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**COMMISSION STAFF WORKING DOCUMENT**

**Replies to questionnaire on quantitative information on the practical operation of the  
European arrest warrant - Year 2016**

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## Introduction

This Commission Staff Working Document compiles, in a table form, the quantitative information relating to the practical operation of the European arrest warrant (EAW)<sup>1</sup> for the year 2016. These statistics are based on information provided by Member States to the Commission between May 2017 and December 2018 in accordance with the standard questionnaire contained in Council document 11356/13 of 24 June 2013.

Member States are requested to provide EAW statistics of a given calendar year by 1 May of the following year, as it was agreed between Member States.

From 2005 until 2013, statistics were collected and published by the Council. Due to the entry into force of the Treaty of Lisbon and the expiration of the transitional period concerning the former third pillar instruments in December 2014, the Commission is now responsible for collecting and publishing this quantitative information.<sup>2</sup>

Upon request of the European Parliament, the Commission first undertook a revision of the standard questionnaire, in order to get a more comprehensive overview of the practical operation of the EAW. The revised questionnaire was discussed by Member States' delegations and agreed upon at the Working Party on Cooperation in Criminal Matters, as reflected in the above-mentioned Council document (11356/13).

The questionnaire covers quantitative information from Member States dealing with EAWs both as issuing and as executing States.<sup>3</sup> It consists of data related to, *inter alia*, the amount of EAWs issued and executed, persons arrested, types of offences covered, applied grounds for non-execution and the duration of the surrender proceedings. This data provides a basis for statistical analysis, enables comparisons between Member States and provides an overall picture of the operation of the EAW. This data will contribute to improving the operation of the EAW.

**Annex I** contains quantitative information relating to the practical operation of the EAW in a table form.

**Annex II** contains additional information sent by some Member States.

**Annex III** contains a table providing an overview of the number of issued and executed European arrest warrants from 2005 to 2016.

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<sup>1</sup> Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States, OJ L 190, 18.7.2002, p. 1–20 (further referred to as: Framework Decision 2002/584/JHA).

<sup>2</sup> The reports covering 2014 and 2015 are available at [https://ec.europa.eu/info/publications/how-help-legal-practitioners-make-europe-safer-factsheets-and-statistics\\_en](https://ec.europa.eu/info/publications/how-help-legal-practitioners-make-europe-safer-factsheets-and-statistics_en).

<sup>3</sup> Article 1(1) of Framework Decision 2002/584/JHA: The European arrest warrant is a judicial decision issued by a Member State with a view to the arrest and surrender by another Member State of a requested person, for the purposes of conducting a criminal prosecution or executing a custodial sentence or detention order.

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

The Commission has received replies from all 28 Member States. However, Member States are not under a legal obligation to provide this quantitative information. In terms of the number of Member States, this is the most comprehensive set of replies to date. Nonetheless, not all Member States have provided replies to every question in the standard questionnaire.

The quantitative information relating to the practical operation of the EAW for the year 2016, as set out in Annex I, is therefore based on the responses of all 28 Member States.

It should be noted that statistical comparisons between different years might not always be accurate, since the response rates of Member States vary from year to year.

This report is divided into two parts. The first part relates to information provided by Member States as issuing States, and the second part as executing States.

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

Information on the number of EAWs issued was provided by all 28 Member States (*Question 1*). The total number of EAWs issued by these Member States for the year 2016 is 16636, whereas in 2015, the total number of EAWs issued by the 28 Member States was 16144.

This figure is therefore quite stable compared to the year 2015.

In comparison, in 2009, 15827 EAWs were issued by 25 Member States which provided replies for that year. For the year 2014 14948 EAWs were issued by 27 Member States which provided replies for that year.

