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COMMISSION STAFF WORKING DOCUMENT

Statistics on the practical operation of the European arrest warrant – 2021

SUMMARY

This Commission staff working document sets out quantitative information on the practical operation of the Council Framework Decision on the European arrest warrant ('EAW') and the surrender procedures between Member States ('the Framework Decision') in 2021 [1]. The statistics are based on information provided by the Member States to the Commission between May 2022 and January 2023, using the standard questionnaire contained in Council document 11356/13 of 24 June 2013 [2].

The questionnaire covers quantitative information from Member States acting both as issuing States and as executing States. It collects data on a number of points, including the number of EAWs issued and executed, the number of persons arrested, the types of offences covered, the reasons for refusal and the duration of the surrender proceedings.

Only general conclusions can be drawn from the received replies because they do not provide a complete set of data. Not all Member States replied to every question in the questionnaire and the response rates have varied over the years, so statistical comparisons are sometimes difficult.

In particular, it should be highlighted that:

- the main indicators on the number of initiated proceedings, arrests and effective surrender procedures have been rather stable (i.e. the ratio between these indicators has been relatively constant over the last few years);

- it appears that some Member States do not always take the decision on whether or not to execute an EAW within the time limits set by the Framework Decision, thus failing to comply with their obligations;

- some surrender procedures are taking longer, possibly still as a result of the COVID-19 pandemic;

- Article 4(6) of the Framework Decision – which covers the cases when the executing State takes over the execution of a sentence – triggers the highest percentage of refusals to execute EAWs by comparison with other mandatory and optional grounds for refusal, as provided under Articles 3, 4 and 4a of the Framework Decision.

These conclusions broadly confirm the main trends already identified in 2020.

[1] Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States (2002/584/JHA) OJ L 190, 18.7.2002, p. 1–20. Consolidated text: https://eur-lex.europa.eu/legal content/EN/TXT/?uri=CELEX%3A02002F0584-20090328.

[2] Council of the European Union, Standard questionnaire on quantitative information relating to the practical operation of the European arrest warrant, Document 11356/13 of 24 June 2013 https://data.consilium.europa.eu/doc/document/ST-11356-2013-INIT/en/pdf.

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INTRODUCTION

Council Framework Decision of 13 June 2002 on the European arrest warrant ('EAW') and the surrender procedures between Member States ('the Framework Decision'), as amended by Council Framework Decision 2009/299/JHA concerning trials *in absentia* [3], is the first EU legal instrument on cooperation in criminal matters based on the principle of mutual recognition [4]. The Framework Decision has efficiently ensured that open borders are not exploited by those seeking to evade justice. It has also contributed to the EU objective of developing and maintaining an area of freedom, security and justice. The Framework Decision replaced the previous multilateral system of extradition between Member States with a simplified and effective system for the surrender of convicted persons or suspects for criminal proceedings and for the enforcement of judgments. This system is based on the principle of mutual recognition and on a high level of trust between the Member States' judicial authorities.

OBJECTIVE AND SCOPE OF THE REPORT

This Commission staff working document sets out quantitative information on the practical operation of the EAW in 2021. The statistics are based on information provided by the Member States to the Commission between May 2022 and June 2022 in their replies to the standard questionnaire contained in Council document 11356/13 of 24 June 2013.

From 2005 to 2013, these statistics were collected and published by the General Secretariat of the Council. Following the entry into force of the Treaty of Lisbon and the expiry in December 2014 of the transitional period for the former 'third-pillar' instruments, the Commission is now responsible for collecting and publishing this quantitative information [5].

The questionnaire covers quantitative information from Member States acting both as issuing States and as executing States. It collects data related to a number of points, including the number of EAWs issued and executed, the number of persons arrested, the types of offences covered, the reasons for refusal and the duration of the surrender proceedings.

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[3] Council Framework Decision 2009/299/JHA of 26 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.

[4] Reference to the principle of mutual recognition can be found in the programme of measures to implement the principle of mutual recognition of criminal decisions set out in the Tampere European Council Conclusions and adopted by the Council on 30 November 2000 (OJ C 12 E, 15.1.2001, p. 10): 'The principle of mutual recognition is founded on mutual trust developed through the shared values of Member States concerning respect for human dignity, freedom, democracy, equality, the rule of law and human rights, so that each authority has confidence that the other authorities apply equivalent standards of protection of rights across their criminal justice systems.'

[5] The Commission staff working documents covering statistics for the years 2014-2020 are available at https://e-justice.europa.eu/content_european_arrest_warrant-90-en.do.

These data: (i) provide a basis for statistical analysis; (ii) enable comparisons between Member States, including between different years; and (iii) provide an overall picture and trends of the operation of the EAW.

OVERVIEW OF MEMBER STATES' REPLIES

All 27 Member States submitted replies, but not all of them replied to every question in the questionnaire.

Statistical comparisons of data from different years may not always be possible because the response rates of Member States have varied over the years.

This staff working document is divided into two parts. The first part covers information provided by Member States acting as issuing States, while the second part covers information provided by Member States acting as executing States.

I. REPLIES BY MEMBER STATES AS ISSUING STATES

Introduction

Article 1(1) of the Framework Decision provides that the EAW 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.

An EAW may be issued: (i) for acts punishable by the law of the issuing Member State by a custodial sentence or a detention order for a maximum period of at least 12 months; or (ii) where a sentence has been passed or a detention order made, for sentences of at least 4 months.

However, the issuing judicial authorities of the Member States should consider whether a less coercive EU measure could be used to achieve an appropriate result, assessing whether issuing an EAW is proportionate in the light of the particular circumstances of each case [6].

The Court of Justice of the European Union ('the Court of Justice') has held that the concept of 'issuing judicial authority' under Article 6(1) of the Framework Decision is not limited to the courts and judges of the Member States and must be interpreted broadly as including authorities participating in the administration of criminal justice. Public prosecutors' offices therefore qualify as issuing judicial authorities as long as they are not exposed to the risk of being subject to directions or instructions from the executive (such as a minister of justice) in a specific case in connection with the adoption of a decision to issue an EAW [7]. The Court of Justice has also clarified that the term 'judicial authority' does not cover a police service [8] or an organ of the executive of a Member State, such as a ministry of justice [9].

According to Article 6(3) of the Framework Decision, Member States are obliged to notify the General Secretariat of the Council which judicial authorities are competent to issue an EAW. All Member States have notified the General Secretariat of the Council of such authorities.

1. Total number of issued EAWs

All 27 Member States provided information on the number of EAWs issued (Question 1). The issuing judicial authorities of the 27 Member States issued a total of **14 789** EAWs in 2021. In

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6 Handbook on how to issue and execute a European arrest warrant, OJ C 335, 6.10.2017, p. 1 (https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52017XC1006(02)&from=DA), particularly the section on proportionality on pp. 14-15.

7 The 2021 EU Justice Scoreboard https://commission.europa.eu/system/files/2021-07/eu_justice_scoreboard_2021.pdf, pp. 46-52 (the 2022 EU Justice scoreboards are also available). Judgment of 24 November 2020, *AZ*, C-510/19, EU:C:2020:953. Judgment of 27 May 2019, *OG and PI*, C-508/18 and C-82/19 PPU, EU:C:2019:456. Judgment of 27 May 2019, *PF*, C-509/18, EU:C:2019:457.

8 Judgment of 10 November 2016, *Poltorak*, C-452/16 PPU, EU:C:2016:858.

9 Judgment of 10 November 2016, *Kovalkovas*, C-477/16 PPU, EU:C:2016:861.

2020, the 27 Member States issued 15 938 EAWs. In 2019, however, 20 226 EAWs were issued. This was due to the reissue of 2 379 EAWs [10] (these 2 379 EAWs were reissued after being originally issued by German public prosecutors, which do not qualify as issuing judicial authorities under Article 6(1) of the Framework Decision as interpreted by the Court of Justice[11]). However, compared with the total number of issued EAWs in previous years (17 471 EAWs were issued in 2018), a certain decrease can be noted.

Only 22 Member States provided figures on the purpose of the issued EAWs (Question 2). 4 094 EAWs were issued in 2021 by these 22 Member States for prosecution purposes [12].

Three distinct categories can be observed among the Member States that provided these specific statistics.

- 13 Member States issued significantly more EAWs for prosecution purposes: Cyprus (29 out of 29 EAWs issued – i.e. all the EAWs issued by Cyprus were for prosecution purposes), Denmark (79 out of 93), Greece (134 out of 220), Spain (395 out of 588), Finland (69 out of 96), France (782 out of 1 259), Croatia (281 out of 524), Ireland (46 out of 48), Luxembourg (103 out of 118), Latvia (71 out of 119), Sweden (99 out of 164), Slovenia (62 out of 93) and Slovak Republic (103 out of 187).

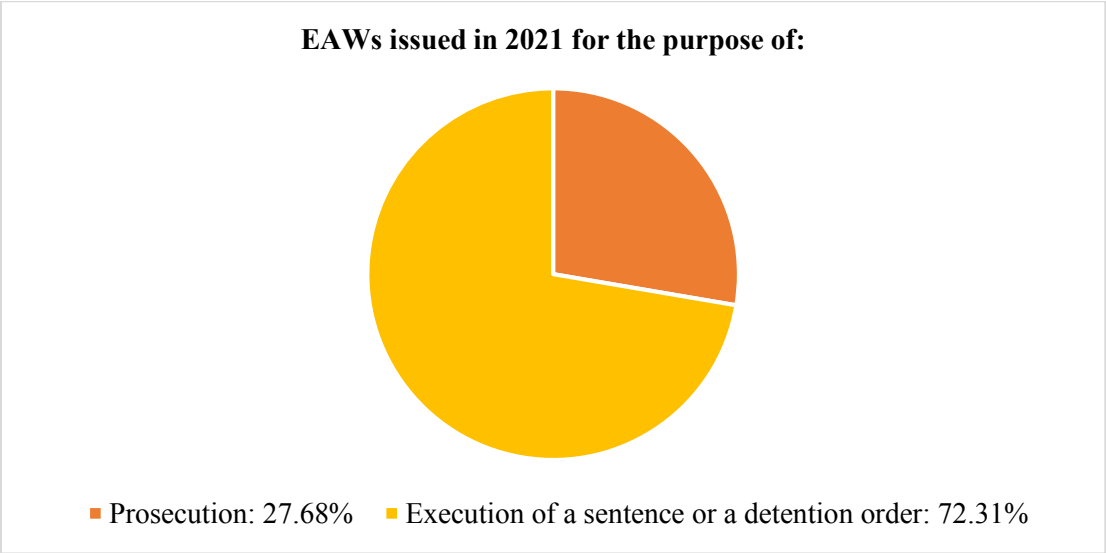
- 5 Member States issued significantly more EAWs for the execution of a sentence or detention order: Belgium (1 112 out of 1 435), Hungary (424 out of 726), Italy (525 out of 864), Poland (1 165 out of 1 541) and Romania (809 out of 886). It could be argued that these differences correspond to the higher proportion of *in absentia* proceedings in some of these Member States, leading to fewer EAWs being issued for prosecution purposes.

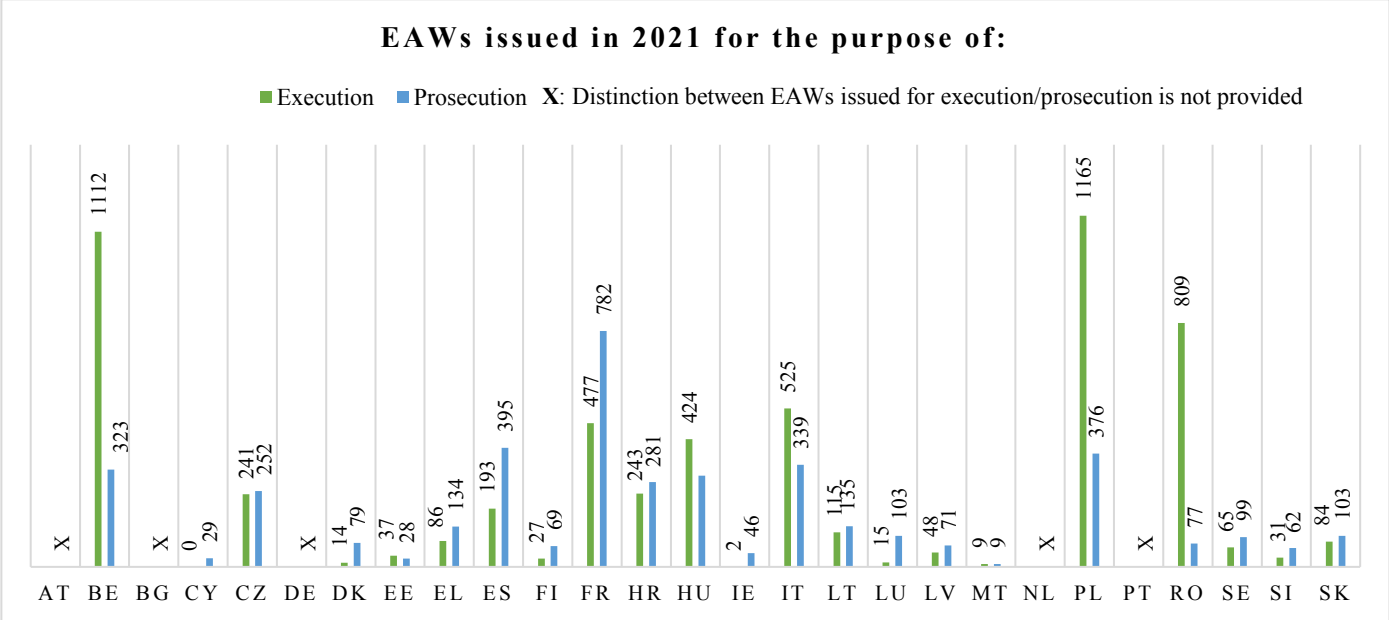
- The remaining 4 Member States that provided figures issued EAWs in relatively equal proportions for both purposes.

[10] See the statistics on the practical operation of the European arrest warrant of 2019: https://ec.europa.eu/info/sites/default/files/law/search_law/documents/eaw_statistics_2019_swd_2021_227_final_08_2021_en.pdf, p. 6.

