals were reported for that reason. No refusal based on privileges or immunities was reported for 2017 (*Question 7.16*). Refusal based on priority given to a conflicting request (*Question 7.19*) was reported in only 3 situations by 3 Member States. That figure is stable compared to 2016. Fundamental rights issues led to refusals in 7 Member States in a total of 109 reported cases (*Question 7.20*), which is a significant number compared to the total figure reported in 2016 (61 reported cases). Moreover, 12 Member States reported a total of 79 cases in which another reason for refusal was applied (*Question 7.21*).

The 90-day time limit was exceeded in 358 cases according to the figures provided by 22 Member States (*Question 8.1*). This figure is slightly higher than the total reported for 2016 (343 for 23 Member States reporting). A comparison with the total number of surrender proceedings initiated in 2017 (*Question 8.1* with reference to *Question 2*) by these 22 Member States (8276) suggests that this time limit was exceeded in roughly 4,32% of these surrender proceedings (5% in 2016 – 341 out of 6813 cases in 22 Member States which replied to both *Question 2* and *Question 8.1* then). However, Eurojust was informed in only 66 reported cases, according to the 21 Member States that could provide data for *Question 8.2*. The number of cases reported to Eurojust was almost the same as in 2016 (65 cases) according to replying Member States.

For 17 Member States that provided replies to *Question 8.3*, the requested person was not surrendered because of non-compliance with the time limits prescribed by Article 23(2) of the Framework Decision in 44 cases (169 cases in 2016). The persons were released in 23 cases (4 cases in 2016), according to figures provided by 15 Member States (*Question 8.4*).

[6] The executing Member State undertakes to execute the custodial sentence.
[7] E.g. Article 3(1) of Framework Decision 2002/584/JHA, *ne bis in idem.*
[8] Article 4a of Framework Decision 2002/584/JHA (consolidated version), trial *in absentia* requirements for the execution of an EAW.
[9] Council Framework Decision 2009/299/JHA of February 2009 amending Framework Decisions 2002/584/JHA, 2005/214/JHA, 2006/783/JHA, 2008/909/JHA and 2008/947/JHA, thereby enhancing the procedural rights of persons and fostering the application of the principle of mutual recognition to decisions rendered in the absence of the person concerned at the trial, OJ L 81, 27.3.2009, p. 24–36.

The execution of an EAW concerned a national or a resident of the executing Member State in 1550 cases in 22 Member States which provided figures in 2017 (1660 cases in 2016) (*Question 9*).

A guarantee related to the review of life-term imprisonment was requested in 45 cases in 8 Member States, out of the 20 Member States that provided figures (*Question 10*).

Annex I – Replies to the questionnaire on quantitative information on the practical operation of the European arrest warrant – Year 2017[10]

[10] Figure "0" in the table should read as no cases reported, while symbol "x" represents the missing data.

I. Questions to Member States as issuing States

1. How many European arrest warrants have been issued this year by the judicial authority of your country?																										
BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
757	280[11]	787[12]	88	2600[13]	93	291	618	1271	76	275[14]	1291	50	260	346	146	1376	14	652	783	2432	440	1350	115	308	105[15]	409[16]	278

[11] BG: "This indicates only EAW based SIS II alerts. Cases where a Bulgarian judicial authorities sent the EAW directly to the executing MS are not listed".

[12] CZ: "Figures provided by the Police Presidium of the Czech Republic (Sirene Office)".

[13] Note from the Commission: DE comments for the whole document were provided in German and have been translated into English by the Commission's services. For question 1 Germany provided the following comment: "During the reporting period, 2 600 German search requests were sent abroad via INTERPOL on the basis of European arrest warrants. In 2017, a total of 3 753 European arrest warrants were sent via the Schengen Information System (SIS). The number of European arrest warrant searches initiated via INTERPOL is lower, as a Schengen search is always the first step. In some cases, it was possible to arrest the wanted person already on the basis of the activated SIS or domestic search before an INTERPOL search was even launched."

[14] Note from the Commission regarding figures provided by HR: HR mentioned a total of 275 as the global to question 1, whereas only 261 offences are mentioned in the following sub-categories 3.1–3.11 (including "Other").

[15] Note from the Commission regarding figures provided by FI: FI mentioned a total of 105 as the global to question 1, whereas only 103 offences are mentioned in the following sub-categories 3.1–3.11 (including "Other").

[16] SE: "409* *(285 issued for the purpose of executing a custodial or detention order and 124 for the purpose of prosecution)*

* The number of EAWs issued during 2017 in Sweden for the purpose of executing a sentence is higher compared to previous years. The reason being that the responsibility for issuing these EAWs was moved in the end of 2016 from the Police Authority to the Prosecution Authority. A number of the old EAWs had to be reissued during 2017."

2. How many of the EAWs issued this year were for the purpose of prosecution?																											
BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
x[17]	x[18]	x	79	x[19]	47	130	x[20]	708	75	62	x[21]	50	101	148	128	371	14	x[22]	x[23]	521	x[24]	98[25]	82	160	62	124	x[26]

[17] BE: “Information not available”.
[18] BG: “N/A”.
[19] DE: “Our statistics do not make a distinction between arrest warrants for the purposes of conducting a criminal prosecution and those for the purposes of enforcement.”
[20] ES: “This figure is not known by the Ministry of Justice”.
[21] IT: “NA”.
[22] NL: “As we already stated when this questionnaire was drafted, this is not registered in the Netherlands.”
[23] AT: “No data”.
[24] PT: “Data not available”.
[25] RO: “98 (according to the database of the Romanian Ministry of Justice)”.
[26] UK: “Not recorded”.

