

Brussels, 18 December 2024
(OR. en)

14281/4/24
REV 4

JAI 1473
COPEN 440
RELEX 1236
ISL 57
N 85

NOTE

From:	General Secretariat of the Council
To:	Delegations
No. prev. doc.:	ST 5273/21
Subject:	Agreement of 28 June 2006 between the European Union and the Republic of Iceland and the Kingdom of Norway on the surrender procedure between the Member States of the European Union and Iceland and Norway - Notifications and declarations

The Agreement of 28 June 2006 between the European Union and the Republic of Iceland and the Kingdom of Norway on the surrender procedure between the Member States of the European Union and Iceland and Norway¹ entered into force on 1 November 2019.²

The notifications and declarations that have been presented under Article 38 of this Agreement by the 27 EU Member States, as well as by Iceland and Norway, are attached.³

The document also contains several additional statements relating to declarations under Article 7(2), notably requests for renewal (c.f. Article 40, second sentence, of the Agreement). This REV 4 version contains such statements from Croatia and France.

¹ OJ L 292, 21.10.2006, p. 2.

² OJ L 230, 6.9.2019, p. 1.

³ Denmark does not participate to this Agreement, see point 6 of the Council Decision of 27 November 2014 on the conclusion of the Agreement (OJ L 343, 28.11.2014, p. 1).

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AUSTRIA

Declaration re Article 9(3):

The competent authorities responsible for issuing and enforcing arrest warrants are the public prosecutor's offices.

Declaration re Article 28(2):

The Bundesministerium für Justiz is the competent authority responsible for receiving transit requests and the necessary documents, as well as any other official correspondence relating to transit requests.

In addition, the General Secretariat of the Council is requested to see that the following declarations are made by the EU on behalf of Austria:

Declaration re Article 3(4):

The EU declares on behalf of Austria that a surrender pursuant to an arrest warrant based on one of the offences listed in Article 3(4) will take place, in accordance with the Agreement though without verification of the double criminality of the act, provided the offence is punishable in the issuing State by a custodial sentence or a detention order for a maximum period of at least three years.

Declaration re Article 5(2):

The EU declares on behalf of Austria that execution of an arrest warrant will be refused in the cases referred to in subparagraphs (a), (d), (e), (f) and (g) of Article 5(1). In the cases covered by subparagraphs (b) and (c) of Article 5(1) the execution can be authorised, if

1. priority is to be given to conducting the criminal proceedings in the issuing State bearing in mind the particular circumstances of the case, especially for the purposes of ascertaining the truth and guaranteeing a fair trial, protecting the legitimate interests of the victims of the offence, deciding on punishment or enforcement;

2. the ending of the proceedings has been initiated owing to lack of evidence, the absence of a request or authorisation from the injured party; or
3. where Austrian criminal laws are applicable solely on the basis of paragraph 65 of the Penal Code.

Declaration re Article 7(2):

The EU declares on behalf of Austria, that the surrender of Austrian nationals to Island or Norway shall be refused.

Declaration re Article 10(1):

The EU declares on behalf of Austria that the Bundesministerium für Justiz and the Bundesministerium für Inneres, Generaldirektion für die öffentliche Sicherheit, Bundeskriminalamt, are the central authorities responsible for supporting the competent judicial authorities. The address of those authorities are as follows:

Bundesministerium für Justiz

Abteilung V 1

Museumstraße 7

1070 Vienna

Austria

Tel.: +43-1-52 1 52-0

e-mail: team.s@bmj.gv.at

Bundesministerium für Inneres
Generaldirektion für die öffentliche Sicherheit
Bundeskriminalamt –SIRENE Österreich
Josef Holaubek Platz 1
1090 Vienna
Austria
Tel.: +43-1-24836-85280
Fax: +43-1-315 28 54
e-mail: bmi-ii-bk-spoc@bmi.gv.at

Declaration re Article 11(2):

The EU declares on behalf of Austria that it will accept, in reciprocity with those States that have made the same declaration, arrest warrants in languages other than German.

Declaration re Article 31(1):

The EU declares on behalf of Austria that, in its relations with those States which have given the same notification, the consent for the surrender of a person to a State other than the executing State pursuant to an arrest warrant issued for an offence committed prior to his or her surrender is presumed to have been given.

Declaration re Article 35(2):

The EU declares on behalf of Austria that it will continue to apply the extradition system applicable before the entry into force of this Agreement in relation to acts committed at least partially before 7 August 2002.

Renewal of the declaration under Article 7(2)

Message from the Austrian Ministry of Justice, received by the General Secretariat on 22 October 2024:

The Austrian Delegation would like to thank the Secretariat of the Council for recalling the necessity to renew the declaration regarding Art. 7(2) of the Agreement and would like to renew the declaration due to constitutional requirements.

Furthermore, we notify that the competent unit within the Ministry of Justice regarding Art. 10(1) of the Agreement now has the number “V 1”.¹

¹ Note from the Secretariat: change introduced in the text.

BELGIUM

Article 5(2) of the Agreement

Belgium will establish an obligation for the Belgian executing judicial authorities to refuse the execution of an arrest warrant in case of Article 5(1)a, Article 5(1)c and 5(1)d.

Article 6(2) of the Agreement

The Belgian judicial executing authorities shall apply paragraph 1 of article 6 only in relation to:

- (a) the offences referred to in Articles 1 and 2 of the European Convention on the Suppression of Terrorism;
- (b) offences of conspiracy or association — which correspond to the description of behaviour referred to in Article 3(3) — to commit one or more of the offences referred to in Articles 1 and 2 of the European Convention on the Suppression of Terrorism; and
- (c) Articles 1, 2, 3 and 4 of the Council Framework Decision 2002/475/JHA of 13 June 2002 on combating terrorism, as amended by Council Framework Decision 2008/919/JHA.

Article 7(2) of the Agreement

The execution of an arrest warrant issued for the purposes of execution of a sentence imposed by a decision rendered in absentia within the meaning of Article 8(1) of this Agreement, may be subject to the condition that the person concerned, who is a national or resident of the executing Member State, should be returned to the executing State in order, as the case may be, to serve there the sentence passed against him, following a new trial organised in his presence in the issuing Member State.

Article 9(3) of the Agreement

The Belgian competent authorities are the following:

- Issuing judicial authority: the examining magistrate (*juge d'instruction – onderzoeksrechter*) or the public prosecutor in case of an arrest warrant for the purposes of prosecution and the public prosecutor in case of an arrest warrant for the purposes of executing a sentence or a detention order.
- Executing judicial authority: the examining magistrate (*juge d'instruction – onderzoeksrechter*), the court in chambers (*chambre du conseil – raadkamer*) and, in higher appeal - the indictments chamber (*chambre des mises en accusation – kamer van inbeschuldigingstelling*).

Article 10(1) of the Agreement

The Federal Public Service for Justice has been designated as the central authority to assist the competent judicial authorities if they so request.

The details of the central authority are as follows:

SERVICE PUBLIC FEDERAL JUSTICE / FEDERALE OVERHEIDSDIENST JUSTITIE

Autorité centrale de coopération internationale en matière pénale / Centrale Autoriteit Internationale Samenwerking in Strafzaken

Boulevard de Waterloo 115

B-1000 Brussels

E-mail: centralauthority.iccm@just.fgov.be

Fax: +32 2 542 71 99

Article 11(2) of the Agreement

Belgium declares that it will also accept arrest warrants translated into English.

Article 16(4) of the Agreement

The consent cannot be revoked under Belgian law.

Article 28(2) of the Agreement

The Federal Public Service for Justice has been designated as the authority competent for receiving requests for transit and the necessary documents, as well as any other official correspondence relating to transit requests.

Transit requests should be sent to the following address:

SERVICE PUBLIC FEDERAL JUSTICE / FEDERALE OVERHEIDSDIENST JUSTITIE

Autorité centrale de coopération internationale en matière pénale / Centrale Autoriteit Internationale Samenwerking in Strafzaken

Boulevard de Waterloo 115

B-1000 Brussels

E-mail: centralauthority.iccm@just.fgov.be

Fax: +32 2 542 71 99

Renewal of the declaration under Article 7(2)

Message from the Permanent Representation of Belgium to the European Union, received by the General Secretariat on 29 October 2024:

I have the honour to confirm herewith the renewal of the declaration made by Belgium under Article 7(2) of the Agreement of 28 June 2006 between the European Union and the Republic of Iceland and the Kingdom of Norway on the surrender procedure between the Member States of the European Union and Iceland and Norway.

BULGARIA

A) Notification under Article 5, paragraph 2:

"The Republic of Bulgaria notifies the General Secretariat of the Council of the European Union that it has foreseen an obligation for its competent authorities not to execute an arrest warrant in the cases set out in Article 5, paragraph 1, letter "a":

"(a) if, in one of the cases referred to in Article 3(2), the act on which the arrest warrant is based does not constitute an offence under the law of the executing State".

B) In relation to Article 9, paragraph 3:

"The Republic of Bulgaria designates the relevant prosecutor – for the accused (in the pre-trial phase of criminal proceedings) or sentenced person, and the relevant court – for a defendant (in the trial phase of criminal proceedings), as authorities competent to issue a request for surrender procedure (issuing judicial authorities).

Bulgaria designates the District courts as judicial authorities competent to execute a request for surrender procedure issued by a judicial authority of the Republic of Iceland and the Kingdom of Norway (executing judicial authorities)."

C) Notification under Article 10, paragraph 1:

"The central authority designated by Bulgaria to assist the judicial authorities is the Minister of Justice.

Contact data of the central authority:

Министерство на правосъдието на Република България
Дирекция "Международно правно сътрудничество
и европейски въпроси"

Ministry of Justice of the Republic of Bulgaria
International Legal Cooperation and
European Affairs Directorate
Slavyanska Str. 1, 1040 Sofia,
Telephone: 00 359 2 9237 515; 00 359 2 9237 545
00 359 2 9237 516; 00 359 2 9237 546
Fax: 00 359 2980 92 22; 00 359 2 9237 545
E-mail: criminal@justice.government.bg

D) Declaration on Article 11, paragraph 2:

"The request for surrender procedure transmitted for execution to the Bulgarian authorities must be translated into Bulgarian."

E) Declaration on Article 16, paragraph 4:

"The Republic of Bulgaria declares that the consent may be revoked within three days after the arrested person has indicated its consent to be surrendered."

F) Notification under Article 28, paragraph 2:

"Bulgaria designates the Minister of Justice as the authority responsible for receiving transit requests and all the other necessary documents, as well as any other official correspondence relating to transit requests. The Minister immediately sends the request to the Supreme Cassation Prosecutor's Office, which will grant the transit of the requested person through the territory of Republic of Bulgaria and will inform the requesting Member State for its decision.

Contact data of the central authority:

Министерство на правосъдието на Република България
Дирекция "Международно правно сътрудничество
и европейски въпроси"

Ministry of Justice of the Republic of Bulgaria
International Legal Cooperation and
European Affairs Directorate
Slavyanska Str. 1, 1040 Sofia,
Telephone: 00359 2 9237 515; 00359 2 9237 545
00359 2 9237 516; 00359 2 9237 546

Fax: 00359 2980 92 22; 00359 2 9237 545

E-mail: criminal@justice.government.bg

G) Notification under Article 34, paragraph 2:

"The Republic of Bulgaria notifies the General Secretariat of the Council of the European Union that it has no bilateral or multilateral agreements or treaties with the Republic of Iceland and the Kingdom of Norway in force with a subject similar to that of this agreement which it wishes to continue to apply."

CROATIA

Article 5(2) of the Agreement

Pursuant to Article 5 subparagraph 2, please be informed that grounds referred to in subparagraphs (a), (b), (d), (e) and (f) of Article 5(1) form an obligatory base for refusal of execution of an arrest warrant, while in cases referred in subparagraphs (c) and (g) competent judicial authority may refuse execution of an arrest warrant.

Article 6(2) of the Agreement

Pursuant to Article 6 subparagraph 2, Croatia declares that paragraph 1 of article 6 shall be applied only in relation to:

- (a) the offences referred to in Articles 1 and 2 of the European Convention on the Suppression of Terrorism;
- (b) offences of conspiracy or association – which correspond to the description of behaviour referred to in Article 3(3) – to commit one or more of the offences referred to in Articles 1 and 2 of the European Convention on the Suppression of Terrorism;
and
- (c) Articles 1, 2, 3 and 4 of the Council Framework Decision 2002/475/JHA of 13 June 2002 on combating terrorism.

Article 7(2) of the Agreement

Pursuant to Article 7 subparagraph 2, Croatia declares that nationals shall be surrendered under following conditions:

- a. If an arrest warrant has been issued for the purpose of prosecution and the requested person is a national of the Republic of Croatia residing in the Republic of Croatia, the court shall impose as a condition for the execution of such warrant that the requested person is returned to the Republic of Croatia in order to serve the sanction passed against him or her in the issuing State, in case such person consented to serve the sentence in the Republic of Croatia.

b. If the arrest warrant has been issued for the purpose of execution of a custodial sentence or a measure including deprivation of liberty, where the requested person is a Croatian national residing in the Republic of Croatia who consented to serve the sentence in the Republic of Croatia, the court shall postpone deciding upon the arrest warrant. In order to resume the execution of sanction, the court shall request documentation from the issuing State. After the decision about resuming the execution of sanction becomes final, the court shall refuse the execution of the arrest warrant

Article 9(3) of the Agreement

Pursuant to Article 9 subparagraph 3, please be informed that

- (a) designated judicial authority responsible to receive an arrest warrant is the County State Attorney's Offices according to the location where the person to whom the warrant applies was located or the location of his/her temporary or permanent residence. The County State Attorney's Office in Zagreb is competent for receiving the arrest warrant if the whereabouts of the requested person are unknown.
- (b) Executing judicial authorities responsible for execution of an arrest warrant are competent county courts in accordance with the national law.
- (c) The issuing judicial authorities are:
 - competent State Attorney's Office prior to approval of the indictment
 - the competent court after the approval of an indictment and during the proceedings of enforcement of custodial sentence.