[11] Judgement of 27 May 2019, *OG and Pl,* C-508/18 and c-82/19 PPU, EC:C:2019:456.

[12] Germany and the Netherlands provided figures for Question 2, but explained that their databases do not allow them to distinguish EAWs issued for prosecution purposes from EAWs issued for the purpose of executing a custodial sentence or a detention order.





2. Categories of offences the EAWs were issued for

Most Member States provided replies for the categories of offences for which EAWs were issued (Question 3).

The Commission requested the Member States to distinguish more clearly between situations where there had not been any case (0) and situation where no figures were available (x). Several Member States tried to give clearer answers and this reduced the level of ambiguity. However, certain replies were still not sufficiently clear and this makes it difficult to draw exact conclusions from the figures provided.

The replies show that in 2021 (as was already the case in 2015-2020), **the most commonly identified categories of offences** were:

a) **theft offences and criminal damage** (2 162 EAWs) (Question 3.5);
b) **drug offences** (1 741 EAWs) (Question 3.2);
c) **fraud and corruption offences** (1 278 EAWs) (Question 3.6).

However, the occurrence of each of these categories of offences varies greatly between Member States. For example, 492 of the 2 162 EAWs related to theft offences and criminal damage were registered in Poland alone.

On the other hand, the recorded figures show that **the least frequently identified categories of offences** in 2021 were:

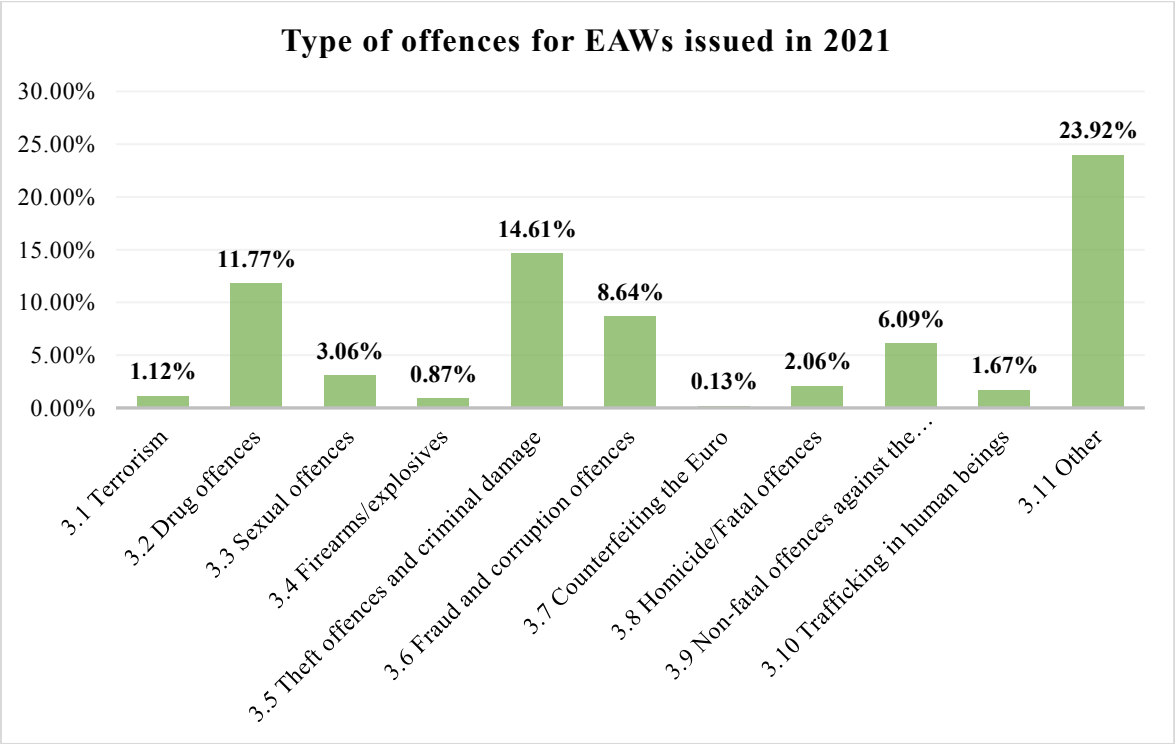
a) **counterfeiting the euro** (20 EAWs) (Question 3.7);
b) **offences concerning firearms/explosives** (129 EAWs) (Question 3.4);
c) **terrorism** (167 EAWs) (Question 3.1).

These figures are in line with the trends detected in previous years with the difference that terrorism instead of trafficking in human beings is one of the least frequently identified categories of offences.

On trafficking in human beings (Question 3.10), 248 EAWs were issued in 2021 (224 EAWs were issued in 2020). Of these, 110 were issued by Romania and 67 by France.

On terrorism offences (Question 3.1), 167 EAWs were issued in 2021 (178 EAWs were issued in 2020). Of these, 85 were issued by France alone. Contrary to the increase registered in 2017 and 2018, a slight decrease was registered in EAWs for terrorism offences in 2019 (274 EAWs issued). This trend continued in 2020 and 2021, when numbers decreased still further.

Moreover, Member States recorded 3 538 EAWs for offences under the category of '3.11 Other' (Question 3.11). In 2020, 3 082 EAWs were categorised as '3.11 Other'.



Disclaimer: not all Member States provided detailed information on the type of offences.

3. Total number of effective surrenders

On the effective surrender of the person sought (Question 4), 25 Member States provided figures as issuing States (with the exception of Austria and Slovakia). In total, 4 723 EAWs issued by Member States' judicial authorities in 2021 or in previous years resulted in the effective surrender of the person sought. By way of comparison, 4 612 of the issued EAWs resulted in effective surrender in 2020 (according to data provided by 23 Member States – the exceptions being Belgium, Luxembourg, Austria and Sweden).

II. REPLIES BY MEMBER STATES AS EXECUTING STATES

Introduction

The executing judicial authority of a Member State has a general duty to act upon an EAW on the basis of the principle of mutual recognition and in accordance with the provisions of the Framework Decision (Article 1(2) of the Framework Decision) [13].

The Court of Justice held in case C-510/19, *AZ* that the entire surrender procedure between Member States must be carried out under judicial supervision and that the decision on issuing and executing an EAW must therefore be taken by a judicial authority [14]. On this point, the Court of Justice aligned the notion of 'executing judicial authority' (Article 6(2) of the Framework Decision) with its interpretation of the notion of 'issuing judicial authority' (Article 6(1) of the Framework Decision) [15].

The concept of 'executing judicial authority' must therefore be interpreted as including the authorities of a Member State which, without necessarily being judges or courts, participate in the administration of criminal justice in that Member State but act independently in the exercise of the responsibilities inherent in the execution of an EAW. This means that public prosecutors of a Member State, who participate in the administration of justice but may receive instructions in a specific case from the executive, do not constitute an 'executing judicial authority' for the purposes of the Framework Decision.

Article 6(3) of the Framework Decision requires the Member States to notify the General Secretariat of the Council which judicial authorities are competent to execute an EAW. All Member States have done so.

1. Total number of arrests

25 Member States (except Austria and Slovakia) provided figures on the number of persons arrested under an EAW (Question 1). In 2021, **7 262** requested persons were arrested – against 6 152 arrests in 2020 and 7 658 arrests in 2019 in the 26 Member States that provided information for those years [16]. The highest numbers of arrests in 2021 were recorded in Germany (1 652), Spain (966), the Netherlands (908) and Romania (540). These four Member States were also responsible for the highest number of arrests in 2020, although the Netherlands had more arrests than Spain that year.

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13 Judgment of 6 October 2009, *Wolzenburg*, C-123/08, EU:C:2009:616, paragraph 57. Judgment of 5 April 2016, *Aranyosi and Căldăraru*, C-404/15 and C-659/15 PPU, EU:C:2016:198, paragraph 79.

14 Judgment of 24 November 2020, *AZ*, C-510/19, EU:C:2020:953.

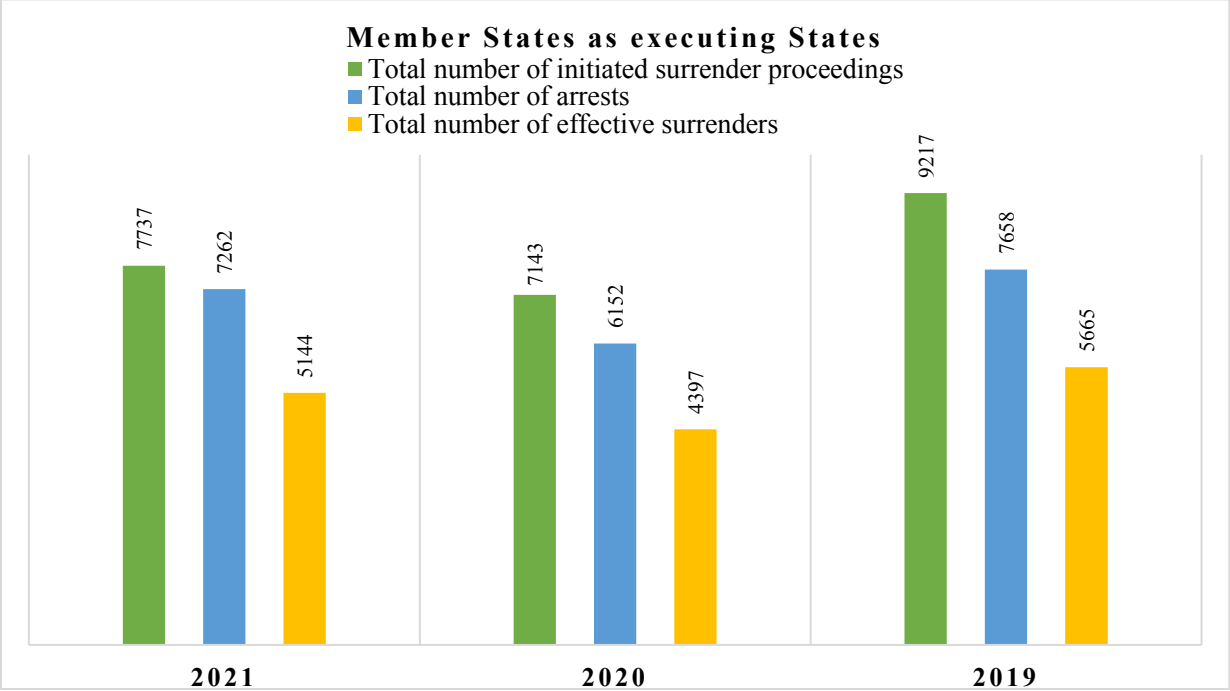
15 See page 5 above.

16 The 26 Member States who provided information for 2018 and 2019 were not the same as the 25 Member States who provided information for 2020 and 2021.

2. Total number of initiated surrender proceedings

26 Member States (except Hungary) provided figures on the total number of initiated surrender proceedings for 2021, which amounted in total to 7 737 (Question 2). In comparison, in 2020 the total number of initiated surrender proceedings was 7 143 in 26 Member States (9 217 in all 27 Member States in 2019).

These figures should nevertheless be compared with data on effective surrenders (see Section 3) because initiated surrender proceedings may not result in effective surrender for a variety of different reasons, in particular due to the application of grounds for refusal.



Disclaimer: the Member States that provided figures for each year are not identical.

3. Total number of effective surrenders

In 2021, 5 144 persons were effectively surrendered according to figures provided by 27 Member States as executing States (Question 3), compared with 4 397 effective surrenders according to figures provided by 26 Member States in 2020.

In 2021, 70.8% [17] of the total number of arrests resulted in effective surrenders, while 66.4% [18] of initiated surrender proceedings resulted in effective surrenders. By way of

[17] This percentage is 67.24% if it is taken into account that 25 Member States provided figures on the total number of arrests while 27 Member States provided figures on the total number of effective surrenders.

[18] This percentage is 63.83% if it is taken into account that 26 Member States provided figures on the total number of initiated surrender proceedings while 27 Member States provided figures on the total number of effective surrenders.

comparison, in 2020, 71.4% [19] of the total number of arrests resulted in effective surrender, while 61.5% of initiated surrender proceedings resulted in effective surrenders.

The questionnaire for the 2021 statistics included, for the second time, questions asking the Member States to provide detailed quantitative data, where available, for each Member State to which a requested person was surrendered. 19 [20] Member States supplied the requested data, though it is worth noting that these data are often incomplete (Question 3.1).

3.1.) With the consent of a requested person

The consent of the requested person is particularly important when analysing the speediness of the surrender procedure in practice. The final decision on the execution of the EAW should be taken within 10 days of consent being given (Article 17(2) of the Framework Decision).

From the figures provided by 26 Member States on the consent of the requested person, it can be concluded that **49.48% of the persons effectively surrendered in 2021 consented to their surrender** (2 449 out of 4 949 persons surrendered by the same Member States). A percentage of 53.51% was observed in the 2020 figures reported by 25 Member States (Question 4 with reference to Question 3).

3.2.) Without the consent of a requested person

In 2021, **50.52% of effectively surrendered persons did not consent to their surrender**.

4. Average time to take a decision whether or not to execute an EAW

Under Article 17(1) of the Framework Decision, all EAWs must be dealt with and executed as a matter of urgency. Strict time limits are set out for the execution of an EAW, depending on whether or not the requested person consents to their surrender.

If the requested person consents to their surrender, the final decision on the execution of the EAW should be taken within 10 days of consent being given (Article 17(2) of the Framework Decision).

If the requested person does not consent to their surrender, the final decision on the execution of the EAW should be taken within 60 days after the arrest of the requested person (Article 17(3) of the Framework Decision).

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[19] This percentage is 67.75% if it is taken into account that 24 Member States provided figures on the total number of arrests while 26 Member States provided figures on the total number of effective surrenders.

[20] Not all Member States provided consistent data for each Member State to which a requested person was surrendered.

Those time limits may be extended by a further 30 days in exceptional cases when the EAW cannot be executed within the applicable time limits. In these cases, the executing judicial authority must immediately inform the issuing judicial authority of this extension and provide the reasons for the delay (Article 17(4) of the Framework Decision).

