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**COMMISSION STAFF WORKING DOCUMENT**

**Replies to questionnaire on quantitative information on the practical operation of the  
European arrest warrant - Year 2015**

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## 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)<sup>1</sup> for the year 2015. These statistics are based on information provided by Member States to the Commission between May 2016 and June 2017 in accordance with the standard questionnaire contained in Council document 11356/13 of 24 June 2013.

From 2005 until 2013, statistics were collected and published by the Council. Following 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.

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 abovementioned Council document (11356/13).

The questionnaire covers quantitative information from Member States dealing with EAWs both as issuing and as executing States<sup>2</sup>. 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 EAW 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 issued and executed European arrest warrants from 2005 to 2015.

Member States are encouraged to provide quantitative information for the year 2016, which would then be published by the Commission after collecting replies from majority of Member States.

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<sup>1</sup> 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, 18/07/2002, p. 0001

<sup>2</sup> 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 Member States' replies

As of 15 June 2017 the Commission has received replies from 28 Member States. In terms of the number of Member States this is the most comprehensive set of replies to date, as for each of the previous years a few Member States did not provide any reply. Nonetheless, not all 28 Member States who replied for the year 2015 provided replies to every question in the standard questionnaire.

The quantitative information relating to the practical operation of the EAW for the year 2015, as set out in Annex I, is divided into two parts. The first part relates to information provided by Member States as issuing States, and the second part as executing States.

### I. Replies by Member States as issuing States

All 28 Member States provided information on the number of EAWs issued (*Question 1*). The total number of EAWs issued by these Member States for the year 2015 is 16 144.

This number is the highest to date, although it should be noted that it is also based on the highest number of replies. The second highest number of EAWs was issued in 2009: in total, 15 827, which were issued by 25 Member States who provided replies for that year. For the year 2014 14 948 EAWs were issued by 27 Member States who provided replies for that year.

As concerns the purpose of the issued EAWs only 17 Member States provided figures (*Question 2*). These replies indicate that, in general, the majority of EAWs were issued for the purpose of prosecution instead of execution of a custodial sentence or of a detention order. Clear exceptions to this are RO where 2% (26 out of 1 260) of EAWs were issued for prosecution, FR with 13% (150 out of 1 131), and PL with 28% (668 out of 2 390) respectively.

As concerns categories of offences for which EAWs were issued, 18 Member States provided replies (*Question 3*). These replies indicate that, in general, the most common categories were 3.5 *Theft offences and criminal damage* (2983 EAWs), 3.6 *Fraud and corruption offences* (1875 EAWs) and 3.2 *Drug offences* (1 137 EAWs). For terrorism offences, 79 EAWs were issued (3.1 *Terrorism*). However, it should be noted that the frequency of each of these categories vary by Member State. Moreover, a significant part of the offences were categorised as 3.11 *Other* (2 675 EAWs).

26 Member States provided figures concerning EAWs which resulted in effective surrender (*Question 4*). 5 304 compared to 16 144 EAWs issued by Member States' judicial authorities resulted in the effective surrender of the person sought. This number is the second highest to date, although it should be noted that it is also based on the highest number of replies. The highest number of EAWs resulting in the effective surrender is 5 535 compared to 14 948 for the year 2014 for 26 Member States who provided replies for that year.

## II. Replies by Member States as executing States

All 28 Member States provided figures on the number of persons arrested under an EAW (*Question 1*). 10 388 persons were arrested under an EAW and 6 518 persons were effectively surrendered (*Question 3*) in 27 Member States who provided figures. 8 797 surrender proceedings were initiated in 26 Member States who provided this data (*Question 2*). From the total number of persons surrendered, 49% (3 207 out of 6 518) consented to the surrender in 25 Member States who provided figures (*Question 4*).

As concerns the duration of the procedure when the person consented to the surrender<sup>3</sup>, 25 Member States provided replies (*Question 5*). For these States, in this case, the surrender procedure lasted on average 14 days. It should be noted that apart from the distinctively high number for IE (40 days), the average for other Member States is 13 days.

When a person did not consent to the surrender<sup>4</sup>, the procedure lasted on average 56 days for 24 Member States who provided replies (*Question 6*). It should be noted that apart of the distinctively high number for IE (230 days), the average for other Member States is 48 days.

The execution of an EAW was refused in 712 cases in 26 Member States who provided their numbers (*Question 7*). A comparison with the total number of surrender proceedings initiated (8 797 by 26 Member States who replied to *Question 2*) suggests that roughly 8% of the surrender proceedings resulted in a refusal.

23 Member States provided replies to questions concerning reasons for refusals. These replies indicate that the most common reason for refusal to surrender was Article 4(6)<sup>5</sup> of the Framework Decision, covering in total 192 EAWs. The grounds for mandatory non-execution (Article 3)<sup>6</sup> were rarely applied in these Member States. Moreover, 24 Member States reported a total of 215 cases in which another reason for refusal was applied (*Question 7.21*).

The 90-day time limit was exceeded in 375 cases in 25 Member States who provided numbers (*Question 8.1*). A comparison with the total number of surrender proceedings initiated in 2015 (8 797 by 26 Member States who replied to *Question 2*) suggests that this time limit was exceeded in roughly 4% of surrender proceedings. Eurojust was informed in 46% (171 out of 375) of cases (*Question 8.2*).

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<sup>3</sup> 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.

<sup>4</sup> 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) EAW: 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.

<sup>5</sup> The executing Member State undertakes to execute the custodial sentence.

<sup>6</sup> E.g. Article 3 (1) Framework Decision 2002/584/JHA, *ne bis in idem*.

For 23 Member States who 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 144 cases. The person was released in 4 cases (*Question 8.4*).

The execution of an EAW concerned a national or resident in 1 248 cases in 25 Member States who provided figures (*Question 9*). A comparison with the total number of persons effectively surrendered by these States in 2015 proceedings (6 518) suggests that the execution of an EAW concerns nationals or residents in approximately 19% of cases.

A guarantee related to the review of life-term imprisonment was requested in 25 cases in 22 Member States who provided figures (*Question 10*).

