

Brussels, 18 December 2025  
(OR. en)

17009/25

JAI 1931  
COPEN 425

**COVER NOTE**

---

From: Secretary-General of the European Commission, signed by Ms Martine  
DEPREZ, Director

date of receipt: 17 December 2025

To: Ms Thérèse BLANCHET, Secretary-General of the Council of the  
European Union

---

No. Cion doc.: SWD(2025) 431 final

---

Subject: COMMISSION STAFF WORKING DOCUMENT Statistics on the  
practical operation of the European arrest warrant - 2023

---

Delegations will find attached document SWD(2025) 431 final.

---

Encl.: SWD(2025) 431 final



Brussels, 16.12.2025  
SWD(2025) 431 final

**COMMISSION STAFF WORKING DOCUMENT**

**Statistics on the practical operation of the European arrest warrant – 2023**

## Summary

This Commission staff working document sets out quantitative information on the practical operation of the European arrest warrant (EAW) in 2023. The statistics are based on information provided by the Member States to the Commission between October 2024 and September 2025, using the standard questionnaire contained in Council document 11356/13 of 24 June 2013.

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

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

It should be highlighted that:

- the main indicators on the number of proceedings, arrests and effective surrender procedures initiated have been rather stable (i.e. the ratio between these indicators has been relatively constant over the last few years);
- it appears that some Member States do not always take the decision on whether to execute an EAW within the time limits set by Council Framework Decision of 13 June 2002 on the European arrest warrant (EAW) and the surrender procedures between Member States<sup>1</sup> (the Framework Decision), as amended by Council Framework Decision 2009/299/JHA concerning trials *in absentia*<sup>2</sup>, thus failing to comply with their obligations;
- Article 4(6) of the Framework Decision – which allows the executing Member State to take over the execution of a sentence – triggers the highest percentage of refusals to execute EAWs compared with other mandatory and optional grounds for refusal, as provided for in Articles 3, 4 and 4a of the Framework Decision.

These conclusions broadly confirm the main trends identified in 2022.

---

<sup>1</sup> OJ L 190, 18.7.2002, p. 1. Consolidated text:

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02002F0584-20090328>

<sup>2</sup> Council Framework Decision 2009/299/JHA of 26 February 2009 amending Framework Decisions 2002/584/JHA, 2005/214/JHA, 2006/783/JHA, 2008/909/JHA and 2008/947/JHA, thereby enhancing the procedural rights of persons and fostering the application of the principle of mutual recognition to decisions rendered in the absence of the person concerned at the trial, OJ L 81, 27.3.2009, p. 24.

## Table of Contents

<b>Introduction</b> .....	<b>3</b>
<b>Objective and scope of the report</b> .....	<b>3</b>
<b>Overview of Member States’ replies</b> .....	<b>4</b>
<b>I. Replies by Member States as issuing States</b> .....	<b>5</b>
Introduction .....	5
1.) Total number of issued EAWs .....	6
2.) Categories of offences the EAWs were issued for .....	7
3.) Total number of effective surrenders .....	9
<b>II. Replies by Member States as executing States</b> .....	<b>10</b>
Introduction .....	10
1.) Total number of arrests .....	10
2.) Total number of initiated surrender proceedings.....	11
3.) Total number of effective surrenders .....	11
3.1.) With the consent of a requested person.....	12
3.2.) Without the consent of a requested person.....	12
4.) Average time to take a decision whether to execute an EAW .....	13
4.1.) When a person consented.....	13
4.2.) When a person did not consent .....	14
4.3.) Total number of cases where the 90-day time limit was not observed .....	14
4.4.) Eurojust being informed when the 90-day time limit was not observed.....	15
5.) Grounds for non-execution (refusal) and guarantees .....	16
5.1.) Mandatory grounds for non-execution .....	17
5.2.) Optional grounds for non-execution (Articles 4 and 4a).....	18
5.3.) Fundamental rights (Article 1(3)) .....	22
5.4.) Guarantees to be given by the issuing Member State (Article 5).....	23
5.5.) Other provisions of the Framework Decision .....	24
6.) Surrender of a person (Article 23).....	26
6.1.) Number of cases where the time limits were not observed.....	27
6.2.) Number of cases where a requested person was released since the time limits were not observed.....	27
<b>Conclusions</b> .....	<b>28</b>
<b>Annex I – Replies to the questionnaire on quantitative information on the practical operation of the EAW</b> .....	<b>29</b>
<b>Annex II – Overview of the number of issued and executed EAWs 2005-2023</b> .....	<b>52</b>

## Introduction

Council Framework Decision of 13 June 2002 on the European arrest warrant (EAW) and the surrender procedures between Member States<sup>3</sup> (the Framework Decision), as amended by Council Framework Decision 2009/299/JHA concerning trials *in absentia*<sup>4</sup>, is the first EU legal instrument on cooperation in criminal matters based on the principle of mutual recognition<sup>5</sup>. The Framework Decision has efficiently ensured that open borders are not exploited by those seeking to evade justice. It has also contributed to the EU objective of developing and maintaining an area of freedom, security and justice. The Framework Decision replaced the previous multilateral system of extradition between Member States with a simplified and effective system for the surrender of convicted persons or suspects in criminal proceedings and for the enforcement of judgements. This system is based on the principle of mutual recognition and on a high level of trust between the Member States' judicial authorities.

## Objective and scope of the report

This Commission staff working document sets out quantitative information on how the EAW worked in practice in 2023. The statistics are based on information provided by the Member States to the Commission between October 2024 and September 2025, in their replies to the standard questionnaire contained in Council document 11356/13 of 24 June 2013.

From 2005 to 2013, these statistics were collected and published by the General Secretariat of the Council. Following the entry into force of the Treaty of Lisbon and the expiry in December 2014 of the transitional period for the former 'third-pillar' instruments, the Commission is now responsible for collecting and publishing this quantitative information<sup>6</sup>.

The questionnaire covers quantitative information from Member States acting both as issuing States and as executing States. This includes data on the number of EAWs issued and executed,

---

<sup>3</sup> OJ L 190, 18.7.2002, p. 1. Consolidated text:

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02002F0584-20090328>

<sup>4</sup> Council Framework Decision 2009/299/JHA of 26 February 2009 amending Framework Decisions 2002/584/JHA, 2005/214/JHA, 2006/783/JHA, 2008/909/JHA and 2008/947/JHA, thereby enhancing the procedural rights of persons and fostering the application of the principle of mutual recognition to decisions rendered in the absence of the person concerned at the trial, OJ L 81, 27.3.2009, p. 24.

<sup>5</sup> The programme of measures to implement the principle of mutual recognition of criminal decisions set out in the Tampere European Council Conclusions and adopted by the Council on 30 November 2000 (OJ C1 2 E, 15.1.2001, p. 10): 'The principle of mutual recognition is founded on mutual trust developed through the shared values of Member States concerning respect for human dignity, freedom, democracy, equality, the rule of law and human rights, so that each authority has confidence that the other authorities apply equivalent standards of protection of rights across their criminal justice systems'.

<sup>6</sup> The Commission staff working documents covering statistics for the years 2014-2022 are available at [https://commission.europa.eu/publications/replies-questionnaire-quantitative-information-practical-operation-european-arrest-warrant\\_en](https://commission.europa.eu/publications/replies-questionnaire-quantitative-information-practical-operation-european-arrest-warrant_en)

the number of persons arrested, the types of offences covered, the reasons for refusal and the duration of the surrender proceedings.

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

### **Overview of Member States' replies**

The Commission received replies from 26 of the 27 Member States. However, not all of them replied to every question in the questionnaire.

The data on the practical operation of the EAW in 2023, set out in Annex I, is therefore based on the responses of 26 of the 27 Member States.

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

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

## I. Replies by Member States as issuing States

### Introduction

Article 1(1) of the Framework Decision provides that the EAW is a judicial decision issued by a Member State with a view to the arrest and surrender by another Member State of a requested person for the purposes of conducting a criminal prosecution or executing a custodial sentence or detention order.

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

However, the issuing judicial authorities of the Member States should consider whether a less coercive EU measure could be used to achieve an appropriate result, assessing whether issuing an EAW is proportionate in the light of the particular circumstances of each case<sup>7</sup>.

The Court of Justice of the European Union (the Court of Justice) has held that the concept of ‘issuing judicial authority’ under Article 6(1) of the Framework Decision is not limited to the courts and judges of the Member States and must be interpreted broadly to include authorities participating in the administration of criminal justice. Public prosecutors’ offices therefore qualify as issuing judicial authorities as long as they are not exposed to the risk of being subject to directions or instructions from the executive (such as a minister of justice) in a specific case in connection with the adoption of a decision to issue an EAW<sup>8</sup>. The Court of Justice has also clarified that the term ‘judicial authority’ does not cover the police service<sup>9</sup> or an organ of the executive of a Member State, such as a ministry of justice<sup>10</sup>.

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

---

<sup>7</sup> Handbook on how to issue and execute a European arrest warrant, OJ C, C/2023/1270, 15.12.2023, p. 1 (<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52023XC01270>), particularly the section on proportionality on pp. 18-19.

<sup>8</sup>The 2022 EU Justice Scoreboard ([https://commission.europa.eu/document/123138e5-f651-44e4-963e-65b721c4f5e7\\_en](https://commission.europa.eu/document/123138e5-f651-44e4-963e-65b721c4f5e7_en)), pp. 47-51 (the 2022 EU Justice Scoreboard is also available). Judgement of 24 November 2020, *AZ*, C-510/19, EU:C:2020:953. Judgement of 27 May 2019, Joined Cases C-508/18, *OG* and C-82/19 PPU, *PI*, EU:C:2019:456. Judgement of 27 May 2019, C-509/18, *PF*, EU:C:2019:457.

<sup>9</sup> Judgement of 10 November 2016, *Poltorak*, C-452/16 PPU, EU:C:2016:858.

<sup>10</sup> Judgement of 10 November 2016, *Kovalkovas*, C-477/16 PPU, EU:C:2016:861.

## 1.) Total number of EAWs issued

The 26 Member States that responded to the most recent questionnaire provided information on the number of EAWs issued ([Question 1](#)). The issuing judicial authorities of the 26 Member States issued a total of **14 071** EAWs in 2023. In 2022, 26 Member States issued 13 335 EAWs while, in 2021, 27 Member States issued 14 789 EAWs. However, this represents a reduction compared to the total number of EAWs issued in previous years (17 471 EAWs were issued in 2018).

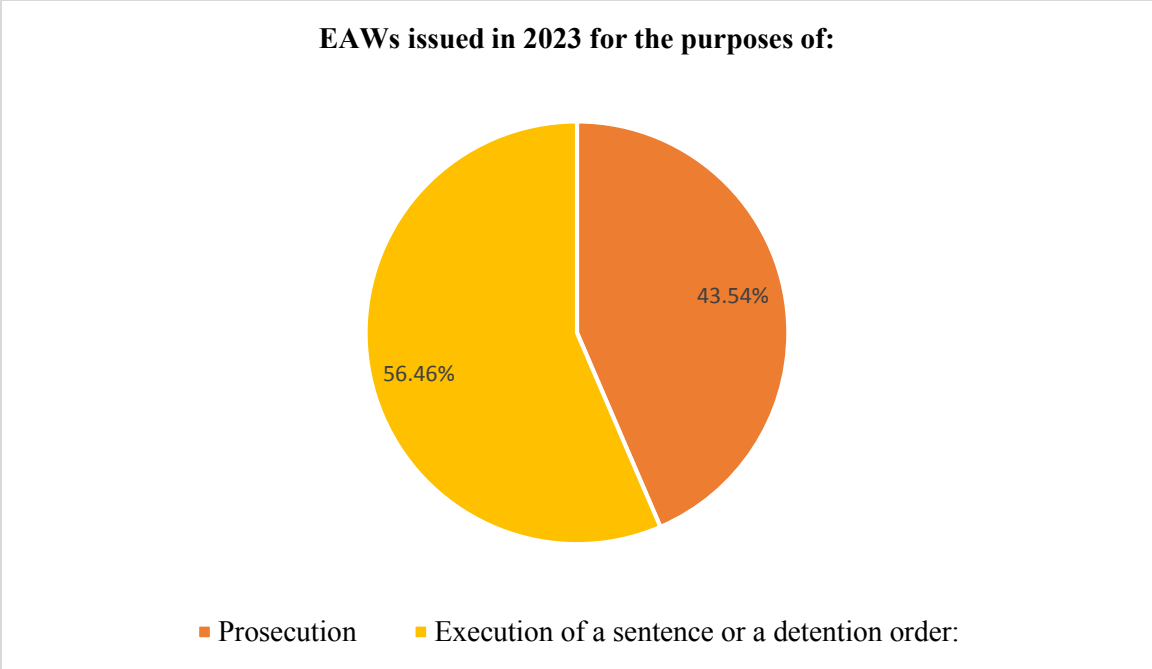
Only 21 Member States provided figures on the purpose of the EAWs issued ([Question 2](#)). In 2023, 4 026 EAWs were issued by these 21 Member States for prosecution purposes<sup>11</sup>.