4.1.) When a person consented

Under Question 5, only 23 Member States provided information on the duration of the procedure in cases where the requested person consented to the surrender [21]. For these Member States, the procedure took an average of **20.14 days after the arrest** (21.26 days [22] in 2020 and 16.7 days in 2019).

In 2021, the longest reported average duration of the procedure, when the requested person consented to the surrender, was 58 days for Denmark. By way of comparison, in 2020, the longest reported average duration of the procedure, when the requested person consented to the surrender, was 57 days (also for Denmark).

In 2021, the shortest reported average durations of the procedure were 0.6 days in Luxembourg, 1 day in Malta and 6 days in Spain, all of which - with the exception of Spain - also recorded the shortest durations in 2020.

4.2.) When a person did not consent

When a requested person did not consent to the surrender, the procedure lasted on average **53.72 days** in the 21 Member States which provided figures, compared with **72.45** days [23] in 2020 and 55.75 days in 2019 (Question 6).

Ireland reported a long average duration of 226 days [24]. This was also the case in 2020, when Ireland reported a long average duration of 558 days. Long durations were also reported by Portugal (77.66 days) and Czechia (71 days).

By contrast, the shortest average durations were reported by Luxembourg (13.55 days), Spain (15 days), and Romania (25 days).

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21 Ireland did provide figures under this question but commented that consent is difficult to quantify in Irish EAW proceedings because an individual can consent at any stage from arrest until a surrender order is made.

22 The 2020 statistics referred to 44.6 days. However, Greece provided revised figures in February 2023 which resulted in an average of 21.26 days after the arrest of the requested person in cases where they consented to the surrender.

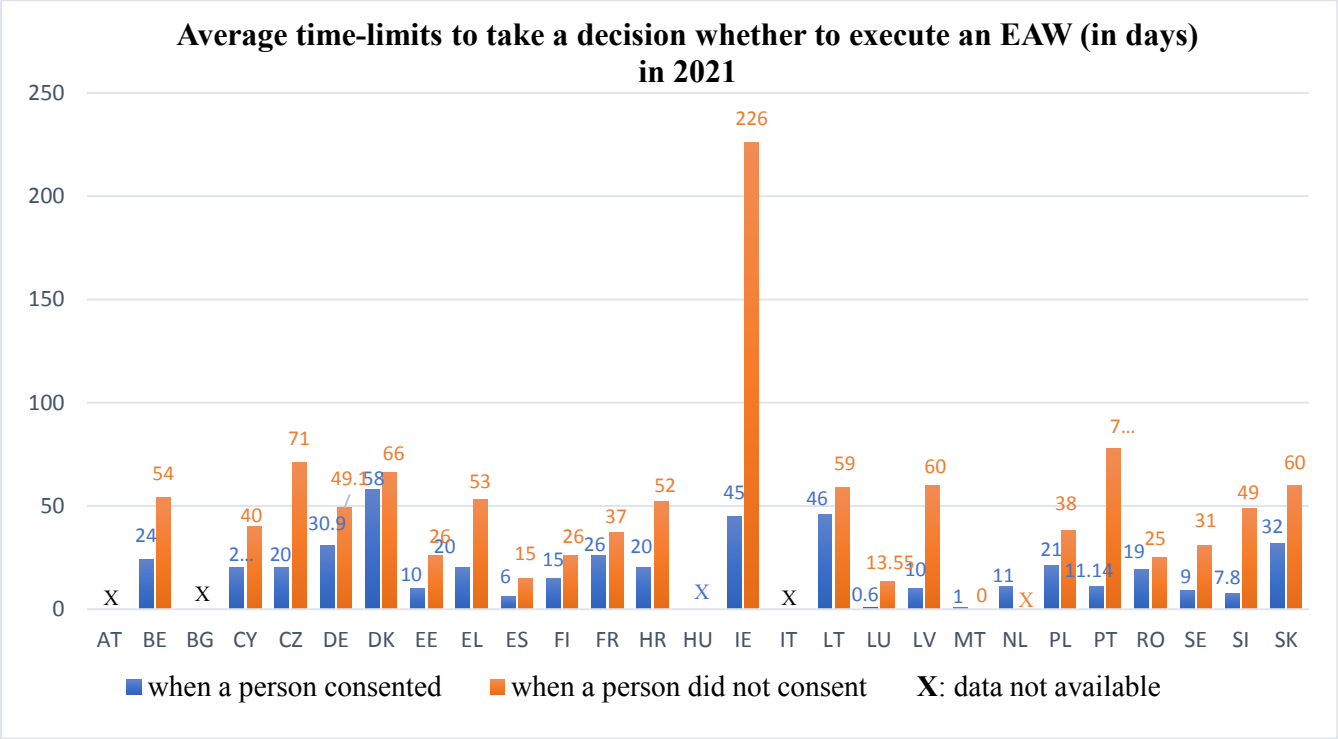
23 The 2020 statistics were 111.74 days. However, Greece provided revised figures in February 2023 which resulted in an average of 72.45 days where the person did not consent to the surrender.

24 Ireland stated that: 'References to the CJEU were largely responsible for delays in surrender times in 2021, in particular references related to the Polish Rule of Law matter'.

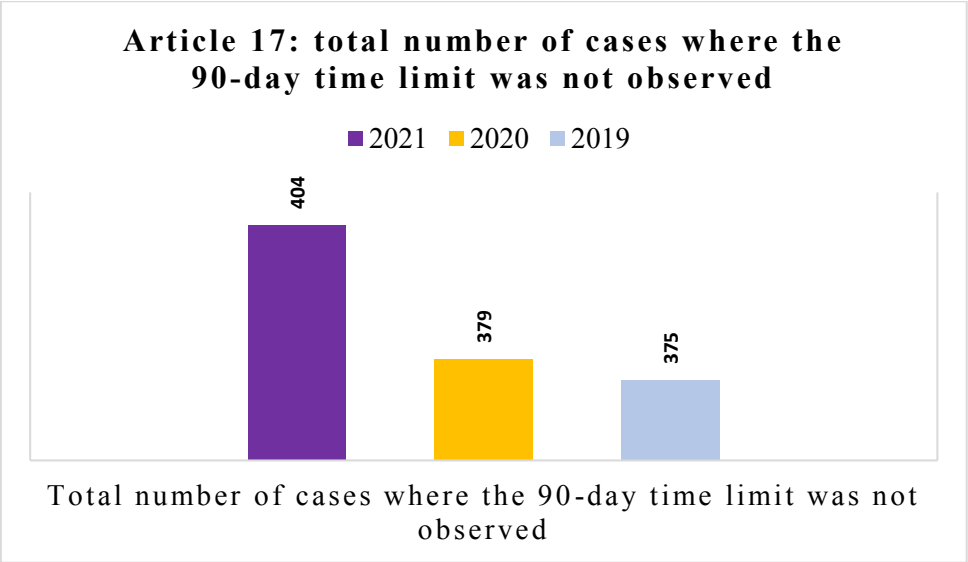
As already observed in the reports for previous years, the Netherlands provided figures only on the numbers of decisions taken within 60 days, between 60 and 90 days and after 90 days [25].

4.3.) Total number of cases where the 90-day time limit was not observed

Under Question 8.1, the 90-day time limit was exceeded in 404 cases in 13 of the 22 Member States that replied. This figure is slightly higher than the total reported for 2020 (397 cases reported by 12 of the 20 Member States that replied). The most significant numbers were registered by the Netherlands (172 cases), Germany (100 cases) and Ireland (73 cases). Together, these three Member States reported most of the cases where the 90-day time limit was exceeded (85.3% of cases). A comparison with the number of initiated surrender proceedings in the same Member States reveals that the 90-day time limit was exceeded in 6.21% of the initiated surrender proceedings (13.34% in 2020).



[25] The Netherlands stated that: 'Out of the 682 decisions on surrender: 87 decisions were taken within 60 days, 257 decisions were taken between 60 and 90 days and 172 decisions were taken after the time limit of 90 days expired. Finally, 166 decisions related to persons already detained for a Dutch criminal case or on the basis of another EAW, where the time limit of Article 17 does not run.'



Disclaimer: the Member States that provided figures for each year are not identical.

4.4.) Eurojust being informed when the 90-day time limit was not observed

When competent authorities cannot comply with the time limits, the competent authorities must inform Eurojust and give the reasons for the delay (Article 17(7)). Eurojust can then monitor the cases and help identify the problems causing delays. To improve compliance with the time limits in surrender proceedings, Eurojust can also facilitate the exchange of information between the competent authorities.

However, as was observed in previous years, statistics on informing Eurojust reveal that this provision is still of limited application in practice, even if the number is growing. In 2021, Eurojust was informed in 88 cases, according to the figures provided by 19 Member States (Question 8.2). In 2020, Eurojust was informed in only 48 cases, according to figures provided by 19 Member States.

5. Grounds for non-execution (refusal) and guarantees

The general duty to execute an EAW, enshrined in Article 1(2), is limited under Articles 3, 4 and 4a of the Framework Decision by the mandatory and optional grounds for non-execution of the EAW.

Following the case law of the Court of Justice, these grounds for non-execution are in principle exhaustive [26]. A refusal to execute an EAW is intended to be an exception, which must be interpreted strictly.

[26] Judgment of 6 October 2009, *Wolzenburg*, C-123/08, EU:C:2009:616, paragraph 57. Judgment of 26 February 2013, *Melloni*, C-399/11, EU:C:2013:107, paragraph 38. Judgment of 30 May 2013, *Jeremy F*, C-168/13 PPU, EU:C:2013:358, paragraph 36. Judgment of 5 April 2016, *Aranyosi and Căldăraru*, C-404/15 and C-659/15 PPU, EU:C:2016:198, paragraph 80.

The execution of an EAW was refused in 1 034 cases in all 27 Member States for 2021 (Question 7). This aggregate figure was slightly lower than the 1 047 refusals in 26 Member States in 2020 and the 1 042 refusals in 26 Member States in 2019, but it was higher than the 879 refusals in 26 Member States in 2018, 796 in 24 Member States in 2017 and 719 in 25 Member States in 2016. However, it is not possible to provide exact statistical comparisons because different Member States provided the figures for those years.

Most Member States gave specific replies to questions on the grounds for their refusals. The figures provided show that – as in 2017, 2018, 2019 and 2020 – the most common ground for refusal to surrender was Article 4(6) of the Framework Decision, covering 324 EAWs in 2021 (328 in 2020).

Article 4(6) of the Framework Decision provides that the executing judicial authority may refuse to execute an EAW if the EAW has been issued for the purposes of the execution of a custodial sentence or detention order, where the requested person is staying in, or is a national or a resident of, the executing Member State and that Member State undertakes the execution of the sentence or detention order according to its domestic law. A refusal to surrender based on Article 4(6) of the Framework Decision does not lead to impunity because the executing Member State takes over the execution of the sentence or detention order [27].

There were no registered cases concerning privilege or immunity under Article 20 of the Framework Decision (Question 7.16).

5.1.) Mandatory grounds for non-execution

Article 3 of the Framework Decision requires the executing judicial authority to refuse to execute the EAW in three cases: (i) amnesty; (ii) *ne bis in idem*; and (iii) being under the age of criminal responsibility.

- Amnesty (Article 3(1))

Execution of an EAW must be refused if the offence on which the EAW is based is covered by an amnesty in the executing Member State. The executing Member State must also have jurisdiction to prosecute the offence under its own criminal law. In 2021, execution was refused in 3 cases because of amnesty – 2 cases in Poland and 1 in Croatia (Question 7.1). By way of comparison, 1 case was registered in 2020 and 2 cases were reported in 2019.

- *Ne bis in idem* (Article 3(2))

Execution of an EAW must be refused if the executing judicial authority is informed that the requested person has been finally judged by a Member State for the same act. It is also required that where a sentence has been passed, that that sentence has been served, is

[27] Judgment of 29 June 2017, *Popławski I*, C-579/15, EU:C:2017:503.

currently being served or may no longer be executed under the law of the sentencing Member State (the enforcement requirements).

In 2021, the total number of refusals on the ground of *ne bis in idem* was 4 (Question 7.2). In 2020, the total number was 5. 7 cases were reported both in 2019 and 2018, while 4 cases were reported in 2017.

- Under the age of criminal responsibility (Article 3(3))

Execution of an EAW must be refused in cases where, due to their age, the requested person cannot be held criminally responsible for the acts on which the EAW is based under the law of the executing Member State. The age limits for criminal responsibility vary among the different Member States.

In 2021, 4 cases of refusal of surrender on this basis were recorded: 3 in Bulgaria and 1 in Poland (Question 7.3). Both in 2019 and 2020, 2 cases of refusal of surrender on this basis were recorded.

5.2.) Optional grounds for non-execution (Articles 4 and 4a)

Articles 4 and 4a of the Framework Decision provide eight optional grounds for non-execution. As regards the grounds for optional non-execution referred to in Article 4, Member States are free to transpose those grounds into their domestic law or not to do so and hence an executing judicial authority may only invoke these grounds if they are transposed into its national law. The Court of Justice has held that Member States have a certain margin of discretion when implementing the optional grounds for non-execution [28] but that this discretion needs to be consistent with the purpose of the Framework Decision, in accordance with the principle of mutual recognition. Moreover, the Court of Justice has held that the executing judicial authorities must be able to take the specific circumstances of each case into account and to assess the applicability of the optional grounds for non-execution in a specific case [29].

- Lack of double criminality (Article 4(1))

Execution of an EAW may be refused where, in cases referred to in Article 2(4) of the Framework Decision, the act on which the EAW is based does not constitute an offence under the law of the executing Member State. The Court of Justice has held that there is no need for a perfect match between the constituent elements of the offence concerned in the issuing Member State and in the executing Member State [30]. This optional ground for refusal only concerns offences not covered by the list of 32 offences under Article 2(2), for which the verification of double criminality is not permitted if the threshold of 3 years is met, i.e. if the

[28] Judgment of 6 October 2009, *Wolzenburg*, C-123/08, EU:C:2009:616, paragraphs 61 and 62.
[29] Judgment of 29 April 2021, *X*, C-665/20 PPU, EU:C:2021:339, paragraphs 40-48.
[30] Judgment of 14 July 2021, *KL*, C-168/21, EU:C:2022:558.

offence is punishable in the issuing Member State by a custodial sentence or a detention period for maximum period of at least three year.