**Annex I - Replies to questionnaire on quantitative information on the practical operation of the European arrest warrant – Year 2015<sup>7</sup>**

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<sup>7</sup> 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 <sup>8</sup> | CZ <sup>9</sup> | DK  | DE <sup>10</sup> | EE | EL  | ES  | FR   | IE | HR  | IT <sup>11</sup> | CY | LV  | LT  | LU  | HU  | MT | NL  | AT  | PL   | PT  | RO   | SI | SK  | FI  | SE <sup>12</sup> | UK  |
|-----|-----------------|-----------------|-----|------------------|----|-----|-----|------|----|-----|------------------|----|-----|-----|-----|-----|----|-----|-----|------|-----|------|----|-----|-----|------------------|-----|
| 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 |

<sup>8</sup> BG: "According to the Ministry of Justice acting as a Central Authority"

<sup>9</sup> CZ: "Figure provided by the Police Presidium of the Czech Republic (Sirene Office)"

<sup>10</sup> DE: "During the reporting period, 2 237 German search requests were sent abroad via INTERPOL on the basis of European arrest warrants. The Federal Prosecutor's Office issued 24 European arrest warrants. In 2015, a total of 2 994 European arrest warrants were sent via the Schengen Information System (SIS). The number of European arrest warrant searches initiated via INTERPOL is lower, because a Schengen search is always the first step. Sometimes, it is possible to apprehend the wanted person already on the basis of the activated SIS or domestic search, before an INTERPOL search is launched. In these cases, after consulting the relevant state prosecutor's office, there is in principle no need to send the search documents to INTERPOL."

<sup>11</sup> IT: "479 under Damaris and 1439 under Calliope"

<sup>12</sup> SE: "258 (143 issued for the purpose of executing a custodial sentence or detention order)"



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 <sup>13</sup> | SI | SK  | FI | SE  | UK |
|----|----|----|----|----|----|-----|----|-----|----|----|----|----|-----|-----|-----|-----|----|----|----|-----|----|------------------|----|-----|----|-----|----|
| x  | x  | x  | 97 | x  | 46 | 134 | x  | 150 | 92 | 71 | x  | x  | 120 | 253 | 130 | 719 | 22 | x  | x  | 668 | x  | 26               | 88 | 156 | 89 | 115 | x  |

<sup>13</sup> RO: "According to the Ministry of Justice database"

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

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  | x  | x  | 6  | x  | 0  | 2  | 37 | 25 | 0  | 0  | x  | x  | 0  | 3  | 0  | 0  | 0  | x  | x  | 1  | x  | x  | 0  | 0  | 0  | 1  | 4  |

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  | x  | x  | 25 | x  | 16 | 19 | 154 | 108 | 20 | 10 | x  | x  | 38 | 36 | 6  | 98 | 5  | x  | x  | 458 | x  | x  | 6  | 11 | 33 | 55 | 39 |

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  | x  | x  | 3  | x  | 2  | 8  | 31 | 36 | 15 | 6  | x  | x  | 5  | 12 | 2  | 13 | 1  | x  | x  | 64 | x  | x  | 2  | 8  | 7  | 20 | 56 |

### 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  | x  | x  | 5  | x  | 0  | 10 | 26 | 3  | 0  | 0  | x  | x  | 2  | 6  | 0  | 3  | 0  | x  | x  | 25 | x  | x  | 0  | 5  | 0  | 4  | 4  |

### 3.5. Theft offences and criminal damage

| BE | BG | CZ | DK <sup>14</sup> | 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  | x  | x  | 64               | x  | 21 | 32 | 84 | 105 | 19 | 22 | x  | x  | 81 | 98 | 79 | 235 | 5  | x  | x  | 1959 | x  | x  | 23 | 94 | 6  | 48 | 8  |

### 3.6. Fraud and corruption offences

| BE | BG | CZ | DK <sup>15</sup> | 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  | x  | x  | 32               | x  | 9  | 24 | 80 | 16 | 9  | 34 | x  | x  | 10 | 56 | 20 | 132 | 1  | x  | x  | 1341 | x  | x  | 33 | 17 | 0  | 35 | 26 |

### 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  | x  | x  | 0  | x  | 0  | 1  | 3  | 0  | 0  | 1  | x  | x  | 1  | 0  | 0  | 0  | 0  | x  | x  | 0  | x  | x  | 0  | 1  | 0  | 1  | 0  |

<sup>14</sup> DK: "56 theft, 8 robbery"

<sup>15</sup> DK: "The category 'fraud' includes different categories of criminal offences such as: data fraud, forgery, handling of stolen goods, fraudulent abuse of position, extortion, usury and tax fraud. Corruption: 0"

### 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  | x  | x  | 11 | x  | 2  | 25 | 61 | 48 | 5  | 6  | x  | x  | 10 | 9  | 2  | 9  | 5  | x  | x  | 19 | x  | x  | 0  | 6  | 11 | 21 | 23 |

### 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  | x  | x  | 9  | x  | 3  | 5  | 57 | 21 | 13 | 9  | x  | x  | 7  | 26 | 10 | 97 | 3  | x  | x  | 655 | x  | x  | 15 | 11 | 0  | 82 | 26 |

### 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  | x  | x  | 2  | x  | 0  | 3  | 20 | 20 | 1  | 3  | x  | x  | 1  | 7  | 0  | 53 | 2  | x  | x  | 15 | x  | x  | 1  | 4  | 5  | 0  | 4  |

### 3.11. Other

| BE | BG | CZ | DK <sup>16</sup> | 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  | x  | x  | 14               | x  | 44 | 115 | 102 | 166 | 10 | 56 | x  | x  | 48 | 154 | 15 | 301 | 0  | x  | x  | 1314 | x  | x  | 17 | 178 | 11 | 92 | 38 |

<sup>16</sup> DK: "10 abduction of a child, 2 deprivation of liberty, 1 violation of traffic legislation, 1 arson"

4. How many EAWs issued by your judicial authorities resulted in the effective surrender of the person sought this year?

| BE  | BG  | CZ <sup>17</sup> | DK <sup>18</sup> | DE <sup>19</sup> | EE | EL | ES | FR  | IE | HR | IT | CY | LV | LT <sup>20</sup> | LU | HU  | MT | NL | AT  | PL   | PT | RO  | SI | SK | FI | SE | UK  |
|-----|-----|------------------|------------------|------------------|----|----|----|-----|----|----|----|----|----|------------------|----|-----|----|----|-----|------|----|-----|----|----|----|----|-----|
| 131 | 151 | 321              | 56               | 1038             | 43 | 38 | 73 | 129 | 23 | 63 | x  | 7  | 43 | 252              | 63 | 412 | 8  | x  | 196 | 1279 | 97 | 530 | 29 | 59 | 70 | 72 | 121 |

<sup>17</sup> CZ: "Figure provided by the Police Presidium of the Czech Republic (Sirene Office)"

<sup>18</sup> DK: "As of May 2016"

<sup>19</sup> DE: "This includes cases of surrendering the wanted person both on the basis of EAWs sent in 2015 and those sent in previous years."