As concerns the purpose of the issued EAWs, only 18 Member States provided figures (*Question 2*). Out of these replies, 3394 of the 7949 EAWs issued in 2016 by these 18 Member States were issued for the purpose of prosecution. However, several Member States indicated that it was not possible to distinguish EAWs issued for the purpose of prosecution and EAWs issued for the purpose of execution of a custodial sentence or of a detention order. Among the Member States that could provide these statistics, significant proportions may be noted for the year 2016. Indeed, on the one hand, some countries issued EAWs significantly more for prosecution purposes, such as Denmark (137 out of 140), Ireland (85 out of 85), Cyprus (56 out of 56), Luxembourg (104 out of 111), Hungary (726 out of 948), Malta (11 out of 11), and Finland (99 out of 118). On the other hand, some Member States issued significantly more EAWs for the purpose of execution of a sentence or a detention order, such as Croatia (55 out of 197 only issued for prosecution), Latvia (72 out of 234 only issued for prosecution), Poland (432 out of 2215 only issued for prosecution), and Romania (94 out of 1052 only issued for prosecution). Other Member States more or less issued EAWs for the purpose of prosecution and for the purpose of execution of a sentence in relatively similar proportions.

As concerns categories of offences for which EAWs were issued, 19 Member States provided replies (*Question 3*). However, due to unclear replies, it was difficult to determine for some Member States whether the answer was “0” or “unknown”. This may therefore lead to less reliable figures in that regard for *Question 3*. The compiled replies indicate that in 2016, as already noted for the year 2015, in general, the most commonly identified categories were 3.5 *Theft offences and criminal damage* (2308 EAWs), 3.6 *Fraud and corruption offences* (1192 EAWs) and 3.2 *Drug offences* (1092 EAWs). For terrorism offences (3.1 *Terrorism*), 165 EAWs were issued, among which 145 were issued by France alone. In 2015, a total number of 79 EAWs were issued for terrorism offences by Member States that provided statistics. Regarding trafficking in human beings (3.10 *Trafficking in human beings*), out of 184 EAWs issued, France (61) and Romania (52) together issued 113. EAWs issued for crimes related to counterfeiting the Euro (3.7 *Counterfeiting the Euro*) remain very low (10 EAWs).

Moreover, a significant part of the offences were categorised as 3.11 *Other* (2466 EAWs).

25 Member States provided figures concerning EAWs that resulted in the effective surrender of the person sought (*Question 4*). In total, according to the figures provided, 5812 EAWs issued by Member States’ judicial authorities resulted in the effective surrender of the person sought. This number is increasing compared to the year 2015 during which 5304 EAWs were executed while 16144 were issued. The number of EAWs executed in 2016 is the highest one compiled so far on the basis of statistics provided by Member States. The previously highest number was 5535 EAWs executed while 14948 issued for the year 2014 for 26 Member States which provided replies for that year.

However, it should be noted that one Member State (Germany) with the highest number of EAWs resulting in the effective surrender (1358) mentioned that no distinction was made in terms of whether the surrender was based on “an EAW sent in 2016 or on one from previous years”. This, as a result, is likely to significantly alter the real number of EAWs issued in 2016, which resulted in the effective surrender of the person sought.

## **II. Replies by Member States as executing States**

24 Member States provided figures on the number of persons arrested under an EAW, and Germany provided figures for SIS hits, with no clarity on whether an arrest had resulted from these (*Question 1*). Because of that uncertainty and of the lack of statistics for all Member States, the number of actually arrested persons dropped to 7056 persons, compared to 2015 when 10388 persons were arrested under an EAW.

In 2016, 6793 persons were effectively surrendered (*Question 3*). However, this proportion should be analysed with caution with regard to *Question 1*, as 26 Member States provided figures in *Question 3*, while only 24 provided clear figures in *Question 1*. In terms of

proportions, however, the number of persons effectively surrendered in 2016 is close to the figure for 2015 (6518 persons)<sup>4</sup>.

In the 25 Member States that provided figures, 8137 surrender proceedings were initiated by judicial authorities (*Question 2*), and one Member State (Belgium) replied to *Question 2* mentioning that the number of “EAW received” was 596. From the total number of persons surrendered (*Question 3*), and out of figures provided by only 23 Member States, 64,7% (3251 out of 5024 for these 23 Member States) consented to the surrender (*Question 4*).