For 2021, 15 of the 26 replying Member States reported 78 refusals based on the lack of double criminality (Question 7.4). By way of comparison, 12 of the 24 replying Member States reported 56 refusals based on the lack of double criminality for 2020.

- Prosecution pending in the executing Member State (Article 4(2))

Execution of an EAW may be refused where the person who is the subject of the EAW is being prosecuted in the executing Member State for the same act as that on which the EAW is based.

In 2021, 6 of the 24 reporting Member States reported 9 refusals based on this optional ground for non-execution (Question 7.5). By way of comparison, 6 cases were registered in 6 Member States for 2020 and 21 cases were registered in 6 Member States for 2019.

- Prosecution for the same offence precluded in the executing Member State (Article 4(3))

Execution of an EAW may be refused: (i) where the judicial authorities of the executing Member State have decided either not to prosecute for the offence on which the EAW is based or to stop proceedings; or (ii) where a final judgment has been passed upon the requested person in a Member State, in respect of the same acts and preventing further proceedings. This ground for non-execution concerns situations which are not already covered by the mandatory ground of non-execution set out in Article 3(2) of the Framework Decision.

For 2021, 6 Member States reported 10 refusals based on this ground for non-execution. 4 of these were reported in Bulgaria (Question 7.6). By way of comparison, in 2020 3 cases were registered, with Germany registering 2 refusals.

- Statute-barred prosecution or punishment (Article 4(4))

Execution of an EAW may be refused where the criminal prosecution or punishment of the requested person is statute-barred according to the law of the executing Member State and the acts fall within the jurisdiction of that Member State under its own criminal law.

For 2021, 27 refusals based on this ground for non-execution were reported in 11 of the 25 replying Member States (Question 7.7). By way of comparison, 20 refusals based on this ground for non-execution were reported in 10 of the 23 Member States that replied for 2020 (Germany alone reported half of those cases); and 43 refusals were reports in 9 of the 24 Member States that replied for 2019.

- Final judgment in a third State (Article 4(5))

Execution of an EAW may be refused where the executing judicial authority is informed that the requested person has been finally judged by a third State for the same acts (the *idem* requirement) provided that, where there has been a sentence, the sentence has been served, is currently being served or may no longer be executed under the law of the sentencing country (enforcement requirements).

For 2021, 4 cases of refusal on the basis of the existence of a final judgment in a third State were recorded in Belgium (2), Greece (1) and Sweden (1) (Question 7.8). By comparison, for 2020, 3 cases of refusal were recorded by Poland on the basis of a final judgment in a third State. Numbers were also low in previous years, when only 1 case was reported in 2019 and 2 cases in 2018.

- The executing Member State undertakes the execution of the sentence (Article 4(6))

Where the EAW has been issued for the purpose of execution of a custodial sentence or detention order and the requested person is staying in, or is a national or a resident of, the executing Member State, the executing judicial authority may decide to execute the sentence in its own Member State instead of surrendering the person to the issuing Member State [31].

For 2021, 26 Member States reported 324 refusals based on cases where the executing Member State undertakes the execution of the sentence (Question 7.9). Germany alone reported 56 cases – the highest number for the Member States that provided figures. The Netherlands and Spain followed with 41 cases each. By comparison, for 2020, 24 Member States reported 328 refusals and there were 290 refusals in 2019 in 25 Member States and 204 in 2018 in 27 Member States. It is interesting to note that there are no consistent patterns. For example, Germany reported a decrease in the number of refusals under Article 4(6) between 2017 (56) and 2018 (27) but then an increase in 2019 to 48 cases, 45 cases in 2020 and 56 in 2021. By way of comparison with previous years, Spain reported increases from 17 cases in 2017 to 39 cases in 2018 and 47 cases in 2019, a decrease back to 22 cases in 2020 but then a new increase to 41 cases in 2021.

- Extraterritoriality (offences committed outside the territory of the issuing Member State) (Article 4(7))

Execution of an EAW may be refused where the EAW relates to offences which:

(a) are regarded by the law of the executing Member State as having been committed in whole or in part in the territory of the executing Member State or in a place treated as such;

[31] In its judgment of 6 June 2023, C-700/21, the Court of Justice clarified that the option provided for in Article 4(6), if transposed, must be equally applicable to a third-country national who is staying or resident in the executing Member State.

(b) have been committed outside the territory of the issuing Member State and the law of the executing Member State does not allow prosecution for the same offences when committed outside its territory.

For 2021, 55 refusals reported by 7 of the 24 reporting Member States were based on extraterritoriality (Question 7.10). Greece alone reported almost half of the cases (27). By way of comparison, 82 refusals were reported by 6 of the 23 reporting Member States in 2020 and 63 refusals were reported by 7 Member States in 2019.

- Trials *in absentia* (Article 4a)

Article 4a provides an optional ground for non-execution for situations where an executing judicial authority has received an EAW for execution of a custodial sentence or a detention order arising from proceedings in the issuing Member State where the person was not present (a decision rendered *in absentia*). However, this option is accompanied by four exceptions, where an executing judicial authority cannot refuse to execute an EAW based on a decision rendered *in absentia*.

The Court of Justice has clarified that Article 4a of the Framework Decision should be transposed as an optional ground for non-execution because it held that '[i]f the executing judicial authority were to consider that the conditions, set out in Article 4a(1)(a) or (b) of that framework decision, which preclude the possibility of refusing to execute a European arrest warrant, are not satisfied, as Article 4a provides for a case of optional non-execution of that warrant, **that court may, in any event, take into account other circumstances that enable it to satisfy itself that the surrender of the person concerned does not entail a breach of their rights of defence, and surrender that person to the issuing Member State**' [32].

For 2021, 26 Member States (13 of which did not record any cases) together reported a total of 159 refusals based on decisions rendered *in absentia*. In particular, Germany reported 105 cases (Question 7.11). In 2020, refusals under Article 4a amounted to a total of 173 in 24 Member States (8 of which did not record any cases). Germany also registered the highest % number of cases in 2020 and 2019.

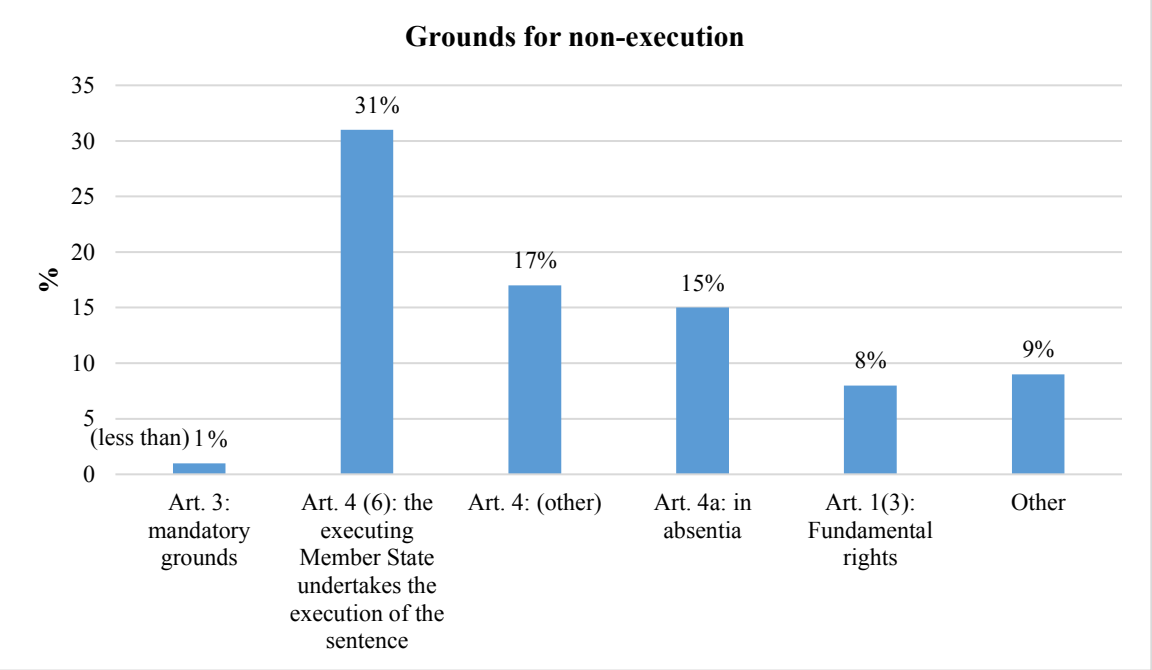
5.3.) Fundamental rights (Article 1(3))

Article 1(3) of the Framework Decision provides that the Framework Decision shall not have the effect of modifying the obligation to respect fundamental rights and fundamental legal principles as enshrined in Article 6 of the Treaty on European Union.

[32] Judgment of 24 May 2016, *Dworzecki*, C-108/16 PPU, EU:C:2016:346, paragraph 50. Judgment of 17 December 2020, *TR* v *Generalstaatsanwaltschaft Hamburg*, C-416/20 PPU, EU:C:2020:1042, paragraph 51 (emphasis added).

In this regard, the Court of Justice has decided that the executing judicial authority may, in exceptional circumstances and subject to certain conditions, refuse to execute an EAW where the person, if surrendered, would suffer a real risk of a serious breach of their fundamental rights in the following situations: (i) where there is a real risk that the surrender of the person concerned could lead to inhuman or degrading treatment within the meaning of Article 4 of the Charter of Fundamental Rights of the European Union ('the Charter') due to the detention conditions in the issuing Member State [33]; or (ii) where there is a real risk of breach of the fundamental right to a fair trial guaranteed by the second paragraph of Article 47 of the Charter due to concerns about the independence of the judiciary in the issuing State [34].

In 2021, fundamental rights issues led to a total of 86 refusals reported by 10 of the 25 replying Member States. 64 of these refusals were registered in Germany alone (Question 7.20). By way of comparison, 10 Member States reported 108 refusals in 2020, 73 of those being registered in Germany alone.



5.4.) Guarantees to be given by the issuing Member State (Article 5)

Article 5 provides that the execution of the EAW by the executing judicial authority may, by its national law, be subject to certain conditions which are detailed in Article 5. Those conditions may relate either to the review of a lifetime imprisonment (Article 5(2) of the

[33] Judgment of 5 April 2016, *Aranyosi and Caldararu*, C-404/15 and C-659/15 PPU, EU:C:2016:198. Judgment of 25 July 2018, *ML*, C-220/18 PPU, EU:C:2018:589, paragraphs 88-94. Judgment of 15 October 2019, *Dorobantu*, C-128/18, EU:C:2019:857, paragraphs 52-55. Judgment of 18 April 2023, *E.D.L.*, C-699/21, EU:C:2023:295.

[34] Judgment of 25 July 2018, *LM*, C-216/18, EU:C:2018:586. Judgment of 17 December 2020, *L and P*, C-354/20 and C-412/20, EU:C:2020:1033. Judgment of 22 February 2022, *X and Y v Openbaar Ministerie*, C-562/21 PPU and C-563/21 PPU, EU:C:2022:100. Judgment of 31 January 2023, *Puig Gordi and Others*, C- 158/21, EU:C:2023:57.

Framework Decision) or to the return of nationals and residents to the executing Member State to serve custodial sentences passed against them in the issuing Member State (Article 5(3) of the Framework Decision).

- Request of a guarantee

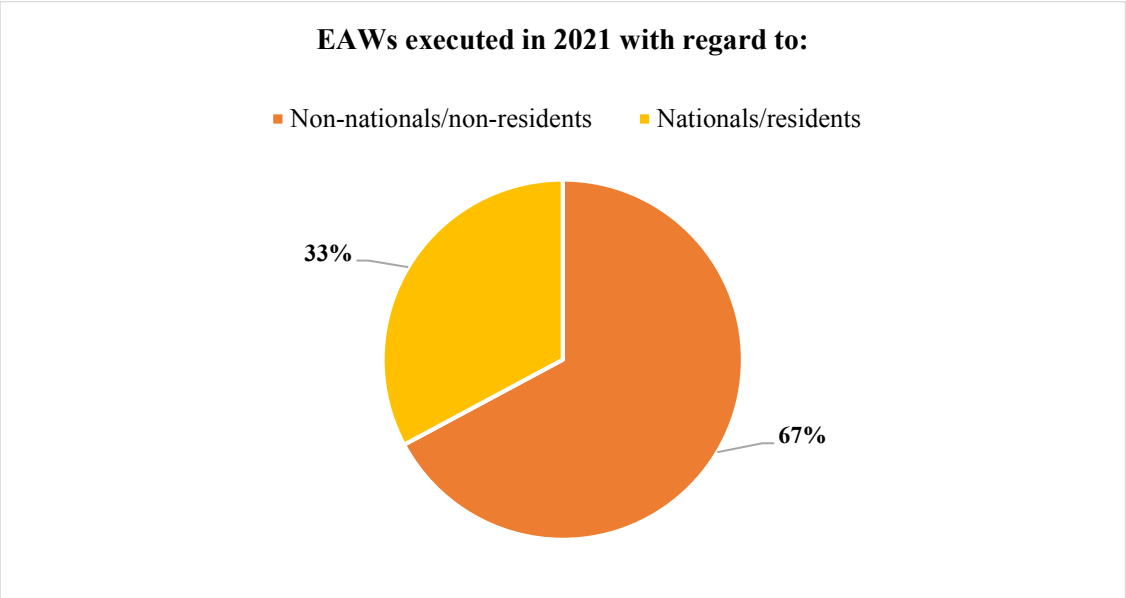
A guarantee related to the review of life-time imprisonment (Article 5(2) of the Framework Decision) was requested in 108 cases, more than half of which were registered in Bulgaria (Question 10). However, 6 Member States did not provide data on whether they requested a guarantee. This was a significant increase on 2020, when only 12 requests for a guarantee were registered. However, 6 Member States did not provide data on requests for a guarantee in 2020.