<sup>20</sup> LT: "Approximately"

## II. Questions to Member States as executing States

1. How many persons have been arrested in this year under an EAW in your country?

| BE | BG <sup>21</sup> | CZ <sup>22</sup> | DK | DE <sup>23</sup> | EE | EL  | ES  | FR  | IE <sup>24</sup> | HR | IT <sup>25</sup> | CY | LV | LT <sup>26</sup> | LU | HU  | MT | NL  | AT  | PL  | PT | RO  | SI | SK | FI | SE  | UK   |
|----|------------------|------------------|----|------------------|----|-----|-----|-----|------------------|----|------------------|----|----|------------------|----|-----|----|-----|-----|-----|----|-----|----|----|----|-----|------|
| 74 | 164              | 401              | 57 | 1635             | 46 | 161 | 810 | 696 | 150              | 60 | 1112             | 31 | 29 | 97               | 20 | 385 | 15 | 674 | 413 | 303 | 83 | 586 | 65 | 98 | 38 | 144 | 2041 |

<sup>21</sup> BG: "According to the Ministry of Justice acting as a Central Authority"

<sup>22</sup> CZ: "Figure provided by the Police Presidium of the Czech Republic (Sirene Office)"

<sup>23</sup> DE: "In 2015, searches by SIS Member States resulted in 1 635 hits on alerts pursuant to Article 26 of the Council Decision on SIS II (ex Article 95 of CISA) for EU Member States (31 hits for the associated countries: 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 is flagged. The above numbers include only cases in which INTERPOL or SIRENE were used. They also include cases where the wanted person was already serving a custodial sentence or in detention in Germany, so there was no arrest, just superimposed detention, where appropriate."

<sup>24</sup> IE: "150 (77 of which were received in 2015)"

<sup>25</sup> IT: "291 under Damaris and 821 under Calliope"

<sup>26</sup> LT: "Detention was applied in 63 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 <sup>27</sup> | CZ  | DK | DE   | EE | EL  | ES  | FR  | IE | HR <sup>28</sup> | IT <sup>29</sup> | CY | LV | LT  | LU | HU  | MT | NL  | AT  | PL  | PT | RO  | SI | SK | FI | SE  | UK |
|-----|------------------|-----|----|------|----|-----|-----|-----|----|------------------|------------------|----|----|-----|----|-----|----|-----|-----|-----|----|-----|----|----|----|-----|----|
| 312 | 166              | 329 | 79 | 1610 | 44 | 136 | 984 | 579 | 77 | 90               | 1112             | x  | 25 | 103 | 21 | 385 | 15 | 903 | 464 | 340 | 89 | 586 | 70 | 98 | 38 | 142 | x  |

<sup>27</sup> BG: "In one particular case a person, already surrendered to one MS, was a subject to EAW proceedings, initiated by the same MS plus one other, hence the difference between EAW proceedings and arrested persons."

<sup>28</sup> HR: "60 arrested; 3 deprived of liberty on a different basis; 12 arrested in 2014 and extradited in 2015; 15 with precautions/citizens or residents"

<sup>29</sup> IT: "first, it should be pointed out that some of the passive procedures mentioned above, though minimal and proportionally insignificant in number, may be attributed to the registration of procedures resulting simply from arrest warrants being sent by another Member State, though the vast majority of cases reported certainly relate to procedures registered after the arrest of the person whose surrender is requested; second, the switch from the Damaris to the Calliope computer system may have led to a duplication of procedures; in fact, after the switchover date, procedures that had already been initiated under the Damaris system were processed by re-registering them in the new Calliope system. Adding together the two sets of partial data for 2015 (from 1 January to 17 June and from 18 June to 31 December) could therefore give a wrong (i.e. too high) result for the total number of procedures registered for that year."

3. How many persons have been effectively surrendered this year?

| BE | BG  | CZ  | DK <sup>30</sup> | DE   | EE | EL  | ES  | FR  | IE <sup>31</sup> | HR | IT | CY | LV | LT | LU | HU  | MT | NL  | AT  | PL  | PT | RO  | SI | SK | FI <sup>32</sup> | SE  | UK   |
|----|-----|-----|------------------|------|----|-----|-----|-----|------------------|----|----|----|----|----|----|-----|----|-----|-----|-----|----|-----|----|----|------------------|-----|------|
| 22 | 129 | 217 | 61               | 1283 | 42 | 114 | 513 | 455 | 89               | 68 | x  | 28 | 27 | 89 | 14 | 321 | 13 | 569 | 250 | 200 | 77 | 550 | 46 | 46 | 36               | 110 | 1149 |

<sup>30</sup> DK: "Includes European arrest warrants received in 2011, 2012, 2013 and 2014 where the effective surrender was completed in 2015"

<sup>31</sup> IE: "89 (13 of which were received in 2015)"

<sup>32</sup> FI: "36 + 2 postponed"



4. Of those persons surrendered this year how many consented to the surrender?

| BE | BG | CZ  | DK | DE  | EE | EL | ES  | FR  | IE <sup>33</sup> | HR | IT | CY | LV | LT | LU | HU  | MT | NL  | AT  | PL  | PT | RO  | SI | SK | FI | SE | UK |
|----|----|-----|----|-----|----|----|-----|-----|------------------|----|----|----|----|----|----|-----|----|-----|-----|-----|----|-----|----|----|----|----|----|
| 2  | x  | 116 | 35 | 774 | 28 | 57 | 303 | 370 | 20               | 36 | x  | 25 | 21 | 80 | 10 | 192 | 12 | 101 | 146 | 168 | 56 | 499 | 39 | 33 | 22 | 62 | x  |