Article 10(1) of the Agreement

Pursuant to Article 10 subparagraph 1, Croatia notifies that Ministry of Justice of the Republic of Croatia is designated central authority to assist the competent judicial authorities in the facilitating contacts and international cooperation.

Ministarstvo pravosuđa Republike Hrvatske / Ministry of Justice of the Republic of Croatia
Uprava za europske poslove, međunarodnu i pravosudnu suradnju / Directorate for European
Affairs, International and Judicial Cooperation

Tel: +385 1 3714 558

Fax: +385 1 3714 392

web: www.mprh.hr

Article 11(2) of the Agreement

Pursuant to Article 11 subparagraph 2, Croatia declares that it will accept arrest warrants translated into Croatian language.

Article 28(2) of the Agreement

Pursuant to Article 28 subparagraph 2, Croatia notifies that Minister of Justice shall decide on the request for the transit through the territory of the Republic of Croatia of a requested person who is being surrendered from one Member State to another.

Article 34(2) of the Agreement

Croatia does not make any notification under this Article.

Renewal of the declaration under Article 7(2), and other information

Message from the Ministry of Justice, Public administration and Digital transformation of the Republic of Croatia, received by the General Secretariat on 31 October 2024:

Within the meaning of Article 40 of the Agreement between the European Union and the Republic of Iceland and the Kingdom of Norway on the surrender procedure between the Member States of the European Union and Iceland and Norway, we hereby inform you of the following:

With regard to Article 7(2) of the Agreement, the existing notifications in respect of the following are renewed:

‘Pursuant to Article 7 subparagraph 2, Croatia declares that nationals shall be surrendered under following conditions:

- a. If an arrest warrant has been issued for the purpose of prosecution and the requested person is a national of the Republic of Croatia residing in the Republic of Croatia, the court shall impose as a condition for the execution of such warrant that the requested person is returned to the Republic of Croatia in order to serve the sanction passed against him or her in the issuing State, in case such person consented to serve the sentence in the Republic of Croatia.
- b. If the arrest warrant has been issued for the purpose of execution of a custodial sentence or a measure including deprivation of liberty, where the requested person is a Croatian national residing in the Republic of Croatia who consented to serve the sentence in the Republic of Croatia, the court shall postpone deciding upon the arrest warrant. In order to resume the execution of sanction, the court shall request documentation from the issuing State. After the decision about resuming the execution of sanction becomes final, the court shall refuse the execution of the arrest warrant.’

Article 10(1) of the Agreement

Pursuant to Article 10(1), the Republic of Croatia notifies that the Ministry of Justice is designated central authority to assist the competent judicial authorities in facilitating contacts and international cooperation.

Contact details of the Ministry

Ministarstvo pravosuđa, uprave i digitalne transformacije Republike Hrvatske/ Ministry of Justice,
Public Administration and Digital Transformation of the Republic of Croatia

Uprava za europske poslove, međunarodnu i pravosudnu suradnju i sprječavanje korupcije/
Directorate for European Affairs, International and Judicial Cooperation and Prevention of
Corruption

Ulica grada Vukovara 49, 10000 Zagreb

Tel.: 00385 1 3714 558; E-mail: europska.unija@mpudt.hr

Article 28(2) of the Agreement

Pursuant to Article 28(2), the Republic of Croatia notifies that the Minister for Justice shall decide on the request for transit through the territory of the Republic of Croatia of a requested person who is being surrendered from one Member State to another.

CYPRUS

I: MANDATORY DECLARATIONS BY THE REPUBLIC OF CYPRUS PURSUANT TO ARTICLE 38

Article 5(2)

The Republic of Cyprus hereby declares that, with the exception of the offences referred to in Article 3(4), arrest warrants will be executed where the act for which the arrest warrant was issued also constitutes an offence under the criminal law of Cyprus, regardless of its qualification.

Article 9(3)

The Republic of Cyprus hereby declares that the competent issuing judicial authority pursuant to Article 9(1) of the Agreement will be the District Judge in the district which has territorial jurisdiction to try the offence for which arrest and surrender have been requested and, where arrest and surrender have been requested for the serving of a sentence, the District Court or Assize Court which delivered the decision.

The judicial authority competent to execute the arrest warrant will be the competent District Judge in the district in which the requested person is located or is believed to be located or, if the whereabouts of the requested person are unknown, the District Judge of the District Court of Nicosia.

Article 28(2)

The Republic of Cyprus hereby declares that the Ministry of Justice and Public Order will be the authority responsible for receiving transit requests and the necessary documents, as well as any other official correspondence relating to transit requests.

II: OPTIONAL DECLARATIONS BY THE REPUBLIC OF CYPRUS PURSUANT TO ARTICLE 38

Article 3(4)

The Republic of Cyprus hereby declares that, in accordance with the principle of reciprocity, the rule of double criminality will not apply to the cases and under the conditions expressly referred to in Article 3(4) of the Agreement.

Article 7(2)

The Republic of Cyprus hereby declares that the surrender of nationals of Cyprus will be authorised subject to reciprocity and subject to the condition that the requested person, after being heard, is transferred to the Republic of Cyprus in order to serve there the custodial sentence or detention order passed against him in the issuing State.

Article 10(1)

The Republic of Cyprus hereby declares that the Ministry of Justice and Public Order will be the central authority pursuant to Article 10(1) of the Agreement.

Article 11(2)

The Republic of Cyprus hereby declares that it will accept translations of arrest warrants in Greek and English.

Article 35(2)

The Republic of Cyprus, as executing State, will continue to apply the extradition system applicable prior to the entry into force of the Agreement in relation to acts committed before the entry into force of the Agreement.

Renewal of the declaration under Article 7(2)

Message from the Permanent Representation of Cyprus to the European Union, received by the General Secretariat on 22 October 2024:

On behalf of Cyprus please be informed that we renew the declaration under Article 7(2) of the Agreement.

CZECH REPUBLIC

Notification under Article 5(2):

The Czech Republic has established an obligation for its executing judicial authorities to refuse the execution of an arrest warrant for all the grounds of non-execution listed in Article 5(1).

Declaration under Article 7(2):

The Czech Republic will not surrender citizens of the Czech Republic to the Kingdom of Norway or the Republic of Iceland.¹

Notification under Article 9(3):

The authorities competent to issue an arrest warrant are, in the Czech Republic, district courts [*obvodní soudy* and *okresní soudy*], regional courts [*krajské soudy*] and high courts [*vrchní soudy*], the Prague Municipal Court [*Městský soud v Praze*], the Brno Municipal Court [*Městský soud v Brně*] and the Supreme Court of the Czech Republic [*Nejvyšší soud České republiky*].

The authorities competent to execute an arrest warrant are, in the Czech Republic, the regional public prosecutors' offices [*krajská státní zastupitelství*], Prague Municipal Public Prosecutor's Office [*Městské státní zastupitelství v Praze*], regional courts [*krajské soudy*], high courts [*vrchní soudy*] and Prague Municipal Court [*Městský soud v Praze*].

The authorities competent to accept an arrest warrant issued by the Kingdom of Norway or the Republic of Iceland are the regional public prosecutors' offices [*krajská státní zastupitelství*] and Prague Municipal Public Prosecutor's Office [*Městské státní zastupitelství v Praze*]. Their contact details are listed in the Annex.

¹ NB: Note from the Secretariat: **see the modification of the declaration under Art. 7(2)**, set out at the end of the declarations by CZ.

Notification under Article 10(1):

The Ministry of Justice of the Czech Republic [*Ministerstvo spravedlnosti České republiky*], the Supreme Public Prosecutor's Office of the Czech Republic [*Nejvyšší státní zastupitelství České republiky*] and the Police Presidium of the Czech Republic [*Policejní prezidium České republiky*] are the central authorities to assist the competent judicial authorities. Their contact details are listed in the Annex.

Notification under Article 28(2):

The body in the Czech Republic competent to receive transit requests, including the necessary documents relating to transit requests, is the Ministry of Justice. The contact details are given in the Annex. Requests for transit authorisation can be addressed to the Ministry of Justice at the following e-mail address: mot@msp.justice.cz or transit@msp.justice.cz.

Annex to the statements/notifications of the Czech Republic relating to the Agreement between the European Union and the Republic of Iceland and the Kingdom of Norway on the surrender procedure between the Member States of the European Union and Iceland and Norway

Article 9

The regional public prosecutors' offices can be contacted at the following addresses.

1. Městské státní zastupitelství v Praze [Prague Municipal Public Prosecutor's Office]

Náměstí 14. října 2188/9

150 00 Praha 5

Tel. +420 257 111 611

Fax +420 257 111 723

E-mail: podatelna@msz.pha.justice.cz

2. Krajské státní zastupitelství v Praze [Prague Regional Public Prosecutor's Office]

Husova 11

110 01 Praha

Tel. +420 222 111 700

Fax +420 222 220 075

E-mail: podatelna@ksz.pha.justice.cz

3. Krajské státní zastupitelství v Českých Budějovicích [České Budějovice Regional Public Prosecutor's Office]

Goethova 2

370 70 České Budějovice

Tel. +420 386 798 111

Fax +420 386 798 140

E-mail: posta@ksz.cbu.justice.cz

4. Krajské státní zastupitelství v Plzni [Plzeň Regional Public Prosecutor's Office]

Veslavínova 38

306 36 Plzeň

Tel. +420 377 868 511

Fax +420 377 868 512

E-mail: podatelna@ksz.plz.justice.cz

5. Krajské státní zastupitelství v Ústí nad Labem [Regional Public Prosecutor's Office in Ústí nad Labem]

Krajské státní zastupitelství v Ústí nad Labem

Dlouhá 1/12

400 85 Ústí nad Labem

Tel. +420 477 105 900

Fax +420 477 105 999

E-mail: podatelna@ksz.unl.justice.cz

6. Krajské státní zastupitelství v Hradci Králové [Hradec Králové Regional Public Prosecutor's Office]

Zieglerova 189

500 39 Hradec Králové

Tel. +420 495 054 211

Fax +420 495 512 946

E-mail: podatelna@ksz.hrk.justice.cz

7. Krajské státní zastupitelství v Brně [Brno Regional Public Prosecutor's Office]

Mozartova 3

601 52 Brno

Tel. +420 542 427 427

Fax +420 542 215 004

E-mail: podatelna@ksz.brn.justice.cz

8. Krajské státní zastupitelství v Ostravě [Ostrava Regional Public Prosecutor's Office]

Na Hradbách 21

729 01 Ostrava

Tel. +420 595 131 511

Fax +420 596 118 544

E-mail: podatelna@ksz.ova.justice.cz

Article 10:

The Ministry of Justice of the Czech Republic can be contacted at the following address:

Ministerstvo spravedlnosti České republiky

mezinárodní odbor trestní

Vyšehradská 16

128 10 Praha 2

Tel. +420 221 997 435

Fax +420 221 997 986

E-mail: mot@msp.justice.cz

The Supreme Public Prosecutor's Office of the Czech Republic can be contacted at the following address:

Nejvyšší státní zastupitelství ČR

mezinárodní odbor

Jezuitská 4

660 55 Brno

Tel. +420 542 512 330

Fax +420 542 512 350

E-mail: mo@nsz.brn.justice.cz

The Police Presidium of the Czech Republic can be contacted at the following address:

Policejní prezidium České republiky
Odbor mezinárodní policejní spolupráce
Národní centrála SIRENE (1. oddělení)
Strojnická 27
170 89 Praha 7
Tel.: +420 974 834 210
Fax: +420 974 834 716
E-mail: omps.pripady@pcr.cz or sirene@pcr.cz

Article 28:

The Ministry of Justice of the Czech Republic as the authority competent to receive transit requests can be contacted at the following address:

Ministerstvo spravedlnosti České republiky
mezinárodní odbor trestní
Vyšehradská 16
128 10 Praha 2
Tel. +420 221 997 435
Fax +420 221 997 986
E-mail: mot@msp.justice.cz or transit@msp.justice.cz

Modification of the declaration under Article 7(2)

Message from the Permanent Representation of the Czech Republic to the European Union,
received by the General Secretariat on 29 October 2024:

Amended notification of the Czech Republic to Article 7(2) of the Agreement of 28 June 2006
between the European Union and the Republic of Iceland and the Kingdom of Norway on the
surrender procedure between the Member States of the European Union and Iceland

Declaration under Article 7(2):

Where a person who is the subject of an arrest warrant for the purposes of prosecution is a national
of the Czech Republic or a national of another Member State with permanent or habitual residence
in the Czech Republic, the requested person shall only be surrendered if the issuing judicial
authority gives a guarantee that in the event of a final custodial sentence or detention order being
imposed, the requested person will, at his/her request, be returned to the Czech Republic to serve
the custodial sentence or detention order imposed against him/her by the issuing state.

ESTONIA

In accordance with **Article 5(2)**, the Republic of Estonia notifies that the Estonian executing authorities are obliged to refuse the execution of an arrest warrant in the cases referred to in Article 5(1) subparagraphs a, c, d and f.