Three distinct categories can be observed:

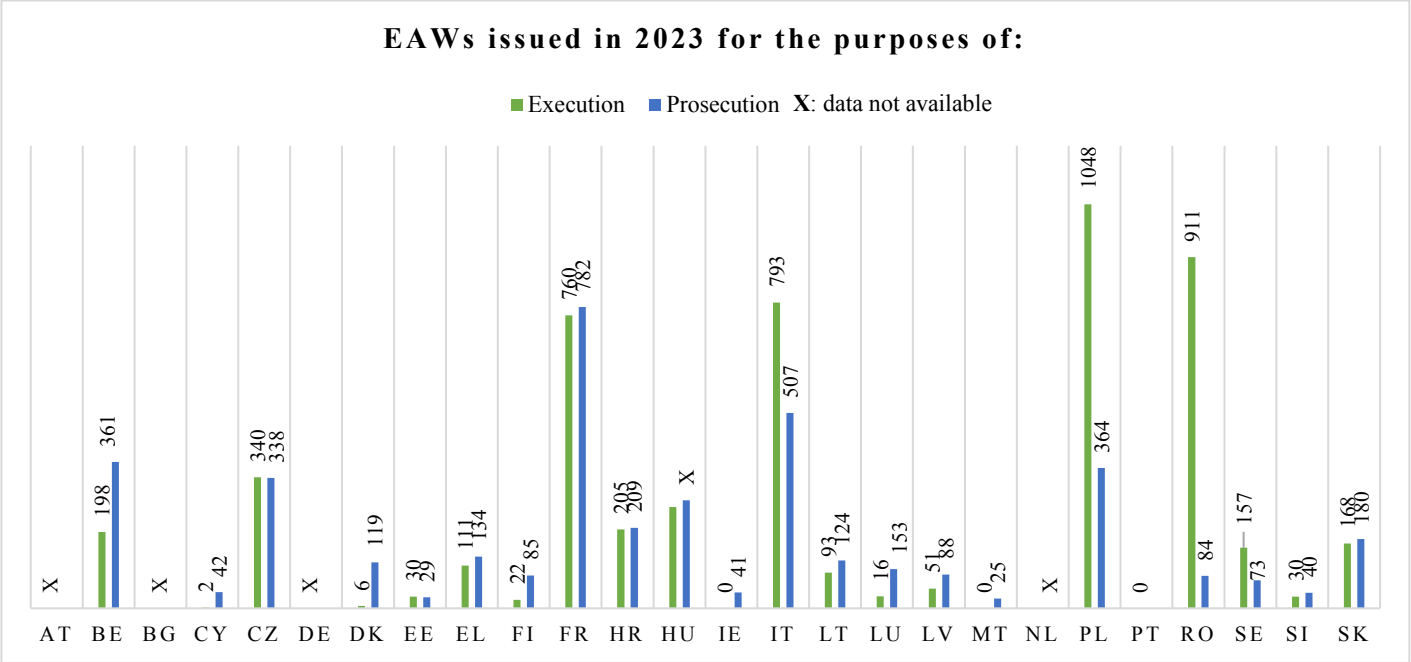
- Nine (9) Member States issued significantly more EAWs for prosecution purposes: Cyprus (42 out of 44), Denmark (119 out of 125), Greece (134 out of 245), Finland (85 out of 107), Ireland (41 out of 41), Lithuania (124 out of 217), Luxembourg (102 out of 133), Latvia (88 out of 139), and Malta (25 out of 25).
- Two (2) Member States issued significantly more EAWs for the execution of a sentence or detention order: Poland (1 048 out of 1 412) and Romania (911 out of 995). These differences could be attributed to the higher percentage of *in absentia* proceedings in some of these Member States, which lead to lower numbers of EAWs being issued for prosecution purposes.
- The remaining 10 Member States that provided figures issued EAWs in relatively equal proportions for both purposes.

---

<sup>11</sup> Germany and the Netherlands provided figures for Question 2, but explained that their databases did not allow for the possibility of distinguishing between EAWs issued for prosecution purposes and those issued for the purposes of executing a custodial sentence or a detention order.



*Disclaimer: [the answers refer to the data from Member States that answer both categories of questions]*



**2.) Categories of offence for which the EAWs were issued**

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

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

The replies show that in 2023, as in 2015-2022, **the most commonly occurring categories of offence** were:

- a) **theft offences and criminal damage** (2 219 EAWs) ([Question 3.5](#));
- b) **drug offences** (1 745 EAWs) ([Question 3.2](#));
- c) **fraud and corruption offences** (1 063 EAWs) ([Question 3.6](#)).

However, the incidence of each of these categories of offence varies greatly between Member States. For example, 495 of the 1 745 EAWs related to drug offences were registered in France alone.

On the other hand, the recorded figures show that, in 2023, **the least frequently occurring categories of offence** were:

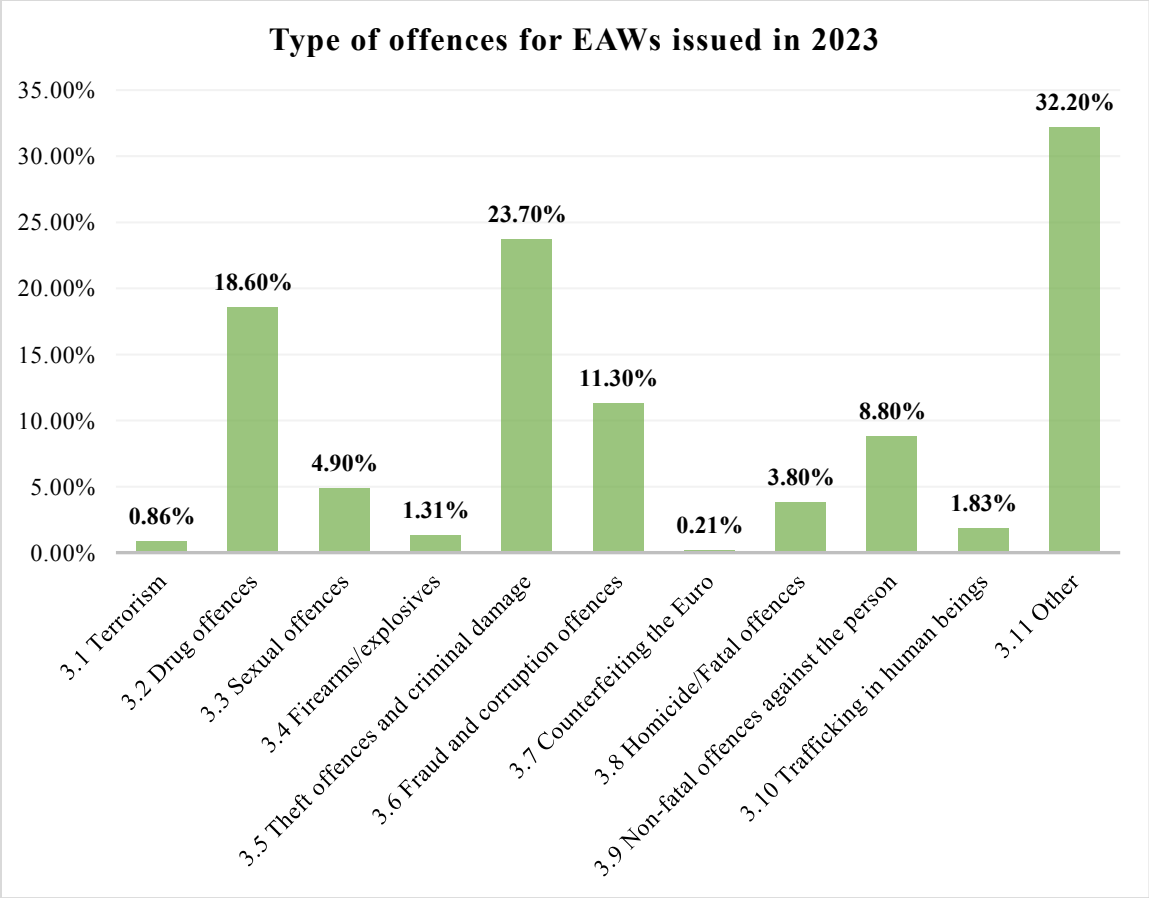
- a) **counterfeiting the euro** (19 EAWs) ([Question 3.7](#));
- b) **terrorism** (79 EAWs) ([Question 3.1](#));
- c) **offences concerning firearms/explosives** (120 EAWs) ([Question 3.4](#)).

These figures are in line with trends detected in previous years.

As regards trafficking in human beings ([Question 3.10](#)), 169 EAWs were issued in 2023 (2022: 213 EAWs). Of these, 71 were issued in France, and 50 in Romania.

As regards terrorism offences ([Question 3.1](#)), 79 EAWs were issued in 2023 (2022: 112 EAWs). Of these, 33 were issued by France alone. In contrast to the increase registered in 2017 and 2018, a slight reduction was registered in EAWs for terrorism offences in 2019 (274 EAWs issued). This trend continued from 2020 onwards.

Moreover, Member States recorded 2 553 EAWs for offences under the category of ‘3.11 Other’ ([Question 3.11](#)). In 2022, 2 540 EAWs were categorised as ‘3.11 Other’.



*Disclaimer: Not all Member States have provided detailed information on the type of offence.*

**3.) Total number of effective surrenders**

On the effective surrender of the person sought ([Question 4](#)), 25 Member States provided figures as issuing States (except for Austria). In total, 5 450 EAWs issued by Member States’ judicial authorities in 2023 or in previous years resulted in the effective surrender of the person sought. By way of illustration, 5 125 of the EAWs issued resulted in effective surrender in 2022, according to data provided by 24 Member States (the exceptions being Austria and Malta).

## II. Replies by Member States as executing States

### Introduction

The executing judicial authority of a Member State has a general duty to act upon an EAW on the basis of the principle of mutual recognition and in accordance with Article 1(2) of the Framework Decision<sup>12</sup>.

The Court of Justice held in case C-510/19, *AZ*, that the entire surrender procedure between Member States must be carried out under judicial supervision and that the decision to issue and execute an EAW must therefore be taken by a judicial authority<sup>13</sup>. On this point, the Court of Justice aligned the concept of ‘executing judicial authority’ (Article 6(2) of the Framework Decision) with its interpretation of the concept of ‘issuing judicial authority’ (Article 6(1) of the Framework Decision)<sup>14</sup>.

The concept of ‘executing judicial authority’ must therefore be interpreted as including the authorities of a Member State which, without necessarily being judges or courts, participate in the administration of criminal justice in that Member State, but act independently when exercising the responsibilities inherent in the execution of an EAW. This means that the public prosecutors of a Member State<sup>15</sup> who participate in the administration of justice but who may receive instructions in a specific case from the executive, do not constitute an ‘executing judicial authority’ under the Framework Decision.

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

#### 1.) Total number of arrests

Of the 26 Member States responding to the questionnaire, 25 (all except Austria) provided figures on the number of persons arrested under an EAW ([Question 1](#)). In 2023, 7 555 requested persons were arrested – compared with 7 346 arrests in 2022 and 7 262 arrests in 2021 in the 25 Member States that provided information for those years<sup>16</sup>. In 2023, the highest numbers of arrests were

---

<sup>12</sup> Judgement of 6 October 2009, *Wolzenburg*, C-123/08, EU:C:2009:616, paragraph 57. Judgement of 5 April 2016, *Aranyosi and Căldăraru*, C-404/15 and C-659/15 PPU, EU:C:2016:198, paragraph 79.

<sup>13</sup> Judgement of 24 November 2020, *AZ*, C-510/19, EU:C:2020:953.

<sup>14</sup> *Cf. supra* p. 5.

<sup>15</sup> The 2021 EU Justice Scoreboard: [https://commission.europa.eu/document/123138e5-f651-44e4-963e-65b721c4f5e7\\_en](https://commission.europa.eu/document/123138e5-f651-44e4-963e-65b721c4f5e7_en), pp. 47-51.

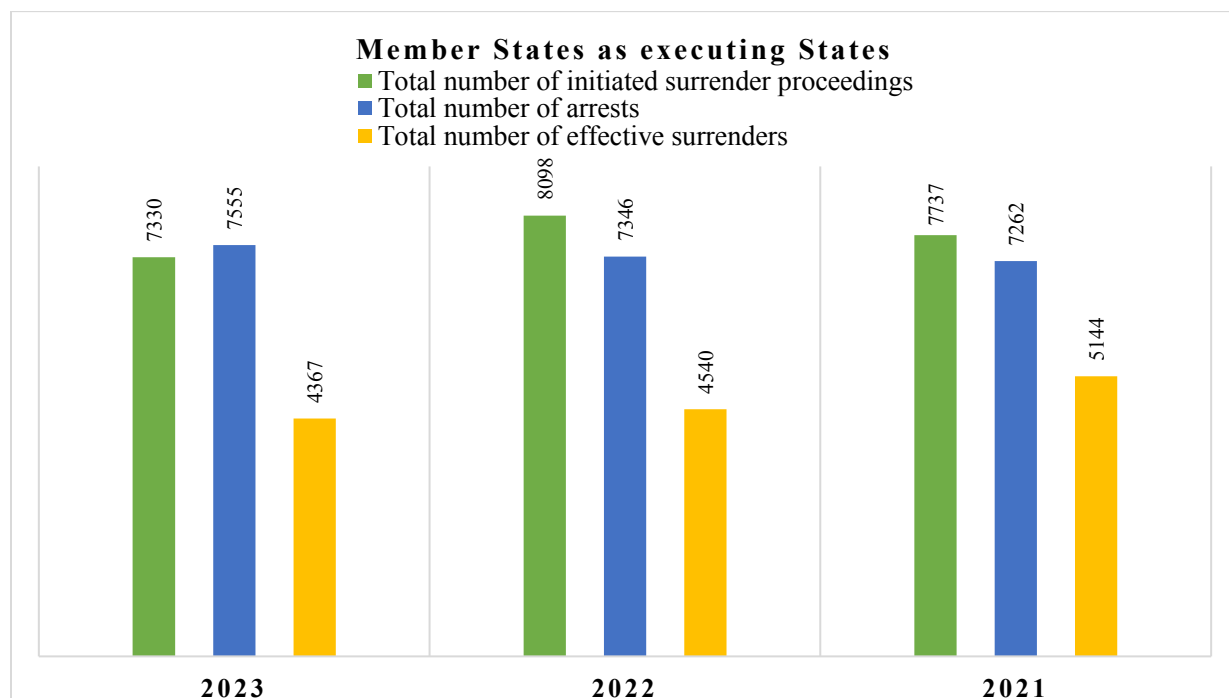
<sup>16</sup> The Member States that provide information vary from year to year.

recorded in Germany (2 610), the Netherlands (1 119) and Romania (568). These three Member States were also responsible for the highest number of arrests in 2022.

## 2.) Total number of surrender proceedings initiated

All 26 Member States responding to the questionnaire provided figures on the number of surrender proceedings initiated in 2023, which amounted to 7 330 in total ([Question 2](#)). In comparison, in 2022 the total number of surrender proceedings initiated was 8 098 in 26 Member States (7 737 in 26 Member States in 2021).

These figures, however, need to be compared with the data on effective surrenders (see Section 3), given that the surrender proceedings that are initiated may not result in effective surrender for a variety of reasons, in particular due to the application of the grounds for refusal.



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

## 3.) Total number of effective surrenders

In 2023, 4 367 persons were effectively surrendered, according to figures provided by 26 Member States as executing States ([Question 3](#)). In comparison, 4 540 persons were effectively surrendered in 2022, according to figures provided by 25 Member States (all except Malta and the Netherlands).

In 2023, 57.80% of the total number of arrests resulted in effective surrender, while 59.57% of surrender proceedings initiated resulted in effective surrender. In comparison, 67.87%<sup>17</sup> of the total number of arrests in 2022 resulted in effective surrender, while 66.13%<sup>18</sup> of surrender proceedings initiated resulted in effective surrender.

The questionnaire for the 2023 statistics included, for the fourth time, questions asking Member States to provide detailed quantitative data, where available, for each Member State to which a requested person was surrendered. 18 Member States<sup>19</sup> supplied the requested data, although it is worth noting that these data sets are often incomplete ([Question 3.1](#)).

### 3.1.) With the consent of a requested person

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

Of the 26 Member States that responded to the questionnaire, 24 (all except Austria and Malta) provided data on the consent of the requested person. From the data provided by the same Member States<sup>20</sup>, it can be concluded that **55.12% of the persons effectively surrendered in 2023 consented to their surrender** (2 407 of 4 367 persons surrendered by the same Member States). This percentage stood at 56.02% in the 2022 figures reported by 25 Member States ([Question 4](#) with reference to Question 3).