<sup>33</sup> IE: "20 (4 of which were received in 2015)"

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 |
|----|----|------|----|-------|----|----|----|----|----|----|----|-------|----|----|----|----|----|----|----|----|------|----|----|----|----|----|----|
| 2  | x  | 30.8 | 31 | 15.15 | 8  | 20 | 8  | 10 | 40 | 13 | x  | 10-15 | 10 | 11 | 3  | 2  | <1 | 10 | 16 | 12 | 10.8 | 9  | 18 | 32 | 20 | 13 | x  |

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 <sup>34</sup> | EE | EL | ES | FR | IE  | HR <sup>35</sup> | IT | CY | LV | LT | LU | HU | MT <sup>36</sup> | NL <sup>37</sup> | AT | PL | PT   | RO | SI | SK | FI | SE | UK |
|----|----|------|----|------------------|----|----|----|----|-----|------------------|----|----|----|----|----|----|------------------|------------------|----|----|------|----|----|----|----|----|----|
| 17 | x  | 80.4 | 80 | 41.74            | 15 | 34 | 28 | 17 | 230 | 48               | x  | 30 | 50 | 26 | 29 | 48 | 187.5            | x                | 43 | 13 | 75.8 | 20 | 97 | 65 | 28 | 35 | x  |

<sup>34</sup> DE: "In the aforementioned cases, where the wanted person is already in prison or detention in Germany, the duration of the surrender procedure is only counted from when the detention is carried out solely for the purposes of extradition."

<sup>35</sup> HR: "72, if we include the two outlier values of 163 and 242 days"

<sup>36</sup> MT: "1x10, 1x1 year"

<sup>37</sup> NL: "Out of the 565 decisions on surrender 191 decisions were taken within 60 days and 270 decisions were taken between 60 and 90 days. 85 decisions were taken after the time limit of 90 days expired."

7. In how many cases this year has a Judicial Authority in your Member State refused the execution of an EAW?

| BE | BG <sup>38</sup> | CZ <sup>39</sup> | DK <sup>40</sup> | DE <sup>41</sup> | EE | EL | ES | FR | IE | HR | IT | CY | LV | LT | LU | HU | MT | NL | AT | PL | PT | RO | SI | SK | FI | SE | UK |
|----|------------------|------------------|------------------|------------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|
| 17 | 17               | 69               | 6                | 195              | 2  | 15 | 49 | 57 | 3  | 3  | x  | 1  | 2  | 1  | 5  | 28 | 0  | 42 | 61 | 81 | 8  | 36 | 5  | 0  | 0  | 9  | x  |

In how many cases this year was the refusal for the following reasons?

7.1. FD Article 3.1. (*Amnesty*)

| 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  | 0  | 0  | 0  | 2  | 0  | 0  | 0  | 0  | 0  | 0  | x  | x  | 0  | 0  | 0  | 0  | 0  | x  | 0  | 3  | 0  | 0  | 0  | 0  | 0  | 0  | x  |

7.2. FD Article 3.2. (*Ne bis in idem*)

| 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  | 0  | 0  | 0  | 0  | 0  | 0  | 2  | 0  | 0  | 0  | x  | x  | 0  | 0  | 0  | 0  | 0  | x  | 0  | 4  | 0  | 0  | 0  | 0  | 0  | 0  | x  |

<sup>38</sup> BG: "One EAW marked as a refusal to execute is actually withdrawn by the issuing authority, during court proceedings."

<sup>39</sup> CZ: "Number of cases (69) is comprised of number of cases dismissed by the court (25) and number of cases terminated by the public prosecution office within the preliminary proceedings (44)."

<sup>40</sup> DK: "Includes European arrest warrants received in 2014 where the decision to refuse the extradition was made in 2015"

<sup>41</sup> DE: "Where appropriate, multiple reasons for refusal to execute a European arrest warrant can be recorded in the statistics."

7.3. FD Article 3.3. *(Under the age of criminal responsibility)*

| 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  | 0  | 0  | 0  | 1  | 0  | 0  | 0  | 0  | 0  | 0  | x  | x  | 0  | 0  | 0  | 0  | 0  | x  | 0  | 1  | 1  | 0  | 0  | 0  | 0  | 0  | x  |

7.4. FD Article 4.1. *(Lack of double criminality)*

| 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  | 0  | 4  | 0  | 0  | 0  | 0  | 2  | 6  | 0  | 1  | x  | x  | 0  | 0  | 0  | 3  | 0  | x  | 10 | 9  | 0  | 0  | 1  | 0  | 0  | 1  | x  |

7.5. FD Article 4.2. *(Prosecution pending in the executing 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  | 0  | 0  | 0  | 4  | 0  | 0  | 5  | 1  | 0  | 0  | x  | x  | 0  | 0  | 0  | 4  | 0  | x  | 18 | 2  | 0  | 1  | 0  | 0  | 0  | 0  | x  |

7.6. FD Article 4.3 *(Prosecution for the same offence precluded in the executing 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  | 2  | 0  | 0  | 1  | 0  | 0  | 0  | 1  | 0  | 0  | x  | x  | 0  | 0  | 0  | 0  | 0  | x  | 1  | 0  | 0  | 1  | 0  | 0  | 0  | 0  | x  |

7.7. FD Article 4.4. (Prosecution or punishment statute-barred)

| 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  | 0  | 2  | 1  | 20 | 0  | 0  | 1  | 2  | 0  | 0  | x  | x  | 0  | 1  | 0  | 0  | 0  | x  | 1  | 0  | 0  | 0  | 2  | 0  | 0  | 1  | x  |

7.8. FD Article 4.5. (Final judgment in a third 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  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 1  | 0  | 0  | x  | x  | 0  | 0  | 0  | 0  | 0  | x  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | x  |

7.9. FD Article 4.6. (The executing Member State undertakes the execution of the sentence)

| 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  | 8  | 3  | 3  | 54 | 0  | 1  | 34 | 12 | 0  | 2  | x  | x  | 2  | 0  | 3  | 9  | 0  | 6  | 2  | 20 | 4  | 26 | 0  | 0  | 0  | 3  | x  |