In accordance with **Article 7(2)**, the Republic of Estonia declares that in cases where an arrest warrant is issued for the purpose of prosecution of an Estonian national who has permanent place of residence in Estonia, the surrender is a subject to the condition that the person concerned is return to Estonia to serve the sentence passed against him or her in the issuing state. Estonian nationals shall not be extradited or surrendered to another EU Member State or to a third state prior the consent of the person concerned and of the Estonian Ministry of Justice.

In accordance with **Article 9(3)**, the Republic of Estonia notifies that the competent Estonian authorities are:

- Issuing authority for prosecution: the prosecution authorities
- Issuing authority for court procedures and execution of sentence: the courts
- The competent authority for receiving an arrest warrant – Estonian Ministry of Justice.

In accordance with **Article 10(1)**, the Estonian Ministry of Justice notifies that the designated central authority to assist the judicial authorities and to receive all arrest warrants is the Estonian Ministry of Justice:

Estonian Ministry of Justice
International Judicial Co-operation Unit
Tõnismägi 5a
15191 Tallinn
Phone: +372 620 81 92/+372 620 81 90
Fax: +372 620 81 91
e-mail: central.authority@just.ee

In accordance with **Article 11(2)**, the Republic of Estonia declares that arrest warrants shall be written in, or translated into Estonian or English.

In accordance with **Article 28(2)**, the Republic of Estonia notifies that the Estonian Ministry of Justice has been designated as the authority responsible for receiving requests for transit.

FINLAND

Article 34(2) / Notification of the bilateral or multilateral agreements or arrangements in force that Member States wish to continue to apply

Finland will apply Convention on Extradition on the Basis of an Offence Between the Nordic Countries and the Finnish Act on Extradition on the Basis of an Offence Between the Nordic Countries (1383/2007).

Due to the mentioned notification Finland submits only those kinds of notifications which concern situations where an EU Member State other than a Nordic country can be involved, i.e. transit [Article 28(2)] and subsequent extradition [Article 31(1)].

Article 28(2) / Notification of the authority competent for receiving requests for transit

Competent authority for receiving requests for transit (from those EU Member States that are not Nordic countries) is Ministry of Justice.

Article 31(1) / Notification on behalf of those Member States that presume that consent for the surrender of a person to a State other than the executing State pursuant to an arrest warrant issued for an offence committed prior to his or her surrender is presumed to have been given

Consent of a person is presumed to have been given in situations concerning subsequent extradition between the Nordic countries.

FRANCE

Article 5

France declares, pursuant to Article 5(2), that it establishes an obligation for its judicial authorities to refuse the execution of an arrest warrant in the cases referred to in paragraphs 1(a), 1(c), 1(d) and 1(e). France declares that it establishes an option for its judicial authorities to refuse the execution of an arrest warrant in the cases referred to in paragraphs 1(b), 1(f) and 1(g).

Article 6

Information to be notified with a view to an EU declaration: France, pursuant to Article 6(2), will apply paragraph 1 only in relation to the offences referred to in Articles 1 and 2 of the European Convention of 27 January 1977 on the Suppression of Terrorism, to offences of conspiracy or association to commit one or more of these offences, and to offences under Articles 1, 2, 3 and 4 of the Framework Decision of 13 June 2002 on combating terrorism.

Article 7

Information to be notified with a view to an EU declaration: France, pursuant to Article 7(2), will not surrender a person who was a French national when the act was committed or who is a French national.

Article 9

Pursuant to Article 9(3), France designates:

- the prosecutors in the public prosecutor's office as judicial authorities competent to issue an arrest warrant for the purposes of executing arrest warrants issued by an examining magistrate, by a trial court or by a judge responsible for the execution of sentences, and to ensure that custodial sentences are carried out;
- the principal public prosecutors and the examining magistrates' offices as judicial authorities competent to execute European arrest warrants issued by a foreign judicial authority.

Article 28

France declares, pursuant to Article 28(1), that it will refuse transit through its territory to a person who was a French national when the act was committed or who is a French national.

Pursuant to Article 28(2), France designates the Ministère de la Justice, direction des affaires criminelles et des grâces, sous-direction de la justice pénale spécialisée, bureau de l'entraide pénale internationale, 13, place Vendôme, 75042 Paris CEDEX 01, as the authority responsible for receiving transit requests and the necessary documents, as well as any other official correspondence relating to transit requests.

Article 35

Information to be notified with a view to an EU declaration: pursuant to Article 35(2), France, as executing State, will continue to apply the extradition system applicable before the entry into force of the Agreement in relation to acts committed before 1 November 1993.

Renewal of the declaration under Article 7(2)

Message from the Permanent Representation of France to the European Union, regarding a decision taken by the French authorities on 31 October 2024, transmitted to and received by the General Secretariat on 4 November 2024, due to a national holiday on 1 November:

The French authorities wish to renew their declaration under Article 7(2):

France, pursuant to Article 7(2), will not surrender a person who was a French national when the act was committed or who is a French national.

GERMANY

1. Re Article 5(2):

The Federal Republic of Germany will refuse the execution of an arrest warrant where one of the grounds referred to in points (a) to (d) of Article 5(1) of the Agreement applies.

2. Re Article 7(2):

The Federal Republic of Germany will not surrender its nationals to the Republic of Iceland or the Kingdom of Norway.

3. Re Article 9(3):

The judicial authorities for the purposes of this Agreement are:

- the Federal Ministry of Justice and Consumer Protection (*das Bundesministerium der Justiz und für Verbraucherschutz*), Berlin;
- the Federal Office of Justice (*das Bundesamt für Justiz*), Bonn;
- the Federal Court of Justice (*das Bundesgerichtshof*), Karlsruhe;
- the Federal Prosecutor-General at the Federal Court of Justice (*der Generalbundesanwalt bei dem Bundesgerichtshof*), Karlsruhe;
- the Ministry of Justice and European Affairs of Baden-Württemberg (*Ministerium der Justiz und für Europa*), Stuttgart;
- the Bavarian State Ministry of Justice (*das Bayerische Staatsministerium der Justiz*), Munich;
- the Senate Department for Justice and Consumer Protection (*die Senatsverwaltung für Justiz und Verbraucherschutz*), Berlin;

- the Ministry of Justice and for Europe and Consumer Protection of Brandenburg (*das Ministerium der Justiz und für Europa und Verbraucherschutz*), Potsdam;
- the Senator of Justice and Constitution (*der Senator für Justiz und Verfassung*), Bremen;
- the Justice Authority of the Free and Hanseatic City of Hamburg (*Justizbehörde der Freien und Hansestadt Hamburg*);
- the Hessian Ministry of Justice (*das Hessische Ministerium der Justiz*), Wiesbaden;
- the Ministry of Justice of Mecklenburg-Western Pomerania (*das Justizministerium Mecklenburg-Vorpommern*), Schwerin;
- the Ministry of Justice of Lower Saxony (*das Niedersächsische Justizministerium*), Hannover;
- the Ministry of Justice of North Rhine-Westphalia (*das Justizministerium des Landes Nordrhein-Westfalen*), Düsseldorf;
- the Ministry of Justice of Rhineland-Palatinate (*das Ministerium der Justiz Rheinland-Pfalz*), Mainz;
- the Ministry of Justice of Saarland (*das Ministerium der Justiz Saarland*), Saarbrücken;
- the Saxon State Ministry of Justice (*das Sächsische Staatsministerium der Justiz*), Dresden;
- the Ministry of Justice and Gender Equality of Saxony-Anhalt (*das Ministerium für Justiz und Gleichstellung des Landes Sachsen-Anhalt*), Magdeburg;
- the Ministry of Justice, Cultural and European Affairs of Schleswig-Holstein (*das Ministerium für Justiz, Kultur und Europa des Landes Schleswig-Holstein*), Kiel;
- the Thuringian Ministry of Migration, Justice and Consumer Protection (*das Thüringer Ministerium für Migration, Justiz und Verbraucherschutz*), Erfurt;
- the higher regional courts (*die Oberlandesgerichte*);
- the regional courts (*die Landgerichte*);
- the local courts (*die Amtsgerichte*);
- the public prosecutors' offices at the higher regional courts (*die Staatsanwaltschaften bei den Oberlandesgerichten*);

- the public prosecutors' offices at the regional courts (*die Staatsanwaltschaften bei den Landgerichten*);
- the Central Office of the Land Judicial Administrations for the Investigation of National Socialist Crimes (*die Zentrale Stelle der Landesjustizverwaltungen zur Aufklärung nationalsozialistischer Verbrechen*), Ludwigsburg.

The competent judicial authorities under Article 9 of the Agreement are the federal and federal states' ministries of justice. As a rule, these have transferred the execution of the powers resulting from the Agreement for the submission of outgoing requests (Article 9(1)) to the public prosecutors' offices at the regional courts and to the regional courts and the powers to meet incoming requests (Article 9(2)) to the public prosecutors' offices at the higher regional courts.

4. Re Article 11(2):

The Federal Republic of Germany will recognise an arrest warrant in any official language of the issuing state if that state is in turn also willing to recognise an arrest warrant issued by German judicial authorities in German.

5. Re Article 28(2):

The prosecutor-general's office in whose territory the pursued person is to be handed over for transit is responsible for receiving transit requests addressed to the Federal Republic of Germany.

Renewal of the declaration under Article 7(2)

Message from the Permanent Representation of the Federal Republic of Germany to the European Union, received by the General Secretariat on 1 October 2024:

The Federal Republic of Germany renews its declaration pursuant to Article 7(2) of the Agreement of 28 June 2006 between the European Union and the Republic of Iceland and the Kingdom of Norway on the surrender procedure between the Member States of the European Union and Iceland and Norway to the effect that its own nationals will not be extradited to Norway or Iceland.

GREECE

Article 3(4):

Greece will establish an obligation for the executing judicial authority to execute the arrest warrant, on the basis of reciprocity, with regard to the following criminal offences, if such are punishable in the issuing State by a custodial sentence or a detention order for a maximum period of at least three years and as they are defined by the law of the issuing State, without the verification of the double criminality of the act: [participation in a criminal organization, terrorism, trafficking in human beings, sexual exploitation of children and child pornography, illicit trafficking in narcotic drugs and psychotropic substances, illicit trafficking in weapons, munitions and explosives, corruption, fraud, including that affecting the financial interests of the European Communities within the meaning of the Convention of 26 July 1995 on the protection of the European Communities' financial interests, laundering of the proceeds of crime, counterfeiting currency, including of the euro, computer-related crime, environmental crime, including illicit trafficking in endangered animal species and in endangered plant species and varieties, facilitation of unauthorised entry and residence, murder, grievous bodily injury, illicit trade in human organs and tissue, kidnapping, illegal restraint and hostage-taking, racism, and xenophobia, organized or armed robbery, illicit trafficking in cultural goods, including antiques and works of art, swindling, racketeering and extortion, counterfeiting and piracy of products, forgery of administrative documents and trafficking therein, forgery of means of payment, illicit trafficking in hormonal substances and other growth promoters, illicit trafficking in nuclear or radioactive materials, -trafficking in stolen vehicles, rape, arson, crimes within the jurisdiction of the International Criminal Court, unlawful seizure of aircraft/ships, sabotage]".

Article 5(2):

"Greece will establish an obligation for the local executing judicial authority to refuse execution of an arrest warrant in the following cases of Article 5 par. 1:

-b if the requested person is a Greek citizen,

-d

-f and

-g if the requested person is a Greek citizen

Further, Greece will establish an option for the local executing judicial authority to refuse execution of an arrest warrant in the following cases of Article 5 par.1:

-b if the requested person is not a Greek citizen,

-c,

-e and

-g if the requested person is not a Greek citizen".

Article 6(1):

"The local judicial executing authority shall apply paragraph 1 of Article 6 only in relation to:

(a) The offences referred to in Articles 1 and 2 of the European Convention on the Suppression of Terrorism;

(b) Offences of conspiracy or association -which correspond to the description of behaviour referred to in Article 3 (3)- to commit one or more of the offences referred to in Articles 1 and 2 of the European Convention on the Suppression of Terrorism;

and

(c) Articles 1, 2, 3 and 4 of the Council Framework Decision 2002/475/JHA of 13 June 2002 (as amended by Council Framework Decision 2008/919/JHA) on combating terrorism".

Article 7(2):

"Greece will establish an obligation for the executing judicial authority to allow surrender of a requested Greek citizen, who is not prosecuted in Greece for the same act, on which the arrest warrant is based, only under the prerequisite that, following a hearing of such person, he/she shall be returned to Greece, in order to serve the sentence or detention order imposed to such Greek citizen by the issuing state".

Article 9(3):

"The competent judicial authority to issue an arrest warrant is the Public Prosecutor of the Appeal Court, which is competent a) for the adjudication of the punishable act, on which the arrest warrant is based or b) for the execution of the custodial sentence on detention order.

The competent judicial authority to receive the arrest warrant, to arrest and detain the requested person, to submit the case to the competent judicial authority and to execute, the decision for the arrest of such person is a) the Public Prosecutor at the Appeal Court, at the district of which such person resides, b) the Public Prosecutor at the Athens Appeal Court, in case such person does not have a known residence.

If the requested person consents to surrender to the issuing state, the President at the Appeal Court, at the district of which the requested person resides or is arrested, is the judicial authority for the issuance of the decision for the execution of the arrest warrant. If the requested person does not consent to surrender to the issuing state, the Judicial Board of the Appeal Court, at the district of which the requested person resides or is arrested, is the judicial authority for the issuance of the decision for the execution of the arrest warrant".