As concerns the duration of the procedure when the person consented to the surrender<sup>5</sup>, 23 Member States provided replies (*Question 5*). According to their replies, the surrender procedure lasted on average 15,8 days. It should be noted that apart from the distinctively high numbers for Denmark (65 days), Ireland (40 days), and Slovakia (32 days), the average duration for other Member States that provided statistics is significantly lower – 11,3 days. Moreover, the average duration of the surrender procedure when the person consents is of one day in Luxembourg and Malta, according to the statistics provided by these Member States.

When a person did not consent to the surrender<sup>6</sup>, the procedure lasted on average 50,4 days for 22 Member States which provided specific replies, whereas for 2015, this number was of 56 days for 24 Member States that had provided replies (*Question 6*). However, one Member State (the Netherlands) provided unspecified numbers regarding the proportion of decisions taken within 60 days, between 60 and 90 days, and after 90 days. It should be noted that apart from the distinctively high number for Ireland (230 days, as already noted in the 2015 report), the average for other Member States that provided such statistics is 41,8 days (48 in 2015).

The execution of an EAW was refused in 719 cases in 25 Member States that provided their numbers (*Question 7*). This figure is quite stable compared to 2015 (712 refusals for 26 Member States).

About 21 Member States provided specific replies to questions concerning reasons for refusals. However, for some Member States, it was unclear whether the answers to *Questions 7.1 to 7.21* were “0” or “unknown”. The analysed replies indicate, however, that the most common reason for refusal to surrender was Article 4(6)<sup>7</sup> of the Framework Decision (*Question 7.9*), covering in total 158 EAWs (192 in 2015). The grounds for mandatory non-

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<sup>4</sup> It should be noted that just as for the 2015 statistics, there are substantial discrepancies observed in the total number of effective surrenders depending on whether the question is asked to Member States as issuing or executing authorities.

<sup>5</sup> Article 17(2) of Framework Decision 2002/584/JHA: In cases where the requested person consents to his surrender, the final decision on the execution of the European arrest warrant should be taken within a period of 10 days after consent has been given.

<sup>6</sup> Article 17(3) of Framework Decision 2002/584/JHA: In other cases, the final decision on the execution of the European arrest warrant should be taken within a period of 60 days after the arrest of the requested person. Article 17(4) of Framework Decision 2002/584/JHA: Where in specific cases the European arrest warrant cannot be executed within the time limits laid down in paragraphs 2 or 3, the executing judicial authority shall immediately inform the issuing judicial authority thereof, giving the reasons for the delay. In such case, the time limits may be extended by a further 30 days.

<sup>7</sup> The executing Member State undertakes to execute the custodial sentence.

execution (Article 3; *Questions 7.1–7.3*)<sup>8</sup> were rarely applied in these Member States. 9 Member States reported a total of 65 refusals based on the lack of requirements set in Article 4a<sup>9</sup>, as inserted by Framework Decision 2009/299/JHA<sup>10</sup> (*in absentia* situations; *Question 7.11*). Refusal based on priority given to a conflicting request (*Question 7.19*) was reported in only 4 situations by 3 Member States. Fundamental rights issues led to refusals in 6 Member States in a total of 61 reported cases (*Question 7.20*). Moreover, 15 Member States reported a total of 137 cases in which another reason for refusal was applied (*Question 7.21*).

The 90-day time limit was exceeded in 343 cases according to the figures provided by 23 Member States (*Question 8.1*). Eurojust was informed in only 65 of these cases, according to the 20 Member States that could provide data for *Question 8.2*.

For 18 Member States that provided replies to *Question 8.3*, the requested person was not surrendered because of non-compliance with the time limits prescribed by Article 23(2) of the Framework Decision in 169 cases (144 cases in 2015). The person was released in 4 cases, according to figures provided by 17 Member States (*Question 8.4*).