3. Where possible, please advise how many EAWs issued this year were for the following categories of offence?[27]

3.1. Terrorism

BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
x[28]	0	x	0	x[29]	0	3	18	183	1	3	30	0	x	x	3	0	x	x[30]	x[31]	0	x[32]	x[33]	0	0	0	0	0

[27] BG: "The sum of offences, listed under item 3 is greater that the number of EAWs issued by Bulgarian authorities in 2017, as in some cases it is possible some offences to be listed under two categories (for example where a theft offence resulted in a non-fatal offence against person)".
[28] BE: "Information not available".
[29] DE: "We do not have any statistics in this area."
[30] NL: "As we already stated when this questionnaire was drafted, this is not registered in the Netherlands."
[31] AT: "No data".
[32] PT: "Data not available".
[33] RO: "Non available".

3.2. Drug offences

BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
x[34]	27	x	8	x[35]	18	40	147	280	8	16	263	1	65	26	13	67	3	x[36]	x[37]	436	x[38]	x[39]	6	8	43	10	50

[34] BE: “Information not available”.
[35] DE: “We do not have any statistics in this area.”
[36] NL: “As we already stated when this questionnaire was drafted, this is not registered in the Netherlands.”
[37] AT: “No data”.
[38] PT: “Data not available”.
[39] RO: “Non available”.

3.3. Sexual offences																										
BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
x[40]	16	x	3	x[41]	0	15	34	59	12	3	4	0	3	6	2	5	1	x[42]	x[43]	49	x[44]	x[45]	3	4	16	9	66

[40] BE: “Information not available”.
[41] DE: “We do not have any statistics in this area.”
[42] NL: “As we already stated when this questionnaire was drafted, this is not registered in the Netherlands.”
[43] AT: “No data”.
[44] PT: “Data not available”.
[45] RO: “Non available”.

3.4. Firearms/explosives

BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
x[46]	2	x	x	x[47]	0	3	5	19	0	x	7	0	2	8	1	4	x	x[48]	x[49]	27	x[50]	x[51]	0	0	1	3	9

[46] BE: “Information not available”.
[47] DE: “We do not have any statistics in this area.”
[48] NL: “As we already stated when this questionnaire was drafted, this is not registered in the Netherlands.”
[49] AT: “No data”.
[50] PT: “Data not available”.
[51] RO: “Non available”.

3.5. Theft offences and criminal damage																										
BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
x[52]	104	x	47	x[53]	34	72	53	249	2	31	423	13	91	62	100	204	3	x[54]	x[55]	986	x[56]	x[57]	29	76	2	48	20
3.6. Fraud and corruption offences																										
BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
x[58]	21	x	14	x[59]	6	27	74	106	0	45	56	17	19	36	23	335	3	x[60]	x[61]	607	x[62]	x[63]	32	66	12	7	32

[52] BE: “Information not available”.
[53] DE: “We do not have any statistics in this area.”
[54] NL: “As we already stated when this questionnaire was drafted, this is not registered in the Netherlands.”
[55] AT: “No data”.
[56] PT: “Data not available”.
[57] RO: “Non available”.
[58] BE: “Information not available”.
[59] DE: “We do not have any statistics in this area.”
[60] NL: “As we already stated when this questionnaire was drafted, this is not registered in the Netherlands.”
[61] AT: “No data”.
[62] PT: “Data not available”.
[63] RO: “Non available”.

3.7. Counterfeiting the Euro

BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
x[64]	1	x	x	x[65]	0	5	0	6	0	2	x[66]	0	2	x	0	6	x	x[67]	x[68]	2	x[69]	x[70]	1	2	0	0	x[71]

[64] BE: “Information not available”.
[65] DE: “We do not have any statistics in this area.”
[66] IT: “NA”.
[67] NL: “As we already stated when this questionnaire was drafted, this is not registered in the Netherlands.”
[68] AT: “No data”.
[69] PT: “Data not available”.
[70] RO: “Non available”.
[71] UK: “Not recorded”.

3.8. Homicide/fatal offences

BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
x[72]	15	x	11	x[73]	0	39	34	76	11	32	x[74]	7	10	7	0	11	3	x[75]	x[76]	29	x[77]	x[78]	0	5	18	15	34

[72] BE: “Information not available”.
[73] DE: “We do not have any statistics in this area.”
[74] IT: “NA”.
[75] NL: “As we already stated when this questionnaire was drafted, this is not registered in the Netherlands.”
[76] AT: “No data”.
[77] PT: “Data not available”.
[78] RO: “Non available”.