Article 10(1):

"The Greek Ministry of Justice shall be designated as the central authority mentioned in Article 10 paragraph 1 of the agreement to assist the competent judicial authorities as well as for the administrative dispatch and receipt of the arrest warrant and the related official correspondence".

Article 28(2):

"The Public Prosecutor of the Appeal Court shall be designated as the central authority mentioned in Article 28 paragraph 2 of the agreement for receiving transit requests and the necessary documents, as well as any other official correspondence relating to transit requests".

Article 34(2):

"The Hellenic Republic notifies the General Secretariat of the Council of EU that there are no bilateral or multilateral agreements or treaties with the Republic of Iceland and the Kingdom of Norway in force with a subject similar to that of the agreement".

Renewal of the declaration under Article 7(2)

Message from the Permanent Representation of Greece to the European Union, received by the General Secretariat on 18 October 2024:

The Greek Ministry of Justice would like to renew the declaration under Article 7(2).

HUNGARY

On the basis of reciprocity, the condition of double criminality referred to in Article 3 paragraph (2) shall not be applied to the offences listed in Article 3 paragraph (4) if they are punishable in the issuing State by a custodial sentence or a detention order for a maximum period of at least three years and as they are defined by the law of the issuing State under the condition that the issuing State made a similar declaration.

In accordance with Article 5 paragraph (2) and Article 38 of the Agreement, Hungary makes the following declaration:

The competent Hungarian executing authority shall refuse the execution of the arrest warrant in cases prescribed in Article 5(1) a), b), c), d), e) and f).

In accordance with Article 7 paragraph (2), and Article 38 of the Agreement – taking into account Article 8 paragraph (3) -, Hungary makes the following declaration:

Where a person who is the subject of an arrest warrant for the purposes of prosecution is a national and resident of Hungary, the requested person shall only be surrendered if the issuing judicial authority gives an adequate guarantee that if a final custodial sentence or detention order is imposed, the requested person, at his or her request, will be returned to Hungary to serve the custodial sentence or detention order passed against him in the issuing State.

If Norway or Iceland makes a declaration to that effect that their nationals will not be surrendered or that surrender will be authorised only under certain specified conditions, Hungary will proceed similarly on the basis of reciprocity.

In accordance with Article 9 paragraph (3) and Article 38 of the Agreement, Hungary makes the following declaration:

The Hungarian executing judicial authority is the Metropolitan Court of Justice in Budapest, with exclusive jurisdiction. Appeals filed against its decisions shall be judged by the chamber of the Metropolitan Appeal Court in Budapest. Appeals shall not have delaying effect on the execution of the decisions.

In accordance with Article 10 paragraph (1) and Article 38 of the Agreement, Hungary makes the following declaration:

The central authority of Hungary is the Minister responsible for Justice which is responsible for the administrative transmission and reception of European arrest warrants.

In accordance with Article 11 paragraph (2) and Article 38 of the Agreement, Hungary makes the following declaration:

Hungary accepts the arrest warrant in Hungarian or a translation of it into Hungarian. If Iceland or Norway accepts the arrest warrant accompanied by a translation in English, French or German, Hungary will proceed similarly on the basis of reciprocity.

In accordance with Article 20 paragraph (5) and Article 38 of the Agreement, Hungary makes the following declaration:

If the person claimed applies for recognition as refugee or beneficiary of temporary protection, or asylum proceedings are under way the time limits laid down in Article 20 paragraphs (3) and (4) shall be extended in such manner that after the refusal of the recognition as refugee or beneficiary of temporary protection the authorities have at least forty days for taking decision on the execution of the arrest warrant and for surrendering the extradited person. The duration of the arrest shall not, in any event, exceed twenty-four months from the starting date of the arrest.

In accordance with Article 28 paragraph (2) and Article 38 of the Agreement, Hungary makes the following declaration:

The Minister responsible for Justice is the central authority of Hungary responsible for receiving transit requests and any other official correspondence relating to them.

Renewal of the declaration under Article 7(2)

Message from the Hungarian Ministry of Justice, received by the General Secretariat on 31 October 2024:

With reference to Article 7(2) in conjunction with the second sentence of Article 40 of the Agreement of 28 June 2006 between the European Union and the Republic of Iceland and the Kingdom of Norway on the surrender procedure between the Member States of the European Union and Iceland and Norway, Hungary has the honour to renew the following declaration:

In accordance with Article 7 paragraph (2), and Article 38 of the Agreement – taking into account Article 8 paragraph (3) -, Hungary makes the following declaration:

Where a person who is the subject of an arrest warrant for the purposes of prosecution is a national and resident of Hungary, the requested person shall only be surrendered if the issuing judicial authority gives an adequate guarantee that if a final custodial sentence or detention order is imposed, the requested person, at his or her request, will be returned to Hungary to serve the custodial sentence or detention order passed against him in the issuing State.

If Norway or Iceland makes a declaration to that effect that their nationals will not be surrendered or that surrender will be authorised only under certain specified conditions, Hungary will proceed similarly on the basis of reciprocity.

IRELAND

NOTIFICATION UNDER ARTICLE 5(2):

In accordance with Article 5(2), Ireland has established an obligation for the Irish executing judicial authority to refuse the execution of an arrest warrant for the following grounds of non-execution listed in Article 5(J)(a); 5(J)(b); where a final judgment has been passed upon the requested person in a State, in respect of the same act, which prevents further proceedings as set out in 5(J)(c); 5(l)(e) and 5(l)(g)(ii).

NOTIFICATION UNDER ARTICLE 9(3):

The *Issuing* and *Executing* judicial authority for Ireland for the purposes of the Agreement shall be the High Court.

NOTIFICATION UNDER ARTICLE 10(1):

The designated Central Authority for Ireland for the *receipt* and *transmission* of European Arrest Warrants, for the purposes of the Agreement, shall be the Minister for Justice and Equality.

The Criminal Mutual Assistance and Extradition Division administer the Minister's functions.

Address: Criminal Mutual Assistance and Extradition Division, Department of Justice and Equality, 51 St. Stephen's Green, Dublin 2,

Tel: +353 1 6028716 / +353 1 6028764 / +353 1 6028763

Fax: +353 1 6028750

Email: warrantsmail@justice.ie

NOTIFICATION UNDER ARTICLE 28(2):

The designated authority for Ireland for administering transit requests shall be the Central Authority for Ireland, i.e. The Minister for Justice and Equality.

The Criminal Mutual Assistance and Extradition Division administer the Minister's functions.

Address: Mutual Assistance and Extradition Division, Department of Justice and Equality, 51 St. Stephen's Green, Dublin 2,

Tel: +353 1 888 6000 / 6509 / 6863 / 6504

Fax: +353 1 6028750

Email: warrantsmail@justice.ie

ITALY

Article 5(2) - other grounds for non-execution of an arrest warrant

The Italian Republic declares that the grounds for non-execution as per Article 5, paragraph 1 (a), (c), (d) and (e) shall be considered obligatory grounds of non-execution.

Article 9(3) - Determination of the Competent Judicial Authorities

The judicial authorities which are competent to issue an arrest warrant are judges, courts of first instance and courts where the criminal proceedings are pending. In the execution phase of the sentence or detention order, the judicial authority which is competent to issue an arrest warrant is the public prosecutor attached to the executing judicial authority.

Courts of Appeal are the competent authorities for the execution of an arrest warrant.

Article 28(2) - Transit

The central authority is responsible for receiving transit requests and the necessary documents, as well as any other official correspondence relating to transit requests (Ministry of Justice - Directorate General for International Affairs and Judicial Cooperation).

Article 34(2) - Relations to other legal instruments

There are no bilateral or multilateral conventions to which the Italian Republic, the Kingdom of Norway and the Republic of Iceland are contracting parties, which further simplify or facilitate the surrender of a wanted person who is the subject of an arrest warrant.

Article 20(5) - Time limits and procedures for the decision to execute the arrest warrant

The Italian Republic declares that when a wanted person enjoys immunity under Italian domestic law, the time limits set forth in Article 20, paragraphs 3 and 4, will only start running on the day on which the Court of Appeal is informed that immunity has been waived.

Article 31(1) - Surrender or subsequent extradition

The Italian Republic declares that, in its relations with States that have rendered the same declaration, consent is presumed given for surrender of the person to a State other than the State of execution when an arrest warrant is issued for an offence committed prior to the person's surrender, unless in the specific case at issue the executing judicial authority states otherwise in its surrender decision and the person is not an Italian national or a national of another member State of the European Union lawfully and effectively residing or living in Italy.

Article 35(2) - Transitional Provision

The provisions of this Agreement shall apply as from the date of entry into force of the Agreement itself. The existing extradition system in force before the entry into force of this Agreement will continue to be applied in relation to facts committed before 7 August 2002.

LATVIA

In accordance with **Article 5, paragraph 2** of the Agreement between the European Union and the Republic of Iceland and the Kingdom of Norway on the surrender procedure between the Member States of the European Union and Iceland and Norway the Republic of Latvia refuses the execution of an arrest warrant on the grounds of Article 5, paragraph 1, subparagraph (f) and (e) of the said Agreement.

In accordance with **Article 9, paragraph 3** and **Article 28, paragraph 2** of the Agreement between the European Union and the Republic of Iceland and the Kingdom of Norway on the surrender procedure between the Member States of the European Union and Iceland and Norway the Republic of Latvia declares that the competent authority responsible for receiving transit requests and the necessary documents, as well as any other official correspondence relating to transit requests is:

Prosecutor General Office

Kalpaka Blvd. 6

Rīga, LV-1801

Latvia

Phone: +371 67044400

Fax: +371 67044449

E-mail: webmaster@lrp.gov.lv

In accordance with **Article 11, paragraph 2** of the Agreement between the European Union and the Republic of Iceland and the Kingdom of Norway on the surrender procedure between the Member States of the European Union and Iceland and Norway the Republic of Latvia declares that it will accept the arrest warrants in Latvian language.

LITHUANIA

In accordance with **Article 3, paragraph 4** of the Agreement between the European Union and the Republic of Iceland and the Kingdom of Norway on the surrender procedure between the Member States of the European Union and Iceland and Norway, the Republic of Lithuania declares that, on the basis of reciprocity, the condition of double criminality referred to in Article 3, Paragraph 2 of the Agreement shall not be applied under the conditions set out in Article 3, Paragraph 4 of the Agreement.

In accordance with **Article 5, paragraph 2** of the Agreement, the Republic of Lithuania declares that the Republic of Lithuania does not establish an obligation for its executive judicial authorities to refuse an execution of an arrest warrant on the grounds for non-execution of the arrest warrant referred to in Article 5, Paragraph 1 of the Agreement.

In accordance with Article 9, paragraph 3 of the Agreement, the Republic of Lithuania makes a declaration to the effect that the issuing judicial authorities under Paragraph 1 of Article 9 of the Agreement will be a regional court according to the territory of activity of the court which has passed a judgment of conviction imposing a custodial sentence or a ruling terminating the suspension of execution of a sentence, or a ruling transferring to a correctional institution a person who has been released on parole from the correctional institution to serve the remainder of the custodial sentence as well as the Prosecutor General's Office of the Republic of Lithuania, and the executing judicial authority under Paragraph 2 of Article 9 of the Agreement will be Vilnius Regional Court.

The details of the competent authorities are as follows:

Ministry of Justice of the Republic of Lithuania

Gedimino ave. 30/ A. Stulginskio str. 1,

LT-01104 Vilnius, Lithuania

Tel. (8 5) 266 29 81

Fax. (8 5) 262 59 40

E-mail: rastine@tm.lt

Prosecutor General's Office

Rinktinės str. 5A,

LT-01515 Vilnius, Lithuania

Tel. + 370 5 266 2305, fax. + 370 5 266 2317

E-mail: generaline.prikuratura@prokuraturos.lt

In accordance with **Article 11, paragraph 2** of the Agreement, Lithuania declares that the Republic of Lithuania will accept an arrest warrant translated into the Lithuanian language. The Republic of Lithuania shall also accept an arrest warrant prepared in the English language if the issuing State will apply reciprocity.

In accordance with **Article 28, paragraph 2** of the Agreement Lithuania declares that the Republic of Lithuania designates the Ministry of Justice as the authority responsible for receiving transit requests and the necessary documents, as well as any other official correspondence relating to transit requests.

LUXEMBOURG

Notification under Article 5 (2)

The Grand-Duchy of Luxembourg declares, pursuant to Article 5(2), that it establishes an option for its judicial authorities to refuse the execution of an arrest warrant in the cases referred to in paragraphs 1(a), 1(b), 1(c), 1(d), 1(e), 1(f) and 1(g).

Declaration under Article 6 (2)

The Grand-Ducal judicial executing authorities shall apply paragraph 1 of article 6 only in relation to:

- a) the offences referred to in Articles 1 and 2 of the European Convention on the Suppression of Terrorism;
- b) offences of conspiracy or association – which correspond to the description of behavior referred to in Article 3 (3) – to commit one or more of the offenses referred to in Articles 1 and 2 of the European convention on the Suppression of Terrorism; and
- c) Articles 1, 2, 3 and 4 of the Council Framework Decision 2002/475/JHA of 13th of June 2002 on combating terrorism, as amended by Council Framework Decision 2008/919/JHA.

Declaration under Article 7 (2)

The Grand-Duchy of Luxembourg declares that the surrender of a Luxembourg national may be subject, after a hearing, to the condition that the person shall be returned to the Grand-Duchy of Luxembourg to serve the sentence or detention ordered by the issuing State.