The execution of an EAW concerned a national or resident in 1660 cases in 22 Member States which provided figures (*Question 9*). A comparison with the total number of persons effectively surrendered by these Member States in 2016 (6389, *Question 3*) suggests that the execution of an EAW concerns nationals or residents in approximately 25,98% of cases (19% in 2015).

A guarantee related to the review of life-term imprisonment was requested in 72 cases in 7 Member States, out of the 19 Member States that provided figures (*Question 10*).

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<sup>8</sup> E.g. Article 3(1) of Framework Decision 2002/584/JHA, *ne bis in idem*.

<sup>9</sup> Article 4a of Framework Decision 2002/584/JHA (consolidated version), trial *in absentia* requirements for the execution of an EAW.

<sup>10</sup> Council Framework Decision 2009/299/JHA of 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. 24–36.

**Annex I – Replies to the questionnaire on quantitative information on the practical operation of the European arrest warrant – Year 2016**



## I. Questions to Member States as issuing States

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

BE	BG	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
660	291	889 <sup>11</sup>	140 <sup>12</sup>	2421 <sup>13</sup>	95	312	730	1306 <sup>14</sup>	85	197 <sup>15</sup>	1768	56	234	348	111	948	11	774	602	2215	204	1052	120	362	118	239 <sup>16</sup>	348

<sup>11</sup> CZ: “Figures provided by the Police Presidium of the Czech Republic (Sirene Office)”.

<sup>12</sup> Note from the Commission regarding figures provided by DK: DK mentioned a total of 140 as the global to question 1, whereas only 130 offences are mentioned in the following sub-categories 3.1–3.11 (including “Other”).

<sup>13</sup> Note from the Commission: DE comments for the whole document were provided in German and have been translated into English by the Commission’s services. For question 1 DE provided the following comment: “During the reporting period, 2 421 German search requests were sent abroad via INTERPOL on the basis of European arrest warrants. The Federal Prosecutor’s Office issued 19 European arrest warrants. In 2016, a total of 3373 European arrest warrants were sent via the Schengen Information System (SIS). The number of European arrest warrant searches initiated via INTERPOL is lower because a Schengen search is always the first step. Sometimes, it is possible to apprehend the wanted person on the basis of the activated SIS or domestic search before an INTERPOL search is launched.”

<sup>14</sup> Note from the Commission regarding figures provided by FR: FR mentioned a total of 1306 as the global to question 1, whereas only 1223 offences are mentioned in the following sub-categories 3.1–3.11 (including “Other”).

<sup>15</sup> Note from the Commission regarding figures provided by HR: HR mentioned a total of 197 as the global to question 1, whereas only 185 offences are mentioned in the following sub-categories 3.1–3.11 (including “Other”).

<sup>16</sup> SE: “130 issued for the purpose of executing a custodial sentence or detention order”.

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

BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
x <sup>17</sup>	x <sup>18</sup>	x	137	x <sup>19</sup>	47	185	x <sup>20</sup>	741	85	55	x	56	72	180	104	726	11	x <sup>21</sup>	x <sup>22</sup>	432	x <sup>23</sup>	94	74	187	99	109	x <sup>24</sup>

<sup>17</sup> BE: “Information not available”.

<sup>18</sup> BG: “N/A”.

<sup>19</sup> DE: “Our statistics do not make a distinction between arrest warrants for the purposes of conducting a criminal prosecution and those for the purposes of enforcement.”

<sup>20</sup> ES: “This figure is not known by the Ministry of Justice”.

<sup>21</sup> NL: “As we already stated when this questionnaire was drafted, this is not registered in the Netherlands.”

<sup>22</sup> AT: “No data”.

<sup>23</sup> PT: “Data not available”.

<sup>24</sup> UK: “Not recorded”.