### 3.2.) Without the consent of a requested person

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

In 2023, **44.88% of effectively surrendered persons did not consent to their surrender.**

---

<sup>17</sup> This percentage becomes 61.80% if it is taken into account that the 25 Member States that provided figures on the total number of arrests are not the same 25 Member States that provided figures on the total number of effective surrenders.

<sup>18</sup> This percentage becomes 56.06% if it is taken into account that 26 Member States provided figures on the total number of surrender proceedings initiated, while 25 Member States provided figures on the total number of effective surrenders.

<sup>19</sup> Not all Member States provided consistent data for each Member State to which a requested person was surrendered.

<sup>20</sup> The Netherlands, which provided data for persons consenting to their surrender, was not taken into account as it did not provide the total number of persons that were effectively surrendered.

#### 4.) Average time to take a decision on whether to execute an EAW

Under Article 17(1) of the Framework Decision, all EAWs must be dealt with and executed as a matter of urgency. Strict time limits are set out for the execution of an EAW, depending on whether the requested person consents to his or her surrender.

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

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

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

##### 4.1.) Where the person consented

Under [Question 5](#), 21 Member States provided information on the duration of the procedure in cases in which the requested person consented to the surrender<sup>21</sup>. For these Member States, the surrender procedure took an average of **19.93 days after the arrest** in 2023 – compared to 20.48 days in 2022 and 20.14 days in 2021.

In 2023, Lithuania reported the longest average duration of the procedure where the requested person consented to the surrender: 38 days. The longest average duration of the procedure where the requested person consented to the surrender was also reported by Lithuania in 2022: 43 days.

In 2023, the shortest reported average duration of the surrender procedure was 0.4 days in Luxembourg and 5 days in Sweden. In comparison, Luxembourg, Estonia and Spain recorded the shortest durations in 2021.

---

<sup>21</sup> Ireland did provide figures in response to this question. However, it commented that consent is difficult to quantify in Irish EAW proceedings, as an individual can consent at any stage between the arrest and a surrender order being made.

#### 4.2.) Where the person did not consent

Where the requested person did not consent to the surrender, the procedure lasted on average **60.12 days** in the 21 Member States that provided figures, compared to 57.72 days in 2022 and 53.72 days in 2021 ([Question 6](#)).

Ireland reported a lengthy average duration of 160 days. A lengthy average duration was also reported by Croatia (85 days). In 2022, Ireland reported a lengthy average duration of 309<sup>22</sup> days.

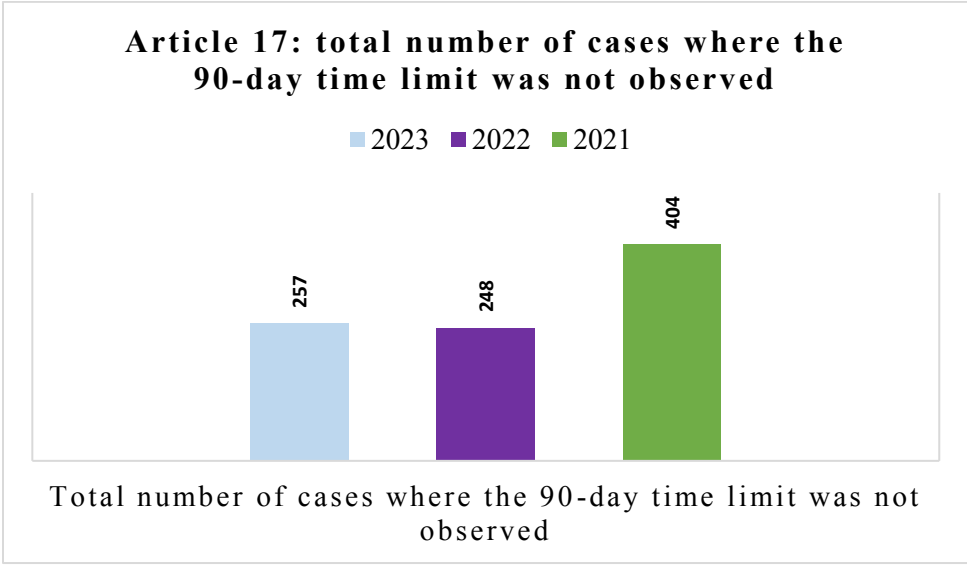
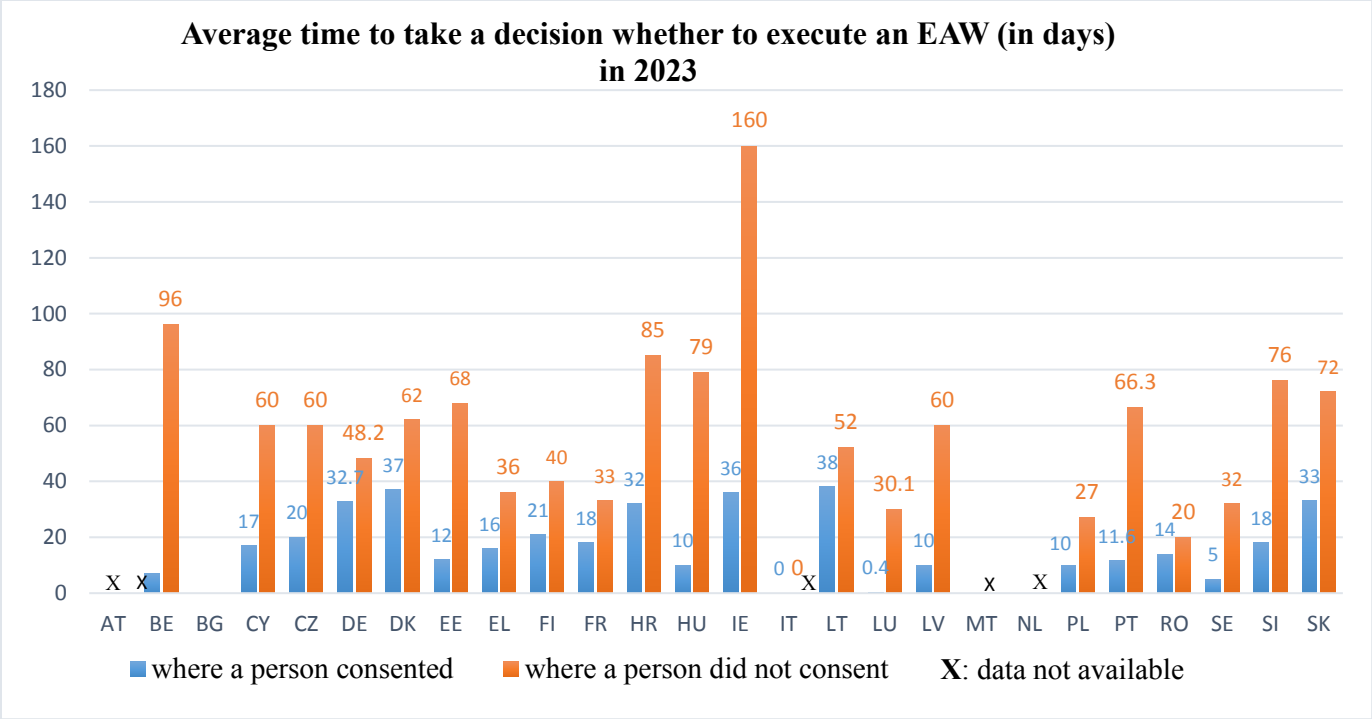
By contrast, the shortest average durations were reported by Romania (20 days), Poland (27 days) and Luxembourg (30.1 days).

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

Under [Question 8.1](#), the 90-day time limit was exceeded in 258 cases reported by 14 of the 26 Member States that replied. This figure is higher than the total reported for 2022 (248 cases reported by 15 of the 19 Member States that replied). The highest numbers were reported by Germany (102 cases) and France (90 cases). Together, these two Member States reported the majority of cases in which the 90-day time limit was exceeded (74.42% of cases). Estonia, Malta, Cyprus, Slovakia, Luxembourg, Finland, Poland and Slovenia reported no cases in which the time limit was exceeded. In comparison, in the same Member States, the 90-day time limit was exceeded in 5.14% of the surrender proceedings initiated (this figure was 4.28% in 2022).

---

<sup>22</sup> Ireland stated that the majority of delays in surrender times in 2022 were caused by abscondences, references to the Court of Justice or ongoing appeals related to an objection raised in another similar EAW matter.



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

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

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

However, as was observed in previous years, the statistics on informing Eurojust reveal that this provision is of limited application in practice. In 2023, Eurojust was informed in 44 cases, according to figures provided by 21 Member States<sup>23</sup> ([Question 8.2](#)). In 2022, Eurojust was informed in 78 cases, according to figures provided by 17 Member States, while in 2021 the equivalent figure was 88, based on information given by 19 Member States.

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

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

Following the case law of the Court of Justice, these grounds for non-execution are in principle exhaustive<sup>24</sup>. A refusal to execute an EAW is intended to be an exception, which must be interpreted strictly.

The execution of an EAW was refused in 1 054 cases in 26 Member States in 2023 ([Question 7](#)). This aggregated figure represents a reduction compared to 1 100 refusals in 26 Member States in 2022 and 1 034 refusals in 27 Member States in 2021. However, these figures constitute an increase compared to the equivalent figures from previous years: 879 refusals in 26 Member States in 2018, 796 refusals in 24 Member States in 2017, and 719 refusals in 25 Member States in 2016. However, it is not possible to provide exact statistical comparisons, since different Member States provided figures for those years.

Most Member States gave specific replies to questions about the grounds for their refusals. The figures provided show that – as in 2017, 2018, 2019, 2020, 2021 and 2022 – the most common ground for refusal to surrender was Article 4(6) of the Framework Decision, used in respect of 408 EAWs in 2023 (this figure was 384 in 2022).

Article 4(6) of the Framework Decision provides that the executing judicial authority may refuse to execute an EAW if the EAW has been issued for the purposes of execution of a custodial sentence or detention order, where the requested person is staying in, or is a national or a resident of, the executing Member State and that State undertakes to execute the sentence or detention order

---

<sup>23</sup> The Netherlands indicated that, in principle, they inform Eurojust in all cases. This information is not reflected in the number provided above.

<sup>24</sup> Judgement of 6 October 2009, *Wolzenburg*, C-123/08, EU:C:2009:616, paragraph 57. Judgement of 26 February 2013, *Melloni*, C-399/11, EU:C:2013:107, paragraph 38. Judgement of 30 May 2013, *Jeremy F*, C-168/13 PPU, EU:C:2013:358, paragraph 36. Judgement of 5 April 2016, *Aranyosi and Căldăraru*, C-404/15 and C-659/15 PPU, EU:C:2016:198, paragraph 80.

according to its domestic law. A refusal to surrender based on Article 4(6) of the Framework Decision does not lead to impunity, since the executing Member State takes over the execution of the sentence or detention order<sup>25</sup>.

Following the case law of the Court of Justice, the refusal based on the ground for optional non-execution provided for in Article 4(6) of the Framework Decision, presupposes that the judicial authority has complied with the conditions and the procedure laid down in Framework Decision 2008/909<sup>26</sup> as regards the recognition of the judgment in respect of that sentence and the assumption of responsibility for the enforcement of that sentence<sup>27</sup>. This would, in particular, require that the executing State's assumption of responsibility for the enforcement of the sentence imposed by the sentencing judgment handed down in the issuing State is subject to the consent of that issuing State, in accordance with the rules laid down in Framework Decision 2008/909<sup>28</sup>.

### 5.1.) Mandatory grounds for non-execution

The Framework Decision sets out three mandatory grounds for non-execution under Article 3, where the executing judicial authority is obliged to refuse to execute the EAW: (i) amnesty; (ii) *ne bis in idem*; and (iii) the subject of the EAW being under the age of criminal responsibility.

- Amnesty (Article 3(1))

Execution of an EAW must be refused if the offence on which the EAW is based is covered by amnesty in the executing Member State, where that State had jurisdiction to prosecute the offence under its own criminal law. In 2023, there were no cases in which execution was refused because of amnesty ([Question 7.1](#)). In comparison, 3 cases were registered in 2022, and 3 cases were registered in 2021.

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

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

---

<sup>25</sup> Judgement of 29 June 2017, *Popławski I*, C-579/15, EU:C:2017:503.

<sup>26</sup> Council Framework Decision 2008/909/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union, *OJ L 327, 5.12.2008*, pp. 27–46

<sup>27</sup> Judgment of 4 September 2025, *C.J.*, Case C-305/22, EU:C:2025:665.

<sup>28</sup> *Ibid.*

In 2023, 9 refusals were issued on the ground of *ne bis in idem* ([Question 7.2](#)). In 2022, the equivalent number was 6, while 4 cases were reported in 2021.

- Subject of the EAW under the age of criminal responsibility (Article 3(3))

Execution of an EAW must be refused in cases where, due to his or her age, the requested person cannot be held criminally responsible for the acts on which the EAW is based under the law of the executing Member State. The age of criminal responsibility varies across the Member States.

In 2023, 4 cases of refusal to surrender on this basis were recorded: 3 in Poland and 1 in Germany ([Question 7.3](#)). In 2022, 2 cases of refusal to surrender on this basis were recorded, while in 2021 there were 4 cases.

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

Articles 4 and 4a of the Framework Decision provide eight optional grounds for non-execution. As regards the grounds for optional non-execution referred to in Article 4, an executing judicial authority may only invoke these grounds if they are transposed into its national law. The Court of Justice has held that Member States have a certain margin of discretion when implementing the optional grounds for non-execution<sup>29</sup> but that this discretion needs to be consistent with the purpose of the Framework Decision, in accordance with the principle of mutual recognition. Moreover, the Court of Justice has held that executing judicial authorities must be able to take the specific circumstances of each case into account and to assess the applicability of the optional grounds for non-execution in a specific case<sup>30</sup>.

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

Execution of an EAW may be refused where, in cases referred to in Article 2(4) of the Framework Decision, the act on which the EAW is based does not constitute an offence under the law of the executing Member State. The Court of Justice has held that there is no need for a perfect match between the constituent elements of the offence concerned in the issuing Member State and in the executing Member State<sup>31</sup>. This optional ground for refusal only concerns offences not covered by the list of 32 offences under Article 2(2), for which the verification of double criminality is not required, provided that the threshold of 3 years is met.

For 2023, 13 of the 23 Member States that replied reported 54 refusals based on the lack of double criminality ([Question 7.4](#)). In comparison, 13 of the 24 Member States that replied reported 56 refusals based on the lack of double criminality for 2022.

---

<sup>29</sup> Judgement of 6 October 2009, *Wolzenburg*, C-123/08, EU:C:2009:616, paragraphs 61 and 62.

<sup>30</sup> Judgement of 29 April 2021, *X*, C-665/20 PPU, EU:C:2021:339, paragraphs 40-48.

<sup>31</sup> Judgement of 14 July 2021, *KL*, C-168/21, EU:C:2022:558.

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

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

In 2023, 7 of the 23 reporting Member States reported 15 refusals based on this optional ground for non-execution ([Question 7.5](#)). In comparison, 9 cases were registered in 6 Member States for 2022 and 9 cases were registered in 6 Member States for 2021.