Notification under Article 9 (3)

Pursuant to Article 9 (3), the Grand-Duchy of Luxembourg designates:

- Issuing judicial authority: examining judges (*juge d'instruction*) for the purpose of prosecution. The court in chambers (*chambre du conseil*), the court (*chambre du Tribunal d'arrondissement*), the court of the Court of Appeal (*chambre du conseil de la Cour d'Appel*) and the court chambers of the Court of Appeal (*chambre de la Cour d'Appel*) are also competent to issue a European Arrest Warrant if they are competent to order an arrest warrant pursuant to the national Code of Criminal Proceedings (*Code d'instruction criminelle*). The Prosecutor General (*Parquet Général*) is the issuing judicial authority in case of an arrest warrant for the purpose of executing a sentence;
- Executing judicial authority: Public Prosecutor (*Parquet du tribunal d'arrondissement*), the court in chambers (*chambre du conseil*) and, in higher appeal the court in chambers of the Court of Appeal (*chambre du conseil de la Cour d'Appel*).

Notification under Article 10 (1)

The national law of the Grand-Duchy of Luxembourg does not provide for the designation of a central authority for the purposes of Article 10 (1) of the Agreement.

However, the Prosecutor General (*Parquet Général*) may be contacted in case of difficulties in transmitting a request.

The contact details of the Prosecutor Generals are as follows:

Parquet Général du Grand-Duché de Luxembourg

Cité Judiciaire

Bâtiment CR

Plateau du Saint Esprit

L-2080 Luxembourg

Telephone : +352 47 59 81 336 / -329

Fax : +352 47 05 50

Email : parquet.general@justice.etat.lu

Declaration under Article 11 (2)

The Grand-Duchy of Luxembourg declares, pursuant to Article 11 (2), that European Arrest Warrants issued or translated into French, German and English will be accepted by its juridical authorities.

Notification under Article 28 (2)

The Prosecutor General has been designated as the authority competent for receiving requests for transit and the necessary documents, as well as any other official correspondence relating to transit requests.

Transit requests shall be sent to the following address:

Parquet Général du Grand-Duché de Luxembourg

Cité Judiciaire

Bâtiment CR

Plateau du Saint Esprit

L-2080 Luxembourg

Telephone : +352 47 59 81 336 / -329

Fax : +352 47 05 50

Email : parquet.general@justice.etat.lu

Renewal of the declaration under Article 7(2)

Message from the Ministry of Justice of Luxembourg, received by the General Secretariat on 17 October 2024:

Luxembourg wishes to renew its declaration under Article 7(2) of the Agreement of 28 June 2006 between the European Union and the Republic of Iceland and the Kingdom of Norway on the surrender procedure between the Member States of the European Union and Iceland and Norway:

Declaration under Article 7(2)

The Grand-Duchy of Luxembourg declares that the surrender of a Luxembourg national may be subject, after a hearing, to the condition that the person shall be returned to the Grand-Duchy of Luxembourg to serve the sentence or detention ordered by the issuing State.

MALTA

<i>Article</i>	<i>Malta's declaration / notification</i>
Article 5(2)	Malta declares that, in accordance with Article 5(2), the grounds in Article 5(1)(a) to (g) shall be construed as mandatory grounds for refusal of an arrest warrant.
Article 6(2)(a)	For the purposes of Article 6(2), Malta declares that Article 6(1) will be applied only in relation to: <ul style="list-style-type: none"> - the offences referred to in Articles 1 and 2 of the European Convention on the Suppression of Terrorism; and - offences of conspiracy or association – which correspond to the description of behaviour referred to in Article 3(3) – to commit one or more of the offences referred to in Articles 1 and 2 of the European Convention on the Suppression of Terrorism; and - Articles 1, 2, 3 and 4 of the Framework Decision of 13 June 2002 on combating terrorism.
Article 11(2)	In relation to Article 11(2) Malta declares that a translation into Maltese and English will be accepted.
Article 28(2)	Malta declares that transit may be refused if the person being surrendered is a national or permanent resident of Malta and the surrender is being made for the purpose of execution of a sentence of imprisonment or another form of detention.
Articles: 20(5)	N/A
Article 30	N/A
Article 31	N/A

Article 9(3)	In accordance with the provisions of Article 9(3) (Determination of the competent judicial authorities) the issuing judicial authority will be a Magistrate sitting in the Court of Magistrates and the executing judicial authority will be the Court of Magistrates (Malta) sitting as a Court of Criminal Inquiry, for purposes of the Extradition Act (Cap. 276) referred to as a Court of Committal.
Article 10(2)	<p>In accordance with the provisions of Article 10 (Recourse to the central authority) the following is the designated central authority to assist the competent judicial authorities:</p> <p>The Office of the Attorney General International Co-Operation in Criminal Matters Division The Palace Valletta Malta</p>
Article 28	<p>In accordance with the provisions of Article 28(2) the following is the designated authority for receiving transit requests and the necessary documents, as well as any other official correspondence relating to transit requests:</p> <p>Commissioner of Police and Principal Immigration Officer Police General Headquarters Floriana Malta</p>

THE NETHERLANDS

Article 3(4)⁶

The Kingdom of the Netherlands, on behalf of the European part of the Netherlands, declares in accordance with Article 3(4) that, on the basis of reciprocity, the condition of double criminality referred to in Article 4(2) does not apply where the arrest warrant relates to the criminal offences referred to in Article 3(4) if they are punishable in the issuing State by a custodial sentence or a detention order of at least three years, as defined by the law of the issuing State.

As regards the criminal offences listed in Article 3(4), the Kingdom of the Netherlands furthermore declares, on behalf of the European part of the Netherlands, that '*vervalsing*' (forgery) means '*valsemunterij*' (counterfeiting currency).

Article 5(2)

The Kingdom of the Netherlands, on behalf of the European part of the Netherlands, declares in accordance with Article 5(2) that the executing judicial authorities have an obligation to refuse surrender in the cases referred to in points (b) to (f) of Article 5(1).

The Kingdom of the Netherlands, on behalf of the European part of the Netherlands, further declares that point (a) of Article 5(1) will not be considered as a ground for refusal.

Article 7(2)

The Kingdom of the Netherlands, on behalf of the European part of the Netherlands, declares in accordance with Article 7(2) that surrender is not authorised in the event of a request for the extradition of a Dutch national or of individuals who can be considered as having the same status as Dutch nationals.

⁶ See the clarification regarding this declaration set out below (at the end of the NL notifications/declarations).

Dutch nationals can be surrendered for the purpose of conducting a criminal prosecution provided that the requesting State issues a guarantee that the person sought in accordance with the Convention on the Transfer of Sentenced Persons, concluded on 21 March 1983 in Strasbourg, will be transferred back to the Netherlands in order to serve their sentence there after following the procedure referred to in Article 11 of the Convention, if a non-suspended custodial sentence or a detention order has been passed against them after surrender.

As far as the European part of the Kingdom of the Netherlands is concerned, for the purposes of this agreement 'Dutch nationals' means persons with Dutch nationality and persons with the nationality of another EU country who have resided continuously and lawfully in the Netherlands for at least five years, as well as third-country nationals who are in possession of a valid residence permit of unlimited duration, in so far as they may be prosecuted in the Netherlands for the offence on which the arrest warrant is based and in so far as there is reason to assume they will not lose their right to residence in the Netherlands as a result of a sentence or detention order passed against them after surrender.

The Kingdom of the Netherlands, on behalf of the European part of the Netherlands, declares that in accordance with Article 40, which states that the declarations made under Article 7(2) are subject to common review at the latest five years after the agreement's entry into force, its declaration cannot be considered to have expired without its express consent.

Article 9(3)

The Kingdom of the Netherlands, on behalf of the European part of the Netherlands, declares in accordance with Article 9(3) that the following judicial authorities are competent to issue and/or execute arrest warrants:

- All examining judges (*'rechter commissaris'*) in the Netherlands are competent to issue arrest warrants;
- The public prosecutor at the Amsterdam district public prosecutor's office, the examining judge in charge of criminal proceedings at the Amsterdam District Court and the Amsterdam District Court are competent to execute arrest warrants.

Article 11(2)

The Kingdom of the Netherlands, on behalf of the European part of the Netherlands, declares in accordance with Article 11(2) that the arrest warrant should be translated into Dutch or English.

Article 16(4)

The Kingdom of the Netherlands, on behalf of the European part of the Netherlands, declares in accordance with Article 16(4) that the wanted person's consent to their immediate surrender cannot be revoked.

Article 28(2)

The Kingdom of the Netherlands, on behalf of the European part of the Netherlands, declares in accordance with Article 28(2) that the Netherlands does not authorise any surrender or transit of Dutch nationals for the purpose of execution of a sentence or other measures.

The Kingdom of the Netherlands, on behalf of the European part of the Netherlands, declares in accordance with Article 28(2) that the Amsterdam public prosecutor is competent to receive transit requests and to process them with due regard for the declaration made in accordance with Article 7(2).

Renewal of the declaration under Article 7(2) and a clarification of the declaration pursuant Article 3(4)

Message from the Permanent Representation of the Kingdom of the Netherlands to the European Union, received by the General Secretariat on 31 October 2024:

Article 7(2):

Renewal of the declaration by the Kingdom of the Netherlands pursuant to Article 7(2) in conjunction with the second sentence of Article 40 of the Agreement of 28 June 2006 between the European Union and the Republic of Iceland and the Kingdom of Norway on the surrender procedure between the Member States of the European Union and Iceland and Norway.

With reference to Article 7(2) in conjunction with the second sentence of Article 40 of the Agreement of 28 June 2006 between the European Union and the Republic of Iceland and the Kingdom of Norway on the surrender procedure between the Member States of the European Union and Iceland and Norway, I have the honour of making the following declaration for the Kingdom of the Netherlands. The Kingdom of the Netherlands, as far as it concerns the European part of the Netherlands, declares in accordance with Article 7(2) that surrender of Dutch nationals may only be permitted insofar as it has been requested for the purpose of conducting a criminal prosecution in the requesting State. Surrender may be subject to the condition that the requesting State issues a guarantee that the person sought will be transferred back to the Netherlands in order to serve his or her sentence in the Netherlands in case of a non-suspended custodial sentence or a detention order that has been passed against the person sought after surrender. 'Dutch nationals' means any person having Dutch nationality as well as any other person having resided continuously and lawfully in the Netherlands for at least five years, provided there is reason to assume the person concerned will not lose his or her right of residence in the Netherlands as a result of a sentence or detention order passed against him or her after surrender.

Article 3(4):

Clarification of the declaration by the Kingdom of the Netherlands pursuant to Article 3(4) of the Agreement of 28 June 2006 between the European Union and the Republic of Iceland and the Kingdom of Norway on the surrender procedure between the Member States of the European Union and Iceland and Norway.

With reference to Article 3(4) of the Agreement of 28 June 2006 between the European Union and the Republic of Iceland and the Kingdom of Norway on the surrender procedure between the Member States of the European Union and Iceland and Norway, I have the honour to clarify the declaration for the Kingdom of the Netherlands pursuant to Article 3(4) of the Agreement. The first sentence of the declaration should read: The Kingdom of the Netherlands, on behalf of the European part of the Netherlands, declares in accordance with Article 3(4) that, on the basis of reciprocity, the condition of double criminality referred to in **Article 3(2)** does not apply where the arrest warrant relates to the criminal offences referred to in Article 3(4) if they are punishable in the issuing State by a custodial sentence or a detention order of at least three years, as defined by the law of the issuing State.

POLAND

Declaration on Article 3(4) of the Agreement:

The Republic of Poland declares, pursuant to the reciprocity principle, that the double criminality condition referred to in Article 3(2) of the Agreement shall not be applied to persons who are not Polish nationals, where the request for surrender of a person pursuant to the arrest warrant is a result of committing by that person in the issuing State of one or more offences listed in Article 3(4) of the Agreement, in case that in the issuing State these offences are punishable by deprivation of liberty or other measure involving deprivation of liberty of a maximum of at least three years.

Declaration on Article 5(2) of the Agreement:

The Republic of Poland declares that refusal of the execution of the arrest warrant is obligatory in case that the arrest warrant has been issued against a prosecuted person who has been finally judged by another State in respect of the same acts provided that, where there has been sentence, the sentence has been served or is currently being served or may no longer be executed under the law of the sentencing State or the arrest warrant has been issued for the purposes of execution of a custodial sentence or detention order, where a prosecuted person is a Polish national or is enjoying asylum in the Republic of Poland, unless such a person consents for surrender.

Declaration on Article 6(2) of the Agreement:

The Republic of Poland declares that the provisions of Article 6(1) of the Agreement shall be applicable exclusively to the offences specified in Articles 1 and 2 of the European Convention on the Suppression of Terrorism and to offences of conspiracy or association – which correspond to the description of behaviour referred to in Article 3(3) of the Agreement and the offences listed in Articles 1 and 2 of the European Convention on the Suppression of Terrorism, as well as to the provisions stipulated in Articles 1, 2, 3, 4 of the Framework Decision of 13 June 2002 on combating terrorism.