- Lack of a guarantee

In relation to conditions relating to the review of life-time imprisonment (Article 5(2) of the Framework Decision), one case of refusal based on the lack of a guarantee by the issuing Member State was reported in Germany in 2021 (Question 7.12). This is consistent with previous years, when very few or no cases were reported.

On the condition requiring the return of nationals and residents to the executing Member State to serve custodial sentences passed against them in the issuing Member State (Article 5(3) of the Framework Decision), 5 out of 24 Member States reported a total of 10 refusals in 2021 based on the lack of a guarantee by the issuing Member State (Question 7.13). Germany alone reported 6 of these refusals. By way of comparison, in 2020, 4 out of 23 Member States reported a total of 19 refusals and in 2019 5 Member States reported 13 refusals based on Article 5(3).

In 2021, the execution of an EAW concerned a national or a resident of the executing Member State in 1 525 cases in the 24 Member States that provided figures (1 710 cases were registered in 22 Member States in 2020) (Question 9).



Disclaimer: only the 24 Member States that provided figures under Question 9 have been taken into account.

A comparison with the total number of persons effectively surrendered by the same Member States in 2021 (4 645; Question 3) suggests that the execution of an EAW involved own nationals or residents in **32.83%** of cases. This proportion was lower than the 45.24% of cases in 2020. However, in 2019 30.56% of cases of effective surrender involved nationals or residents and in 2018 24.42% of cases of effective surrender involved nationals or residents in 25 Member States.

5.5.) Other provisions of the Framework Decision

- EAW content does not conform with requirements of the Framework Decision (Article 8)

Article 8(1) of the Framework Decision lays down the requirements for the content of an EAW. This includes:

- evidence of an enforceable judicial decision (such as a national arrest warrant) which must be distinct from the EAW itself in order to guarantee the first level of judicial protection;
- the nature and legal classification of the offence;
- a description of the circumstances in which the offence was committed, including the time, place, and degree of participation in the offence by the requested person and the penalty imposed.

Under Question 7.14, 30 refusals were based on the non-conformity of the EAW with the requirements laid down in Article 8 of the Framework Decision. The figures have been roughly consistent down the years: there were 24 such refusals in 2020, 23 in 2019 and 33 in 2018, with Germany consistently recording the highest numbers.

- Lack of requested additional information (Article 15(2))

Article 15(2) of the Framework Decision requires the executing judicial authority to request supplementary information from the issuing judicial authority whenever it finds that the information provided by the issuing judicial authority is insufficient to allow it to decide on surrender. This particularly concerns the content required in the EAW form (Article 8), which is needed to assess whether it is possible to execute the EAW. It also concerns all the information necessary to assess whether any ground for refusal is applicable (Articles 3 to 5) [35].

In 2021, 6 out of 24 Member States recorded a total of 41 refusals to execute an EAW due to a lack of the requested additional information (Question 7.15). Most were recorded in Czechia (28). In 2020, 6 out of 22 Member States recorded 55 such refusals and the highest numbers of this type of refusal were also recorded in Czechia (38), followed by France (10).

- Privilege or immunity (Article 20)

Article 20 of the Framework Decision concerns privileges and immunities on which the requested person can rely. There were no cases of refusals of execution on this ground registered in the 23 Member States that provided figures for 2021 (Question 7.16). This is in line with previous years, when very few or no cases were also reported [36].

- The thresholds of 12 months/4 months not met (Article 2(1))

As previously underlined [37], an EAW may be issued: (i) for acts punishable by the law of the issuing Member State by a custodial sentence or a detention order for a maximum period of at least 12 months; or (ii) where a sentence has been passed or a detention order made for sentences of at least 4 months. These two thresholds are laid down in Article 2(1) of the Framework Decision.

In 2021, 4 cases where the first threshold of 12 months was not met were recorded (Question 7.17). This is in line with previous years, when very few or no cases were reported [38].

However, 3 of the 24 replying Member States together reported 6 cases of EAWs being issued for the purpose of executing a custodial sentence or detention order where the four-month threshold was not met (Question 7.18). In 2020, 8 such cases were reported by 3 Member States.

- Priority of a conflicting request (Article 16(1), 16(3) and 16(4))

[35] Handbook on how to issue and execute a European arrest warrant, OJ C 335, 6.10.2017, p. 34.
[36] 2020: no cases; 2019: no cases; 2018: 1 case; 2017: no cases.
[37] See page 5 above.
[38] 2020: 1 case; 2019: no cases; 2018: 2 cases.

The same person may simultaneously be subject to more than one EAW issued by the authorities of one or more Member States, either for the same acts or for different acts. In these cases, it is for the executing authority to decide which EAW to execute, taking due account of all the circumstances provided for in Article 16 of the Framework Decision. There could also be a situation where the same person might be subject to both an EAW and a competing extradition request from a non-EU country.

The executing authority, while encouraging coordination among the different issuing authorities, may consider different factors when making its decision (e.g. the relative seriousness of the offences; the place(s) where the offences were committed; the respective dates of the EAWs; and whether the warrant has been issued for the purposes of prosecution or for execution of a custodial sentence or detention order).

In 2021 under Question 7.19, 7 refusals reported by 4 out of 24 Member States concerned conflicting requests. This is consistent with the findings for 2020 (11 refusals in 5 Member States) and 2019 (7 refusals in 4 Member States).

- Other reasons

10 Member States reported a total of 96 cases in which the execution of the EAW was not finalised due to different reasons, such as the withdrawal of an EAW or a surrender being postponed (Question 7.21). In 2020, 6 Member States reported 139 cases.

6. Surrender of a person (Article 23)

The time limit for surrendering the requested person starts to run immediately after the final decision on the execution of the EAW is taken (see Section 4). Under Article 23 of the Framework Decision, the authorities concerned should arrange and agree on the person's surrender as soon as possible and the surrender must take place no later than 10 days after the final decision on the execution of the EAW.

6.1.) Number of cases where the time limits were not observed

Article 23(3) and Article 23(4) respectively address: (i) extensions of the time limits in cases when the surrender of the requested person within the ten-day period is prevented by circumstances beyond the control of any of the Member States [39]; and (ii) extensions of the time limits for serious humanitarian reasons.

Responses to Question 8.3 show that in 2021 a new surrender date had be established in 185 cases due to non-compliance with the time limit of 10 days prescribed by Article 23(2) of the Framework Decision, which were registered in 20 Member States. There has been a steady

[39] Judgment of 25 January 2017, *Vilkas*, C-640/15, EU:C:2017:39.

increase in recent years: 153 cases were registered in 20 Member States in 2020 and 115 cases in 21 Member States in 2019.

6.2.) Number of cases where a requested person was released because the time limits were not observed

Article 23(5) requires the release of a person still in custody when the time limits referred to in paragraphs 2 to 4 of Article 23 expire [40]. In 2021, 4 out of 20 Member States reported 14 cases of requested persons being released. 6 out of 20 Member States reported 51 cases in 2020, 3 out of 21 Member States reported 8 cases in 2019 and 9 cases in 6 out of 20 Member States were reported in 2018 (Question 8.4).

CONCLUSIONS

Only general conclusions can be drawn on the basis of the submitted replies because the provided data are not complete. These conclusions broadly reflect the same trends identified in 2020 but with a few differences.

In particular, it should be highlighted that:

- the main indicators on the number of initiated proceedings, arrests and effective surrender procedures have been rather stable – i.e. arrests and surrender procedures have remained broadly consistent as a proportion of initiated proceedings;

- it appears that some Member States do not comply with their obligations under the Framework Decision concerning the time limits to take a decision whether to execute an EAW;

- certain differences compared to previous years and an increase in the duration of the surrender procedures can be noticed. This might still be due to the COVID-19 pandemic;

- Article 4(6) of the Framework Decision – where the executing Member State takes over the execution of a sentence – accounts for the highest proportion (31%) of grounds for non-execution when compared with other mandatory and optional grounds provided under Articles 3, 4 and 4a of the Framework Decision.

In 2021, the Commission continued infringement proceedings against all Member States subject to those proceedings for the incomplete and/or incorrect transposition of the Framework Decision into their national legal orders. By the time of issuing this staff working document, the Commission had issued 26 letters of formal notice against all the Member States (except Denmark). It is expected that, if the affected Member States take steps to

[40] Judgment of 28 April 2022, *C and CD,* C-804/21 PPU, EU:C:2022:307.

amend their national laws to bring them in line with the Framework Decision, most of these deficiencies will be remedied.

ANNEX I – REPLIES TO THE QUESTIONNAIRE ON QUANTITATIVE INFORMATION ON THE PRACTICAL OPERATION OF THE EAW

2021

0 = Zero cases reported by the Member State concerned.
X = No data available in the Member State concerned.

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I. Replies by Member States as issuing States

1. How many EAWs have been issued this year by the judicial authority of your country?

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
422	1435[41]	91	29	493	3460	93	65	220	588	96	1259	524	726	48[42]	864	250[43]	118	119	18	564	1541	436	886[44]	164	93	187

2. How many of the EAWs issued this year were for the purpose of prosecution?

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	323[45]	X	29	252	X[46]	79	28	134	395	69	782	281	302	46[47]	339	135	103	71	9	X[48]	376	X	77[49]	99	62	103

3.1. Terrorism

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	46[50]	X	0	4	X[51]	3	0	7	4	0	85	0	0	0	17	0	0	0	0	0	1	X	0	0	0	0

41 BE: 'The year 2021 must be considered as a transition year due to the fact that new registration guidelines concerning EAWs have been issued. Therefore, the quality of registration might be lacking in certain districts of our country. This implies that the above figure might be an underestimation of the real number of EAWs.'

42 IE: 'A further 36 warrants were issued under the EU-UK TCA Agreement.'

43 LT: '135 – for the purpose of prosecution, 115 – for the purpose of the execution of the custodial sentence.'

44 RO: 'According to the numbers provided by the Romanian issuing courts.'

45 BE: 'EAWs issued by our country are always for the purpose of prosecution. The year 2021 must be considered as a transition year due to the fact that new registration guidelines concerning EAWs have been issued. Therefore, the quality of registration might be lacking in certain districts of our country. This implies that the above figure might be an underestimation of the real number of EAW's.'

46 DE: 'The distinction between arrest warrants for the purpose of prosecution and arrest warrants for the purpose of execution – as presupposed by the question – is not statistically recorded.'

47 IE: 'A further 36 prosecution warrants were issued under the EU-UK TCA Agreement.'

48 NL: 'This is not registered in the Netherlands.'

49 RO: 'EAW issued in pre-trial stage: 54, EAW issued in trial proceedings before conviction: 23.'

50 BE: 'The year 2021 must be considered as a transition year due to the fact that new registration guidelines concerning EAWs have been issued. Therefore the quality of registration might be lacking in certain districts of our country. There were 109 cases where the offence wasn't registered. This implies that the above figure might be an underestimation of the real number of EAWs concerning terrorism.'

51 DE: 'There are no statistics which distinguish between the categories of offences in EAWs.'

3.2. Drug offences

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	85[52]	X	0	53	X	26	19	33	267	53	376	36	47	11	153	43	13	49	4	X	357	X	28	56	17	15

3.3. Sexual offences

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	19[53]	X	0	11	X	9	0	8	57	10	93	20[54]	5	10	125	3	3	4	0	X	44	X	20	8	4	1

3.4. Firearms/explosives

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	0[55]	X	0	0	X	6	0	6	16	0	46	4	8	1	5	6	3	1	0	X	17	X	4	6	0	0

3.5. Theft offences and criminal damage

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	101[56]	X	6	122	X	17	25	27	123	5	273	96	124	5	200	43	128	52	2	X	492	X	242[57]	27	23	29

[52] BE: 'The year 2021 must be considered as a transition year due to the fact that new registration guidelines concerning EAWs have been issued. Therefore the quality of registration might be lacking in certain districts of our country. There were 109 cases where the offence wasn't registered. This implies that the above figure might be an underestimation of the real number of EAWs concerning drug offences.'

[53] BE: 'The year 2021 must be considered as a transition year due to the fact that new registration guidelines concerning EAWs have been issued. Therefore the quality of registration might be lacking in certain districts of our country. There were 109 cases where the offence wasn't registered. This implies that the above figure might be an underestimation of the real number of EAWs concerning sexual offences.'

[54] HR: 'rape: 8 sexual intercourse with a person under 18: 8 sexual exploitations of children: 4.'

[55] BE: 'The year 2021 must be considered as a transition year due to the fact that new registration guidelines concerning EAWs have been issued. Therefore the quality of registration might be lacking in certain districts of our country. There were 109 cases where the offence wasn't registered. This implies that the above figure might be an underestimation of the real number of EAWs concerning firearms/explosives.'

[56] BE: 'The year 2021 must be considered as a transition year due to the fact that new registration guidelines concerning EAWs have been issued. Therefore the quality of registration might be lacking in certain districts of our country. There were 109 cases where the offence wasn't registered. This implies that the above figure might be an underestimation of the real number of EAWs concerning theft offences and criminal damage.'

[57] RO: 'theft: 186 robbery: 54 destruction: 2'.

3.6. Fraud and corruption offences

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	3[58]	X	11	58	X	5	7	31	70	17	155	114	130	7	50	24	51	8	7	X	399	X	78[59]	11	22	20

3.7. Counterfeiting the Euro

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	0[60]	X	0	0	X	0	1	0	0	0	1	0	0[61]	0	13	1	0	0	0	X	0	X	0	0	2	2

3.8. Homicide/Fatal offences

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	19[62]	X	0	3	X	9	1	23	55	3	91	16	2	2	15	5	4	7	0	X	15	X	17	16	2	1

3.9. Non-fatal offences against the person

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	8[63]	X	2	29	X	17	12	22	51	6	131	101	21	10	20	13	8	7	0	X	293	X	104[64]	38	4	5

[58] BE: 'The year 2021 must be considered as a transition year due to the fact that new registration guidelines concerning EAWs have been issued. Therefore the quality of registration might be lacking in certain districts of our country. There were 109 cases where the offence wasn't registered. This implies that the above figure might be an underestimation of the real number of EAWs concerning fraud and corruption offences.'