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

3.1. Terrorism

BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
x <sup>25</sup>	x <sup>26</sup>	x	5	x <sup>27</sup>	0	2	6	145	0	0	x	0	0	0	0	x <sup>28</sup>	0	x <sup>29</sup>	x <sup>30</sup>	3	x <sup>31</sup>	0	x	0	0	3 <sup>32</sup>	1

<sup>25</sup> BE: "Information not available".

<sup>26</sup> BG: "N/A".

<sup>27</sup> DE: "There are no statistical data available for answering these questions".

<sup>28</sup> HU: "Non available".

<sup>29</sup> NL: "As we already stated when this questionnaire was drafted, this is not registered in the Netherlands."

<sup>30</sup> AT: "No data".

<sup>31</sup> PT: "Data not available".

<sup>32</sup> SE: "An EAW may cover several offences in different categories. Therefore, the sum of responses of 3.1 – 3.11 is greater than the answer to question 2."

### 3.2. Drug offences

BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
x <sup>33</sup>	x <sup>34</sup>	x	5	x <sup>35</sup>	18	34	169	206	10	9	x	5	36	39	13	x <sup>36</sup>	5	x <sup>37</sup>	x <sup>38</sup>	344	x <sup>39</sup>	20	10	16	39	70	44

### 3.3. Sexual offences

BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
x <sup>40</sup>	x <sup>41</sup>	x	2	x <sup>42</sup>	x	12	27	41	16	8	x	3	6	4	1	x <sup>43</sup>	0	x <sup>44</sup>	x <sup>45</sup>	47	x <sup>46</sup>	21	2	5	8	22	84

<sup>33</sup> BE: "Information not available".

<sup>34</sup> BG: "N/A".

<sup>35</sup> DE: "There are no statistical data available for answering these questions".

<sup>36</sup> HU: "Non available".

<sup>37</sup> NL: "As we already stated when this questionnaire was drafted, this is not registered in the Netherlands."

<sup>38</sup> AT: "No data".

<sup>39</sup> PT: "Data not available".

<sup>40</sup> BE: "Information not available".

<sup>41</sup> BG: "N/A".

<sup>42</sup> DE: "There are no statistical data available for answering these questions".

<sup>43</sup> HU: "Non available".

<sup>44</sup> NL: "As we already stated when this questionnaire was drafted, this is not registered in the Netherlands."

<sup>45</sup> AT: "No data".

<sup>46</sup> PT: "Data not available".

### 3.4. Firearms/explosives

BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
x <sup>47</sup>	x <sup>48</sup>	x	5	x <sup>49</sup>	0	22	23	12	0	0	x	3	6	5	4	x <sup>50</sup>	0	x <sup>51</sup>	x <sup>52</sup>	21	x <sup>53</sup>	0	1	1	0	5	3

<sup>47</sup> BE: "Information not available".

<sup>48</sup> BG: "N/A".

<sup>49</sup> DE: "There are no statistical data available for answering these questions".

<sup>50</sup> HU: "Non available".

<sup>51</sup> NL: "As we already stated when this questionnaire was drafted, this is not registered in the Netherlands."

<sup>52</sup> AT: "No data".

<sup>53</sup> PT: "Data not available".

### 3.5. Theft offences and criminal damage

BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
x <sup>54</sup>	x <sup>55</sup>	x	91 <sup>56</sup>	x <sup>57</sup>	35	48	90	264	15	34	x	9	93	86	72	x <sup>58</sup>	3	x <sup>59</sup>	x <sup>60</sup>	895	x <sup>61</sup>	331	14	100	7	75	46

### 3.6. Fraud and corruption offences

BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
x <sup>62</sup>	x <sup>63</sup>	x	6	x <sup>64</sup>	4	46	78	88	1	39	x	10	19	45	9	x <sup>65</sup>	1	x <sup>66</sup>	x <sup>67</sup>	571	x <sup>68</sup>	61	30	84	13	27	60

<sup>54</sup> BE: "Information not available".

<sup>55</sup> BG: "N/A".