3.9. Non-fatal offences against the person

BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
x[79]	16	x	5	x[80]	9	10	13	74	0	2	x[81]	2	2	22	3	4	3	x[82]	x[83]	546	x[84]	x[85]	10	10	x	38	30

[79] BE: “Information not available”.
[80] DE: “We do not have any statistics in this area.”
[81] IT: “75 (including homicide/fatal offences)”.
[82] NL: “As we already stated when this questionnaire was drafted, this is not registered in the Netherlands”.
[83] AT: “No data”.
[84] PT: “Data not available”.
[85] RO: “Non available”.

3.10. Trafficking in human beings

BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
x[86]	4	x	x	x[87]	0	14	4	37	1	x	3	3	0	5	1	34	1	x[88]	x[89]	9	x[90]	x[91]	1	4	1	4	13

3.11. Other

BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
x[92]	79	x	42	x[93]	26	93	236	283	41	127	865	16	66	174	8	x	x	x[94]	x[95]	871	x[96]	x[97]	34	133	10	7	24

[86] BE: “Information not available”.
[87] DE: “We do not have any statistics in this area.”
[88] NL: “As we already stated when this questionnaire was drafted, this is not registered in the Netherlands.”
[89] AT: “No data”.
[90] PT: “Data not available”.
[91] RO: “Non available”.
[92] BE: “Information not available”.
[93] DE: “We do not have any statistics in this area.”
[94] NL: “As we already stated when this questionnaire was drafted, this is not registered in the Netherlands.”
[95] AT: “No data”.
[96] PT: “Data not available”.
[97] RO: “Non available”.

4. How many EAWs issued by your judicial authorities resulted in the effective surrender of the person sought this year?																										
BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
x[98]	173	319	31	1234	49	66	201	376	47	100	405	13	44	236[99]	77	239	4	x[100]	337	1349	119	515[101]	34	58	37	71	183

[98] BE: "Information not available".
[99] LT: "Totally: 236 (54 for the purpose of prosecution and 182 for the purpose of execution of the custodial sentence)".
[100] NL: "Not available".
[101] RO: "515 (No distinction is made between surrenders resulting from the EAWs transmitted in 2018 and those resulting from EAW transmitted earlier)".

II. Questions to Member States as executing States[102]

1. How many persons have been arrested this year under an EAW in your country?																										
BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
x[103]	251	389[104]	49	x[105]	39	177	818	643	96	129	689	39	33	95[106]	46	313	16	652	110	320	109	853	94	96	36	136	1510

[102] NL: "As we have stated in previous years the data in the response to the questionnaire refer to EAWs which might have been received in the 2015 but due to the date of the receipt have been decided upon in 2016 or have been received in 2016 but due to the date of the receipt will be decided upon in 2017."
[103] BE: "Information not available".
[104] CZ: "Figures provided by the Police Presidium of the Czech Republic (Sirene Office)".
[105] DE: "In 2017, searches carried out by SIS Member States resulted in 1 734 hits on alerts under Article 26 of the Council Decision on SIS II (ex Article 95 of CISA) for EU Member States (28 were hits for the associated countries of Norway, Iceland, Switzerland and Liechtenstein). However, no distinction can be made between actual arrests and simply establishing the whereabouts of the wanted person in cases where the alert was flagged. The statistics given above include only cases in which INTERPOL or SIRENE were used. These statistics also include cases where the wanted person was already serving a custodial sentence or in detention in Germany, so there was no arrest, just a superimposed detention to be noted."
[106] LT: "95 (detention was applied in 85 instances, in other cases milder measures of constraint were applied or a person has already been arrested in a domestic criminal case".

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

BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
x[107]	215	378	75	1536	38	158	991	586	357	127	861	39	37	83	46	313	16	1019	211	378	109	860	108	96	42	122	x[108]

[107] BE: "549 EAWs received".
[108] UK: "Not recorded".

3. How many persons have been effectively surrendered this year?																										
BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
x[109]	175	174	45	1196	34	128	676	446	60	135	412	32	31	80	33	242	14	456	112	219	83	802	77	40	37	101	1164

4. Of those persons surrendered this year how many consented to the surrender**?**																										
BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
x[110]	x[111]	97	19	662	33	74	310	350	24	47	x[112]	23	19	64	25	201	4	91	x	144	47	844[113]	66	28	19	46	x[114]

[109] BE: “Information not available”.
[110] BE: “Information not available”.
[111] BG: “N/A”.
[112] IT: “NA”.
[113] Note from the Commission: the figure provided by RO in *Question 4* is bigger than the one provided in *Question 3*.
[114] UK: “Not recorded”.

5. On average this year how many days did the surrender procedure take where the person consented to surrender (time between the arrest and the decision on surrender)?																										
BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
x[115]	x[116]	22,56	27	18.02	8	17,25	11,9	20	x[117]	25	x[118]	15	10	10	1	2	2	10	x	13	12,2	8	19	30	32	16	x[119]

[115] BE: “Information not available”.
[116] BG: “N/A”.
[117] IE: “Not available, consent is very rare”. Additional comment made in the second version of the document, submitted to the Commission by IE: “Consented at arrest hearing – 0 days (order made immediately following consent). Consented at national hearing – 29 days (first day of hearing). Not consented initially but eventually consented – 305 days (in the course of consenting surrender)”.
[118] IT: “NA”.
[119] UK: “Not recorded”.