[59] RO: 'fraud: 30, tax fraud: 35, money laundering: 10, corruption: 3, embezzlement: 0.'

[60] BE: 'The year 2021 must be considered as a transition year due to the fact that new registration guidelines concerning EAWs have been issued. Therefore the quality of registration might be lacking in certain districts of our country. There were 109 cases where the offence wasn't registered. This implies that the above figure might be an underestimation of the real number of EAWs concerning counterfeiting the EURO.'

[61] HU: 'Counterfeiting the HUF: 2'.

[62] BE: 'The year 2021 must be considered as a transition year due to the fact that new registration guidelines concerning EAWs have been issued. Therefore the quality of registration might be lacking in certain districts of our country. There were 109 cases where the offence wasn't registered. This implies that the above figure might be an underestimation of the real number of EAWs concerning homicide & fatal offences. The 19 EAWs concern homicides (6) as well as homicide attempts (13).'

[63] BE: 'The year 2021 must be considered as a transition year due to the fact that new registration guidelines concerning EAWs have been issued. Therefore the quality of registration might be lacking in certain districts of our country. There were 109 cases where the offence wasn't registered. This implies that the above figure might be an underestimation of the real number of EAWs concerning non fatal offences against the person.'

[64] RO: 'bodily harm: 31, forgery of documents and use of forged documents: 35, smuggling: 34, outrage: 4'.

3.10. Trafficking in human beings

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	13[65]	X	2	0	X	1	0	13	17	2	67	0	1	1	3	4	0	1	0	X	10	X	110[66]	0	1	2

3.11. Other

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	64[67]	X	7	213	X	26	31	113	709	0	309	259	X	0	500	108	43	69	X[68]	X	690	X	266[69]	2	17	112

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

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X[70]	14[71]	75	8	312	947	35	22	68	91	58	385[72]	110	230	44[73]	322	80[74]	73	32	3	278	814	86	547[75]	65	24	X

65 BE: 'The year 2021 must be considered as a transition year due to the fact that new registration guidelines concerning EAWs have been issued. Therefore the quality of registration might be lacking in certain districts of our country. There were 109 cases where the offence wasn't registered. This implies that the above figure might be an underestimation of the real number of EAWs concerning trafficking in human beings.'

66 RO: 'traffic in human beings: 37, pimping: 27, traffic of minors: 15, traffic of migrants: 31.'

67 BE: 'The year 2021 must be considered as a transition year due to the fact that new registration guidelines concerning EAWs have been issued. Therefore the quality of registration might be lacking in certain districts of our country. There were 109 cases where the offence wasn't registered. This implies that the above figure might be an underestimation of the real number of EAWs concerning this category of other offences.'

68 MT: 'Money laundering: 9 offences, Conspiracy: 1 offence, Misappropriation: 1 offence.'

69 RO: 'road traffic offences: 166, organized crime: 89, illegal access to an IT system: 1.'

70 AT: 'The competent Ministry of Interior has not provided the information yet.'

71 BE: 'The year 2021 must be considered as a transition year due to the fact that new registration guidelines concerning EAWs have been issued. Therefore the quality of registration might be lacking in certain districts of our country. This implies that the above figure is an underestimation of the real number of EAWs that resulted in the effective surrender of the person sought.'

72 FR: 'Not all the surrendered persons were wanted for an EAW issued this very same year.'

73 IE: 'a further 37 individuals were surrendered under the EU-UK TCA Agreement'.

74 LT: 'There were 80 surrenders in total in 2021 on the basis of EAWs regardless of the year of the issue (61 for the purpose of prosecution and 19 for the purpose of execution of the custodial sentence). There were 28 surrenders in 2021 on the basis of EAWs issued in 2021 (20 for the purpose of prosecution and 8 for the purpose of execution of the custodial sentence).'

75 RO: 'The executed EAWs refers to warrants issued in 2021 or earlier including 156 persons surrendered from UK based on EAW issued before 1 January 2021 or TCA Warrants.'

II. Replies by Member States as executing States

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

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	252[76]	230	28	258[77]	1652	49	26	209	966	27	486	93	234	203[78]	341	68[79]	38	30	5	908	319	110	540	139	51	X

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

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
303	460[80]	230	30	293	1172	35	26	199	1061	28	535[81]	68	X	183[82]	566	68	44	28	5	1085	352	110	556	139	61	100

[76] BE: 'The year 2021 must be considered as a transition year due to the fact that new registration guidelines concerning EAWs have been issued. Therefore the quality of registration might be lacking in certain districts of our country. This implies that the above figure might be an underestimation of the real number of persons that that have been arrested this year under an EAW by our country.'

[77] CZ: 'Figure provided by the Police Presidium of the Czech Republic (Sirene Office).'

[78] IE: 'a further 29 individuals were arrested under the EU-UK TCA Agreement.'

[79] LT: 'Detention was applied in 48 cases, in 20 cases milder measures of constraint were applied or a person has already been arrested in a domestic criminal case.'

[80] BE: 'The year 2021 must be considered as a transition year due to the fact that new registration guidelines concerning EAWs have been issued. Therefore the quality of registration might be lacking in certain districts of our country. This implies that the above figure might be an underestimation of the real number of surrender proceedings that have been initiated this year by our country.'

[81] FR: 'Some surrender proceedings concerned some persons arrested the year before and therefore started the year before.'

[82] IE: 'a further 38 proceedings were initiated under the EU-UK TCA Agreement.'

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

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
195	83[83]	165	25	195	1110	31	24	93	640	25	393[84]	62	205	96[85]	221	56[86]	35	29	2	519	220	60[87]	475	83	36	66

3.1. Could you please provide detailed quantitative data for each Member State to which a requested person was surrendered, if available:

3.1.1 Austria

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	1	13	1	27	X	1	0	0	8	X	6	12	X	0	16	X	X	1	0	7	X	X	58	2	5	23

3.1.2 Belgium

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	X	19	1	0	X	1	1	0	61	X	76	4	X	1	12	X	X	0	0	261	X	X	19	6	2	2

3.1.3 Bulgaria

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK

[83] BE: 'The year 2021 must be considered as a transition year due to the fact that new registration guidelines concerning EAWs have been issued. Therefore the quality of registration might be lacking in certain districts of our country. This implies that the above figure might be an underestimation of the real number of persons who have been surrendered due to an EAW.'

[84] FR: 'Some surrender proceedings concerned some persons arrested the year before. The Covid-19 pandemic crisis and its inherent unforeseen events (such as restriction of flights, illness of the surrendered person or of the police escort…) has impacted the numbers.'

[85] IE: 'a further 28 individuals were surrendered to the United Kingdom under the EU-UK TCA Agreement.'

[86] LT: 'Statistics per Member State not available.'

[87] PT: '60 people, some of them for execution of MDEs executed during 2020'.

X	3	X	3	5	X	1	0	0	3	X	6	1	x	1	4	X	X	0	0	12	X	X	1	1	0	0

3.1.4 Croatia

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	0	2	0	0	X	1	0	0	7	X	4	0	x	2	5	X	X	0	0	2	X	X	1	1	8	1

3.1.5 Cyprus

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	0	0	0	1	X	0	0	0	0	X	1	1	X	0	0	X	X	0	0	0	X	X	1	0	0	0

3.1.6 Czechia

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	0	1	0	X	X	0	0	0	5	X	4	2	X	12	7	X	X	1	1	7	X	X	3	2	0	35

3.1.7 Denmark

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	2	2	0	0	X	0	0	0	7	X	0	2	X	0	0	X	X	1	0	5	X	X	2	5	0	0

3.1.8 Estonia

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	0	0	0	0	X	0	0	0	2	X	0	0	X	0	0	X	X	6	0	2	X	X	0	0	0	0

3.1.9 Finland

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	0	0	0	0	X	0	12	0	13	X	2	0	X	0	1	X	X	1	0	9	X	X	4	7	0	0

3.1.10 France

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	23	13	0	3	X	3	0	0	117	X	0	5	X	1	26	X	X	0	0	44	X	X	84	2	1	0

3.1.11 Germany

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	11	74	3	46	X	4	2	0	130	X	81	27	X	4	58	X	X	14	0	162	X	X	106	10	6	16

3.1.12 Greece

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	2	44	8	1	X	0	0	93	2	X	3	4	X	0	5	X	X	0	0	5	X	X	8	0	0	1

3.1.13 Hungary

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	1	5	0	3	X	0	0	0	16	X	9	2	X	1	4	X	X	0	0	17	X	X	21	0	0	8

3.1.14 Ireland

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	0	0	0	0	X	0	0	0	3	X	2	0	X	X	3	X	X	2	0	4	X	X	4	0	0	0

3.1.15 Italy

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	18	25	0	0	X	2	0	0	69	X	44	8	X	7	0	X	X	1	3	24	X	X	80	3	6	4

3.1.16 Latvia

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	1	0	0	4	X	0	4	0	3	X	2	0	X	9	1	X	X	0	0	9	X	X	0	0	0	0

3.1.17 Lithuania

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	0	0	1	0	X	3	1	0	5	X	1	1	X	10	0	n/a	X	1	0	9	X	X	1	5	0	0

3.1.18 Luxembourg

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	3	0	0	0	X	0	0	0	3	X	14	0	X	0	1	X	X	0	0	4	X	X	12	0	0	0

3.1.19 Malta

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	0	0	0	0	X	0	0	0	0	X	0	0	X	0	1	X	X	0	n/a	0	X	X	0	0	0	0

3.1.20 Netherlands

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	4	6	0	3	X	3	0	0	31	X	12	0	X	1	1	X	X	0	0	X	X	X	13	0	0	1

3.1.21 Poland

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	4	4	1	21	X	7	1	0	42	X	21	1	X	32	8	X	X	3	0	428	X	X	5	25	3	3

3.1.22 Portugal

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	1	0	0	0	X	0	0	0	21	X	28	0	X	0	0	X	X	0	0	6	X	X	1	0	0	0

3.1.23 Romania

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	5	15	5	11	X	2	0	0	66	X	46	1	X	9	46	X	X	0	0	32	X	X	0	4	2	6

3.1.24 Slovak Republic

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	0	1	0	69	X	0	2	0	3	X	3	0	X	3	3	X	X	0	1	5	X	X	2	1	0	0

3.1.25 Slovenia

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	0	0	0	1	X	0	0	0	0	X	1	4	X	0	5	X	X	0	0	0	X	X	2	1	0	0

3.1.26 Spain

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	3	6	0	0	X	3	0	0	0	X	24	0	X	2	13	X	X	0	0	16	X	X	19	4	2	0

3.1.27 Sweden

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	0	0	1	0	Z	0	1	0	23	X	3	3	Z	1	1	X	X	1	0	5	X	X	2	0	1	0

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

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	4[88]	80	18	124	497	15	20	47	368	4	198	53	163	23	10	28	25	26	2	60	149	30	375	56	23	51

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)?

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	X	X	22	30[89]	24.9	57	15	521[90]	11	45	17[91]	17	X	X[92]	X	43	1[93]	10	2	12	24	14	15	9	4.6	42

[88] BE: 'The year 2021 must be considered as a transition year due to the fact that new registration guidelines concerning EAWs have been issued. Therefore the quality of registration might be lacking in certain districts of our country. This implies that the above figure might be an underestimation of the real number of cases where the surrendered persons consented to their surrender.'

[89] CY: 'The provisions laid down in Article 23(2) of the FD (2002/584/JHA) were applied, due to the pandemic COVID-19.'

[90] It should be noted that Greece did not provide any information/additional comment related to the considerable duration increase compared to 2019, when Greece instead reported an average of 20.66 days.

[91] FR: 'Les données transmises par les parquets généraux des différentes Cours d'Appel montrent une certaine disparité entre un délai extrêmement court de quelques jours (relativement fréquent) à un délai relativement long de 43 jours (rare).'

[92] IE: 'Consent is difficult to quantify as under Irish Law, an individual can consent to surrender even after proceedings are at an advanced stage or if a judgement or appeal in a related case went against their objections to surrender. The average time for consented surrenders can be broken down as following: 2 persons consented and were surrendered within 0-30 days of arrest (average 28 days), 9 persons consented and were surrendered within 30-90 days of arrest (average 57 days), 7 persons consented and were surrendered within 90-300 days of arrest (average 176 days), 2 persons consented and were surrendered within 300-500 of arrest (average 452 days) 6 persons consented and were surrendered within 500-2 400 days of arrest (average 1 203 days).'

[93] LU: 'In calculating the average time (in days) for EAWs with consent, we considered the time from the date of notification to the date of consent.'

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)?

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	X	X	52	90[94]	55.5 [95]	72	22	907[96]	20	70	44[97]	45	X	558[98]	X	52	15[99]	30	18	X[100]	31	81	20	32	44	88

94 CY: 'The provisions laid down in article 23 (2) of the FD (2002/584/JHA) were applied, due to the pandemic COVID-19'

95 DE: 'The relevant period starts from the moment of detention for the purpose of surrender.'

96 Greece, also in this regard, reported an extremely high average of 907 days, but did not provide any explanation or comment on the considerable increase on the figures provided in 2019 and previous years.

97 FR: 'Les données communiquées par les parquets généraux des Cours d'Appel montrent une certaine disparité entre un délai qui reste majoritairement court en dépit de l'absence de consentement (en général moins d'un mois) à un délai exceptionnellement relativement long (196 jours).'

98 IE: 'The overall average was 558. However, surrender was delayed in 2020 pending judgement in two ECJ references two Dutch references PPU C-354/20 and C-412/20 CJEU Hearing on 12th October. They were lodged in the ECJ in July 2020 and were to do with the rule of Law in Poland so many of the Polish cases here held up. In 2020 the COVID-19 crisis had a considerable impact on the EAW surrender procedure which often lead to difficulties in carrying out the surrender of the requested person to the issuing State. In certain cases it became impracticable to transfer the requested person to the issuing State due to the practical and legal measures adopted at national level to combat the COVID-19 crisis. Ireland is also reliant on transfers taking place by air and due to persistent limitations in commercial flights; both as to their frequency and destinations, the Irish High Court was left with no alternative but to postpone numerous surrenders pursuant to Article 23 EAW FD causing surrenders to take longer to effect under the EAW framework. The average time for contested surrenders can be broken down as following: 10 individuals were surrendered within 0-90 days of arrest (average 65 days) 7 individuals were surrendered within 90-200 days of arrest (average 162 days) 14 individuals were surrendered within 200-500 days of arrest (average 326 days) 14 individuals were surrendered within 500-1000 days of arrest (average 709 days) 8 individuals were surrendered within 1000-2500 days of arrest (average 1657 days) Total 53 surrenders did not consent.'