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

Execution of an EAW may be refused: (i) where the judicial authorities of the executing Member State have decided either not to prosecute the offence on which the EAW is based or to stop proceedings; or (ii) where a final judgement has been passed upon the requested person in a Member State, in respect of the same acts, which prevents further proceedings.

For 2023, 4 of the 23 reporting Member States reported 9 refusals based on this ground for non-execution. Of these, 5 were reported in Croatia and 2 in Germany ([Question 7.6](#)). In comparison, in 2022 a total of 16 cases were registered, with Bulgaria registering 4 refusals.

- Prosecution or punishment statute-barred (Article 4(4))

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

For 2023, 41 refusals based on this ground for non-execution were reported in 7 of the 22 Member States that replied ([Question 7.7](#)). In comparison, 24 refusals based on this ground for non-execution were reported in 9 of the 24 Member States that replied for 2022, compared to 27 refusals in 11 of the 25 Member States that replied for 2021.

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

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

For 2023, no cases of refusal on the grounds of the existence of a final judgement in a third State were recorded ([Question 7.8](#)). In comparison, for 2022, 2 cases of refusal were recorded by Hungary (1) and Poland (1). Numbers were also low in previous years: only 4 cases were reported in 2021 and 3 cases in 2020.

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

Where the EAW has been issued for the purposes of execution of a custodial sentence or detention order, and the requested person is staying in, or is a national or a resident of, the executing Member State, the executing judicial authority might decide to execute the sentence in its own Member State instead of surrendering the person to the issuing Member State, provided the conditions established by the Court of Justice are met<sup>32</sup>.

For 2023, 17 Member States reported 408 refusals based on cases in which the executing Member State undertook the execution of the sentence ([Question 7.9](#)). The Netherlands alone reported 150 cases – the highest number of the Member States that provided figures. Germany was next, with 70 cases. By comparison, for 2022, 16 Member States reported 384 refusals and there were 324 refusals in 2021 and 328 in 2020. It is interesting to note that there are no consistent patterns. For example, Germany registered a reduction in cases of refusals under Article 4(6) between 2017 (56) and 2018 (27) but reported a series of increases to 48 cases in 2019, 45 cases in 2020, 56 cases in 2021 and 72 cases in 2022.

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

Execution of an EAW may be refused where the EAW relates to offences which: (i) are regarded by the law of the executing Member State as having been committed in whole or in part in the territory of the executing Member State or in a place treated as such; or (ii) have been committed outside the territory of the issuing Member State and the law of the executing Member State does not allow prosecution for the same offences when committed outside its territory.

For 2023, 16 refusals reported by 4 of the 22 reporting Member States were based on extraterritoriality ([Question 7.10](#)). In comparison, 19 refusals were reported by 9 of the 24 reporting Member States in 2022 and 55 refusals were reported by 7 of the 24 reporting Member States in 2021.

- Trials *in absentia* (Article 4a)

---

<sup>32</sup> Judgment of 4 September 2025, *CJ*, C-305/22, EU:C:2025:665.

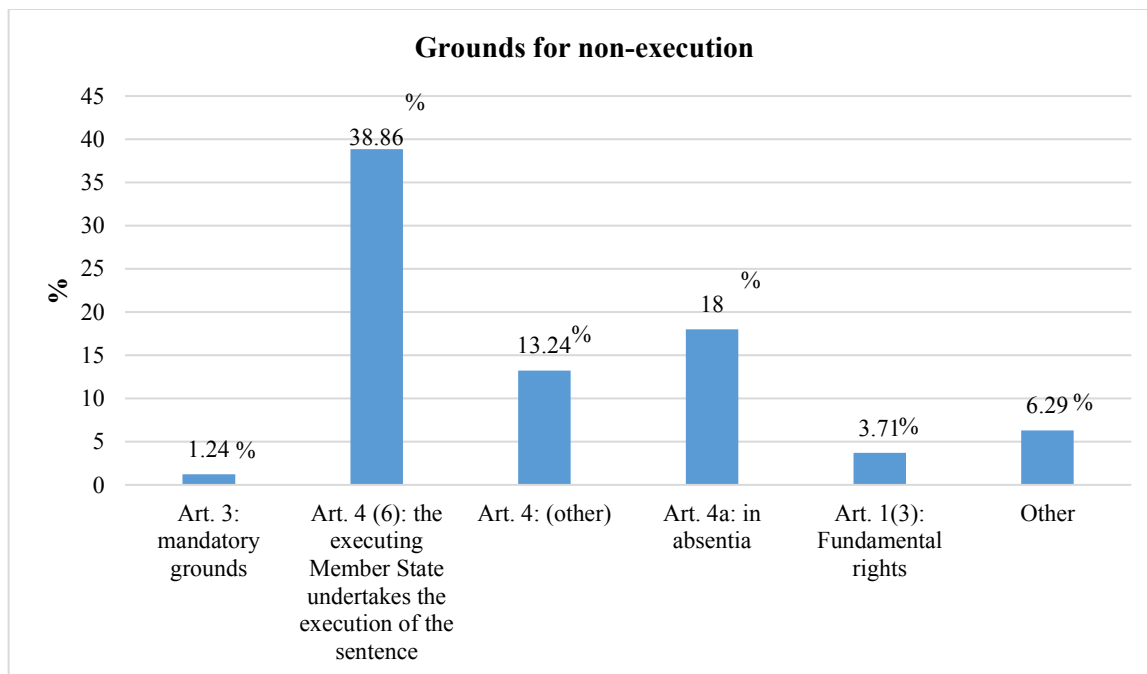
Article 4a provides an optional ground for non-execution for situations in which an executing judicial authority receives an EAW for execution of a custodial sentence or a detention order arising from proceedings in the issuing Member State where the person was not present (a decision rendered *in absentia*), together with four exceptions. If any of the exceptions are applicable, the executing judicial authority cannot refuse to execute an EAW based on a decision rendered *in absentia*.

The Court of Justice has clarified that Article 4a of the Framework Decision should be transposed as an optional ground for non-execution, because ‘*[i]f the executing judicial authority were to consider that the conditions, set out in Article 4a(1)(a) or (b) of that framework decision, which preclude the possibility of refusing to execute a European arrest warrant, are not satisfied, as Article 4a provides for a case of optional non-execution of that warrant, that court may, in any event, take into account other circumstances that enable it to satisfy itself that the surrender of the person concerned does not entail a breach of his rights of defence, and surrender that person to the issuing Member State (see, to that effect, judgement of 24 May 2016, Dworzecki, C-108/16 PPU, EU:C:2016:346, paragraph 50)*<sup>33</sup>.

For 2023, 22 Member States (7 of which recorded no cases) together reported a total of 189 refusals based on decisions rendered *in absentia*. Germany reported 104 of these cases ([Question 7.11](#)). In comparison, in 2022, there were 117 refusals under Article 4a in 24 Member States (13 of which recorded no cases). It should be noted that Germany also registered the highest number of cases in 2022, 2021 and 2020.

---

<sup>33</sup> Judgement of 17 December 2020, *TR v Generalstaatsanwaltschaft Hamburg*, C-416/20 PPU, EU:C:2020:1042, paragraph 51 (emphasis added).



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

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

In this regard, the Court of Justice has decided that the executing judicial authority may, in exceptional circumstances and subject to certain conditions, refuse to execute an EAW where there is a real risk that the person, if surrendered, would suffer a serious breach of their fundamental rights in the following situations: (i) where there is a real risk that the surrender of the person concerned could lead to inhuman or degrading treatment within the meaning of Article 4 of the Charter of Fundamental Rights of the European Union (the Charter) due to the detention conditions in the issuing Member State<sup>34</sup>; (ii) where there is a real risk of a breach of the fundamental right to a fair trial guaranteed by the second paragraph of Article 47 of the Charter due to concerns about the independence of the judiciary in the issuing State<sup>35</sup>; or (iii) where there is a real risk that the surrender would breach the fundamental right to respect for private and family life enshrined in

<sup>34</sup> Judgement of 5 April 2016, C-404/15, *Aranyosi and Caldaru*, EU:C:2016:198. Judgement of 25 July 2018, C-220/18 PPU, *ML*, paragraphs 88-94. Judgement of 15 October 2019, C-128/18, *Dorobantu*, EU:C:2019:857, paragraphs 52-55.

<sup>35</sup> Judgement of 25 July 2018, C-216/18, *LM*, EU:C:2018:586. Judgement of 17 December 2020 in Joined Cases C-354/20, *L* and C-412/20, *P*, EU:C:2020:1033.

Article 7 of the Charter and disregard the rights of the child, as protected by Article 24(2) and (3) of the Charter<sup>36</sup>.

In 2023, fundamental rights issues led to a total of 39 refusals, reported by 11 of the 26 replying Member States. Germany alone registered 18 of those refusals ([Question 7.20](#)). In comparison, 9 Member States reported 59 refusals in 2022, of which 35 were registered by Germany, and 10 Member States reported 86 refusals in 2021, of which 64 were registered by Germany.

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

Article 5 provides that execution of the EAW by the executing judicial authority may, according to its national law, be subject to certain conditions which are exhaustively laid down in Article 5. Those conditions may relate either to the review of life-time imprisonment (Article 5(2) of the Framework Decision) or to the return of nationals and residents to the executing Member State to serve custodial sentences passed against them in the issuing Member State (Article 5(3) of the Framework Decision).

- Request for a guarantee

In 2023, a guarantee related to the review of life-time imprisonment (Article 5(2) of the Framework Decision) was requested in 74 cases, almost all of which were registered in Hungary ([Question 10](#)). However, 6 Member States did not provide data on whether they requested a guarantee. In 2022, such a request was made in 64 cases. This represents a significant reduction compared to 2021, when 108 requests for a guarantee were registered.

- Lack of a guarantee

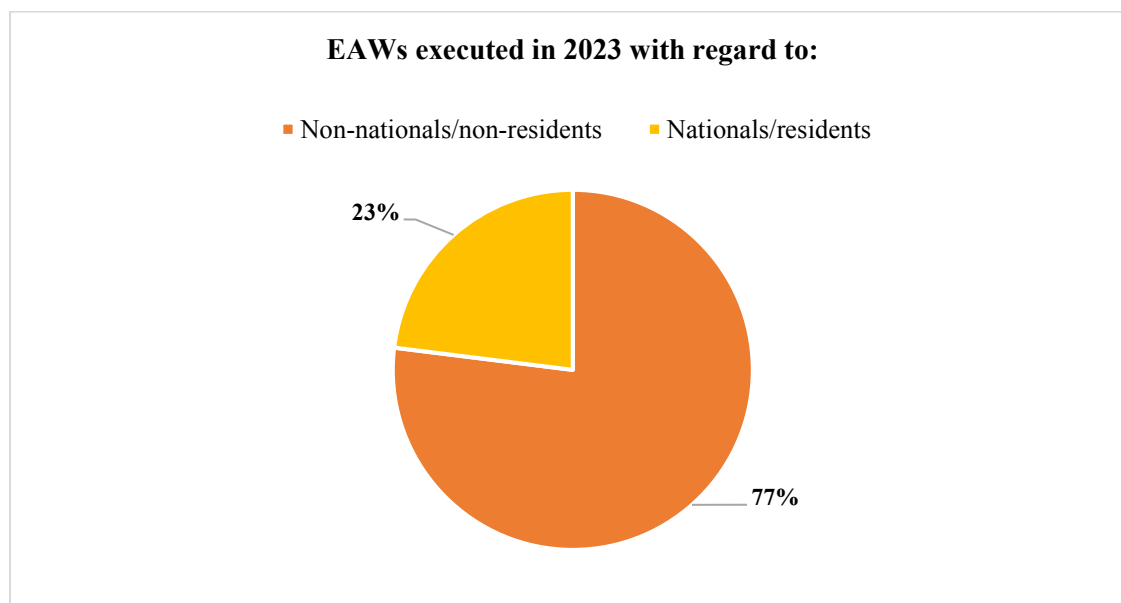
As regards conditions relating to the review of life-time imprisonment (Article 5(2) of the Framework Decision), 0 cases of refusal based on the lack of a guarantee from the issuing Member State were reported in 2023 ([Question 7.12](#)). This is consistent with previous years, when very few or no cases were reported.

As regards the condition requiring the return of nationals and residents to the executing Member State to serve custodial sentences passed against them in the issuing Member State (Article 5(3) of the Framework Decision), 3 of 22 Member States reported a total of 7 refusals based on the lack of a guarantee by the issuing Member State in 2023 ([Question 7.13](#)). The Netherlands alone reported 4 of these refusals. In comparison, in 2022, 6 of 24 Member States reported a total of 37 refusals and, in 2021, 5 of 24 Member States reported 10 refusals based on Article 5(3).

---

<sup>36</sup> Judgment of 21 December 2023, *GN*, Case C-261/22, EU:C:2023:1017.

In 2023, 1 120 cases were reported, by the 21 Member States that provided figures, of the execution of an EAW involving a national or resident of the executing Member State (1 215 cases were registered in 22 Member States in 2022, while 1 525 cases were registered in 24 Member States in 2021) ([Question 9](#)).



*Disclaimer: only the 21 Member States that provided figures in response to [Question 9](#) have been taken into account.*

A comparison with the total number of persons effectively surrendered by the same Member States in 2023 (3 743 [Question 3](#)) suggests that the execution of EAWs involved own nationals or residents in **23.03%** of cases. This proportion has decreased from 30.63% of cases in 2022, 32.83% of cases in 2021 and 45.24% of cases in 2020. However, 30.56% of cases of effective surrender involved nationals or residents in 2019, and 24.42% of cases of effective surrender involved nationals or residents in 2018, in 25 Member States.

#### 5.5.) Other provisions of the Framework Decision

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

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

- evidence of an enforceable judicial decision (such as a national arrest warrant) that must be distinct from the EAW itself in order to guarantee the first level of judicial protection;
- the nature and legal classification of the offence;

- a description of the circumstances in which the offence was committed, including the time, place and degree of participation in the offence by the requested person and the penalty imposed.

Under [Question 7.14](#), 25 refusals were based on the non-conformity of the EAW with the requirements laid down in Article 8 of the Framework Decision. The figures have been roughly consistent over the years: there were 20 such refusals in 2022, 30 in 2021, 24 in 2020 and 23 in 2019, with Germany consistently recording the highest numbers.

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

Article 15(2) of the Framework Decision imposes a duty on the executing judicial authority to request supplementary information from the issuing judicial authority where it finds that the information provided by the issuing judicial authority is insufficient to allow it to decide on surrender. This concerns the information to be provided in the EAW form (Article 8), which is needed to assess whether the EAW can be executed, but it also concerns all the information needed to assess whether any ground for refusal is applicable (Articles 3 to 5)<sup>37</sup>.