6. On average this year how many days did the surrender procedure take where the person did not consent to the surrender (time between the arrest and the decision on surrender)?																										
BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
x[120]	x[121]	37,37	37	41,13[122]	21	65	25,7	24	x[123]	60	90	60	20	27	28	48	15	x[124]	x	23	83,8	11	62	35	42	27	x[125]

[120] BE: "Information not available".
[121] BG: "N/A".
[122] DE: "The average number of days was 41.13. In cases, as mentioned above, where the wanted person is already in prison or detention in Germany, the duration of the surrender procedure is counted only from when the detention is carried out solely for the purposes of extradition."
[123] IE: "This is difficult to quantify in light of the distorting effect of various ECJ preliminary reference cases awaiting and the implications of these specific cases for others similarly affected". Additional comment made in the second version of the document, submitted to the Commission by IE: "General proceedings – 91 days. Where additional information was required – 194 days. Where individuals absconded – 461 days. Where domestic matters delayed proceedings – 259 days".
[124] NL: "Out of the 520 decisions on surrender:
51 decisions were taken within 60 days,
244 decisions were taken between 60 and 90 days,
159 decisions were taken after the time limit of 90 days expired.
Finally **66** decisions related to persons already detained for a Dutch criminal case or on the bases of another EAW, where the time limit of article 17 do not run".
[125] UK: "Not recorded".

7. In how many cases this year has a judicial authority in your Member State refused the execution of an EAW?																											
BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
x[126]	18	14	8	251[127]	3	22[128]	42	61[129]	7	4	90	2[130]	2	1	4	61	x[131]	x[132]	37	84	5[133]	58	8	0[134]	0	14	x[135]

[126] BE: "Information not available".
[127] DE: "They refused to execute a European arrest warrant in 251 cases. Where appropriate, several reasons can be recorded in the statistics for refusal to execute a European arrest warrant". Note from the Commission regarding figures provided by DE: DE mentioned a total of 251 as the global to question 7, whereas only 250 are mentioned in the following sub-categories 7.1–7.21 (including "Other").
[128] Note from the Commission regarding figures provided by EL: EL mentioned a total of 22 as the global to question 7, whereas only 19 are mentioned in the following sub-categories 7.1–7.21 (including "Other").
[129] Note from the Commission regarding figures provided by FR: FR mentioned a total of 61 as the global to question 7, whereas only 39 are mentioned in the following sub-categories 7.1–7.21 (including "Other").
[130] Note from the Commission regarding figures provided by CY: CY mentioned a total of 2 as the global to question 7, whereas only 1 is mentioned in the following sub-categories 7.1–7.21 (including "Other").
[131] MT: "Nil".
[132] Note from the Commission regarding figures provided by NL: No total number was provided and from NL's comments it was not possible to clearly calculate it from the following figures.
[133] PT: "5 cases (article 4(6), (4) – Withdrawal of the EAW".
[134] Note from the Commission regarding figures provided by SK: SK mentioned a total of 0 as the global to question 7, whereas 1 is mentioned in the following sub-categories.
[135] UK: "Not recorded".

In how many cases this year was the refusal for the following reasons?																										
7.1. FD Article 3.1																										
BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
x[136]	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	x[137]	x[138]	0	x	0	0	0	0	0	0	0	x[139]
7.2. FD Article 3.2																										
BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
x[140]	0	0	0	1	0	0	0	1	0	0	1	0	0	0	0	x[141]	x[142]	0	x	1	0	0	0	0	0	0	x[143]

[136] BE: “Information not available”.
[137] HU: “No available statics”.
[138] MT: “Nil”.
[139] UK: “Not recorded”.
[140] BE: “Information not available”.
[141] HU: “No available statics”.
[142] MT: “Nil”.
[143] UK: “Not recorded”.

7.3. FD Article 3.3

BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
x[144]	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	x[145]	x[146]	0	x	1	0	0	0	0	0	1	x[147]

7.4. FD Article 4.1

BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
x[148]	2	2	1	1	0	0	0	0	0	0	11	0	0	1	0	x[149]	x[150]	12	x	11	0	0	0	0	0	4	x[151]

[144] BE: “Information not available”.
[145] HU: “No available statics”.
[146] MT: “Nil”.
[147] UK: “Not recorded”.
[148] BE: “Information not available”.
[149] HU: “No available statics”.
[150] MT: “Nil”.
[151] UK: “Not recorded”.

7.5. FD Article 4.2																									
BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
x[152]	1	1	0	2	0	0	0	0	0	0	2	0	0	0	0	x[153]	x[154]	0	x	6	0	0	0	0	0	0	x[155]

7.6. FD Article 4.3																									
BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
x[156]	0	0	0	1	0	0	0	1	0	0	2	0	0	0	0	x[157]	x[158]	0	x	1	0	2	0	0	0	0	x[159]

[152] BE: “Information not available”.
[153] HU: “No available statics”.
[154] MT: “Nil”.
[155] UK: “Not recorded”.
[156] BE: “Information not available”.
[157] HU: “No available statics”.
[158] MT: “Nil”.
[159] UK: “Not recorded”.