7.10. FD Article 4.7. (Extraterritoriality (offences committed outside the territory of the issuing 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  | 0  | 0  | 0  | 6  | 0  | 5  | 0  | 2  | 0  | 0  | x  | x  | 0  | 0  | 0  | 0  | 0  | x  | 0  | 19 | 0  | 0  | 0  | 0  | 0  | 0  | x  |

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  | 1  | 4  | 2  | 42 | 0  | 0  | 0  | 6  | 1  | 0  | x  | x  | 0  | 0  | 0  | 6  | 0  | 16 | 2  | 2  | 0  | 0  | 0  | 0  | 0  | 3  | x  |

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  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | x  | x  | 0  | 0  | 0  | 0  | 0  | x  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | x  |

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  | 5  | 1  | 0  | 4  | 0  | 1  | 0  | 5  | 0  | 0  | x  | x  | 0  | 0  | 0  | 0  | 0  | x  | 1  | 7  | 0  | 0  | 0  | 0  | 0  | 0  | x  |

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  | 0  | 0  | 0  | 21 | 0  | 0  | 3  | 5  | 0  | 0  | x  | x  | 0  | 0  | 0  | 0  | 0  | x  | 6  | 1  | 0  | 0  | 0  | 0  | 0  | 0  | x  |

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  | 0  | 0  | 0  | 1  | 0  | 0  | 0  | 5  | 0  | 0  | x  | x  | 0  | 0  | 1  | 4  | 0  | x  | 1  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | x  |

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  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | x  | x  | 0  | 0  | 0  | 0  | 0  | x  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | x  |

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 <sup>42</sup> | AT | PL | PT | RO | SI | SK | FI | SE | UK |
|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|------------------|----|----|----|----|----|----|----|----|----|
| x  | 0  | 0  | 0  | 1  | 0  | 1  | 1  | 0  | 0  | 0  | x  | x  | 0  | 0  | 0  | 0  | 0  | 3                | 1  | 0  | 0  | 0  | 1  | 0  | 0  | 0  | x  |

7.18. sentence 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  | 0  | 0  | 0  | 2  | 1  | 1  | 0  | 0  | 0  | 0  | x  | x  | 0  | 0  | 0  | 0  | 0  | 3  | 1  | 5  | 0  | 0  | 0  | 0  | 0  | 0  | x  |

<sup>42</sup> NL: “the maximum penalty did not meet the minimum requirement of 12 months imprisonment or a sentence less than 4 months - (3)”



7.19. Priority of a conflicting request (FD Article 16.1, 3, 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  | 0  | 0  | 0  | 2  | 0  | 0  | 1  | 0  | 0  | 0  | x  | x  | 0  | 0  | 0  | 0  | 0  | x  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | x  |

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  | 0  | 0  | 0  | 13 | 0  | 0  | 0  | 4  | 0  | 0  | x  | x  | 0  | 0  | 0  | 0  | 0  | x  | 4  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | x  |

7.21. Other.

| BE | BG | CZ <sup>43</sup> | DK | DE | EE | EL | ES | FR | IE <sup>44</sup> | HR | IT | CY | LV | LT <sup>45</sup> | LU <sup>46</sup> | HU | MT | NL <sup>47</sup> | AT <sup>48</sup> | PL | PT | RO <sup>49</sup> | SI | SK | FI | SE | UK |
|----|----|------------------|----|----|----|----|----|----|------------------|----|----|----|----|------------------|------------------|----|----|------------------|------------------|----|----|------------------|----|----|----|----|----|
| x  | 0  | 55               | 0  | 48 | 1  | 6  | 0  | 10 | 2                | 0  | x  | x  | 0  | 10               | 1                | 0  | 0  | 49               | 13               | 8  | 3  | 6                | 2  | 0  | 0  | 1  | x  |

<sup>43</sup> CZ: " Person concerned does not stay in the Czech Republic – 2, not-specified - 53"

<sup>44</sup> IE: "The surrender was not ordered as the authority that issued the European arrest warrant was not the competent Issuing Judicial Authority"

<sup>45</sup> LT: "In 4 cases execution was postponed due to the fact that the requested person was serving a sentence following the national criminal procedure, and in 6 instances EAW was withdrawn either because the person agreed to arrive before the court himself, or because the EAW was replaced by another procedure (transfer of criminal proceedings), or due to the drawbacks of the EAW form/content."

<sup>46</sup> LU: " Person liberated after arrest on SIS request that should have been retracted (the person had been acquitted on trial)."

<sup>47</sup> NL: "In 49 cases the surrender procedure did not lead to a surrender because the EAW had been withdrawn previously by the issuing state."

<sup>48</sup> AT: "withdrawn"

<sup>49</sup> RO: "EAW withdrawn by the issuing authority, the person mentioned in the EAW is not actually the requested person / problems of forgery (identity)"

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 <sup>50</sup> | SI | SK | FI | SE | UK |
|----|----|----|----|----|----|----|----|----|-----|----|----|----|----|----|----|----|----|----|----|----|----|------------------|----|----|----|----|----|
| 0  | x  | 8  | 9  | 66 | 0  | 4  | 10 | 8  | 150 | 2  | x  | 0  | 16 | 0  | 0  | 0  | 1  | 85 | 1  | 5  | 3  | 1                | 4  | 0  | 0  | 2  | x  |

8.2. In how many of the cases in 8.1 above was Eurojust informed (Article 17.7 FD)?

| BE | BG | CZ | DK | DE <sup>51</sup> | EE | EL | ES | FR | IE  | HR | IT | CY | LV | LT | LU | HU | MT | NL <sup>52</sup> | AT | PL | PT <sup>53</sup> | RO | SI | SK | FI | SE | UK |
|----|----|----|----|------------------|----|----|----|----|-----|----|----|----|----|----|----|----|----|------------------|----|----|------------------|----|----|----|----|----|----|
| 0  | x  | 9  | 1  | 0                | 0  | 3  | x  | 0  | 150 | 2  | x  | 0  | 2  | 0  | 0  | 0  | 0  | x                | 0  | 0  | x                | 0  | 2  | 0  | 0  | 2  | x  |

<sup>50</sup> RO: "Questions addressed to the ECJ"

<sup>51</sup> DE: "In accordance with 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 such circumstances in any of these cases."