99 LU: 'In calculating the average time (in days) for EAWs without consent, we considered the length of time from the date of notification to the final decision of the Council Chamber (of the District Court or Court of Appeals).'

100 NL: 'Out of the 485 decisions on surrender: 30 decisions were taken within 60 days, 153 decisions were taken between 60 and 90 days, 169 decisions were taken after the time limit of 90 days expired. Finally 133 decisions related to persons already detained for a Dutch criminal case or on the basis of another EAW, where the time limit of Article 17 does not run.'

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

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
27[101]	59[102]	47	1	56	313[103]	8	0	42	55	3	59	4	23[104]	27	44	2	4[105]	1	0	100	73	4	65	6	6	5

7.1. Amnesty (Framework Decision, Article 3(1))

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
0	0[106]	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	X	0	0	X	2	0	0	X	0	0

7.2. *Ne bis in idem* (Framework Decision, Article 3(2))

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
0	0[107]	0	0	0	1	0	0	0	1	0	0	0	0	0	1	0	X	0	0	X	1	0	0	X	0	0

101 AT: 'In 27 cases the execution was refused and in 18 more cases the EAW was withdrawn.'

102 BE: 'The year 2021 must be considered as a transition year due to the fact that new registration guidelines concerning EAWs have been issued. Therefore the quality of registration might be lacking in certain districts of our country. This implies that the above figure might be an underestimation of the real number of cases where the execution of an EAW has been refused by a judicial authority in our country.'

103 DE: 'In the event of a refusal, several grounds for refusal may be recorded statistically.'

104 HU: '23 at least partial refusal of execution.'

105 LU: 'Motif : Art 5.6 La personne est un étranger qui réside au Luxembourg et dont le séjour peut paraitre opportun, Art. 5.2 L'autorité judiciaire luxembourgeoise a décidé de ne pas engager des poursuites et autres motifs.'

106 BE: 'The year 2021 must be considered as a transition year due to the fact that new registration guidelines concerning EAWs have been issued. Therefore the quality of registration might be lacking in certain districts of our country. There were 51 cases where the offence wasn't registered. This implies that the above figure might be an underestimation of the real number of refusals due to FD article 3.1.'

107 BE: 'The year 2021 must be considered as a transition year due to the fact that new registration guidelines concerning EAWs have been issued. Therefore the quality of registration might be lacking in certain districts of our country. There were 51 cases where the offence wasn't registered. This implies that the above figure might be an underestimation of the real number of refusals due to FD article 3.2.'

7.3. Under the age of criminal responsibility (Framework Decision, Article 3(3))

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
0	0[108]	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	X	0	0	X	1	0	0	X	0	0

7.4. Lack of double criminality (Framework Decision, Article 4(1))

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
6	0[109]	4[110]	0	6	1	0	0	0	3	0	6	0	11	10	9	0	X	1	0	3	12	0	2	1	0	3

7.5. Prosecution pending in the executing Member State (Framework Decision, Article 4(2))

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
0	0[111]	0	0	0	2	0	0	1	1	0	1	0	0	0	0	0	X	0	0	X	2	0	2	X	0	0

7.6. Prosecution for the same offence precluded in the executing Member State (Framework Decision, Article 4(3))

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
1	0[112]	4	0	0	0	0	0	0	0	0	1	1	0	0	0	0	X	0	0	X	1	0	2	X	0	0

[108] BE: 'The year 2021 must be considered as a transition year due to the fact that new registration guidelines concerning EAWs have been issued. Therefore the quality of registration might be lacking in certain districts of our country. There were 51 cases where the offence wasn't registered. This implies that the above figure might be an underestimation of the real number of refusals due to FD article 3.3.'

[109] BE: 'The year 2021 must be considered as a transition year due to the fact that new registration guidelines concerning EAWs have been issued. Therefore the quality of registration might be lacking in certain districts of our country. There were 51 cases where the offence wasn't registered. This implies that the above figure might be an underestimation of the real number of refusals due to FD article 4.1.'

[110] BG: 'In 4 cases the executing judicial authority decided to refuse to execute an EAW due to lack of dual criminality.'

[111] BE: 'The year 2021 must be considered as a transition year due to the fact that new registration guidelines concerning EAWs have been issued. Therefore the quality of registration might be lacking in certain districts of our country. There were 51 cases where the offence wasn't registered. This implies that the above figure might be an underestimation of the real number of refusals due to FD article 4.2.'

[112] BE: 'The year 2021 must be considered as a transition year due to the fact that new registration guidelines concerning EAWs have been issued. Therefore the quality of registration might be lacking in certain districts of our country. There were 51 cases where the offence wasn't registered. This implies that the above figure might be an underestimation of the real number of refusals due to FD article 4.3.'

7.7. Prosecution or punishment statute-barred (Framework Decision, Article 4(4))

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
0	1[113]	4	0	0	5	0	0	0	2	0	0	1	1	0	0	0	X	0	0	3	1	0	5	X	2	2

7.8. Final judgment in a third State – transnational ne bis in idem (Framework Decision, Article 4(5))

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
0	2[114]	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	X	0	0	X	0	0	0	1	0	0

7.9. The executing Member State undertakes the execution of the sentence (Framework Decision, Article 4(6))

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
9	0[115]	24	0	10	56	0	0	2	41	2	34	0	6	0	19	0	X	0	0	41	32	6	37	2	3	0

7.10. Extraterritoriality (offences committed outside the territory of the issuing Member State) (Framework Decision, Article 4(7))

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
0	0[116]	5	0	0	10	0	0	27	1	0	0	0	0	1	1	0	X	0	0	X	10	0	0	X	0	0

[113] BE: 'The year 2021 must be considered as a transition year due to the fact that new registration guidelines concerning EAWs have been issued. Therefore the quality of registration might be lacking in certain districts of our country. There were 51 cases where the offence wasn't registered. This implies that the above figure might be an underestimation of the real number of refusals due to FD article 4.4.'

[114] BE: 'The year 2021 must be considered as a transition year due to the fact that new registration guidelines concerning EAWs have been issued. Therefore the quality of registration might be lacking in certain districts of our country. There were 51 cases where the offence wasn't registered. This implies that the above figure might be an underestimation of the real number of refusals due to FD article 4.5.'

[115] BE: 'The year 2021 must be considered as a transition year due to the fact that new registration guidelines concerning EAWs have been issued. Therefore the quality of registration might be lacking in certain districts of our country. There were 51 cases where the offence wasn't registered. This implies that the above figure might be an underestimation of the real number of refusals due to FD article 4.6.'

[116] BE: 'The year 2021 must be considered as a transition year due to the fact that new registration guidelines concerning EAWs have been issued. Therefore the quality of registration might be lacking in certain districts of our country. There were 51 cases where the offence wasn't registered. This implies that the above figure might be an underestimation of the real number of refusals due to FD article 4.7.'

7.11. Trial in absentia (Framework Decision, Article 4a)

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
4	3[117]	3	0	1	105	5	0	0	3	0	2	0	0	11	0	0	X	0	0[118]	17	1	0	2	2	0	0

7.12. Lack of guarantee of review in respect of life sentence (Framework Decision, Article 5(2))

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
0	0[119]	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	X	0	0	X	0	0	0	X	0	0

7.13. Lack of guarantee of return of national/resident to serve sentence (Framework Decision, Article 5(3))

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
0	0[120]	1	1	0	6	0	0	0	0	0	0	1	1	0	0	0	X	0	0	X	0	0	0	X	0	0

7.14. EAW content is not in conformity with Framework Decision, requirements (Framework Decision, Article 8)

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
0	0[121]	2	0	0	15	1	0	0	0	0	1	0	0	5	1	0	X	0	0	2	1	0	2	X	0	0

[117] BE: 'The year 2021 must be considered as a transition year due to the fact that new registration guidelines concerning EAWs have been issued. Therefore the quality of registration might be lacking in certain districts of our country. There were 51 cases where the offence wasn't registered. This implies that the above figure might be an underestimation of the real number of refusals due to FD article 4a.'

[118] MT: 'In Malta, trial in absentia is not possible.'

[119] BE: 'The year 2021 must be considered as a transition year due to the fact that new registration guidelines concerning EAWs have been issued. Therefore the quality of registration might be lacking in certain districts of our country. There were 51 cases where the offence wasn't registered. This implies that the above figure might be an underestimation of the real number of refusals due to FD article.'

[120] BE: 'The year 2021 must be considered as a transition year due to the fact that new registration guidelines concerning EAWs have been issued. Therefore the quality of registration might be lacking in certain districts of our country. There were 51 cases where the offence wasn't registered. This implies that the above figure might be an underestimation of the real number of refusals due to FD article 5.3.'

[121] BE: 'The year 2021 must be considered as a transition year due to the fact that new registration guidelines concerning EAWs have been issued. Therefore the quality of registration might be lacking in certain districts of our country. There were 51 cases where the offence wasn't registered. This implies that the above figure might be an underestimation of the real number of refusals due to FD article 8.'

7.15. Lack of requested additional information (Framework Decision, Article 15(2))

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
4	0[122]	0	0	28	0	0	0	0	0	0	4	0	0	0	2	0	X	0	0	X	2	0	1	X	0	0

7.15.1. Could you provide quantitative information concerning cases when the issuing judicial authority did not respond:

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	0[123]	N/A	0	X	X	0	0	0	0	0	X	0	X	0	2	X	X	0	0	X	X	N/A	1	X	X	0

7.1.15.2. Could you provide quantitative information concerning cases when the issuing judicial authority did respond, but with a delay:

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	0[124]	N/A	0	X	X	0	0	0	0	0	X	0	X	0	0	X	X	0	0	X	X	N/A	X[125]	X	X	0

7.16. Privilege or immunity (Framework Decision, Article 20)

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
0	0[126]	0	0	0	0	0	0	0	0	0	0	0	X	0	0	0	X	0	0	X	0	0	0	X	0	0

[122] BE: 'The year 2021 must be considered as a transition year due to the fact that new registration guidelines concerning EAWs have been issued. Therefore the quality of registration might be lacking in certain districts of our country. There were 51 cases where the offence wasn't registered. This implies that the above figure might be an underestimation of the real number of refusals due to FD article 15.2.'

[123] BE: 'The year 2021 must be considered as a transition year due to the fact that new registration guidelines concerning EAWs have been issued. Therefore the quality of registration might be lacking in certain districts of our country. There were 51 cases where the offence wasn't registered. This implies that the above figure might be an underestimation of the real number where the issuing judicial authority did not respond to the question for additional information.'

[124] BE: 'The year 2021 must be considered as a transition year due to the fact that new registration guidelines concerning EAWs have been issued. Therefore the quality of registration might be lacking in certain districts of our country. There were 51 cases where the offence wasn't registered. This implies that the above figure might be an underestimation of the real number where the issuing judicial authority did not respond fast enough to the question for additional information.'

[125] RO: 'No specific number of cases was provided but this problem is common.'

[126] BE: 'The year 2021 must be considered as a transition year due to the fact that new registration guidelines concerning EAWs have been issued. Therefore the quality of registration might be lacking in certain districts of our country. There were 51 cases where the offence wasn't registered. This implies that the above figure might be an underestimation of the real number of refusals due to FD article 20.'

7.17. Maximum penalty no more than 12 months (Framework Decision, Article 2(1))

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
0	0[127]	0	0	0	0	0	0	1	2	0	0	0	1	0	0	0	X	0	0	X	0	0	0	X	0	0

7.18. Sentence less than 4 months (Framework Decision, Article 2(1))

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
1	0[128]	0	0	0	3	0	0	0	0	0	0	0	2	0	0	0	X	0	0	X	0	0	0	X	0	0

7.19. Priority of a conflicting request (Framework Decision, Article 16(1), (3) and (4))

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
0	0[129]	0	0	0	3	0	0	0	1	0	1	0	0	0	0	0	X	0	0	X	2	0	0	X	0	0

7.20. Fundamental rights (Framework Decision, Article 1(3))

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
0	0[130]	2	0	1	64	1	0	1	0	0	3	0	0	7	4	2	X	0	0	1	0	0	0	X	0	0

[127] BE: 'The year 2021 must be considered as a transition year due to the fact that new registration guidelines concerning EAWs have been issued. Therefore the quality of registration might be lacking in certain districts of our country. There were 51 cases where the offence wasn't registered. This implies that the above figure might be an underestimation of the real number of refusals due to FD article 2.1.'

[128] BE: 'The year 2021 must be considered as a transition year due to the fact that new registration guidelines concerning EAWs have been issued. Therefore the quality of registration might be lacking in certain districts of our country. There were 51 cases where the offence wasn't registered. This implies that the above figure might be an underestimation of the real number of refusals due to FD article 2.1.'

[129] BE: 'The year 2021 must be considered as a transition year due to the fact that new registration guidelines concerning EAWs have been issued. Therefore the quality of registration might be lacking in certain districts of our country. There were 51 cases where the offence wasn't registered. This implies that the above figure might be an underestimation of the real number of refusals due to FD article 16.1,3,4'.

[130] BE: 'The year 2021 must be considered as a transition year due to the fact that new registration guidelines concerning EAWs have been issued. Therefore the quality of registration might be lacking in certain districts of our country. There were 51 cases where the offence wasn't registered. This implies that the above figure might be an underestimation of the real number of refusals due to FD article 1.3.'