7.7. FD Article 4.4

BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
x[160]	1	0	0	11	1	1	0	1	0	0	0	0	2	1[161]	0	x[162]	x[163]	2	x	0	0	3	5	1	0	0	x[164]

7.8. FD Article 4.5

BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
x[165]	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	x[166]	x[167]	0	x	0	0	0	0	0	0	0	x[168]

[160] BE: “Information not available”.
[161] LT: “1 (statute of limitations)”.
[162] HU: “No available statics”.
[163] MT: “Nil”.
[164] UK: “Not recorded”.
[165] BE: “Information not available”.
[166] HU: “No available statics”.
[167] MT: “Nil”.
[168] UK: “Not recorded”.

7.9. FD Article 4.6																									
BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
x[169]	5	4	1	56	0	6	17	11	0	0	52	1	0	0	3	x[170]	x[171]	16	x	29	4	24	0	0	0	0	x[172]

7.10. FD Article 4.7																									
BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
x[173]	1	0	0	9	0	6	0	0	0	0	1	0	0	0	0	x[174]	x[175]	0	x	21	0	0	0	0	0	0	x[176]

[169] BE: “Information not available”.
[170] HU: “No available statics”.
[171] MT: “Nil”.
[172] UK: “Not recorded”.
[173] BE: “Information not available”.
[174] HU: “No available statics”.
[175] MT: “Nil”.
[176] UK: “Not recorded”.

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

BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
x[177]	3	4	0	41	0	0	0	7	3	0	0	0	0	0	0	x[178]	x[179]	41	x	0	0	0	1	0	0	0	x[180]

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

BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
x[181]	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	x[182]	x[183]	0	x	0	0	0	0	0	0	0	x[184]

[177] BE: “Information not available”.
[178] HU: “No available statics”.
[179] MT: “Nil”.
[180] UK: “Not recorded”.
[181] BE: “Information not available”.
[182] HU: “No available statics”.
[183] MT: “Nil”.
[184] UK: “Not recorded”.

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

BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
x[185]	4	0	0	2	0	2	0	0	0	0	0	0	0	0	0	x[186]	x[187]	0	x	1	0	0	0	0	0	0	x[188]

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

BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
x[189]	1	0	0	7	0	1	0	3	1	0	1	0	0	0	0	x[190]	x[191]	4	x	0	0	4	0	0	0	1	x[192]

[185] BE: “Information not available”.
[186] HU: “No available statics”.
[187] MT: “Nil”.
[188] UK: “Not recorded”.
[189] BE: “Information not available”.
[190] HU: “No available statics”.
[191] MT: “Nil”.
[192] UK: “Not recorded”.

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

BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
x[193]	0	0	0	0	0	1	0	5	0	1	10	0	0	0	0	x[194]	x[195]	0	x	1	0	7	0	0	0	0	x[196]

7.16. Privilege or immunity (FD Article 20)

BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
x[197]	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	x[198]	x[199]	0	x	0	0	0	0	0	0	0	x[200]

[193] BE: “Information not available”.
[194] HU: “No available statics”.
[195] MT: “Nil”.
[196] UK: “Not recorded”.
[197] BE: “Information not available”.
[198] HU: “No available statics”.
[199] MT: “Nil”.
[200] UK: “Not recorded”.

7.17. Maximum penalty no more than 12 months (FD Article 2.1)																									
BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
x[201]	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1	x[202]	x[203]	0	x	5	0	0	0	0	0	0	x[204]

7.18. Sentence of less than 4 months (FD Article 2.1)																									
BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
x[205]	0	0	0	1	0	0	0	1	0	0	1	0	0	0	0	x[206]	x[207]	0	x	3	0	0	0	0	0	0	x[208]

[201] BE: “Information not available”.
[202] HU: “No available statics”.
[203] MT: “Nil”.
[204] UK: “Not recorded”.
[205] BE: “Information not available”.
[206] HU: “No available statics”.
[207] MT: “Nil”.
[208] UK: “Not recorded”.

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

BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
x[209]	0	0	0	1	1	0	0	1	0	0	0	0	0	0	0	x[210]	x[211]	0	x	0	0	0	0	0	0	0	x[212]

7.20. Fundamental rights (FD Article 1.3)

BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
x[213]	0	0	6	87	0	0	0	1	2	0	4	0	0	1	0	x[214]	x[215]	0	x	0	0	0	0	0	0	8	x[216]

[209] BE: “Information not available”.
[210] HU: “No available statics”.
[211] MT: “Nil”.
[212] UK: “Not recorded”.
[213] BE: “Information not available”.
[214] HU: “No available statics”.
[215] MT: “Nil”.
[216] UK: “Not recorded”.

7.21. Other																										
BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
x[217]	0	3	0	29	2	2	x	7	1	2	6	0	0	x[218]	0	x[219]	x[220]	x[221]	x	6	1[222]	18[223]	2	0	0	0	x[224]

[217] BE: “Information not available”.
[218] LT: “In 9 cases execution was postponed due to the fact that the requested person was serving a sentence following the national criminal procedure”.
[219] HU: “No available statics”.
[220] MT: “Nil”.
[221] NL: “In 51 cases the surrender procedure did not lead to a surrender, because the EAW had been withdrawn, a second EAW had been issued, the wanted person had died, etc. etc.”
[222] PT: 1 withdrawal out of a total of 5 cases mentioned.
[223] RO: “Withdrawn (18)”.
[224] UK: “Not recorded”.