<sup>52</sup> NL: "The issuing judicial authority was always informed immediately. Eurojust was informed later."

<sup>53</sup> PT: "Information to be provided by Eurojust"

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 <sup>54</sup> | HR | IT | CY | LV | LT | LU | HU | MT | NL <sup>55</sup> | AT | PL | PT | RO | SI | SK | FI | SE | UK |
|----|----|----|----|----|----|----|----|----|------------------|----|----|----|----|----|----|----|----|------------------|----|----|----|----|----|----|----|----|----|
| x  | x  | 6  | 0  | 0  | 0  | 0  | 91 | 0  | 1                | 0  | x  | x  | 0  | 0  | 0  | 0  | 0  | 0                | 12 | 5  | 0  | 28 | 0  | 0  | 0  | 1  | x  |

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 <sup>56</sup> | HR | IT | CY | LV | LT | LU | HU | MT | NL | AT <sup>57</sup> | PL | PT | RO | SI | SK | FI | SE | UK |
|----|----|----|----|----|----|----|----|----|------------------|----|----|----|----|----|----|----|----|----|------------------|----|----|----|----|----|----|----|----|
| x  | x  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 1                | 0  | x  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 1                | 1  | 0  | 0  | 0  | 0  | 0  | 1  | x  |

<sup>54</sup> IE: "In 1 case (whereby the subject refused to board the aeroplane)."

<sup>55</sup> NL: "In 149 cases there was a reason for postponement of the surrender (article 24)."

<sup>56</sup> IE: "The 1 case mentioned at 8.3 above has been referred to the European Court of Justice."

<sup>57</sup> AT: "by error"

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 <sup>58</sup> | DK | DE | EE | EL | ES | FR | IE <sup>59</sup> | HR | IT | CY | LV | LT | LU | HU | MT | NL <sup>60</sup> | AT | PL  | PT | RO  | SI | SK | FI | SE | UK |
|----|----|------------------|----|----|----|----|----|----|------------------|----|----|----|----|----|----|----|----|------------------|----|-----|----|-----|----|----|----|----|----|
| 21 | x  | 56               | 8  | 25 | 17 | 36 | 18 | 78 | 8                | 15 | x  | 2  | 0  | 84 | 6  | 94 | 0  | 141              | 2  | 125 | 21 | 406 | 12 | 57 | 0  | 22 | x  |

<sup>58</sup> CZ: "54 Czech citizens, 2 EU residents)

<sup>59</sup> IE: "176 warrants were received in 2015 and 20 related to Irish citizens; 8 persons were arrested, 4 requests were withdrawn and 1 warrant was not endorsed. The remaining 8 requests are at various stages of processing."

<sup>60</sup> NL: "140 nationals and 1 equally treated resident 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 <sup>61</sup> | UK |   |
|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|------------------|----|---|
| x  | x  | 0  | 0  | 0  | 17 | 3  | 0  | 0  | 0  | 0  | x  | x  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 5  | x  | 0  | 0  | 0  | 0  | 0                | 0  | x |

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<sup>61</sup> SE: "Such a guarantee is not required in Sweden"

**Annex II - Other information provided by several Member States**

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

#### CZECH REPUBLIC

Questions 2 - 3.11 could not be answered for the year 2015. The system for statistical data collection at the Ministry of Justice is currently under construction. Date when it becomes fully operational is not clear now.

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

#### GERMANY

The figures provided are based on a statistical survey comprising cases in which the surrender took place in 2015 and the relevant judicial authorities at federal state level submitted their reports to the Federal Office of Justice by 15 April 2016.

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 outgoing EAWs rose from 965 to 1 038, corresponding to an increase of around 8 %. This increase rate is identical to that from the previous year.

The number of incoming EAWs on which decisions were made rose from 1 409 cases in 2014 to 1 610 cases in 2015, an increase of about 14 %. The percentage increase in the previous year was only 4 %.

Overall, the trend has stabilised at a high level.

In 2015, the rate of refusals to extradite to a foreign country on the basis of a European arrest warrant rose slightly in comparison with the previous year, from 10.72 % to 12.11 %, therefore remaining approximately at the 2014 level.

There has been an increase in the number of cases where the deadline for surrender has not been met. The deadline of ten days from the final authorisation decision was not met in around 60 % of the cases. In 66 cases (about 5 %), the 90-day deadline was not met.

In the reporting period, the overall duration of the extradition procedures remained virtually unchanged. In procedures with the wanted person's consent, the average overall duration decreased from 15.84 days in 2014 to 15.15 days in 2015.

In procedures without the wanted person's consent, the average overall duration increased from 40.49 days in 2014 to 41.74 days in 2015.

### THE NETHERLANDS

- Overview of the EAWs the Netherlands received since the Surrender Act entered into force (12 May 2004) and 31 December 2015