Declaration on Article 7(2) of the Agreement:

The Republic of Poland declares that in case that the arrest warrant has been issued against a prosecuted person who is a Polish national, the execution of the arrest warrant may only be effected on the condition that the act referred to in that warrant has been committed outside the territory of the Republic of Poland and outside a Polish ship or an aircraft and that this act constitutes an offence according to the law of the Republic of Poland or that it would constitute an offence according to the law of the Republic of Poland if it was committed in the territory of the Republic of Poland, both at the time of its committal as well as at the time of filing a warrant. Surrender of a Polish national is not possible if the arrest warrant has been issued against a person who is suspected of a politically inspired offence without violence or if that execution infringed the freedoms and rights of a human and of a national.

Declaration on Article 9(3) of the Agreement:

The issuing judicial authority shall be a circuit court (*sąd okręgowy*) having territorial competence, while the executing judicial authority shall be a circuit court (*sąd okręgowy*) having territorial competence, however, the authorities competent for receiving warrants issued by authorities of other Member States shall be circuit prosecutor's offices (*prokuratura okręgowa*) having territorial competence.

Declaration on Article 10(1) of the Agreement:

The Central Authority competent to transfer to the competent Polish prosecutor's offices European arrest warrants issued by authorities of other Member States, as well as other related official correspondence, shall be the National Prosecutor's Office of the Republic of Poland.

Declaration on Article 28(2) of the Agreement:

The Authority designated to receive transit requests and necessary documents, as well as other official correspondence related to transit requests, shall be the Minister of Justice.

Renewal of the declaration under Article 7(2)

Message from the Permanent Representation of Poland to the European Union, received by the General Secretariat on 31 October 2024:

I kindly inform you that Poland would like to renew the declaration made under Article 7(2).⁷

Regarding the declaration made under Article 10(1), we would like to note that the name of the authority competent to transmit arrest warrants needs to be adjusted. The Attorney General of the Republic of Poland should be replaced by the National Prosecutor's Office of the Republic of Poland.⁸

⁷ PL also confirmed the other notifications and declarations.

⁸ Note of the General Secretariat: this modification has been inserted in the declaration under Art. 10(1).

PORTUGAL

A – OBLIGATORY NOTIFICATIONS AND DECLARATIONS

Article 5(2) (Refusal to execute an arrest warrant)

Article 5(1) lays down a list of grounds for refusal to execute the arrest warrant, corresponding to Article 12(1) of Council Framework Decision 2002/584/JHA of 13 June, which adopted the European Arrest Warrant.

Making Article 5(1) (a) and (d) grounds for obligatory refusal to execute the warrant provided for in the Agreement seems appropriate and sufficient to resolve situations more closely linked to a national sovereignty reservation; the executing Portuguese judicial authority will always take into account the Portuguese legal and constitutional framework when assessing the other grounds for refusal provided for in this article.

Declaration for submission:

"Portugal declares, pursuant to and for the purposes of paragraph 2 of Article 5, as mandatory grounds of non-execution of an arrest warrant the situations provided for in the subparagraphs a) and b) of paragraph 1 of the same Article 5".

Article 9(3) (Competent judicial authorities)

This article determines the issuing and executing authorities. In the second case, in the terms of Article 9(2), the executing authority may be the judicial authority or another body such as a Minister for Justice or another central authority.

We consider that the arrangement followed in the European Arrest Warrant framework should be maintained as regards the identification of competent authorities.

Declaration for submission:

"Portugal designates as competent authorities for the purposes of Article 9(3):

Issuing judicial authority (Article 9(1))

The judicial authority competent to issue the arrest warrant is the authority competent to order the arrest or imprisonment of the wanted person under Portuguese law. Under the Portuguese Code of Criminal Procedure, judges and magistrates of the Public Prosecutor's Office are competent to order arrest or imprisonment.

Executing judicial authority (Article 9(2))

The Appeal Courts (*Tribunais da Relação*) have exclusive competence for execution of the EAW in their corresponding area of jurisdiction. The Arrest Warrant must be sent to the Public Prosecutor's Office magistrate attached to the criminal section of those Courts.

There are five Appeal Courts (*Tribunais da Relação*):

- Tribunal da Relação de Coimbra,

Palácio da Justiça Rua da Sofia

3004-501 Coimbra

Tel. 239 852 950

Fax 239 838 985 / 239 824 310

correio@coimbra.tr.mj.pt

- Tribunal da Relação de Évora

Largo das Alterações, n.º 1

7004-501 Évora

Tel. 266 758 800/9

Fax 266 701 529

correio@evora.tr.mj.pt

- Tribunal da Relação de Guimarães

Largo João Franco, n.º 248

4810-269 Guimarães

Tel. 253 439 900

Fax 266 439 999

correio@guimaraes.tr.mj.pt

- Tribunal da Relação de Lisboa

Rua do Arsenal, G

1100-038 Lisboa

Tel. 21 322 29 00

Fax 21 347 98 45/4

correio@lisboa.tr.mj.pt

- Tribunal da Relação do Porto

Campo Mártires da Pátria

4049-012 Porto

Tel. 22 200 85 31/ 22 208 48 33

Fax 22 200 07 15

correio@porto.tr.mj.pt

Article 28 (Transit)

Under Article 28(2), each state must inform the others of the authority designated for receiving transit requests and other related documents and correspondence.

We consider that the arrangement followed in the European Arrest Warrant framework should be maintained as regards the identification of the authorities competent to receive transit requests

Declaration for submission:

"Portugal declares, for purposes of Article 28(2), that the competent authority for receiving a transit request is the central authority, which under Portuguese law is the Prosecutor-General's Office.

- Procuradoria-Geral da República (Prosecutor-General's Office)

Rua da Escola Politécnica, n.º 140

1269-103 Lisboa

Tel. 21 392 19 00

Fax 21 397 52 55

mailpgr@pgr.pt "

Article 34(2) (Relation to other international legal instruments)

Under Article 34(2), Member States may continue to apply bilateral or multilateral instruments in force at the time when this Agreement signed by the European Union is concluded, in so far as such agreements or arrangements allow its objectives to be extended or enlarged and simplify or facilitate further the procedures for surrender.

Since there are no such agreements or conventions to be mentioned, Portugal need not submit any declaration.

B – OPTIONAL NOTIFICATIONS AND DECLARATIONS

Article 3(4) (Double criminality)

This Article governs the obligation to surrender a person on the basis of an arrest warrant; Article 3(4) provides for the possibility of states waiving, by means of a declaration, verification of double criminality in relation to a list of 32 offences, under the terms and conditions prescribed by law.

Article 3(3) lays down the obligation to cooperate in relation to behaviour that contributes to participation in a criminal organisation with the purpose of committing a certain crime or crimes.

Assessment of the notifications made to date indicates that most Member States have not submitted such a declaration. Only Spain, Slovenia, Lithuania and Romania and, with a more limited scope, Poland, have made that declaration.

The submission by Portugal of a declaration waiving verification of double criminality in the circumstances set out in Article 3(4) is a policy option for decision at a higher level. If the option of such a declaration is taken up, its content could be as follows:

Declaration for submission:

"Portugal waives the right to verify double criminality in the circumstances set out in Article 3(4) of the Agreement."

Article 6 (Political offence exception)

The purpose of this article is to bar refusal of cooperation on the grounds that the offence may be regarded by the executing state as a political offence, connected with a political offence or inspired by political motives. However, the article does permit submission of a declaration restricting that obligation to cooperate to terrorism offences (Article 6(2)(a),(b) and (c)).

We consider Portugal need not submit a declaration on this point, given the provisions of Law No 144/99 of 31 August 1999, governing international judicial cooperation in criminal matters, since such a declaration was not made either under a similar provision of the 1996 Dublin Convention on extradition between Member States of the European Union.

Article 7 (Nationality exception)

Article 7(2) allows each State to make a declaration whereby nationals are not surrendered or that surrender will only be authorised under certain specified conditions, although paragraph 1 enshrines the principle of surrender of nationals.

In the light of the declaration submitted to that effect under the corresponding Dublin Convention rule (Article 7), we consider that Portugal must submit a similar declaration under this Agreement. However, this is a policy option for decision at a higher level.

Declaration for submission:

"Under Article 7(2) of the Agreement, Portugal declares that it shall authorise the surrender of Portuguese citizens from Portuguese territory only under the conditions specified by the Constitution of the Portuguese Republic:

- (a) in cases of terrorism and of organised international crime; and
- (b) for purposes of criminal proceedings and in this case, provided that the requesting state guarantees the return of the extradited person to Portugal to serve any sentence or measure imposed, unless that person expressly opposes such return.

For purposes of execution of the sentence in Portugal, the procedures observed shall be those specified in the declaration formulated by Portugal pursuant to the Council of Europe Convention on the Transfer of Sentenced Persons."

Article 10(1) (Recourse to the central authority)

In accordance with Article 10(1), each state must inform the others of the designation of a central authority to assist the competent judicial authorities.

Under Law No 144/99 of 31 August 1999 on international judicial cooperation in criminal matters and Law No 65/2003 of 23 August 2003, which approved the European Arrest Warrant System, the central authority for international judicial cooperation in criminal matters is the Prosecutor-General's Office, which also provides support to the competent judicial authorities.

Thus, in the light of the notification submitted in the framework of Article 7(2) of Council Framework Decision 2002/584/JHA of 13 June 2002, which adopted the European Arrest Warrant, it may be useful to submit a notification for clarification purposes.

Declaration/Notification for submission:

"Portuguese law does not provide for the designation of a central authority for the purposes of Article 10(1) of the Agreement.

However, it does establish the Prosecutor-General's Office as a central authority, with competence specifically to receive a European Arrest Warrant in cases where there are difficulties in transmitting a request (Article 9 and Article 5(4) of Law No 65/2003 of 23 August 2003).

- Procuradoria-Geral da República (Prosecutor-General's Office)

Rua da Escola Politécnica, n.º 140

1269-103 Lisboa

Tel. 21 392 19 00

Fax 21 397 52 55

mailpgr@pgr.pt

www.pgr.pt "

Article 11(2) (Translation of an arrest warrant)

The possibility of Portugal declaring that it accepts a translation of the warrant into one or more official languages of another state party to the Agreement must be duly evaluated.

It should be stressed that Portugal has made no similar declaration in the framework of the European Arrest Warrant, so, opting also not to make this declaration under this agreement will permit it to maintain the consistency of its system of judicial cooperation in criminal matters.

Article 16 (Consent to surrender)

A person's consent to surrender to another state is irrevocable, if given in the terms and with the formalities provided for in Article 40(4) of Law No 144/99 of 31 August 1999.

In that sense, the possibility that by a declaration a state could remove the rule of irrevocability provided for in Article 16(1) is not applicable to Portugal, so there is no declaration or notification to be made on this specific aspect.

Article 20 (Time-limits for decision)

This article stipulates the urgency of the procedure for executing an arrest warrant and the time-limits for the definitive decision on the execution of the arrest warrant, where there is consent from the person whose surrender is requested consents and where that consent does not exist.

Article 20(5) allows the Union to submit on behalf of any of its Member States a declaration indicating in which cases paragraphs 3 and 4 – i.e. the time-limits specified therein – will not apply.

However, since the existence of definite and duly identified time limits in the Agreement not only serves the interests of the procedure but also serves to strengthen the defence guarantees, we consider that Portugal need not submit any declaration on this point.

Article 30 (Possible prosecution for other offences)

In accordance with Article 30(1), each state may declare that as a rule consent is presumed to have been given for the prosecution of a person for an offence other than that for which he or she was surrendered, committed prior to his or her surrender.

We emphasise that Portugal has not made this declaration in the context of the European Arrest Warrant, and did not include the provisions of Article 27(1) of Council Framework Decision 2002/584/JHA of 13 June 2002 in Law No 65/2003 of 23 August 2003 (see Article 7). Thus, to maintain the consistency of the system, we consider that the declaration should not be made here either.

Article 31 (Surrender or subsequent extradition)

Under Article 31(1), each Member State may declare that, as a rule, the consent for the surrender of a person to a State other than the executing State pursuant to an arrest warrant issued for an offence committed prior to his or her surrender is presumed to have been given.

We emphasise that Portugal has not made this declaration in the context of the European Arrest Warrant, and did not include the provisions of Article 28(1) of Council Framework Decision 2002/584/JHA of 13 June 2002 in Law No 65/2003 of 23 August 2003 (see Article 8). Thus, for the same reasons of consistency, we consider that the declaration should not be made here either.

Article 35 (Transitional provision)

It follows from Article 35(1) that each state may declare that it will apply the present Agreement only in relation to offences committed before a certain date.

In comparative terms, it can be seen that Portugal has not made this declaration in the context of the European Arrest Warrant. Reading Article 40 of Law 65/2003 of 23 August 2003 shows that the Warrant system applies to requests submitted after its entry into force, i.e. from 1 January 2004.

Again for reasons of consistency, the declaration provided for in Article 35(2) should not be made.

ROMANIA

Declaration re Article 3(4):

Romania declares that on the basis of reciprocity the condition of double criminality referred to in Article 3(2) shall not be applied under the conditions set out in Article 3(4) second thesis.

Declaration re Article 7(2):

Romania declares that the surrender of Romanian nationals or residents is allowed, provided that one of the following conditions is met:

If the arrest warrant has been issued for the purpose of prosecution or trial for a Romanian citizen or of a person living in Romania and having continuous and legal residence in the Romanian territory for a period of at least 5 years, the surrender shall take place subject to the condition that, if a custodial sentence is rendered, the surrendered person shall be transferred to Romania.

If the arrest warrant has been issued for the purpose of the executing a custodial sentence or a custodial safety measure, the Romanian judicial authorities shall refuse the execution of the arrest warrant if the requested person is a Romanian person or lives in Romania and has had continuous and legal residence in the Romanian territory for a period of at least 5 years and declares that he refuses to serve the sentence or the safety measure in the issuing Member State.