In 2023, 5 out of 23 Member States recorded 36 refusals to execute an EAW due to a lack of the additional information requested ([Question 7.15](#)). Most were recorded in Czechia (22). In comparison, in 2022, 7 out of 23 Member States recorded 48 such refusals. The highest numbers of this type of refusal were also recorded in Czechia (32).

- Privilege or immunity (Article 20)

Article 20 of the Framework Decision concerns privileges and immunities on which the requested person can rely. In 2023, no cases were reported ([Question 7.16](#)). This is in line with previous years when, similarly, very few or no cases were reported<sup>38</sup>.

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

As previously stated<sup>39</sup>, an EAW may be issued: (i) for acts punishable by the law of the issuing Member State by a custodial sentence or a detention order for a maximum period of at least 12 months; or (ii) where a sentence has been passed or a detention order made, for sentences of at least 4 months. These two thresholds are laid down in Article 2(1) of the Framework Decision.

---

<sup>37</sup> Handbook on how to issue and execute a European arrest warrant, OJ C, C/2023/1270, 15.12.2023, p. 33.

<sup>38</sup> 2022: 1 case; 2021: no cases; 2020: no cases; 2019: no cases; 2018: 1 case; 2017: no cases.

<sup>39</sup> Cf. *supra* p. 5.

In 2023, 3 cases were recorded in which the first threshold of 12 months was not met ([Question 7.17](#)). This represents a reduction compared to the 23 cases recorded 2022, of which Hungary alone recorded 16. However, in previous years, very few or no cases were reported<sup>40</sup>.

In 2023, 6 of the 23 replying Member States together reported 10 cases in which EAWs were issued for the purposes of executing a custodial sentence or detention order where the 4-month threshold was not met ([Question 7.18](#)). In 2022, 10 such cases were reported by 6 Member States and, in 2021, 6 cases were recorded in 3 Member States.

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

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

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

In 2023, under [Question 7.19](#), 6 refusals reported by 3 out of 22 Member States concerned conflicting requests. This is consistent with the findings for 2022 (7 refusals reported by 5 Member States) and 2021 (7 refusals reported by 4 Member States).

- Other reasons

In 2023, 8 Member States reported a total of 66 cases in which execution of an EAW was not finalised for different reasons, such as the withdrawal of the EAW or a surrender being postponed ([Question 7.21](#)). In comparison, in 2022, 13 Member States reported 113 cases, and, in 2021, 10 Member States reported 96 cases.

## **6.) Surrender of a person (Article 23)**

---

<sup>40</sup> 2022: 23 cases; 2021: 4 cases; 2020: 1 case; 2019: no cases; 2018: 2 cases.

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

#### 6.1.) Number of cases in which the time limits were not observed

Article 23(3) and Article 23(4) address, respectively: (i) extensions of the time limits in cases in which the surrender of the requested person within the 10-day time limit is prevented by circumstances beyond the control of any of the Member States<sup>41</sup>; and (ii) extensions of the time limits for serious humanitarian reasons.

The responses to [Question 8.3](#) show that in 2023 there were 167 cases in which surrender did not take place due to non-compliance with the 10-day time limit set out in Article 23(2) of the Framework Decision. Of these, 130 cases were registered in Romania. In comparison, 192 cases were reported in 19 Member States in 2022, 185 cases were registered in 20 Member States in 2021, and 153 cases were registered in 20 Member States in 2020.

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

Article 23(5) provides that, upon expiry of the time limits referred to in paragraphs 2 to 4 of Article 23, if a requested person is still in custody he or she must be released. In 2023, 4 cases of a requested person being released were reported by 2 out of 18 Member States. In 2022, 10 cases were reported by 5 out of 19 Member States; in 2021, 5 cases were reported by 4 out of 20 Member States; and, in 2020, 14 cases were reported by 4 out of 20 Member States ([Question 8.4](#)).

---

<sup>41</sup> Judgement of 25 January 2017, *Vilkas*, C-640/15, EU:C:2017:39.

## Conclusions

Only general conclusions can be drawn from the replies submitted, since the data provided are incomplete. These conclusions broadly reflect the trends identified in 2022, but with a few differences.

It should be highlighted that:

- the main indicators on the number of proceedings, arrests and effective surrender procedures initiated have been rather stable, i.e. the number of arrests and surrender procedures has remained broadly consistent as a proportion of proceedings initiated;
- some Member States did not comply with their obligations under the Framework Decision concerning the time limits applicable to decisions on whether to execute an EAW;
- Article 4(6) of the Framework Decision – where the executing Member State takes over the execution of a sentence – accounts for the highest proportion of grounds for non-execution (38.86%) when compared with other mandatory and optional grounds provided under Articles 3, 4 and 4a of the Framework Decision.

In 2023, the Commission continued infringement proceedings against all Member States subject to those proceedings for incomplete and/or incorrect transposition of the Framework Decision into their national legal orders. By the time this staff working document was issued, the Commission had issued 26 letters of formal notice against all Member States except Denmark. In 2023, 2024 and 2025, the Commission took further steps in the infringement proceedings, issuing additional letters of formal notice and reasoned opinions. Currently, infringement proceedings are open against 14 Member States, following the Commission's decision to close those infringement proceedings for which the Member States had remedied the issues identified in the letters of formal notice. The Commission is still assessing the replies and notified legislation of the remaining Member States. It is expected that, if the remaining affected Member States take steps to amend their national laws to bring them into line with the Framework Decision, most of these deficiencies will be remedied.

**Annex I – Replies to the questionnaire on quantitative information on the practical operation of the EAW**

**2023**

0 = Zero cases reported by the Member State concerned.

X = No data available in the Member State concerned.

## I. Replies by Member States as issuing States

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

AT	BE	BG	CY	CZ	DE	DK	EE	EL	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
646	578	128	44	678	3 389 <sup>42</sup>	125	59	245	107	1 542	414	543	41 <sup>43</sup>	1 300	217 <sup>44</sup>	133	139	25	539	1 412	124 <sup>45</sup>	995 <sup>46</sup>	230	70	348

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

AT	BE	BG	CY	CZ	DE	DK	EE	EL	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	380	X	42	338	X <sup>47</sup>	119	29	134	85	782	209	280	41 <sup>48</sup>	507	124	102	88	25	X	364 <sup>49</sup>	X	84	73	40	180

3.1. Terrorism

AT	BE	BG	CY	CZ	DE	DK	EE	EL	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	24 <sup>50</sup>	X	0	3	X <sup>51</sup>	7	0	1	X	33	0	0	0	9	0	0	0	2	X	0	X	0	0	0	0

<sup>42</sup> DE: ‘The number reflects the number of EAWs issued via the SIS in 2023’.

<sup>43</sup> IE: ‘A further 57 warrants were issued under the EU-UK TCA Agreement’.

<sup>44</sup> LT: ‘124 – for the purposes of prosecution, 93 – for the purposes of the execution of the custodial sentence’.

<sup>45</sup> PT: ‘124 European arrest warrants were issued by Portugal during 2023, of which the Public Prosecution Service was aware. The complete information must be requested from the PUC-CPI’.

<sup>46</sup> RO: ‘According to the numbers provided by the Romanian issuing courts’.

<sup>47</sup> DE: ‘The distinction between arrest warrants for the purposes of prosecution and arrest warrants for the purposes of execution – as presupposed by the question – is not statistically recorded’.

<sup>48</sup> IE: ‘57 of the warrants issued under the EU-UK TCA Agreement were accusation warrants’.

<sup>49</sup> PL: ‘Pursuant to Article 1(1) of the Framework Decision of 13 June 2002 on the European Arrest Warrant and surrender procedures between Member States (2002/54/JHA), the term ‘prosecution’ in question point 2 - refers to the stages of preparatory and exploratory proceedings (i.e. without enforcement proceedings)’.

<sup>50</sup> BE: ‘There were 105 cases where the offence wasn’t registered. This implies that the above figure might be an underestimation of the real number of EAWs concerning terrorism.’

<sup>51</sup> DE: ‘There are no statistics available which distinguish between the categories of offences in EAWs.’

### 3.2. Drug offences

AT	BE	BG	CY	CZ	DE	DK	EE	EL	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	100 <sup>52</sup>	5	4	67	X <sup>53</sup>	29	15	24	49	495	38	21	7	212	69	10	51	6	X	396	X	65	73	5	4

### 3.3. Sexual offences

AT	BE	BG	CY	CZ	DE	DK	EE	EL	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	17 <sup>54</sup>	1	4	11	X <sup>55</sup>	10	3	8	9	110	8	7	17	113	14	7	18	1	X	58	X	24	1	2	1

### 3.4. Firearms/explosives

AT	BE	BG	CY	CZ	DE	DK	EE	EL	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	4 <sup>56</sup>	X	1	0	X <sup>57</sup>	9	0	6	X	27	5	0	2	19	6	4	3	0	X	17	X	2	14	1	0

### 3.5. Theft offences and criminal damage

AT	BE	BG	CY	CZ	DE	DK	EE	EL	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	107 <sup>58</sup>	5	13	194	X <sup>59</sup>	29	19	56	4	297	61	64	4	173	86	155	49	4	X	462	X	284	44	19	90

<sup>52</sup> BE: 'There were 105 cases where the offence wasn't registered. This implies that the above figure might be an underestimation of the real number of EAWs concerning drug offences'.

<sup>53</sup> DE: 'There are no statistics available which distinguish between the categories of offences in EAWs'.

<sup>54</sup> BE: 'There were 105 cases where the offence wasn't registered. This implies that the above figure might be an underestimation of the real number of EAWs concerning sexual offences'.

<sup>55</sup> DE: 'There are no statistics available which distinguish between the categories of offences in EAWs'.

<sup>56</sup> BE: 'There were 105 cases where the offence wasn't registered. This implies that the above figure might be an underestimation of the real number of EAWs concerning firearms and explosives'.

<sup>57</sup> DE: 'There are no statistics available which distinguish between the categories of offences in EAWs'.

<sup>58</sup> BE: 'There were 105 cases where the offence wasn't registered. This implies that the above figure might be an underestimation of the real number of EAWs concerning theft offences and criminal damage'.

<sup>59</sup> DE: 'There are no statistics available which distinguish between the categories of offences in EAWs'.

### 3.6. Fraud and corruption offences

AT	BE	BG	CY	CZ	DE	DK	EE	EL	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	11 <sup>60</sup>	2	16	67	X <sup>61</sup>	6	10	17	25	225	55	37	9	16	37	76	4	0	X	302	X	91	21	17	19

### 3.7. Counterfeiting the euro

AT	BE	BG	CY	CZ	DE	DK	EE	EL	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	0 <sup>62</sup>	1	0	0	X <sup>63</sup>	0	0	2	X	4	1	0	0	3	5	0	0	0	X	2	X	1	0	0	0

### 3.8. Homicide/Fatal offences

AT	BE	BG	CY	CZ	DE	DK	EE	EL	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	41 <sup>64</sup>	1	2	3	X <sup>65</sup>	11	0	30	5	111	3	2	3	9	29	9	3	2	X	21	X	46	18	1	7

### 3.9. Non-fatal offences against the person

AT	BE	BG	CY	CZ	DE	DK	EE	EL	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	30 <sup>66</sup>	4	4	27	X <sup>67</sup>	40	12	15	4	153	4	22	17	39	39	10	8	5 <sup>68</sup>	X	267	X	47	65	3	12

<sup>60</sup> BE: ‘There were 105 cases where the offence wasn’t registered. This implies that the above figure might be an underestimation of the real number of EAWs concerning fraud and corruption offences’.

<sup>61</sup> DE: ‘There are no statistics available which distinguish between the categories of offences in EAWs’.

<sup>62</sup> BE: ‘There were 105 cases where the offence wasn’t registered. This implies that the above figure might be an underestimation of the real number of EAWs concerning counterfeiting the euro’.

<sup>63</sup> DE: ‘There are no statistics available which distinguish between the categories of offences in EAWs’.

<sup>64</sup> BE: ‘There were 105 cases where the offence wasn’t registered. This implies that the above figure might be an underestimation of the real number of EAWs concerning homicide/fatal offences’.

<sup>65</sup> DE: ‘There are no statistics available which distinguish between the categories of offences in EAWs’.

<sup>66</sup> BE: ‘There were 105 cases where the offence wasn’t registered. This implies that the above figure might be an underestimation of the real number of EAWs concerning non-fatal offences against the person’.

<sup>67</sup> DE: ‘There are no statistics available which distinguish between the categories of offences in EAWs’.

<sup>68</sup> MT: ‘Bodily harm’.

### 3.10. Trafficking in human beings

AT	BE	BG	CY	CZ	DE	DK	EE	EL	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	7 <sup>69</sup>	X	1	2	X <sup>70</sup>	0	0	7	3	71	0	8	0	2	6	0	1	0	X	5	X	50	3	0	3

### 3.11. Other

AT	BE	BG	CY	CZ	DE	DK	EE	EL	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	132 <sup>71</sup>	10 <sup>72</sup>	7	304	X <sup>73</sup>	0	23	70	X	33	239	119	8 <sup>74</sup>	X	194	49 <sup>75</sup>	81	5 <sup>76</sup>	X	635	X	340 <sup>77</sup>	79	21	212

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

AT	BE	BG	CY	CZ	DE	DK	EE	EL	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	33	80 <sup>78</sup>	16	468	1 099	30	29	32	66	474	285	429	13 <sup>79</sup>	137	81 <sup>80</sup>	77	33	5	106	1 086 <sup>81</sup>	31	567 <sup>82</sup>	90	19	164

<sup>69</sup> BE: ‘There were 105 cases where the offence wasn’t registered. This implies that the above figure might be an underestimation of the real number of EAWs concerning trafficking in human beings’.

<sup>70</sup> DE: ‘There are no statistics available which distinguish between the categories of offences in EAWs’.

<sup>71</sup> BE: ‘There were 105 cases where the offence wasn’t registered. This implies that the above figure might be an underestimation of the real number of EAWs concerning other offences’.

<sup>72</sup> BG: ‘The offences listed under 3.11. contain cases of: - driving under the influence of alcohol and/or drugs (3 cases); - driving without a permit (1 case)’.

<sup>73</sup> DE: ‘There are no statistics available which distinguish between the categories of offences in EAWs’.

<sup>74</sup> IE: ‘Laundering the proceeds of crime’.

<sup>75</sup> LU: ‘Please note that the statistics under question 3 include double-counting: some EAW’s could be counted more than once, when more than one offence is listed against the same person’.

<sup>76</sup> MT: ‘One case concerning forgery;

one case concerning damage to cultural property;

one case concerning breach of an attachment order and the provisions of the Money Laundering Act, and racketeering and extortion offences’.

<sup>77</sup> RO: ‘road traffic offences – 314, tax fraud - 13, skimming – 5’.

<sup>78</sup> BG: ‘4 persons were surrendered in 2024, based on 2023 EAW cases’.

<sup>79</sup> IE: ‘a further 7 individuals were surrendered under the EU-UK TCA Agreement’.