8.1. In how many cases this year were the judicial authorities of your Member State not able to respect the 90-day time limit for the decision on the execution of the EAW according to Article 17.4 of the FD?

BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
x[225]	x[226]	8	4	90	0	1	8	4	52	3	0	4	15	x	0	0	x[227]	159[228]	x	5	0	0	5	0	0	0	x[229]

[225] BE: "Information not available".
[226] BG: "N/A".
[227] MT: "Nil".
[228] NL: "Reasons:
- Mainly pending preliminary questions to the Court of Justice by Dutch or executing authorities from other Member States (C-452/16 Poltorak, C-453/16 Özçelik, C-477/16 Kovalkovas, C-571/17 Ardic, but also C-579/15 Popławski and C-573/17 Popławski II) and pending answers upon requests for additional information as a consequence of the Court of Justice decisions C-695/15 Căldăraru and C-496/16 Aranyosi.
- Pending a request by the person claimed to the executing judicial authority to reach an arrangement with the issuing judicial authority for an alternative for surrender."
[229] UK: "Not recorded".

8.2. In how many of the cases in 8.1 above was Eurojust informed (Article 17.7 FD)?																										
BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
0	x[230]	4	0	0[231]	0	0	x[232]	0	52	1	0	4	5	x	0	0	x	x[233]	x	0	0	0	0	0	0	0	x[234]

[230] BG: "N/A".
[231] DE: "Eurojust was not notified in any of these cases. Under Section 83c(4) of the Act on International Legal Assistance in Criminal Matters (IRG), Eurojust need only be notified if there are exceptional circumstances. There were no exceptional circumstances in any of these cases."
[232] ES: "This figure is unknown by Ministry of Justice".
[233] NL: "The issuing judicial authority was always informed immediately. Eurojust was informed later."
[234] UK: "Not recorded".

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

BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
x[235]	x[236]	5	0	0	0	3	2	1	0	x	x[237]	0	x	x	0	0	x	0	x	11	0	21	1[238]	0	x	x	x[239]

[235] BE: “Information not available”.
[236] BG: “N/A”.
[237] IT: “NA”.
[238] SI: “1 (23/3)”.
[239] UK: “Not recorded”.

8.4. In how many of the cases in 8.3 above was the person released according to Article 23.5 FD?																										
BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
x[240]	x[241]	0	0	0	0	0	x[242]	1	x	x	x[243]	0	x	x	0	0	x	0	x	0	1[244]	21	0	0	x	x	x[245]

[240] BE: "Information not available".
[241] BG: "N/A".
[242] ES: "This figure is unknown by Ministry of Justice".
[243] IT: "NA".
[244] Note from the Commission: the figure provided by PT in *Question 8.4* is bigger than the one provided in *Question 8.3*.
[245] UK: "Not recorded".

9. In how many cases this year did your judicial authority execute an EAW with regard to a national or resident of your Member State?																										
BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
x[246]	x[247]	86	9	12[248]	17	19	17	58	28	18	x[249]	7	28	59	13[250]	16	x[251]	124[252]	x	140	24	796	7	33	x	5	34

[246] BE: “Information not available”.
[247] BG: “N/A”.
[248] DE: “12 European arrest warrants led to the extradition of a German national.”
[249] IT: “NA”.
[250] LU: “13 cases (4 nationals + 9 residents)”.
[251] MT: “Nil”.
[252] NL: “116 nationals and 8 equally treated residents have been surrendered for the purpose of prosecution with a guarantee of return.”

10. In how many cases this year did the judicial authorities of your Member State request a guarantee under Article 5.2 of the FD?																										
BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
x[253]	x[254]	0	0	0[255]	15	3	0	0	x	1	0	4	9	1	0	0	x[256]	0	x	10	x[257]	0	2	x[258]	x	0	0

[253] BE: “Information not available”.
[254] BG: “N/A”.
[255] DE: “There were no cases in which a guarantee was requested under Article 5(1) or, as the case may be, (2) of the Framework Decision.”
[256] MT: “Nil”.
[257] PT: “Data not available”.
[258] SK: “N/A”.

Annex II – Other information provided by several Member States

BULGARIA

Below are listed 6 cases not compatible with the table above:

- → In five (5) cases the Issuing MS has decided to withdraw the EAW;
- → In one case the Issuing Authority following consultation with the Executing Authority in Bulgaria has decided that it only requires the requested person to be served with judicial documents, thus terminating the EAW proceedings.

It should be noted that 13 cases Bulgarian authorities has decided to execute the EAW, postponing the actual surrender or temporarily surrendering the requested person (FD Article 24). In some of those cases the surrender took place in the course of 2017 – these are counted under item 3 of Part II of the Questionnaire.

CZECH REPUBLIC

Questions 2. – 3.11 – Could not be answered for the year 2017. The system for statistical data collection at the Ministry of Justice is still being under construction. Date when it becomes fully operational is still not clear.

Statistical data were provided by the Ministry of Justice of the Czech Republic from the statistical monitoring of the courts and public prosecution offices.