| <b>Member State</b>   | <b>2004</b> | <b>2005</b> | <b>2006</b> | <b>2007</b> | <b>2008</b> | <b>2009</b> | <b>2010</b> | <b>2011</b> | <b>2012</b> | <b>2013</b> | <b>2014</b> | <b>2015</b> | <b>Total</b> |
|-----------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|--------------|
| <b>Poland</b>         | 3           | 60          | 83          | 81          | 101         | 216         | 233         | 245         | 278         | 281         | 264         | 279         | <b>2124</b>  |
| <b>Belgium</b>        | 60          | 88          | 99          | 134         | 84          | 109         | 120         | 171         | 175         | 179         | 196         | 252         | <b>1667</b>  |
| <b>Germany</b>        | 54          | 140         | 160         | 131         | 125         | 133         | 138         | 143         | 114         | 138         | 134         | 139         | <b>1549</b>  |
| <b>France</b>         | 20          | 51          | 53          | 40          | 28          | 44          | 32          | 30          | 45          | 44          | 35          | 38          | <b>460</b>   |
| <b>United Kingdom</b> | 6           | 22          | 10          | 15          | 18          | 35          | 46          | 37          | 38          | 43          | 28          | 39          | <b>337</b>   |
| <b>Italy</b>          |             | 16          | 31          | 43          | 28          | 43          | 48          | 18          | 17          | 34          | 35          | 23          | <b>336</b>   |
| <b>Hungary</b>        | 1           | 8           | 4           | 19          | 9           | 11          | 22          | 52          | 38          | 23          | 15          | 15          | <b>217</b>   |
| <b>Romania</b>        |             |             |             | 5           | 15          | 19          | 14          | 18          | 22          | 19          | 29          | 30          | <b>171</b>   |
| <b>Lithuania</b>      | 2           | 17          | 9           | 8           | 9           | 7           | 18          | 26          | 16          | 23          | 12          | 9           | <b>156</b>   |
| <b>Spain</b>          | 6           | 13          | 17          | 9           | 15          | 7           | 9           | 9           | 15          | 11          | 14          | 20          | <b>145</b>   |
| <b>Austria</b>        | 6           | 8           | 11          | 7           | 11          | 10          | 7           | 5           | 10          | 8           | 5           | 10          | <b>98</b>    |
| <b>Sweden</b>         | 5           | 5           | 5           | 1           | 11          | 3           | 10          | 10          | 9           | 3           | 5           | 4           | <b>71</b>    |
| <b>Bulgaria</b>       |             |             |             | 3           | 6           | 8           | 13          | 3           | 10          | 8           | 8           | 5           | <b>64</b>    |
| <b>Czech Republic</b> |             | 1           | 2           | 2           | 6           | 13          | 11          | 9           | 5           | 3           | 2           | 9           | <b>63</b>    |



|                  |            |            |            |            |            |            |            |            |            |            |            |            |             |
|------------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|-------------|
| <b>Portugal</b>  | 9          | 7          | 3          | 5          | 4          | 6          | 6          | 5          | 4          |            | 8          | 5          | <b>62</b>   |
| <b>Latvia</b>    | 1          |            | 1          |            | 3          | 12         | 6          | 9          | 3          | 4          | 9          | 4          | <b>52</b>   |
| <b>Finland</b>   |            | 2          | 3          | 2          | 1          | 4          | 6          | 4          | 4          | 6          | 8          | 9          | <b>49</b>   |
| <b>Denmark</b>   | 3          | 1          | 1          | 2          | 2          | 3          | 4          | 6          | 2          | 2          | 7          | 4          | <b>37</b>   |
| <b>Greece</b>    |            | 1          | 3          | 3          | 3          | 8          |            |            | 6          | 2          | 4          | 3          | <b>33</b>   |
| <b>Ireland</b>   |            |            | 3          | 1          |            | 1          | 2          | 4          | 4          | 2          | 7          | 4          | <b>28</b>   |
| <b>Luxemburg</b> |            | 2          | 5          |            |            | 3          |            | 3          |            | 9          | 1          | 5          | <b>28</b>   |
| <b>Slovakia</b>  | 1          | 4          | 1          |            | 2          | 3          | 2          | 3          | 2          | 1          | 4          | 1          | <b>24</b>   |
| <b>Estonia</b>   |            |            |            | 1          | 1          | 3          | 5          | 1          | 4          | 1          | 2          | 2          | <b>20</b>   |
| <b>Croatia</b>   |            |            |            |            |            |            |            |            |            | 0          | 6          | 4          | <b>10</b>   |
| <b>Slovenia</b>  |            |            | 1          |            | 1          |            |            |            |            | 1          | 3          | 1          | <b>7</b>    |
| <b>Malta</b>     |            | 1          | 1          |            |            |            | 1          | 1          |            |            |            | 1          | <b>5</b>    |
| <b>Cyprus</b>    |            |            | 1          |            |            |            |            |            |            |            |            |            | <b>1</b>    |
| <b>Total</b>     | <b>177</b> | <b>447</b> | <b>507</b> | <b>512</b> | <b>483</b> | <b>701</b> | <b>753</b> | <b>812</b> | <b>821</b> | <b>845</b> | <b>841</b> | <b>915</b> | <b>7814</b> |

**Annex III - Overview of the number of issued and executed European arrest warrants 2005 - 2015**

**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 (from year 2005 – 2013) and Commission (from year 2014 – 2015) by Member States<sup>62</sup>**