In such cases, before issuing a decision the executing Romanian judicial authority shall request the issuing judicial authority to deliver a certified copy of the sentencing decision, as well as any other necessary information, informing the issuing judicial authority in relation to the purpose for which such documents are requested. The foreign penal decision shall be recognized, incidentally, by the court of law before which the procedure for executing the European Arrest Warrant is pending.

Notification re Article 9(3):

Romania designates its courts (of all the degrees of jurisdiction) as issuing authorities, both in the stage of prosecution and in the trial stage or for the enforcement of a sentence. The issuing authority is the court which, according to national law, has the competence to order the pre-trial detention or the court which has issued the order for the enforcement of the sentence.

Romania designates the courts of appeal as the judicial authorities competent to execute an arrest warrant.

The execution of the arrest warrant is decided by the Court of Appeal which is competent from a territorial standpoint, depending on the location of the requested person.

The judicial authorities competent to **receive** an arrest warrant are the prosecutors' offices attaches to the Court of Appeal which has jurisdiction from a territorial standpoint.

The Contact details of the Prosecutors' Offices attached to the Courts of Appeal and Courts of Appeal of Romania are enclosed in the annexed table and can also be found on the EJM website at http://www.ejm-crimjust.europa.eu/eaw_atlas.aspx

Notification re Article 10(1):

The central authority in Romania to assist the judicial authorities is the Ministry of Justice
Coordinates of the central authority:

Ministerul Justiției

Direcția Drept Internațional și Cooperare Judiciară

Serviciul cooperare judiciară internațională în materie penală

(Ministry of Justice

Directorate for International Law and Judicial Cooperation

Division for judicial cooperation in criminal matters)

Str. Apolodor nr. 17, sector 5, București
Cod poștal 050741
Phone: 0040 37.204.1077
Fax: 0040 37.204.1079
E-mail: dreptinternational@just.ro

Declaration re Article 11(2):

An arrest warrant transmitted to Romanian authorities must be accompanied by a certified translation into Romanian, or into either English or French.

Notification re Article 28(2):

Romania designates the Ministry of Justice as the authority responsible for receiving transit requests, as well as any other official correspondence relating to transit requests.

Please find in the Annex a list of updated contacts for the prosecutor's offices of the courts of appeal and, respectively, for the courts of appeal of Romania.

Prosecutor offices of the courts of appeal:

	Adresa	Cod	Telefon	Fax	E-mail
Parchetul de pe lângă Curtea de Apel Alba Iulia	Str. I.C. Brătianu nr. 1, județul Alba	510118	+40-258-810278 +40-258-810964	+40- 258-810291	pca_alba@mpublic.ro
Parchetul de pe lângă Curtea de Apel Bacău	Str. Mihai Eminescu nr. 2, județul Bacău	600258	+40- 234-515280	+40-234- 512021	pca_bacau@mpublic.ro
Parchetul de pe lângă Curtea de Apel Brașov	Str. Republicii nr. 45, Județul Brașov	020921	+40-268-412689 +40- 268-412597	+40-268-471481	pca_brasov@mpublic.ro
Parchetul de pe lângă Curtea de Apel București	Str. Scaune nr. 1-3, sector 3	030243	+40- 21-3193833 +40- 21-3193856	+40-21-3124553	pca_bucuresti@mpublic.ro
Parchetul de pe lângă Curtea de Apel Constanța	Str. Smârdan nr. 10 C, Județul Constanța	900664	+40-241-618440	+40-241-618463	pca_constanta@mpublic.ro
Parchetul de pe lângă Curtea de Apel Craiova	Str. Înfrățirii nr. 5, Craiova, Județul Dolj	20050	+40-251-533523 +40-251-533522	+40 - 251-534483 +40 - 251-522695 +40-251-533289	pca_craiova@mpublic.ro
Parchetul de pe lângă Curtea de Apel Cluj	P-ța Ștefan cel Mare nr. 1, Județul Cluj	400133	+40-264-431049 +40-264- 431732	+40-264-431044	pca_cluj@mpublic.ro
Parchetul de pe lângă Curtea de Apel Galați	Str. Traian Nr. 203, Corp Clădire C5, Galați, Județul Galați		+40-236-460253 +40-236-410037	+40-236-316422	pca_galati@mpublic.ro
Parchetul de pe lângă Curtea de Apel Iași	Str. V. Conta nr. 28, Județul Iași	700106	+40-232-212510	+40-232-212510 +40-232-212578	pca_iasi@mpublic.ro
Parchetul de pe lângă Curtea de Apel Oradea	Str. Aurel Lazăr nr. 12, Județul Bihor	410043	+40-259-426728	+40-259-426780	pca_oradea@mpublic.ro
Parchetul de pe lângă Curtea de Apel Pitești	B-dul Eroilor nr. 47, Județul Argeș	110416	0248-221.534; 0248-212.536	+40-248-215313	pca_pitesti@mpublic.ro pca_pitesti@yahoo.com
Parchetul de pe lângă Curtea de Apel Ploiești	Str. Buna Vestire nr. 1 A, Județul Prahova	100576	+40-244-541008 +40-244-540451	+40-244-546544 +40-244-541008	pca_ploiesti@mpublic.ro
Parchetul de pe lângă Curtea de Apel Suceava	Str. Ștefan cel Mare nr. 29, Județul Suceava	720062	+40-230-523995	+40-230-222029	pca_suceava@mpublic.ro
Parchetul de pe lângă Curtea de Apel Târgu Mureș	Str. Justiției nr. 1, Județul Mureș	540069	+40-265-260742	+40-265-269834	pca_tg.mures@mpublic.ro
Parchetul de pe lângă Curtea de Apel Timișoara	Str. Eugeniu de Savoya nr. 2 A, Județul Timiș	300055	+40-256-498230 +40-256-498499	+40-256-492125	pca_timisoara@mpublic.ro

Courts of appeal:

	Adresa	Cod	Telefon	Fax	E-mail
Curtea de Apel Alba Iulia	Alba Iulia str. I.C. Bratianu nr. 1, Alba Iulia (Alba)	510181	+40 258810289	+40 258810286	ca-albaiulia@just.ro
Curtea de Apel Bacau	Bacau, Str. Cuza Voda, nr. 1, Bacau (Bacau)	600266	+40 234513296	+40234/525.502	ca-bacau@just.ro
Curtea de Apel Brasov	Brasov , Bd. Eroilor nr. 5, Brasov (Brasov)	500007	+00400268 41 41 14 +40 0268 41 40 54 +40 0268 47 79 61	+40 0268 41 42 16	cabrasov@just.ro
Curtea de Apel Bucuresti	Bucuresti, Splaiul Independentei, nr. 5, Bucuresti - Sector 5	050091	+40 319.51.80, +40 021/319.51.81, +40 021/319.51.83,+40 0372.125.300	+40 021/319.16.74	infocabuc@just.ro relatiicab@just.ro
Curtea de Apel Cluj	Cluj-Napoca, P-ta Stefan cel Mare nr. 1, Cluj-Napoca (Cluj)	400133	+40-264.504.300; +40- 264.504.301; +40- 264.504.302; +40- 264.504.303	+40-264.50.43.13	curtecj@just.ro
Curtea de Apel Constanta	Constanta, str. Traian nr. 35c, Constanta (Constanta)	900743	+40 241606597 +40 241606591	+40 241616003	ca.constant@just.ro
Curtea de Apel Craiova	Craiova, Str. Constantin Brâncuși Nr. 5A, Craiova (Dolj)	200136	+40 251418568	+40 251415600	cacraiova@just.ro
Curtea de Apel Galati	Galati, str. Brailei nr. 153, Galati (Galati)	800319	+40 236 460.027	+40 236460227	cagalati@just.ro
Curtea de Apel Iasi	Iasi, str. Elena Doamna, Nr. 1a, Iasi (Iasi)	700398	+40 0232-235033, 0332- 403827, 0332-403828, 0332- 403829	+40 232255907	ca-iasi@just.ro
Curtea de Apel Oradea	Oradea, Parcul Traian nr. 10, Oradea (Bihor)	410033	+40 259426881	+40 259415903	registraturaCAO@just.ro arhivaCAO@just.ro

Curtea de Apel Pitesti	Pitesti, str. Victoriei nr. 22, Pitesti (Arges)	110017	+40 248219374	+40 0372 249 816	ca-pitesti@just.ro
Curtea de Apel Ploiesti	Ploiesti, str. Emil Zola nr. 4, Ploiesti (Prahova)	100043	+40 244522445	+40 244522452	ca-ploiesti-info@just.ro
Curtea de Apel Suceava	Suceava, str. Stefan cel Mare nr .62, Suceava (Suceava)	720062	+40 230216321	+40 230524022	curteapel-suceava@just.ro
Curtea de Apel Targu Mures	Targu Mures, str. Justitiei nr. 1, Targu Mures (Mures)	540069	+40 265269363	+40 265269199	cams-registratura@just.ro
Curtea de Apel Timisoara	Timisoara, Piata Tepes Voda nr. 2, Timisoara (Timis)	300055	+40 0256-498.392	+40 256 401194	ca-tm-secretariat@just.ro catm.registratura@just.ro

SLOVAK REPUBLIC

Article 5(2):

"The judicial authorities of the Slovak Republic shall refuse execution in relation to a warrant for the reasons referred to in Article 5(1)(a) and Article 5(1)(d) of the Agreement".

Article 7(2):

"The Slovak Republic shall not surrender nationals of the Slovak Republic, on the basis of Article 7(2) of the Agreement."

Article 9(3):

"The judicial authorities competent for the issuing of arrest warrants under Article 9(1) of this Agreement are all the courts of the Slovak Republic. The competent authority for the execution of arrest warrants under Article 9(2) of this Agreement is the Minister for Justice of the Slovak Republic."

Article 10(1):

"The central authority under Article 10(1) and (2) of this Agreement is the Minister for Justice of the Slovak Republic, Župné nám. 13, 813 11, email: inter.coop@justice.sk, tel.: +421 2 59 353 347."

Article 16(4):

"The Slovak Republic declares that the surrendered person may revoke his or her consent to be surrendered abroad pending the decision of the Minister for Justice on the authorisation of surrender abroad, in accordance with the conditions set out in Article 16(4) of the Agreement".

Article 20(5):

"The Slovak Republic declares that it will not apply the time limit in accordance with Article 20(2) and (3) of the Agreement in the cases referred to in Article 27 of the Agreement (postponed or conditional surrender)".

Article 28(2):

"The competent authority for receiving transit requests as well as other documents is the Minister for Justice of the Slovak Republic."

Article 30(1):

"The Slovak Republic declares that in relation to Norway and Iceland in the application of the Agreement, if they make the same notification, consent is presumed to be given for the prosecution, sentencing or detention with a view to the carrying out of a custodial sentence or detention order for an offence committed prior to his or her surrender, other than that for which he or she was surrendered, unless in a particular case the executing judicial authority states otherwise in its decision on surrender."

Renewal of the declaration under Article 7(2)

Message from the Ministry of Justice of the Slovak Republic, received by the General Secretariat on 29 October 2024:

Slovakia wants to renew its declaration under Article 7(2) of the Agreement of 28 June 2006 between the European Union and the Republic of Iceland and the Kingdom of Norway on the surrender procedure between the Member States of the European Union and Iceland and Norway.

SLOVENIA

In accordance with the provisions of the Agreement of 28 June 2006 between the European Union and the Republic of Iceland and the Kingdom of Norway on the surrender procedure between the Member States of the European Union and Iceland and Norway the Republic of Slovenia would like to make the following declarations:

Article 3(4)

The Republic of Slovenia declares that, on the basis of reciprocity, the condition of double criminality referred to in paragraph 2 shall not be applied under the conditions set out in paragraph 4 of Article 3.

Article 5(2)

In accordance with Article 5(2), the Republic of Slovenia declares that mandatory grounds for refusal are:

- (a) if, in one of the cases referred to in Article 3(2), the act on which the arrest warrant is based does not constitute an offence under the law of the executing State; however, in relation to taxes or duties, customs and exchange, execution of the arrest warrant shall not be refused on the ground that the law of the executing State does not impose the same kind of tax or duty or does not contain the same type of rules as regards taxes, duties and customs and exchange regulations as the law of the issuing State;
- (b) where the person who is the subject of the arrest warrant is being prosecuted in the executing State for the same act as that on which the arrest warrant is based;
- (c) where the judicial authorities of the executing State have decided either not to prosecute for the offence on which the arrest warrant is based or to halt proceedings, or where a final judgment has been passed upon the requested person in a State, in respect of the same acts, which prevents further proceedings;

(d) where the criminal prosecution or punishment of the requested person is statute-barred according to the law of the executing State and the acts fall within the jurisdiction of that State under its own criminal law;

(e) if the executing judicial authority is informed that the requested person has been finally judged by a third State in respect of the same acts provided that, where there has been sentence, the sentence has been served or is currently being served or may no longer be executed under the law of the sentencing country;

(f) if the arrest warrant has been issued for the purposes of 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 State and that State undertakes to execute the sentence or detention order in accordance with its domestic law.

Article 7(2)

In accordance with Article 7(2), the Republic of Slovenia declares that nationals will not be surrendered.