<sup>80</sup> LT: ‘There were 81 surrenders in total in 2023 on the basis of EAWs, regardless of the year of issue (58 for the purposes of prosecution and 23 for the purposes of execution of the custodial sentence)’.

<sup>81</sup> PL: ‘Total number of persons surrendered in 2023 (including persons wanted on the basis of European Arrest Warrants issued in previous years) – 886. Number of persons surrendered in 2023 - on the basis of EAWs issued in 2023 only – 200’.

<sup>82</sup> RO: ‘The executed EAWs refer to warrants issued in 2023 or earlier’.

## II. Replies by Member States as executing States

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

AT	BE	BG	CY	CZ	DE	DK	EE	EL	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	271	182	33	224 <sup>83</sup>	2 610 <sub>84</sub>	46	34	183	22	681	149	245	74 <sup>85</sup>	392	53 <sup>86</sup>	54 <sup>87</sup>	24	10	1 119	330	46	568	75	51	79

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

AT	BE	BG	CY	CZ	DE	DK	EE	EL	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
352	465	182	33	283	1 298	59	33	170	25	680	75	245	85 <sup>88</sup>	598	53	60 <sup>89</sup>	29	10	1 118 <sub>4</sub>	376	46	660	152	57	120

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

AT	BE	BG	CY	CZ	DE	DK	EE	EL	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
204	41	143	26	205	1 206	49	27	135	20	453	115	245	99 <sup>90</sup>	185	46	40 <sup>91</sup>	28	4	195 <sup>92</sup>	237	75 <sup>93</sup>	469	82	36	70

<sup>83</sup> CZ: 'Figure provided by the Police Presidium of the Czech Republic (Sirene Office).'

<sup>84</sup> DE: 'The number reflects all cases that have been reported via SIS or INTERPOL.'

<sup>85</sup> IE: 'A further 17 individuals were arrested under the EU-UK TCA Agreement.'

<sup>86</sup> LT: 'Detention was applied in 20 cases, in 33 cases milder measures of constraint were applied or they involved a person who had already been arrested in a domestic criminal case.'

<sup>87</sup> LU: 'Concerns all EAWs registered before 1 January 2024.'

<sup>88</sup> IE: '\*85 proceedings initiated for 77 individuals.'

\*19 proceedings were initiated under the EU-UK TCA Agreement.'

<sup>89</sup> LU: 'This number does not include EAWs that have been retracted.'

<sup>90</sup> IE: 'A further 11 surrenders were initiated under the EU-UK TCA Agreement.'

<sup>91</sup> LU: '6 of which were postponed surrenders.'

<sup>92</sup> NL: 'Due to the transition to a new database (GPS) in which the EAWs are registered, we do not have accurate figures on the actual number of surrendered persons over the year 2023.'

<sup>93</sup> PT: '75 people, some of them due to [EAWs] issued in 2022'.

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

3.1.1 Austria

AT	BE	BG	CY <sup>94</sup>	CZ	DE	DK	EE	EL	FI	FR	HR	HU	IE <sup>95</sup>	IT	LT	LU	LV	MT	NL <sup>96</sup>	PL	PT	RO	SE	SI	SK
X	0	13	1	23	X	1	1	X	X	X <sup>97</sup>	20	43	2	15	0	3	0	2	13	26	X	72	2	6	24

3.1.2 Belgium

AT	BE	BG	CY	CZ	DE	DK	EE	EL	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	X	7	0	2	X	1	0	X	X	X <sup>98</sup>	8	11	1	16	6	8	2	1	239	7	X	28	2	1	0

3.1.3 Bulgaria

AT	BE	BG	CY	CZ	DE	DK	EE	EL	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	1	X	0	4	X	1	1	X	X	X <sup>99</sup>	1	5	0	3	0	0	0	2	17	7	X	4	0	0	0

3.1.4 Croatia

AT	BE	BG	CY	CZ	DE	DK	EE	EL	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	0	1	0	0	X	0	0	X	X	X <sup>100</sup>	X	6	7	4	1	1	0	2	4	2	X	0	3	7	1

3.1.5 Cyprus

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

<sup>94</sup> CY: ‘Executed 1 EAW issued by the UK in 2023’.

<sup>95</sup> IE: ‘a further 15 individuals were surrendered to the United Kingdom under the EU-UK TCA Agreement’.

<sup>96</sup> NL: ‘We have received and executed from Norway: 3 EAWs. From the UK we have received 17 Arrest Warrants.’

<sup>97</sup> FR: ‘These data are not collected with our software’.

<sup>98</sup> FR: ‘These data are not collected with our software’.

<sup>99</sup> FR: ‘These data are not collected with our software’.

<sup>100</sup> FR: ‘These data are not collected with our software’.

X	0	0	0	0	X	0	0	X	X	X <sup>101</sup>	0	0	0	0	0	0	0	2	2	0	X	1	1	0	0
---	---	---	---	---	---	---	---	---	---	------------------	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---

### 3.1.6 Czechia

AT	BE	BG	CY	CZ	DE	DK	EE	EL	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	0	7	0	0	X	1	1	X	X	X <sup>102</sup>	1	7	2	6	0	0	0	0	25	0	X	8	2	0	23

### 3.1.7 Denmark

AT	BE	BG	CY	CZ	DE	DK	EE	EL	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	1	0	0	0	X	0	0	X	X	X <sup>103</sup>	1	0	1	3	0	0	0	0	10	7	0	4	9	0	0

### 3.1.8 Estonia

AT	BE	BG	CY	CZ	DE	DK	EE	EL	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	0	1	0	0	X	1	0	X	X	X <sup>104</sup>	0	X	1	0	1	0	4	0	3	0	X	0	1	0	0

### 3.1.9 Finland

AT	BE	BG	CY	CZ	DE	DK	EE	EL	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	0	0	0	0	X	0	16	X	X	X <sup>105</sup>	1	0	0	0	6	0	2	1	8	0	X	2	21	0	0

### 3.1.10 France

AT	BE	BG	CY	CZ	DE	DK	EE	EL	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	15	15	1	1	X	4	0	X	X	X <sup>106</sup>	6	7	4	20	4	2	2	3	40	0	X	55	2	1	0

<sup>101</sup> FR: 'These data are not collected with our software'.

<sup>102</sup> FR: 'These data are not collected with our software'.

<sup>103</sup> FR: 'These data are not collected with our software'.

<sup>104</sup> FR: 'These data are not collected with our software'.

<sup>105</sup> FR: 'These data are not collected with our software'.

<sup>106</sup> FR: 'These data are not collected with our software'.

### 3.1.11 Germany

AT	BE	BG	CY	CZ	DE	DK	EE	EL	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	6	74	8	60	X	5	3	X	X	X <sup>107</sup>	36	39	3	36	16	15	13	5	208	0	X	133	7	6	7

### 3.1.12 Greece

AT	BE	BG	CY	CZ	DE	DK	EE	EL	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	0	10	6	0	X	1	0	X	X	X <sup>108</sup>	0	2	0	3	0	0	0	1	2	2	X	4	2	0	0

### 3.1.13 Hungary

AT	BE	BG	CY	CZ	DE	DK	EE	EL	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	2	1	1	4	X	2	0	X	X	X <sup>109</sup>	4	X	1	4	1	1	2	3	32	3	X	16	0	0	11

### 3.1.14 Ireland

AT	BE	BG	CY	CZ	DE	DK	EE	EL	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	0	0	0	0	X	1	0	X	X	X <sup>110</sup>	0	0	0	0	0	0	0	0	0	9	X	4	0	0	0

### 3.1.15 Italy

AT	BE	BG	CY	CZ	DE	DK	EE	EL	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	3	11	1	1	X	1	1	X	X	X <sup>111</sup>	21	12	1	0	0	4	0	6	70	1	X	91	3	8	0

<sup>107</sup> FR: 'These data are not collected with our software'.

<sup>108</sup> FR: 'These data are not collected with our software'.

<sup>109</sup> FR: 'These data are not collected with our software'.

<sup>110</sup> FR: 'These data are not collected with our software'.

<sup>111</sup> FR: 'These data are not collected with our software'.

### 3.1.16 Latvia

AT	BE	BG	CY	CZ	DE	DK	EE	EL	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	0	0	0	2	X	1	4	X	X	X <sup>112</sup>	0	1	0	0	1	0	0	0	7	3	X	0	4	0	0

### 3.1.17 Lithuania

AT	BE	BG	CY	CZ	DE	DK	EE	EL	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	0	0	0	1	X	5	0	X	X	X <sup>113</sup>	0	1	7	0	0	0	2	0	13	2	X	0	1	1	0

### 3.1.18 Luxembourg

AT	BE	BG	CY	CZ	DE	DK	EE	EL	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	0	1	0	1	X	0	0	X	X	X <sup>114</sup>	1	1	0	0	0	0	0	0	6	2	X	9	0	0	0

### 3.1.19 Malta

AT	BE	BG	CY	CZ	DE	DK	EE	EL	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	0	0	0	0	X	0	0	X	X	X <sup>115</sup>	1	0	0	1	0	0	0	0	0	0	X	0	0	0	0

### 3.1.20 Netherlands

AT	BE	BG	CY	CZ	DE	DK	EE	EL	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	4	7	0	2	X	3	0	X	X	X <sup>116</sup>	2	8	1	3	8	1	0	2	X	4	X	8	1	0	0

<sup>112</sup> FR: 'These data are not collected with our software'.

<sup>113</sup> FR: 'These data are not collected with our software'.

<sup>114</sup> FR: 'These data are not collected with our software'.

<sup>115</sup> FR: 'These data are not collected with our software'.

<sup>116</sup> FR: 'These data are not collected with our software'.

### 3.1.21 Poland

AT	BE	BG	CY	CZ	DE	DK	EE	EL	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	1	10	3	30	X	8	1	X	X	X <sup>117</sup>	3	2	54	10	1	2	0	2	360	X	X	2	16	1	2

### 3.1.22 Portugal

AT	BE	BG	CY	CZ	DE	DK	EE	EL	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	0	2	0	2	X	0	0	X	X	X <sup>118</sup>	0	0	0	2	0	2	0	0	4	103	X	4	1	0	0

### 3.1.23 Romania

AT	BE	BG	CY	CZ	DE	DK	EE	EL	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	6	10	1	9	X	7	0	X	X	X <sup>119</sup>	0	47	4	41	0	0	0	0	61	0	X	0	3	4	0

### 3.1.24 Slovak Republic

AT	BE	BG	CY	CZ	DE	DK	EE	EL	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	0	1	0	60	X	1	0	X	X	X <sup>120</sup>	2	4	2	5	0	0	0	0	6	0	X	0	0	2	0

### 3.1.25 Slovenia

AT	BE	BG	CY	CZ	DE	DK	EE	EL	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	0	1	1	0	X	0	0	X	X	X <sup>121</sup>	6	2	0	2	0	0	0	0	1	0	X	4	1	0	0

<sup>117</sup> FR: 'These data are not collected with our software'.

<sup>118</sup> FR: 'These data are not collected with our software'.

<sup>119</sup> FR: 'These data are not collected with our software'.

<sup>120</sup> FR: 'These data are not collected with our software'.

<sup>121</sup> FR: 'These data are not collected with our software'.

### 3.1.26 Spain

AT	BE	BG	CY	CZ	DE	DK	EE	EL	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	2	6	0	2	X	5	1	X	X	X <sup>122</sup>	2	6	2	10	0	1	0	1	28	0	X	16	0	0	1

### 3.1.27 Sweden

AT	BE	BG	CY	CZ	DE	DK	EE	EL	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	0	4	2	1	X	0	0	X	X	X <sup>123</sup>	1	4	3	1	1	0	1	0	5	0	X	4	X	0	0

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

AT	BE	BG	CY	CZ	DE	DK	EE	EL	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	1	99	19	129	541	24	27	67	7	297	89	174 <sup>124</sup>	25	2	32	27	19	X	195 <sup>125</sup>	154	22	369	15	31	45

### 5. On average this year, how many days did the surrender procedure take where the person consented to surrender (time between the arrest and the decision on surrender)?

AT	BE	BG	CY	CZ	DE	DK	EE	EL	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	7 <sup>126</sup>	X	17	20	32.7	37	12	16	21	18	32	10 <sup>127</sup>	36 <sup>128</sup>	X	38	0.4 <sup>129</sup>	10	X	X <sup>130</sup>	28	11.6	14	5	18	33

<sup>122</sup> FR: 'These data are not collected with our software'.

<sup>123</sup> FR: 'These data are not collected with our software'.

<sup>124</sup> HU: 'This number also includes postponed surrenders'.

<sup>125</sup> NL: 'Since the changes brought in by the Dutch Surrender Act in April 2021, the amount of people that consented to the surrender has doubled.'

<sup>126</sup> BE: 'Average is a misleading term in this section since there was only one case in 2023'.

<sup>127</sup> HU: 'Such consent may be given not only at the first hearing, and this period shall not be interpreted in the case of postponed surrenders'.

<sup>128</sup> IE: 'Consent is difficult to quantify in Irish EAW proceedings as an individual can consent at any stage from arrest up until the surrender hearing is listed and the decision/order on surrender is made'.

<sup>129</sup> LU: 'To calculate the average time (in days) for EAWs without consent, we took into account the time between the date of notification and the final decision of the Chamber of Council (of the district court or the Court of appeal) before 1 January 2024.

To calculate the average time (in days) for MAEs with consent (therefore without the Chamber of Council procedure), we took into account the time between the date of notification and the date of consent.'

<sup>130</sup> NL: 'Since the transition of the database (GPS), we are unable to give figures on the average duration of the surrender procedure in the Netherlands over the year 2023. We have the impression that it takes approx. 11 days.'

6. On average this year, how many days did the surrender procedure take where the person did *not* consent to the surrender (time between the arrest and the decision on surrender)?

AT	BE	BG	CY	CZ	DE	DK	EE	EL	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	96	X	60	60	48.2 <sup>131</sup>	62	68	36	40	33	85	79	160	X	52	30.1 <sup>132</sup>	60	X <sup>133</sup>	X	27	66.3	20	32	76	72

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

AT	BE	BG	CY	CZ	DE	DK	EE	EL	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
28 <sup>134</sup>	57	23	3	35	261 <sup>135</sup>	7	1	31	1	81	11	27	21 <sup>136</sup>	31	3	5	1	3 <sup>137</sup>	235 <sup>138</sup>	72	2	89	11	5	6

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

AT	BE	BG	CY	CZ	DE	DK	EE	EL	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
0	0 <sup>139</sup>	0	0	0	0	0	0	0	X	X <sup>140</sup>	0	0	0	0	0	0	0	0	0	0	X	0	0	0	0

<sup>131</sup> DE: ‘The relevant period starts from the moment of detention for the purposes of surrender.’

<sup>132</sup> LU: ‘Cf. comments under Question 5 above’.

<sup>133</sup> MT: ‘The length of the extradition proceedings does not surpass the 60-day time period, following which the wanted person will then be surrendered not exceeding the 10-day time period.’