|                                     | 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                     |
|-------------------------------------|-----|-----|-----|-----|------|----|-----|-----|------|----|----|-----|----|-----|-----|----|------|----|-----|-------------------|------|-------------------|------|----|-----|-----|-----|-------------------|---------------------------|
| <b>2005 Issued</b> <sup>63,64</sup> |     |     | 4   | 64  |      | 38 | 38  | 519 | 1914 | 29 |    | 121 | 44 | 44  | 500 | 42 | 42   | 1  | 373 | 975               | 1448 | 200               |      | 81 | 56  | 86  | 144 | 131               | <b>6894</b>               |
| <b>2005 Executed</b> <sup>65</sup>  |     |     | 0   | 19  |      | 10 | 12  | 54  | 162  | 6  |    | 57  | 3  | 10  | 69  | 24 | 23   | 0  | 30  | 73                | 112  | 38                |      | 10 | 14  | 37  | 10  | 63                | <b>836</b>                |
| <b>2006 Issued</b>                  |     |     | 168 | 52  |      | 42 | 53  | 450 | 1552 | 43 |    |     | 20 | 65  | 538 | 35 | 115  | 4  | 325 | 391               | 2421 | 102               |      | 67 | 111 | 69  | 137 | 129               | <b>6889</b>               |
| <b>2006 Executed</b>                |     |     | 125 | 19  |      | 15 | 4   | 62  | 237  | 20 |    |     | 2  | 14  | 57  | 22 | 55   | 3  | 47  | 67                | 235  | 52                |      | 14 | 23  | 37  | 27  | 86                | <b>1223</b>               |
| <b>2007 Issued</b>                  |     |     | 435 |     | 1785 | 31 | 83  | 588 | 1028 | 35 |    |     | 20 | 97  | 316 | 44 | 373  | 3  | 403 | 495               | 3473 | 117               | 856  | 54 | 208 | 84  | 170 | 185               | <b>10883</b>              |
| <b>2007 Executed</b>                |     |     | 66  |     | 506  | 14 | 16  | 59  | 345  | 14 |    |     | 4  | 16  | 60  | 15 | 84   | 1  | 17  | 47                | 434  | 45                | 235  | 8  | 71  | 43  | 22  | 99                | <b>2221</b>               |
| <b>2008 Issued</b>                  |     |     | 494 | 52  | 2149 | 46 | 119 | 623 | 1184 | 40 |    |     | 16 | 140 | 348 | 40 | 975  | 2  | 392 | 461               | 4829 | 104 <sup>64</sup> | 2000 | 39 | 342 | 107 | 190 | 218 <sup>64</sup> | <b>14910<sup>64</sup></b> |
| <b>2008 Executed</b>                |     |     | 141 | 26  | 624  | 22 | 10  | 93  | 400  | 13 |    |     | 3  | 22  | 68  | 22 | 205  | 1  |     | 28                | 617  | 63 <sup>64</sup>  | 448  | 11 | 81  | 44  | 40  | 96 <sup>64</sup>  | <b>3078<sup>64</sup></b>  |
| <b>2009 Issued</b>                  | 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               | <b>15827</b>              |
| <b>2009 Executed</b>                | 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                | <b>4431</b>               |
| <b>2010 Issued</b>                  | 553 | 280 | 552 | 85  | 2096 | 74 | 132 | 566 | 1130 |    |    |     | 29 | 159 | 402 | 32 | 1015 | 16 |     |                   | 3753 | 84                | 2000 | 30 | 361 | 116 | 169 | 257               | <b>13891</b>              |
| <b>2010 Executed</b>                | 57  | 120 | 97  | 42  | 835  | 29 | 33  | 97  | 424  |    |    |     | 4  | 48  | 79  | 14 | 231  | 1  |     |                   | 929  |                   | 855  | 4  | 164 | 49  | 65  | 116               | <b>4293</b>               |
| <b>2011 Issued</b>                  | 600 |     | 518 | 128 | 2138 | 67 |     | 531 | 912  | 71 |    |     | 26 | 210 | 420 | 60 |      | 15 |     |                   | 3089 | 193               |      | 53 | 350 |     | 198 | 205               | <b>9784</b>               |
| <b>2011 Executed</b>                | 57  |     | 238 | 91  | 855  | 31 |     | 99  | 297  | 19 |    |     | 8  | 39  | 113 | 29 |      | 4  |     |                   | 930  | 54                |      | 16 | 105 |     | 69  | 99                | <b>3153</b>               |
| <b>2012 Issued</b>                  | 616 |     | 487 | 117 | 1984 | 61 |     | 587 | 1087 | 88 |    |     | 34 |     | 473 | 60 |      | 11 |     | 552 <sup>64</sup> | 3497 | 223 <sup>64</sup> |      |    | 414 | 135 | 239 |                   | <b>10665<sup>64</sup></b> |
| <b>2012 Executed</b>                | 68  |     | 186 | 70  | 1104 | 30 |     | 103 | 322  | 22 |    |     | 15 |     | 131 | 28 |      | 6  |     | 151               | 1103 | 54                |      |    | 125 | 59  | 75  |                   | <b>3652</b>               |
| <b>2013</b>                         | 716 |     | 327 | 157 | 1932 | 88 |     | 582 | 1099 | 69 |    |     | 24 | 186 | 519 |    |      | 9  | 548 | 665               | 2972 | 303               | 2238 | 56 | 335 | 91  | 226 |                   | <b>13142</b>              |

<sup>62</sup> Source: 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; 9200/7/12 COPEN 97; 7196/3/13 COPEN 34; 8414/4/14 COPEN 103

<sup>63</sup> "Empty cell" in the table represents the missing data.

<sup>64</sup> Answers to question 1 to issuing Member States in the yearly questionnaire on quantitative information on the practical operation of the EAW.

<sup>65</sup> Answers to question 4 to issuing Member States in the yearly questionnaire on quantitative information on the practical operation of the EAW.

|                      |     |     |     |     |      |    |     |     |      |    |     |      |    |     |     |     |     |    |     |     |      |     |      |    |     |     |     |     |              |  |
|----------------------|-----|-----|-----|-----|------|----|-----|-----|------|----|-----|------|----|-----|-----|-----|-----|----|-----|-----|------|-----|------|----|-----|-----|-----|-----|--------------|--|
| <u>Issued</u>        |     |     |     |     |      |    |     |     |      |    |     |      |    |     |     |     |     |    |     |     |      |     |      |    |     |     |     |     |              |  |
| <b>2013 Executed</b> | 63  |     | 104 | 106 | 900  | 35 |     | 121 | 305  | 17 |     |      | 7  | 54  | 109 |     |     | 1  | 90  | 125 | 731  | 61  | 422  | 22 | 43  | 55  | 96  |     | <b>3467</b>  |  |
| <u>2014 Issued</u>   | 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 | <b>14948</b> |  |
| <b>2014 Executed</b> | 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 | <b>5535</b>  |  |
| <u>2015 Issued</u>   | 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 | <b>16144</b> |  |
| <b>2015 Executed</b> | 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 | <b>5304</b>  |  |

Available statistics furnished by Member States and compiled for the years **2005 to 2015** record the total number of **133 977 issued EAWs** of which **37 193 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 – 6 894 issued - 836 executed (No data from 2 MS - BE, DE)

2006 – 6 889 issued - 1 223 executed (No data from 3 MS - BE, DE, IT)

2007 – 10 883 issued - 2 221 executed (No data from 4 MS - BE, BG, DK, IT)

2008 – 14 910 issued – 3 078 executed (No data from 3 MS - BE, BG, IT)

2009 – 15 827 issued - 4 431 executed (No data from 2 MS - BG, IT)

2010 – 13 891 issued - 4 293 executed (No data from 4 MS - IE, IT, NL, AT)

2011 – 9 784 issued – 3 153 executed (No data from 8 MS - BG, EL, IT, HU, NL, AT, RO, FI)

2012 – 10 665 issued – 3 652 executed (No data from 9 MS - BG, EL, IT, LV, HU, NL, RO, SI, UK)

2013 – 13 142 issued – 3 467 executed (No data from 6 MS - BG, EL, IT, LU, HU, UK)

2014 – 14 948 issued – 5 535 executed (No data from 1 MS - IT)

2015 – 16 144 issued – 5 304 executed.