7.20.1. Poor detention conditions

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
0	0	1	0	0	X	1	0	0	0	0	0	0	0	1	2	0	X	0	0	1	X	0	0	X	0	0

7.20.2. Fair trial rights

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
0	0	1	0	1	X	0	0	0	0	0	0	0	0	2	0	0	X	0	0	X	X	0	0	X	0	0

7.20.3. Other issues concerning fundamental rights

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
0	0[131]	1[132]	0	0[133]	X	0[134]	0	0	0	0	0	0	0	4	2	2	X	0	X	X	X	0	0	X	0	0

[131] BE: 'The year 2021 must be considered as a transition year due to the fact that new registration guidelines concerning EAWs have been issued. Therefore the quality of registration might be lacking in certain districts of our country. There were 51 cases where the offence wasn't registered. This implies that the above figures might be an underestimation of the detailed information concerning refusals due to FD article 1.3.'

[132] BG: 'Under 7.20.1 is listed a case where the executing judicial authority has decided that the detention conditions do not meet the minimum European standards. However the executing judicial authority has decided to execute the sentence in Bulgaria (FD 4.6). Under 7.20.2 is listed a case where the executing judicial authority has decided that during an in absentia trial the presumption of innocence has been breached. Under 7.20.3 is listed a case where the executing judicial authority has decided that the EAW does not meet the proportionality requirements.'

[133] CZ: '7.20.2. - Person was sentenced in absentia and was not served with the sentencing judgment.'

[134] DK: 'The information regarding prison conditions was insufficient to establish whether the conditions of the Danish Extradition Act Section 6, paragraph 2 (and ECHR article 3), was fulfilled, especially in regards to overcrowding and since no guarantee was given regarding the prison conditions that the person would serve under, if he was extradited to the requesting country.'

7.21. Other

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
3	2[135]	2[136]	0	10[137]	44	X[138]	0	0	0	0	5	0	0	0	7	X[139]	X	0	X	X	8	0	11[140]	X	4	0

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 Framework Decision?

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	13[141]	N/A	0	4	100	12	0	5	8	0	0	1[142]	X	73	X	0	0	0	0	172[143]	4	0	4	X	4	4

[135] BE: 'The year 2021 must be considered as a transition year due to the fact that new registration guidelines concerning EAWs have been issued. Therefore the quality of registration might be lacking in certain districts of our country. There were 51 cases where the offence wasn't registered. This implies that the above figure might be an underestimation of the real number of refusals due to other reasons.'

[136] BG: 'Under 7.21 are listed 1 (one) case where the requested person was not found in Bulgaria and 1 (one) case where the person absonded during the EAW proceedings.'

[137] CZ: '4 cases - person was not found in the territory of the Czech Republic, 5 cases - EAWs were withdrawn, 1 case - not specified.'

[138] DK: 'FD Article 2.2 and 2.4.'

[139] LT: 'In 5 cases execution was postponed due to the fact that a requested person serves a sentence following the national criminal procedure, in 2 instances EAW was withdrawn, in 10 cases surrender was postponed due to Covid-19 situation in country.'

[140] RO: 'withdrawn by the issuing state: 9 insufficient information concerning the identity of the requested person, identity successfully contested: 2.'

[141] BE: 'The year 2021 must be considered as a transition year due to the fact that new registration guidelines concerning EAWs have been issued. Therefore the quality of registration might be lacking in certain districts of our country. This implies that the above figure might change if more data would be available.'

[142] HR: 'In one case that is still in process.'

[143] NL: 'The reason for delay in most cases is due to the questions being asked in response to case law of the Court of Justice of the EU - Aranyosi/Caldararu; on detention conditions, Tupikas/Zdziasek/Dworzecki; on issues regarding in absentia problems, the cases C-216/18 LM, C-354/20 L,P and C-562,563 PPU; on the right to access to an independent and impartial tribunal.'

8.2. In how many of the cases in 8.1 above was Eurojust informed (Framework Decision, Article 17(7))?

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	0[144]	N/A	0	4	4	1	0	4	0	0	0	0	X	73	X	0	0	0	2[145]	X[146]	X	N/A	0	X	0	0

8.3. In how many cases this year did the surrender not take place because of noncompliance with the time limits imposed by Article 23(2) of the Framework Decision?

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	X	N/A	13	2	0	0	0	1	2	X	1	0	X	0	X	0	10	0	0	0[147]	23	0	130[148]	X	3	0

8.4. In how many of the cases in 8.3 above was the person released according to Article 23(5) of the Framework Decision?

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	X	N/A	0	0	0	0	0	0	2	X	1	0	X	0	X	0	0	0	0	0	4	0	7	X	0	0

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?

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	9[149]	144	20	85[150]	29	16	17	16	26	4	169	11	47	30	X	59	23	17	1	134	118	20	459	X	4	67

144 BE: 'The year 2021 must be considered as a transition year due to the fact that new registration guidelines concerning EAWs have been issued. Therefore the quality of registration might be lacking in certain districts of our country. This implies that the above figure might change if more data would be available.'

145 MT: 'Eurojust was mainly used to facilitate and speed up any queries in relation to EAWs for their ultimate execution.'

146 NL: 'The issuing judicial authority was always informed immediately Eurojust was informed later.'

147 NL: 'In 136 cases there was a reason for postponement of the surrender (Articel 24 FD 2002/584 on the EAW).'

148 RO: 'Because of the Covid pandemic and the suspended flight connections, the taking over of the the requested persons was delayed in many cases.'

149 BE: 'The year 2021 must be considered as a transition year due to the fact that new registration guidelines concerning EAWs have been issued. Therefore the quality of registration might be lacking in certain districts of our country. This implies that the above figure might be an underestimation of the real number of cases where a national or resident of our country was involved.'

150 CZ: '80 Czech nationals, 5 EU nationals.'

10. In how many cases this year did the judicial authorities of your Member State request a guarantee under Article 5(2) of the Framework Decision?

AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	2[151]	69	10	0	0	0	0	4	0	1	5	0	x	0	X	0	X	0	10	0	7	X	0	X[152]	0	0

11. Is there any other information regarding the operation of the EAW that you would like to give?

Belgium:
'As stated many times above, the year 2021 must be considered as a transition year due to the fact that new registration guidelines concerning EAWs have been issued. Therefore the quality of registration might be lacking in certain districts of our country. This implies that all above figures are probably an underestimation. Based on these figures an evaluation will take place to improve the registration process continuing our efforts to develop a comprehensive database.'

Bulgaria
'All data provided is based on the information available to the Ministry of Justice as a Central Authority.'

Malta:
'As Malta indicated in section 11(2), in 2021 the judicial authorities in Malta initiated 5 surrender proceedings. Two of which have surrendered on the first hearing and the other three have not yet surrendered due to the following reasons:
1) Requested person is undergoing criminal proceedings in Malta and hence his surrender is suspended until proceedings are concluded; and
2) The requested person requested that he serves the prison sentence in Malta. Transfer of sentenced person request is currently being processed and at final stages. If the the transfer is concluded, the Police Force will be advised to execute the physical surrender immediately; and
3) Requested person's surrender is temporarily suspended as redress has been sought in the Constitutional Court.'

Romania
'The pandemic crisis has revealed several more problems in the execution of the European arrest warrant. If the requested person is refusing a Covid test required by the travel regulations, he cannot be surrender, so, after expiring the deadlines provided by legislation, he/she is free despite the surrender decision of the executing state. Handing over the requested person in a state of freedom is not an effective measure and most of the time it cannot be put into practice.'

[151] BE: 'The year 2021 must be considered as a transition year due to the fact that new registration guidelines concerning EAWs have been issued. Therefore the quality of registration might be lacking in certain districts of our country. This implies that the above figure might be an underestimation of the real number of cases where a guarantee under article 5.2 of the FD might be requested by our country.'

[152] SE: 'Sweden does not require a guarantee as provided for in article 5.2.'

ANNEX II – OVERVIEW OF THE NUMBER OF ISSUED AND EXECUTED EAWS 2005-2021

EAWs in Member States – Number of issued EAWs ('issued') and number of EAWs that resulted in the effective surrender of the person sought ('executed') based on statistics provided to the Council (2005-2013) and the Commission (2014-2021) by Member States[153]

[153] Sources:

- the Council's 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; and
- the Commission's documents SWD(2017) 319 final; SWD(2017) 320 final; SWD(2019) 194 final, SWD(2019) 318 final, SWD(2020) 127 final and SWD(2021) 227 final.

	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[154]			4	64		38	38	519	1 914	29		121	44	44	500	42	42	1	373	975	1 448	200		81	56	86	144	131	**6 894**
2005 executed[155]			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	1 552	43			20	65	538	35	115	4	325	391	2 421	102		67	111	69	137	129	**6 889**
2006 executed			125	19		15	4	62	237	20			2	14	57	22	55	3	47	67	235	52		14	23	37	27	86	**1 223**
2007 issued			435		1 785	31	83	588	1 028	35			20	97	316	44	373	3	403	495	3 473	117	856	54	208	84	170	185	**10 883**
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	**2 221**
2008 issued			494	52	2 149	46	119	623	1 184	40			16	140	348	40	975	2	392	461	4 829	104	2 000	39	342	107	190	218	**14 910**
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	**3 078**
2009 issued	508		439	96	2 433	46	116	489	1 240	33			17	171	354	46	1 038	7	530	292	4 844	104	1 900	27	485	129	263	220	**15 827**
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	**4 431**
2010 issued	553	280	552	85	2 096	74	132	566	1 130				29	159	402	32	1 015	16			3 753	84	2 000	30	361	116	169	257	**13 891**
2010 executed	57	120	97	42	835	29	33	97	424				4	48	79	14	231	1			929		855	4	164	49	65	116	**4 293**
2011 issued	600		518	128	2 138	67		531	912	71			26	210	420	60		15			3 089	193		53	350		198	205	**9 784**
2011 executed	57		238	91	855	31		99	297	19			8	39	113	29		4			930	54		16	105		69	99	**3 153**
2012 issued	616		487	117	1 984	61		587	1 087	88			34		473	60		11		552	3 497	223			414	135	239		**10 665**
2012 executed	68		186	70	1 104	30		103	322	22			15		131	28		6		151	1 103	54			125	59	75		**3 652**

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

[155] Answers to Question 4 to issuing Member States in the yearly questionnaire on quantitative information on the practical operation of the 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	Total
2013 issued	716		327	157	1 932	88		582	1 099	69			24	186	519			9	548	665	2 972	303	2 238	56	335	91	226		**13 142**
2013 executed	63		104	106	900	35		121	305	17			7	54	109			1	90	125	731	61	422	22	43	55	96		**3 467**
2014 issued	754	228	501	115	2 219	85	269	683	1 070	78	271		42	217	460	126	839	14	544	590	2 961	227	1 583	89	381	126	248	228	**14 948**
2014 executed	69	156	197	78	965	33	53	75	411	27	21		15	59	270	68	333	3	208	201	1 120	60	774	32	91		73	143	**5 535**
2015 issued	785	152	631	101	2 237	97	227	655	1 131	92	147	1 918	56	170	391	135	941	22	484	830	2 390	270	1 260	96	335	105	258	228	**16 144**
2015 executed	131	151	321	56	1 038	43	38	73	129	23	63		7	43	252	63	412	8		196	1 279	97	530	29	59	70	72	121	**5 304**
2016 issued	660	291	889	140	2 421	95	312	730	1 306	85	197	1 768	56	234	348	111	948	11	774	602	2 215	204	1 052	120	362	118	239	348	**16 636**
2016 executed		143	413	83	1 358	47	55	201	367	20	19		31	35	243	59		5	252	245	1 160	114	525	42	92	54	87	162	**5 812**
2017 issued	757	280	787	88	2 600	93	291	618	1 271	76	275	1 291	50	260	346	146	1 376	14	652	783	2 432	440	1 350	115	308	105	409	278	**17 491**
2017 executed		173	319	31	1 234	49	66	201	376	47	100	405	13	44	236	77	239	4		337	1 349	119	515	34	58	37	71	183	**6 317**
2018 issued	X	478	667	106	3 783	92	508	824	1 311	106	353	1 362	49	179	288	124	1 042	4	787	662	2 394	321	1 067	121	275	122	270	176	**17 471**
2018 executed	X	201	403	43	1 185	45	79	268	396	61	195	342	12	63	175	64	214	2	327	319	1 428	118	639	53	31	59	69	185	**6 976**
2019 issued	309	239	667	107	6 162	102	406	665	1 682	107	494	1 430	35	178	298	178	999	5	977	645	2 338	358	1 373	85	230	128	193	X	**20 226**
2019 executed	X	124	278	51	1 185	32	133	688	438	109	75	207	21	31	98	40	225	9	503	189	252	72	630	69	71	32	103	X	**5 665**
2020 issued	549	162	579	59	4 953	92	321	415	1 372	161	254	982	37	120	197	X	1 009	9	648	509	1 854	334	755	90	244	76	157	X	**15 938**
2020 executed	X	111	215	44	1 041	13	53	93	355	363	68	137	19	21	69	22	210	5	383	162	203	43	509	29	67	28	108	X	**4 397**
2021 issued	1435	91	493	93	3460	65	220	588	1259	48	524	864	29	119	250	118	726	18	564	422	1541	436	886	93	187	96	164	X	**14789**
2021 executed	83	165	195	31	1110	24	93	640	393	96	62	221	25	29	56	35	205	2	519	195	220	60	475	36	66	25	83	X	**5144**

The available statistics provided by Member States and compiled for **2005-2021** record a total of **236 528 issued EAWs,** of which **71 478 were executed**.

NB: Please bear in mind when reading these data that a number of Member States (MS) did not provide data every year:

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, and no data on execution from 1 MS – NL)
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, and no data on execution from 1 MS – PT)
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, and no data on execution from 1 MS – FI)
2015 – 16 144 issued – 5 304 executed (no data on execution from 2 MS – IT, NL)
2016 – 16 636 issued – 5 812 executed (no data on execution from 3 MS – BE, IT, HU)
2017 – 17 491 issued – 6 317 executed (no data on execution from 1 MS – BE)
2018 – 17 471 issued – 6 976 executed (no data from 1 MS – BE)
2019 – 20 226 issued – 5 665 executed (no data on execution from 1 MS – BE)
2020 – 15 938 issued – 4 397 executed (no data from 1 MS - BE)
2021 – 14 789 issued – 5 144 executed (all 27 MS provided data)