<sup>134</sup> AT: ‘In 28 cases the execution was refused and in 11 cases the EAW was withdrawn’.

<sup>135</sup> DE: ‘In the event of a refusal, several grounds for refusal may be recorded statistically.’

<sup>136</sup> IE: ‘The majority of the refusals to execute an EAW were in relation to Article 4(a) of the Framework Decision. Each of these EAW’s was judged on a case-by-case basis’.

<sup>137</sup> MT: ‘Reason for refusal, the EAWs were issued for the purposes of an investigation and not prosecution.’

<sup>138</sup> NL: ‘In 150 cases the reason for the refusal was based on Article 4(6) of the FD EAW. With regard to the remaining number of refusals, the majority is based on Article 4a (EAWs regarding *in absentia* judgements): 45 cases.’

<sup>139</sup> BE: ‘There were 57 cases where the reason for refusal wasn’t registered. This implies that the above figure might be an underestimation of the real number of refusals due to FD Article 3(1)’.

<sup>140</sup> FR: ‘Our software does not allow us to collect this data’.

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

AT	BE	BG	CY	CZ	DE	DK	EE	EL	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
0	0 <sup>141</sup>	2	0	0	2	1	0	0	X	X <sup>142</sup>	0	0	0	1	0	0	0	0	0	2	X	0	0	0	1

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

AT	BE	BG	CY	CZ	DE	DK	EE	EL	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
0	0 <sup>143</sup>	0	0	0	1	0	0	0	X	X <sup>144</sup>	0	0	0	0	0	0	0	0	X	3	X	0	0	0	0

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

AT	BE	BG	CY	CZ	DE	DK	EE	EL	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
7	0 <sup>145</sup>	0	0	1	4	0	0	0	X	X <sup>146</sup>	2	12	0	4	0	0	0	0	10 <sup>147</sup>	15	X	0	0	1	2

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

AT	BE	BG	CY	CZ	DE	DK	EE	EL	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
2	0 <sup>148</sup>	0	0	0	1	0	0	0	X	2	2	2	0	2	0	0	0	0	0	4	X	0	0	0	0

<sup>141</sup> BE: ‘There were 57 cases where the reason for refusal wasn’t registered. This implies that the above figure might be an underestimation of the real number of refusals due to FD Article 3(2)’.

<sup>142</sup> FR: ‘Our software does not allow us to collect this data’.

<sup>143</sup> BE: ‘There were 57 cases where the reason for refusal wasn’t registered. This implies that the above figure might be an underestimation of the real number of refusals due to FD Article 3(3)’.

<sup>144</sup> FR: ‘Our software does not allow us to collect this data’.

<sup>145</sup> BE: ‘There were 57 cases where the reason for refusal wasn’t registered. This implies that the above figure might be an underestimation of the real number of refusals due to FD Article 4(1)’.

<sup>146</sup> FR: ‘Our software does not allow us to collect this data’.

<sup>147</sup> NL: ‘In 10 cases there was a problem with the double criminality.’

<sup>148</sup> BE: ‘There were 57 cases where the reason for refusal wasn’t registered. This implies that the above figure might be an underestimation of the real number of refusals due to FD Article 4(2).’

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

AT	BE	BG	CY	CZ	DE	DK	EE	EL	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
1	0 <sup>149</sup>	0	0	0	2	0	0	0	X	1	5	0	0	0	0	0	0	0	0	0	X	0	0	0	0

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

AT	BE	BG	CY	CZ	DE	DK	EE	EL	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
0	0 <sup>150</sup>	2	0	0	13	0	0	0	X	X <sup>151</sup>	0	0	0	0	0	0	1	0	12 <sup>152</sup>	0	X	8	3	0	2

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

AT	BE	BG	CY	CZ	DE	DK	EE	EL	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
0	0 <sup>153</sup>	0	0	0	0	0	0	0	X	X <sup>154</sup>	0	0	0	0	0	0	0	0	0	0	X	0	0	0	0

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

AT	BE	BG	CY	CZ	DE	DK	EE	EL	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
16	0 <sup>155</sup>	15	2	2	70	0	0	4	X	41	1	4	0	16	1	3	0	0	150	22	2	58	0	1	0

<sup>149</sup> BE: ‘There were 57 cases where the reason for refusal wasn’t registered. This implies that the above figure might be an underestimation of the real number of refusals due to FD Article 4(3)’.

<sup>150</sup> BE: ‘There were 57 cases where the reason for refusal wasn’t registered. This implies that the above figure might be an underestimation of the real number of refusals due to FD Article 4(4)’.

<sup>151</sup> FR: ‘Our software does not allow us to collect this data’.

<sup>152</sup> NL: ‘In 12 cases the criminal offences or verdicts were prescribed’.

<sup>153</sup> BE: ‘There were 57 cases where the reason for refusal wasn’t registered. This implies that the above figure might be an underestimation of the real number of refusals due to FD Article 4(5)’.

<sup>154</sup> FR: ‘Our software does not allow us to collect this data’.

<sup>155</sup> BE: ‘There were 57 cases where the reason for refusal wasn’t registered. This implies that the above figure might be an underestimation of the real number of refusals due to FD Article 4(6)’.

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

AT	BE	BG	CY	CZ	DE	DK	EE	EL	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
0	0 <sup>156</sup>	3	0	0	6	0	0	0	X	X <sup>157</sup>	0	0	0	1	0	0	0	0	0	6	X	0	0	0	0

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

AT	BE	BG	CY	CZ	DE	DK	EE	EL	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
0	0 <sup>158</sup>	1	0	3	104	5	1	0	X	6	0	2	8	0	0	0	0	X	45	1	X	5	6	1	1

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

AT	BE	BG	CY	CZ	DE	DK	EE	EL	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
0	0 <sup>159</sup>	0	0	0	0	0	0	0	X	X <sup>160</sup>	0	0	0	0	0	0	0	0	0	0	X	0	0	0	0

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

AT	BE	BG	CY	CZ	DE	DK	EE	EL	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
0	0 <sup>161</sup>	0	0	0	1	0	0	0	X	X <sup>162</sup>	0	2	0	0	0	0	0	X	4 <sup>163</sup>	0	X	0	0	0	0

<sup>156</sup> BE: 'There were 57 cases where the reason for refusal wasn't registered. This implies that the above figure might be an underestimation of the real number of refusals due to FD Article 4(7)'.

<sup>157</sup> FR: 'Our software does not allow us to collect this data'.

<sup>158</sup> BE: 'There were 57 cases where the reason for refusal wasn't registered. This implies that the above figure might be an underestimation of the real number of refusals due to FD Article 4a'.

<sup>159</sup> BE: 'There were 57 cases where the reason for refusal wasn't registered. This implies that the above figure might be an underestimation of the real number of refusals due to FD Article 5(2)'.

<sup>160</sup> FR: 'Our software does not allow us to collect this data'.

<sup>161</sup> BE: 'There were 57 cases where the reason for refusal wasn't registered. This implies that the above figure might be an underestimation of the real number of refusals due to FD Article 5(3)'.

<sup>162</sup> FR: 'Our software does not allow us to collect this data'.

<sup>163</sup> NL: 'In these cases the guarantee for return was missing or was not correct'.

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

AT	BE	BG	CY	CZ	DE	DK	EE	EL	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
1	0 <sup>164</sup>	2	0	0	11	0	0	0	X	1	0	5	0	0	0	0	0	X <sup>165</sup>	4	0	X	1	0	0	0

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

AT	BE	BG	CY	CZ	DE	DK	EE	EL	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
0	0 <sup>166</sup>	0	0	22	0	0	0	0	X	11	1	0	0	1	0	0	0	X	0	0	X	1	0	0	0

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

AT	BE	BG	CY	CZ	DE	DK	EE	EL	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	X <sup>167</sup>	0	0	X <sup>168</sup>	X	0	0	0	X	X <sup>169</sup>	0	X	0	1	0	X	0	X	0	X	X	0	X	X	0

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

AT	BE	BG	CY	CZ	DE	DK	EE	EL	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	X <sup>170</sup>	0	0	X <sup>171</sup>	X	0	0	0	X	X <sup>172</sup>	0	X	0	0	X	X	0	X	0	X	X	0	X	X	0

<sup>164</sup> BE: ‘There were 57 cases where the reason for refusal wasn’t registered. This implies that the above figure might be an underestimation of the real number of refusals due to FD Article 8’.

<sup>165</sup> MT: ‘We never had any issues with the content of the EAW not being in conformity with the requirements of the FD’.

<sup>166</sup> BE: ‘There were 57 cases where the reason for refusal wasn’t registered. This implies that the above figure might be an underestimation of the real number of refusals due to FD Article 15(2)’.

<sup>167</sup> BE: ‘There were no cases where FD Article 15(2) was registered’.

<sup>168</sup> CZ: ‘We do not track the number of the cases’.

<sup>169</sup> FR: ‘Our software does not allow us to collect this data’.

<sup>170</sup> BE: ‘There were no cases where FD Article 15(2) was registered’.

<sup>171</sup> CZ: ‘We do not track the number of the cases’.

<sup>172</sup> FR: ‘Our software does not allow us to collect this data’.

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

AT	BE	BG	CY	CZ	DE	DK	EE	EL	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	0 <sup>173</sup>	0	X	0	X	0	0	0	X	X <sup>174</sup>	0	X	0	0	X	X	0	X	0	X	X	0	X	X	0

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

AT	BE	BG	CY	CZ	DE	DK	EE	EL	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	0 <sup>175</sup>	0	0	0	0	0	0	1	X	X <sup>176</sup>	0	0	0	0	0	0	0	X <sup>177</sup>	1	1	X	0	0	0	0

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

AT	BE	BG	CY	CZ	DE	DK	EE	EL	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
1	0 <sup>178</sup>	0	0	0	3	0	0	0	X	1	0	1	1	0	0	0	0	X <sup>179</sup>	0	3	X	0	0	0	0

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

AT	BE	BG	CY	CZ	DE	DK	EE	EL	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	0 <sup>180</sup>	0	0	0	3	1	0	0	X	X <sup>181</sup>	0	0	0	0	0	0	0	X <sup>182</sup>	0	2	X	0	0	0	0

<sup>173</sup> BE: ‘There were 57 cases where the reason for refusal wasn’t registered. This implies that the above figure might be an underestimation of the real number of refusals due to FD Article 20’.

<sup>174</sup> FR: ‘Our software does not allow us to collect this data’.

<sup>175</sup> BE: ‘There were 57 cases where the reason for refusal wasn’t registered. This implies that the above figure might be an underestimation of the real number of refusals due to FD Article 21’.

<sup>176</sup> FR: ‘Our software does not allow us to collect this data’.

<sup>177</sup> MT: ‘N/A - EAWs issued always exceeded the 12-month imprisonment period when these were issued for the purposes of prosecution’.

<sup>178</sup> BE: ‘There were 57 cases where the reason for refusal wasn’t registered. This implies that the above figure might be an underestimation of the real number of refusals due to FD Article 2(1)’.

<sup>179</sup> MT: ‘N/A - EAWs issued in respect of custodial sentences always surpassed the 4-month imprisonment term’.

<sup>180</sup> BE: ‘There were 57 cases where the reason for refusal wasn’t registered. This implies that the above figure might be an underestimation of the real number of refusals due to FD Article 16(1), (3), (4)’.

<sup>181</sup> FR: ‘Our software does not allow us to collect this data’.

<sup>182</sup> MT: ‘We did not have conflicting requests in the year 2023’.

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

AT	BE	BG	CY	CZ	DE	DK	EE	EL	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	0 <sup>183</sup>	1	1	0	18	0	0	2	1	5	0	4	1	2	2	0	0	0 <sup>184</sup>	1 <sup>185</sup>	0	0	0	1	0	0

### 7.20.1. Poor detention conditions

AT	BE	BG	CY	CZ	DE	DK	EE	EL	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	X	1	1	0	X	0	0	0	X	X <sup>186</sup>	0	0	0	0	X	X	0	0	1	X	X	0	1	X	0

### 7.20.2. Fair trial rights

AT	BE	BG	CY	CZ	DE	DK	EE	EL	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	X	0	0	0	X	0	0	0	X	X <sup>187</sup>	0	4	0	0	X	0	0	0	X	X	X	0	0	X	0

### 7.20.3. Other issues concerning fundamental rights

AT	BE	BG	CY	CZ	DE	DK	EE	EL	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
0	X	0	0	0	X	0	0	0	X	X <sup>188</sup>	0	0	0	0	X	0	0	X	X	8	X	0	0	X	0

<sup>183</sup> BE: ‘There were 57 cases where the reason for refusal wasn’t registered. This implies that the above figure might be an underestimation of the real number of refusals due to FD Article 1(3)’.

<sup>184</sup> MT: ‘Human Rights violations are always raised in extradition proceedings, however in the year 2023 we did not have any cases where a refusal to surrender was based on human rights issues’.

<sup>185</sup> NL: ‘This regards a Greek EAW, which was refused because of the detention circumstances’.

<sup>186</sup> FR: ‘No data is available’.

<sup>187</sup> FR: ‘No data is available’.

<sup>188</sup> FR: ‘No data is available’.

## 7.21. Other

AT	BE	BG	CY	CZ	DE	DK	EE	EL	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
0	0 <sup>189</sup>	2	0 <sup>190</sup>	7 <sup>191</sup>	28	0	0	4	0	X	0	X	0	4	0 <sup>192</sup>	2	0	0	X	X	0	16 <sup>193</sup>	1	2	0

8.1. In how many cases this year were the judicial authorities of your Member State not able to respect the 90-day time limit for the decision on the execution of the EAW according to Article 17(4) of the Framework Decision?

AT	BE	BG	CY	CZ	DE	DK	EE	EL	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	5	X	0	7	102	7	0	2	0	90	4	7	25	X	0	0 <sup>194</sup>	0	0 <sup>195</sup>	X	3	1	1	1	3	0

<sup>189</sup> BE: ‘There were 57 cases where the reason for refusal wasn’t registered. This implies that the above figure might be an underestimation of the real number of refusals due to other reasons.’

<sup>190</sup> CY: ‘In 3 cases the issuing Member State withdrew (revoked) the EAW’.

<sup>191</sup> CZ: ‘2 cases - person was not found in the territory of the Czech Republic.

2 cases - EAW was withdrawn.

3 cases - not specified’.

<sup>192</sup> LT: ‘In 3 cases execution was postponed due to the fact that a requested person serves a sentence following the national criminal procedure’.

<sup>193</sup> RO: ‘Withdrawn – 9.

The requested person is no longer on Romanian territory – 4.

Res judicata – 3’.

<sup>194</sup> LU: ‘The procedures provided for the execution of EAWs in Luxembourg do not allow the 90-day period between the date of notification and the date of decision to be exceeded.’

