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COVER NOTE

from : Dr Peter WITT, Ambassador, Permanent Representative of the Federal Republic of Germany to the European Union
on : 18 August 2004
to : Javier SOLANA, Secretary-General/High Representative , General Secretariat of the Council

Subject : European Arrest Warrant
– Notifications and declarations by the Federal Republic of Germany

Sir,

Further to the letter dated 29 July 2004 I herewith send you the text of the further declarations of the Federal Republic of Germany regarding the Framework Decision on the European arrest warrant and the surrender procedures between the Member States of the European Union.

Re Article 6(3) of the Framework Decision

Under Article 6 the competent judicial authorities are the Ministries of Justice of the Federal Republic and of the Länder. As a rule, these have transferred the execution of the powers resulting from the Framework Decision for the submission of outgoing requests (Article 6(1)) to the public prosecutor's office at the regional courts and to the regional courts proper and the powers to meet incoming requests (Article 6(2)) to the public prosecutor's office at the higher regional courts.

Re Article 8(2) of the Framework Decision:

The Federal Republic of Germany recognises a European arrest warrant in any official language of any issuing state which recognises European arrest warrants in German issued by German judicial authorities.

Re Article 25(2) of the Framework Decision:

The authority responsible for receiving transit requests is the public prosecutor's office at the higher regional court in whose territory the requested person is to be transferred for transit purposes.

Re Article 31(2), subparagraph 4 of the Framework Decision:

The multilateral agreements and conventions referred to in Article 31(1) alternatively remain applicable provided that they offer the possibility of going beyond the aims of the European arrest warrant, that they contribute towards the simplification or facilitation of the procedures and that the Member State in question also continues to apply them. The same applies to bilateral agreements which the Federal Republic of Germany has entered into with individual Member States.

No further declarations.
(Complimentary close).

(s.) Dr Peter WITT