DENMARK

In six of the cases where the Danish authorities refused the execution of an EAW it was based on Supreme Court rulings regarding prison conditions in Romania and a possible breach of article 3 EHCR and the Danish Extradition Act section 10 h, stk. 2.

Most of the cases has been reopened in 2018.

FRANCE

L’année 2017 se caractérise par une légère diminution des mandats d’arrêt européens émis et exécutés par les parquets et les parquets généraux. En effet, les juridictions françaises ont procédé à l'émission de 1271 mandats d'arrêt européens au cours de cette année contre 1306 en 2016, et en ont, sur la même période, exécuté 643 contre 847.

Les juridictions continuent à exprimer majoritairement une satisfaction à l’égard de cet outil juridique de coopération judiciaire entre les États membres de l'Union Européenne en raison de sa simplicité et de sa rapidité d'exécution.

GERMANY

The figures provided are based on a statistical survey comprising cases in which the surrender took place in 2017 and the relevant judicial authorities at federal state level submitted their reports to the Federal Office of Justice by 31 March 2018.

In evaluating the statistics, we have noticed the following aspects, which we were not required to report to the Council Secretariat:

The number of extraditions to Germany on the basis of European arrest warrants fell slightly when compared to the previous year from 1358 to 1234 in 2017. The total number therefore fell by about 9 % when compared with previous years, where it rose by about 8 % and most recently by 30 %.

The number of incoming European arrest warrants on which decisions were made rose to 1 536, an increase of about 14 % compared to the previous year. The figures for the last few years are as follows:

Year	2014	2015	2016	2017
Number	1 409	1 610	1 347	1 536

On average over the last four years, decisions were made on over 1 475 arrest warrants per year.

The rate of refusals to extradite to a foreign country on the basis of a European arrest warrant has been rising steadily in the last few years. In 2014, the rate was about 10.7 %, in 2015 about 12.11 % and in 2016, 15.81 %. In 2017, this rate again rose slightly to 16.34 %. There was a clear increase in refusals on the basis of in absentia decisions (Question 7.11, increase from 29 to 41 refusals) and on the basis of human rights (Question 7.20, increase from 40 to 87 refusals). Refusals based on human rights make up over a third of all refusals. One reason for this may be unacceptable detention conditions in some Member States.

As in previous years, there has been a further increase in the number of cases where the deadline for surrender was not met. The deadline of ten days from the final authorisation decision was not met in around 69.8 % of the cases, around 65 % in 2016 and around 60 % in 2015. In 90 cases, the 90-day deadline was not met, which is equivalent to around 7.5 % of the cases (this rate was at 6.45 % before).

After years of steady increase, the total duration of extradition procedures without the agreement of the wanted person has fallen to 41.13 days, compared to 42.91 days in 2016. In procedures with the wanted person's consent, the average overall duration increased from 17.8 days to 18.02 days.

GREECE[259]

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

As regards the scope of Council Framework Decision 2008/909/JHA of 27 November 2008, it has been known for a foreign judicial authority that issued a European Arrest Warrant and assured the Greek authorities that the individual concerned would return to Greece to serve a sentence imposed by the foreign court to request — despite that assurance — that a surrender procedure be carried out under Council Framework Decision 2008/909/JHA (on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union) rather than under Council Framework Decision2002/584/JHA of 13 June 2002 on the European Arrest Warrant.

[259] Note from the Commission: EL provided these comments in Greek. They have been translated into English by the Commission's services.

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

NETHERLANDS

Finally we would like to present an overview of the EAWs the Netherlands received in 2017

Poland	371
Belgium	254
Germany	148
Italy	54
France	39
Romania	21
Spain	18
UK	20
Austria	14
Lithuania	13
Hungary	11

Bulgaria	10
Portugal	9
Czech Republic	9
Greece	6
Latvia	4
Luxembourg	4
Finland	3
Croatia	3
Slovenia	2
Ireland	2
Denmark	2
Sweden	1
Slovakia	1
Total	**1019**

Annex III – Overview of the number of issued and executed European arrest warrants 2005–2017

European arrest warrants in Member States - Number of issued European arrest warrants ("issued") and the number of European arrest warrants which resulted in the effective surrender of the person sought ("executed") based on statistics furnished to Council (2005–2013) and Commission (2014–2017) by Member States[260]

	BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK	Total
2005 issued[261]			4	64		38	38	519	1914	29		121	44	44	500	42	42	1	373	975	1448	200		81	56	86	144	131	**6894**
2005 executed[262]			0	19		10	12	54	162	6		57	3	10	69	24	23	0	30	73	112	38		10	14	37	10	63	**836**
2006 issued			168	52		42	53	450	1552	43			20	65	538	35	115	4	325	391	2421	102		67	111	69	137	129	**6889**
2006 executed			125	19		15	4	62	237	20			2	14	57	22	55	3	47	67	235	52		14	23	37	27	86	**1223**
2007 issued			435		1785	31	83	588	1028	35			20	97	316	44	373	3	403	495	3473	117	856	54	208	84	170	185	**10883**
2007 executed			66		506	14	16	59	345	14			4	16	60	15	84	1	17	47	434	45	235	8	71	43	22	99	**2221**
2008 issued			494	52	2149	46	119	623	1184	40			16	140	348	40	975	2	392	461	4829	104	2000	39	342	107	190	218	**14910**
2008 executed			141	26	624	22	10	93	400	13			3	22	68	22	205	1		28	617	63	448	11	81	44	40	96	**3078**[64]
2009 issued	508		439	96	2433	46	116	489	1240	33			17	171	354	46	1038	7	530	292	4844	104	1900	27	485	129	263	220	**15827**
2009 executed	73		67	51	777	21	19	99	420	16			3	40	84	26	149	2	0	37	1367	63	877	6	79	47	28	80	**4431**
2010 issued	553	280	552	85	2096	74	132	566	1130				29	159	402	32	1015	16			3753	84	2000	30	361	116	169	257	**13891**
2010 executed	57	120	97	42	835	29	33	97	424				4	48	79	14	231	1			929		855	4	164	49	65	116	**4293**
2011 issued	600		518	128	2138	67		531	912	71			26	210	420	60		15			3089	193		53	350		198	205	**9784**
2011 executed	57		238	91	855	31		99	297	19			8	39	113	29		4			930	54		16	105		69	99	**3153**

[260] Sources: Council documents 9005/5/06 COPEN 52; 11371/5/07 COPEN 106; 10330/2/08 COPEN 116; 9743/4/09 COPEN 87; 7551/7/10 COPEN 64; 9120/2/11 COPEN 83; 9200/7/12COPEN 97; 7196/3/13 COPEN 34; 8414/4/14 COPEN 103; the Commission documents: SWD (2017) 319 final; SWD (2017) 320 final; SWD (2019) 194 final.

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

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

2012 issued	616		487	117	1984	61		587	1087	88			34		473	60		11		552	3497	223			414	135	239		**10665**
2012 executed	68		186	70	1104	30		103	322	22			15		131	28		6		151	1103	54			125	59	75		**3652**
2013 issued	716		327	157	1932	88		582	1099	69			24	186	519			9	548	665	2972	303	2238	56	335	91	226		**13142**
2013 executed	63		104	106	900	35		121	305	17			7	54	109			1	90	125	731	61	422	22	43	55	96		**3467**
2014 issued	754	228	501	115	2219	85	269	683	1070	78	271		42	217	460	126	839	14	544	590	2961	227	1583	89	381	126	248	228	**14948**
2014 executed	69	156	197	78	965	33	53	75	411	27	21		15	59	270	68	333	3	208	201	1120	60	774	32	91		73	143	**5535**
2015 issued	785	152	631	101	2237	97	227	655	1131	92	147	1918	56	170	391	135	941	22	484	830	2390	270	1260	96	335	105	258	228	**16144**
2015 executed	131	151	321	56	1038	43	38	73	129	23	63		7	43	252	63	412	8		196	1279	97	530	29	59	70	72	121	**5304**
2016 issued	660	291	889	140	2421	95	312	730	1306	85	197	1768	56	234	348	111	948	11	774	602	2215	204	1052	120	362	118	239	348	**16636**
2016 executed		143	413	83	1358	47	55	201	367	20	19		31	35	243	59		5	252	245	1160	114	525	42	92	54	87	162	**5812**
2017 issued	757	280	787	88	2600	93	291	618	1271	76	275	1291	50	260	346	146	1376	14	652	783	2432	440	1350	115	308	105	409	278	**17491**
2017 executed		173	319	31	1234	49	66	201	376	47	100	405	13	44	236	77	239	4		337	1349	119	515	34	58	37	71	183	**6317**

Available statistics furnished by Member States and compiled for the years **2005 to 2017** record the total number of **168104 issued EAWs** of which **49322 were executed.**

NB This data should be read keeping in mind the non-provision of data by a number of MS as set out below:

2005 – 6894 issued – 836 executed (no data from 2 MS – BE, DE)
2006 – 6889 issued – 1223 executed (no data from 3 MS – BE, DE, IT)
2007 – 10883 issued – 2221 executed (no data from 4 MS – BE, BG, DK, IT)
2008 – 14910 issued – 3078 executed (no data from 3 MS – BE, BG, IT, as well as no data on the execution from 1 MS – NL)
2009 – 15827 issued – 4431 executed (no data from 2 MS – BG, IT)
2010 – 13891 issued – 4293 executed (no data from 4 MS – IE, IT, NL, AT, as well as no data on the execution from 1 MS – PT)
2011 – 9784 issued – 3153 executed (no data from 8 MS – BG, EL, IT, HU, NL, AT, RO, FI)
2012 – 10665 issued – 3652 executed (no data from 9 MS – BG, EL, IT, LV, HU, NL, RO, SI, UK)
2013 – 13142 issued – 3467 executed (no data from 6 MS – BG, EL, IT, LU, HU, UK)
2014 – 14948 issued – 5535 executed (no data from 1 MS – IT, as well as no data on the execution from 1 MS – FI)

2015 – 16144 issued – 5304 executed (no data on the execution from 2 MS – IT, NL)
2016 – 16636 issued – 5812 executed (no data on the execution from 3 MS – BE, IT, HU)
2017 – 17491 issued – 6317 executed (no data on the execution from 2 MS – BE, NL)