<sup>195</sup> MT: ‘When EAW proceedings are instituted before the Court of Magistrates (Malta) in its competence as a Court of Committal, and when such extradition proceedings are followed by appeal proceedings, the Courts of Malta are in fact bound by the 60-day time period – as stipulated under Article 27A(1) of Subsidiary Legislation 276.05. Furthermore, as highlighted under Article 27A(2), the Maltese law stipulates that when, in exceptional circumstances, the time limits set out in Article 27A(1) cannot be observed, the Central Authority - which is the Office of the Attorney General with respect to Malta - is obliged to inform Eurojust giving the reasons for this delay. In 2023 there were no recorded EAW cases which exceeded the 60-day time period.’

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

AT	BE	BG	CY	CZ	DE	DK	EE	EL	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	0	X	0	7	0	2	0	1	0	0	1	4	25	X	0	X	0	0 <sup>196</sup>	X <sup>197</sup>	2	X <sup>198</sup>	0	1	1	0

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

AT	BE	BG	CY	CZ	DE	DK	EE	EL	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	X <sup>199</sup>	X	0	0	0	0	0	0	X	2	0	11	1	X	0	10	0	0	0	13	0	130	X	0	0

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

AT	BE	BG	CY	CZ	DE	DK	EE	EL	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	X <sup>200</sup>	X	0	0	0	0	0	1	X	X <sup>201</sup>	1	0	0	X	0	0 <sup>202</sup>	0	0	0	0	0	2	X	0	0

<sup>196</sup> MT: ‘The Maltese Law Courts always adhered to the 60-day time limit as imposed by the law, both at the Court of Magistrates (Malta) as a Court of Committal, and also at appeal stage - as the 60-day time period under Maltese law incorporates the extradition proceedings before the Court of Magistrates and the filing of any appeal proceedings following the decision of the first Court’.

<sup>197</sup> NL: ‘In principle in all cases’.

<sup>198</sup> PT: ‘Information to be provided by Eurojust’.

<sup>199</sup> BE: ‘There is currently no data available to determine this’.

<sup>200</sup> BE: ‘There is currently no data available to determine this’.

<sup>201</sup> FR: ‘Our software does not allow us to collect this data’.

<sup>202</sup> LU: ‘The delays were always duly motivated, thus, in none of the cases was the person released following the delays’.

9. In how many cases this year did your judicial authority execute an EAW with regard to a national or resident of your Member State?

AT	BE	BG	CY	CZ	DE	DK	EE	EL	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	10	101	X	60 <sup>203</sup>	13	0	13	15	4	134	19	53	8 <sup>204</sup>	X	45	23 <sup>205</sup>	20	2	X <sup>206</sup>	158	11	342	X	12	77

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

AT	BE	BG	CY	CZ	DE	DK	EE	EL	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	2	1	X	0	0	0	0	19	0	1	1	48	0	X	0	0	0	0	X	2	X	0	X	0	0

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

### **Bulgaria**

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

Please note that Bulgaria gathers offences statistics data on incoming EAWs when acting as Executing

Member State. Information on outgoing EAWs is collected on the basis of the information provided by the executing Member States, if available.’

### **Poland**

The District Court in Kraków, as in previous years, emphasised that:

‘The issues concerning the execution of warrants, particularly in relation to the content of the Framework Decision on so-called *in absentia* judgements, remain unresolved. Foreign authorities continue to request additional information on this matter, but these requests primarily pertain to European Arrest Warrants (EAWs) issued in previous years. Consequently, responses to such inquiries are provided on an ongoing basis during the execution of these warrants. Increasingly, there are refusals to execute EAWs due to the lack of proper notification of the accused or the so-called ‘fiction of service’.

<sup>203</sup> CZ: ‘58 - Czech nationals.

2 - residents of the Czech Republic’.

<sup>204</sup> IE: ‘4 warrants under the EU-UK TCA Agreement’.

<sup>205</sup> LU: ‘4 nationals.

19 residents’.

<sup>206</sup> NL: ‘Due to the transition to a new database in which the EAWs are registered, we do not have accurate figures on the actual number of cases that has been executed regarding nationals or residents in the Netherlands’.

Additionally, as a result of amendments to the Code of Criminal Procedure (KPK) that came into effect in October 2023, a significant number of warrants have been revoked due to decriminalisation. This has also led to the annulment of many cumulative sentences, which were the basis for several dozen warrants, necessitating their modification. Furthermore, following a Supreme Court ruling on the limitation of criminal liability, many warrants had to be revoked or modified due to the application of statutes of limitations.

## **Annex II – Overview of the number of issued and executed EAWs 2005-2023**

### **EAWs in Member States – Number of EAWs issued (‘issued’) and number of EAWs that resulted in the effective surrender of the person sought (‘executed’) based on statistics provided to the Council (2005-2013) and the Commission (2014-2023) by Member States<sup>207</sup>**

---

<sup>207</sup> Sources:

1. the Council’s documents 9005/5/06 COPEN 52; 11371/5/07 COPEN 106; 10330/2/08 COPEN 116; 9743/4/09 COPEN 87; 7551/7/10 COPEN 64; 9120/2/11 COPEN 83; 9200/7/12 COPEN 97; 7196/3/13 COPEN 34; 8414/4/14 COPEN 103; and
2. the Commission’s documents SWD(2017) 319 final; SWD(2017) 320 final; SWD(2019) 194 final, SWD(2019) 318 final, SWD(2020) 127 final, SWD(2021) 227 final and SWD(2023) 262 final; SWD(2024) 137 final.

	BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK	Total
<b>2005 issued<sup>208</sup></b>			4	64		38	38	519	1 914	29		121	44	44	500	42	42	1	373	975	1 448	200		81	56	86	144	131	<b>6 894</b>
<b>2005 executed 209</b>			0	19		10	12	54	162	6		57	3	10	69	24	23	0	30	73	112	38		10	14	37	10	63	<b>836</b>
<b>2006 issued</b>			168	52		42	53	450	1 552	43			20	65	538	35	115	4	325	391	2 421	102		67	111	69	137	129	<b>6 889</b>
<b>2006 executed</b>			125	19		15	4	62	237	20			2	14	57	22	55	3	47	67	235	52		14	23	37	27	86	<b>1 223</b>
<b>2007 issued</b>			435		1 785	31	83	588	1 028	35			20	97	316	44	373	3	403	495	3 473	117	856	54	208	84	170	185	<b>10 883</b>
<b>2007 executed</b>			66		506	14	16	59	345	14			4	16	60	15	84	1	17	47	434	45	235	8	71	43	22	99	<b>2 221</b>
<b>2008 issued</b>			494	52	2 149	46	119	623	1 184	40			16	140	348	40	975	2	392	461	4 829	104	2 000	39	342	107	190	218	<b>14 910</b>
<b>2008 executed</b>			141	26	624	22	10	93	400	13			3	22	68	22	205	1		28	617	63	448	11	81	44	40	96	<b>3 078</b>
<b>2009 issued</b>	508		439	96	2 433	46	116	489	1 240	33			17	171	354	46	1 038	7	530	292	4 844	104	1 900	27	485	129	263	220	<b>15 827</b>
<b>2009 executed</b>	73		67	51	777	21	19	99	420	16			3	40	84	26	149	2	0	37	1 367	63	877	6	79	47	28	80	<b>4 431</b>
<b>2010 issued</b>	553	280	552	85	2 096	74	132	566	1 130				29	159	402	32	1 015	16			3 753	84	2 000	30	361	116	169	257	<b>13 891</b>
<b>2010 executed</b>	57	120	97	42	835	29	33	97	424				4	48	79	14	231	1			929		855	4	164	49	65	116	<b>4 293</b>
<b>2011 issued</b>	600		518	128	2 138	67		531	912	71			26	210	420	60		15			3 089	193		53	350		198	205	<b>9 784</b>
<b>2011 executed</b>	57		238	91	855	31		99	297	19			8	39	113	29		4			930	54		16	105		69	99	<b>3 153</b>
<b>2012 issued</b>	616		487	117	1 984	61		587	1 087	88			34		473	60		11		552	3 497	223			414	135	239		<b>10 665</b>
<b>2012 executed</b>	68		186	70	1 104	30		103	322	22			15		131	28		6		151	1 103	54			125	59	75		<b>3 652</b>
<b>2013 issued</b>	716		327	157	1 932	88		582	1 099	69			24	186	519			9	548	665	2 972	303	2 238	56	335	91	226		<b>13 142</b>
<b>2013 executed</b>	63		104	106	900	35		121	305	17			7	54	109			1	90	125	731	61	422	22	43	55	96		<b>3 467</b>
<b>2014 issued</b>	754	228	501	115	2 219	85	269	683	1 070	78	271		42	217	460	126	839	14	544	590	2 961	227	1 583	89	381	126	248	228	<b>14 948</b>
<b>2014 executed</b>	69	156	197	78	965	33	53	75	411	27	21		15	59	270	68	333	3	208	201	1 120	60	774	32	91		73	143	<b>5 535</b>
<b>2015 issued</b>	785	152	631	101	2 237	97	227	655	1 131	92	147	1 918	56	170	391	135	941	22	484	830	2 390	270	1 260	96	335	105	258	228	<b>16 144</b>
<b>2015 executed</b>	131	151	321	56	1 038	43	38	73	129	23	63		7	43	252	63	412	8		196	1 279	97	530	29	59	70	72	121	<b>5 304</b>
<b>2016 issued</b>	660	291	889	140	2 421	95	312	730	1 306	85	197	1 768	56	234	348	111	948	11	774	602	2 215	204	1 052	120	362	118	239	348	<b>16 636</b>
<b>2016 executed</b>		143	413	83	1 358	47	55	201	367	20	19		31	35	243	59		5	252	245	1 160	114	525	42	92	54	87	162	<b>5 812</b>

<b>2017 issued</b>	757	280	787	88	2 600	93	291	618	1 271	76	275	1 291	50	260	346	146	1 376	14	652	783	2 432	440	1 350	115	308	105	409	278	<b>17 491</b>
<b>2017 executed</b>		173	319	31	1 234	49	66	201	376	47	100	405	13	44	236	77	239	4		337	1 349	119	515	34	58	37	71	183	<b>6 317</b>
<b>2018 issued</b>	X	478	667	106	3 783	92	508	824	1 311	106	353	1 362	49	179	288	124	1 042	4	787	662	2 394	321	1 067	121	275	122	270	176	<b>17 471</b>
<b>2018 executed</b>	X	201	403	43	1 185	45	79	268	396	61	195	342	12	63	175	64	214	2	327	319	1 428	118	639	53	31	59	69	185	<b>6 976</b>
<b>2019 issued</b>	309	239	667	107	6 162	102	406	665	1 682	107	494	1 430	35	178	298	178	999	5	977	645	2 338	358	1 373	85	230	128	193	X	<b>20 226</b>
<b>2019 executed</b>	X	124	278	51	1 185	32	133	688	438	109	75	207	21	31	98	40	225	9	503	189	252	72	630	69	71	32	103	X	<b>5 665</b>
<b>2020 issued</b>	549	162	579	59	4 953	92	321	415	1 372	161	254	982	37	120	197	X	1 009	9	648	509	1 854	334	755	90	244	76	157	X	<b>15 938</b>
<b>2020 executed</b>	X	111	215	44	1 041	13	53	93	355	363	68	137	19	21	69	22	210	5	383	162	203	43	509	29	67	28	108	X	<b>4 397</b>
<b>2021 issued</b>	1 435	91	493	93	3 460	65	220	588	1 259	48	524	864	29	119	250	118	726	18	564	422	1 541	436	886	93	187	96	164	X	<b>14 789</b>
<b>2021 executed</b>	83	165	195	31	1 110	24	93	640	393	96	62	221	25	29	56	35	205	2	519	195	220	60	475	36	66	25	83	X	<b>5 144</b>
<b>2022 issued</b>	471	104	630	87	3 222	51	128	641	1 540	38	376	642	45	166	241	169	542		552	522	1 476	239	826	85	228	85	229	X	<b>13 335</b>
<b>2022 executed</b>	38	149	189	35	1 116	29	100	688	371	70	83	122	18	24	57	37	267		X	186	192	70	477	60	60	22	80	X	<b>4 540</b>
<b>2023 issues</b>	578	128	678	125	3 389	59	245		1 542	41	414		44	139	217	133	543	25	539	646	1 412		995	70	348	107	230	X	<b>14 071</b>
<b>2023 executed</b>	<b>41</b>	<b>143</b>	<b>205</b>	<b>49</b>	<b>1 206</b>	<b>27</b>	<b>135</b>		<b>453</b>	<b>99</b>	<b>115</b>			<b>28</b>	<b>46</b>	<b>40</b>	<b>245</b>	<b>4</b>			<b>237</b>		<b>469</b>	<b>70</b>	<b>469</b>	<b>20</b>	<b>36</b>	X	<b>5 450</b>

The available statistics provided by Member States and compiled for **2005-2023** record a total of **263 934 issued EAWs**, of which **79 854 were executed**.

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

2005 – 6 894 issued – 836 executed (no data from 2 MS – BE, DE)

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

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

<sup>208</sup> Answers to Question 1 to issuing Member States in the yearly questionnaire on quantitative information on the practical operation of the EAW.

<sup>209</sup> Answers to Question 4 to issuing Member States in the yearly questionnaire on quantitative information on the practical operation of the EAW.

2008 – 14 910 issued – 3 078 executed (no data from 3 MS – BE, BG, IT, and no data on execution from 1 MS – NL)  
2009 – 15 827 issued – 4 431 executed (no data from 2 MS – BG, IT)  
2010 – 13 891 issued – 4 293 executed (no data from 4 MS – IE, IT, NL, AT, and no data on execution from 1 MS – PT)  
2011 – 9 784 issued – 3 153 executed (no data from 8 MS – BG, EL, IT, HU, NL, AT, RO, FI)  
2012 – 10 665 issued – 3 652 executed (no data from 9 MS – BG, EL, IT, LV, HU, NL, RO, SI, UK)  
2013 – 13 142 issued – 3 467 executed (no data from 6 MS – BG, EL, IT, LU, HU, UK)  
2014 – 14 948 issued – 5 535 executed (no data from 1 MS – IT, and no data on execution from 1 MS – FI)  
2015 – 16 144 issued – 5 304 executed (no data on execution from 2 MS – IT, NL)  
2016 – 16 636 issued – 5 812 executed (no data on execution from 3 MS – BE, IT, HU)  
2017 – 17 491 issued – 6 317 executed (no data on execution from 1 MS – BE)  
2018 – 17 471 issued – 6 976 executed (no data from 1 MS – BE)  
2019 – 20 226 issued – 5 665 executed (no data on execution from 1 MS – BE)  
2020 – 15 938 issued – 4 397 executed (no data from 1 MS - BE)  
2021 – 14 789 issued – 5 144 executed (all 27 MS provided data)  
2022 – 12 793 issued – 4 540 executed (no data from 1 MS – MT, and no data on execution from 1 MS – NL)  
2023 – 14 071 issued – 5 450 executed (no data on execution from 3 MS – AT, CY and NL)