Article 9(3)

In accordance with Article 9(3), the Republic of Slovenia declares that judicial authorities in the Republic of Slovenia competent to issue arrest warrants are Local Courts (okrajna sodišča) and District Courts (okrožna sodišča), competent for criminal matters. Local Courts are competent in cases of criminal offences carrying as principal penalty a fine or a prison term of up to three years. District Courts are competent in all other cases.

Judicial authorities in the Republic of Slovenia competent to execute arrest warrants are District Courts (okrožna sodišča), competent for criminal matters.

There are eleven District courts in Slovenia:

Okrožno sodišče v Celju

Prešernova 22

SI-3000 Celje

Tel: (+386) 3 427 51 00

Fax: (+386) 3 427 51 73

E-mail: urad.ozce@sodisce.si

Okrožno sodišče v Kopru

Ferrarska 9

SI-6000 Koper

Tel: (+386) 5 668 30 00

Fax: (+386) 5 639 52 47

E-mail: urad.ozkp@sodisce.si

Okrožno sodišče v Novi Gorici

Kidričeva 14

SI-5000 Nova Gorica

Tel: (+386) 5 335 16 70

Fax: (+386) 5 335 16 97

E-mail: urad.ozng@sodisce.si

Okrožno sodišče v Kranju

Zoisova 2

SI-4000 Kranj

Tel: (+386) 4 271 12 00

Fax: (+386) 4 271 12 03

E-mail: urad.ozkr@sodisce.si

Okrožno sodišče v Krškem

Cesta krških žrtev 12

SI-8270 Krško

Tel: (+386) 7 488 17 00

Fax: (+386) 7 492 29 72

E-mail: urad.ozkk@sodisce.si

Okrožno sodišče v Ljubljani

Tavčarjeva 9

SI-1000 Ljubljana

Tel: (+386) 1 366 44 44

Fax: (+386) 1 366 45 18

E-mail: urad.ozlj@sodisce.si

Okrožno sodišče v Novem mestu

Jerebova ulica 2

SI-8000 Novo mesto

Tel: (+386) 7 338 11 00

Fax: (+386) 7 332 11 42

E-mail: urad.oznm@sodisce.si

Okrožno sodišče na Ptuj

Krempljeva ulica 7

SI-2250 Ptuj

Tel: (+386) 2 748 08 00

Fax: (+386) 2 748 08 10

E-mail: urad.ozpt@sodisce.si

Okrožno sodišče v Mariboru

Sodna ulica 14

SI-2000 Maribor

Tel: (+386) 2 234 71 00

Fax: (+386) 2 234 73 06

E-mail: urad.ozmb@sodisce.si

Okrožno sodišče v Murski Soboti

Slomškova 21

SI-9000 Murska Sobota

Tel: (+386) 2 535 29 00

Fax: (+386) 2 535 29 45

E-mail: urad.ozms@sodisce.si

Okrožno sodišče v Slovenj Gradcu

Kidričeva 1

SI-2380 Slovenj Gradec

Tel: (+386) 2 884 68 00

Fax: (+386) 2 884 69 10

E-mail: urad.ozsg@sodisce.si

Article 10(1)

In accordance with Article 10(1), the Republic of Slovenia declares that the Ministry of Justice of the Republic of Slovenia is the central authority to assist the competent judicial authorities.

Contact details:

Ministry of Justice of the Republic of Slovenia
Office for International Cooperation and Mutual Legal Assistance
Department for International Legal Assistance
Župančičeva 3
SI – 1000 Ljubljana
Tel: (+386) 1 369 53 42 or 369 53 94
Fax: + 386 1 369 52 33
E-mail: gp.mp@gov.si

Article 11(2)

(no declaration)

Article 28(2)

In accordance with Article 28(2), the Republic of Slovenia declares that The Ministry of Justice of the Republic of Slovenia is competent authority for receiving transit requests and the necessary documents, as well as any other official correspondence relating to the transit request.

Contact details:

Ministry of Justice of the Republic of Slovenia
Office for International Cooperation and Mutual Legal Assistance
Department for International Legal Assistance
Župančičeva 3
SI – 1000 Ljubljana
Tel: (+386) 1 369 53 42 or 369 53 94
Fax: + 386 1 369 52 33
E-mail: gp.mp@gov.si

Renewal of the declaration under Article 7(2)

Message from the Permanent Representation of the Republic of Slovenia to the European Union, received by the General Secretariat on 9 October 2024:

The Republic of Slovenia renews its declaration pursuant to Article 7(2) of the Agreement of 28 June 2006 between the European Union and the Republic of Iceland and the Kingdom of Norway on the surrender procedure between the Member States of the European Union and Iceland and Norway to the effect that its own nationals will not be extradited to Norway or Iceland.

SPAIN

I. DECLARATIONS THAT ALL MEMBER STATES ARE OBLIGED TO MAKE

Article 5(2): Each Member State must indicate for which of the **grounds for rejection** of surrender listed in Article 5(1) refusal to surrender is made obligatory for its judicial authorities.

Spain declares that the decision regarding the grounds for rejection listed in Article 5(1) is non-mandatory.

Article 9(3): notification of the competent judicial authorities for the issuing of warrants for arrest and surrender under this Agreement.

The competent issuing judicial authorities for the Kingdom of Spain are all the judges and magistrates of the criminal court system.

Article 28(2): notification of the **authority competent to receive transit requests** and the necessary documents, as well as any other official correspondence relating to transit requests.

The authority competent to receive transit requests is the subdirectorate-general for international legal cooperation [Subdirección General de Cooperación Jurídica Internacional] of the Ministry of Justice.

Article 34(2): notification of **any agreements or arrangements in force** when this Agreement is concluded in so far as they allow the objectives of this Agreement to be extended or enlarged and help to simplify or facilitate further the procedures for surrender.

There is no arrangement of this type between Spain and Norway or Iceland, so no notification is required.

II. DECLARATIONS THAT THE MEMBER STATES MAY MAKE VOLUNTARILY

Article 3(4): declaration by those Member States that wish to **waive the verification of double criminality** for the 32 offences listed in Article 3(4), provided that they are punishable in the issuing State by a custodial sentence or a detention order for a maximum period of at least three years and in all cases on the basis of reciprocity (i.e. provided that Iceland and/or Norway also waive verification).

Spain waives verification of double criminality under the conditions set out in Article 3(4).

Article 6(2): Article 6(1) lays it down as a general principle that execution may not be refused on the ground that the executing State considers the offence a **political offence**, connected with a political offence or inspired by political motives.

In addition to not making the declaration permitted by Article 6(2), Spain wishes to add a declaration that "terrorist offences shall in no case be considered political offences."

Article 7(2): given the general principle that having the **nationality** of the executing State cannot be a reason for refusal of surrender (7(1)), Member States can declare that they will not surrender their own nationals to the authorities of Iceland and Norway or that surrender will be authorised only under specified conditions.

Spain declares that the surrender of the requested person of Spanish nationality may be made subject, after a hearing on the matter, to the condition that the person be returned to Spain to serve the sentence or comply with the security measure ordered in the issuing State. Such return must take place on the basis of the Spanish decision agreeing to the surrender, under the conditions specified therein, with no need to resort to other mechanisms for the transfer of convicted persons that might be applicable between the two countries.

Article 10(1): States may notify the **central authority** designated to assist the competent judicial authorities. The notification may also indicate that the central authority will be responsible for the administrative transmission and reception of warrants (Article 10(2)).

The central authority designated by Spain to assist the judicial authorities in issuing and executing arrest warrants and for statistical monitoring purposes is the subdirectorate-general for international legal cooperation [Subdirección General de Cooperación Jurídica Internacional] of the Ministry of Justice.

SWEDEN

1. Article 34 - Notification of bilateral or multilateral agreements or arrangements that the Member States wish to continue to apply

Sweden will apply the Convention on the surrender between the Nordic countries (the Nordic Arrest Warrant) of 2005 in relation to the other Nordic countries.

As a result thereof, Sweden submits only the following notification concerning transit, since that situation involves also other states.

2. Article 28.2 - Notification of competent authority for receiving requests for transit

Competent authority for receiving requests for transit in case of surrender between a Member State and Norway or Iceland is the National Police Board.

National Police Board

International Police Cooperation Division

Box 12256

102 26 STOCKHOLM

Tel: +46-10-56 37 000

Fax: +46-8-651 42 03

e-mail: ipo.rkp@polisen.se

ICELAND

In accordance with **Article 3(4)** Iceland declares that, on the basis of reciprocity, the condition of double criminality referred to in Article 3(2) will not be applied under the conditions set out in Article 3(4).

In accordance with **Article 5(2)**, Iceland notifies that the Icelandic judicial authorities are obliged to refuse the execution of an arrest warrant in the cases referred to in Article 5(1) subparagraphs a, c and d. The same applies for subparagraph (g) and (i) provided that the offence is not punishable according to Icelandic law.

In accordance with **Article 6(2)**, Iceland declares that the rule in Article 6(1) applies only in relation to the offences referred to in article 6(2) subparagraphs a, b and c.

In accordance with **Article 7(2)** Iceland declares that in cases where an arrest warrant is issued for the purpose of prosecution of an Icelandic national or resident, the surrender may be subject to the condition that the person concerned is returned to Iceland to serve the sentence passed against him or her in the issuing state. Icelandic nationals surrendered from Iceland shall not be extradited to a third State for offences committed prior to his or her surrender. It is a condition for the surrender of an Icelandic national that the surrender of him or her to another State for an offence, committed prior to the surrender, will be subject to the prior consent of Icelandic authorities if the State concerned does not surrender its own nationals to Iceland. Icelandic authorities can refuse to execute an arrest warrant when it concerns a request for the surrender of an Icelandic national and is issued by a State that does not surrender its own nationals.

In accordance with **Article 9(3)**, Iceland notifies that the competent Icelandic authorities are:

- Issuing judicial authority: The Director of Public Prosecutions;
- The competent judicial authority for receiving an arrest warrant: the Director of Public Prosecutions;
- Executing judicial authority: Director of Public Prosecutions, the courts, the Icelandic Ministry of Justice.

In accordance with **Article 11(2)**, Iceland declares that arrest warrants shall be written in, or accompanied by a translation into, Icelandic or English.

In accordance with **Article 28(2)**, Iceland notifies that the Ministry of Justice has been designated as the authority responsible for receiving requests for transit and the necessary documents, as well as any other official correspondence relating to transit requests.

Requests for transit should be sent to the following address: Ministry of Justice, Sölvhólgata 7, 101 Reykjavik Iceland.

In accordance with **Article 34(2)**, Iceland notifies that the Convention on the surrender procedure between the Nordic Countries (The Nordic Arrest Warrant) will be applied in relation to the Nordic Countries.

NORWAY

In accordance with **Article 3(4)** the Kingdom of Norway declares that on the basis of reciprocity, the condition of double criminality referred to in Article 3(2) will not be applied under the conditions set out in Article 3(4).

In accordance with **Article 5(2)**, the Kingdom of Norway notifies that the Norwegian executing judicial authorities are obliged to refuse the execution of an arrest warrant in the cases referred to in Article 5(1) subparagraphs a, c and d. The same applies for subparagraph g (i) provided that the offence is not punishable according to Norwegian law.

In accordance with **Article 7(2)**, the Kingdom of Norway declares that in cases where an arrest warrant is issued for the purpose of prosecution of a Norwegian national or resident, the surrender may be subject to the condition that the person concerned is returned to Norway to serve the sentence passed against him or her in the issuing state. Norwegian nationals surrendered from the Kingdom of Norway shall not be extradited to a third State for offences committed prior to his or her surrender. Where an arrest warrant is issued by a State that does not surrender its own nationals, surrender will be subject to the prior consent of the Norwegian Ministry of Justice and Public Security.

In accordance with **Article 9(3)**, the Kingdom of Norway notifies that the competent Norwegian authorities are:

- Issuing judicial authority: the prosecuting authorities;
- The competent judicial authority for receiving an arrest warrant: the prosecuting authorities;
- Executing judicial authority: the courts and the prosecuting authorities/the Royal Ministry of Justice and Public Security.

When the competent court has reached a decision on the mandatory grounds for non-execution of the arrest warrant, the prosecution authority decides on the surrender of the person concerned. The competent authority to decide on the surrender in cases referred to in Article 6(3), Article 7(2) and Article 19 (3) is the Norwegian Ministry of Justice and Public Security.

In accordance with **Article 10(1)**, the Kingdom of Norway notifies that the designated central authority to assist the judicial authorities is the Royal Ministry of Justice and Public Security :

The Royal Norwegian Ministry of Justice and Public Security

Department of Civil Affairs Postboks, 8005 Dep 0030 Oslo

Phone: +47 22 24 54 51, Fax: +47 22 24 27 22

e-mail: postmottak@jd.dep.no

0484 Oslo / 0030 Oslo, Fax: +47 22 24 27 22

In accordance with **Article 11(2)**, the Kingdom of Norway declares that arrest warrants shall be written in, or accompanied by a translation into Norwegian, Swedish, Danish or English.

In accordance with **Article 28(2)**, the Kingdom of Norway notifies that the Royal Ministry of Justice and Public Security has been designated as the authority responsible for receiving requests for transit and the necessary documents, as well as any other official correspondence relating to transit requests. Requests for transit should be sent to the following address: The Royal Norwegian Ministry of Justice and Public Security Department of Civil Affairs Gullhaug torg 4a / Postboks 8005 Dep 0030 Oslo.

In accordance with **Article 34(2)**, the Kingdom of Norway notifies that the Convention on the surrender procedure between the Nordic Countries (The Nordic Arrest Warrant) will be applied in relation to the Nordic Countries.