<sup>56</sup> DK: "JM [Ministry of Justice]: 32 – RA [Director of Public Prosecution]: 59".

<sup>57</sup> DE: "There are no statistical data available for answering these questions".

<sup>58</sup> HU: "Non available".

<sup>59</sup> NL: "As we already stated when this questionnaire was drafted, this is not registered in the Netherlands."

<sup>60</sup> AT: "No data".

<sup>61</sup> PT: "Data not available".

<sup>62</sup> BE: "Information not available".

<sup>63</sup> BG: "N/A".

<sup>64</sup> DE: "There are no statistical data available for answering these questions".

<sup>65</sup> HU: "Non available".

<sup>66</sup> NL: "As we already stated when this questionnaire was drafted, this is not registered in the Netherlands."

<sup>67</sup> AT: "No data".

<sup>68</sup> PT: "Data not available".

### 3.7. Counterfeiting the Euro

BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
x <sup>69</sup>	x <sup>70</sup>	x	0	x <sup>71</sup>	0	1	4	2	0	3	x	0	0	0	0	x <sup>72</sup>	0	x <sup>73</sup>	x <sup>74</sup>	0	x <sup>75</sup>	0	x	0	0	0	x <sup>76</sup>

<sup>69</sup> BE: “Information not available”.

<sup>70</sup> BG: “N/A”.

<sup>71</sup> DE: “There are no statistical data available for answering these questions”.

<sup>72</sup> HU: “Non available”.

<sup>73</sup> NL: “As we already stated when this questionnaire was drafted, this is not registered in the Netherlands.”

<sup>74</sup> AT: “No data”.

<sup>75</sup> PT: “Data not available”.

<sup>76</sup> UK: “Not recorded”.

### 3.8. Homicide/Fatal offences

BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
x <sup>77</sup>	x <sup>78</sup>	x	2	x <sup>79</sup>	3	47	40	56	8	0	x	6	9	7	4	x <sup>80</sup>	1	x <sup>81</sup>	x <sup>82</sup>	29	x <sup>83</sup>	29	1	13	5	21	23

<sup>77</sup> BE: "Information not available".

<sup>78</sup> BG: "N/A".

<sup>79</sup> DE: "There are no statistical data available for answering these questions".

<sup>80</sup> HU: "Non available".

<sup>81</sup> NL: "As we already stated when this questionnaire was drafted, this is not registered in the Netherlands."

<sup>82</sup> AT: "No data".

<sup>83</sup> PT: "Data not available".



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

BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
x <sup>84</sup>	x <sup>85</sup>	x	3	x <sup>86</sup>	11	9	44	58	11	5	x	1	1	24	11	x <sup>87</sup>	0	x <sup>88</sup>	x <sup>89</sup>	484	x <sup>90</sup>	189	4	4	2	102	27

<sup>84</sup> BE: "Information not available".

<sup>85</sup> BG: "N/A".

<sup>86</sup> DE: "There are no statistical data available for answering these questions".

<sup>87</sup> HU: "Non available".

<sup>88</sup> NL: "As we already stated when this questionnaire was drafted, this is not registered in the Netherlands."

<sup>89</sup> AT: "No data".

<sup>90</sup> PT: "Data not available".

### 3.10. Trafficking in human beings

BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
x <sup>91</sup>	x <sup>92</sup>	x	2	x <sup>93</sup>	0	5	15	61	0	1	x	9	0	10	0	x <sup>94</sup>	0	x <sup>95</sup>	x <sup>96</sup>	7	x <sup>97</sup>	52	1	0	0	0	21

### 3.11. Other

BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
x <sup>98</sup>	x <sup>99</sup>	x	9	x <sup>100</sup>	24	136	234	290	24	86	x	15	66	140	15	x <sup>101</sup>	1 <sup>102</sup>	x <sup>103</sup>	x <sup>104</sup>	754	x <sup>105</sup>	349 <sup>106</sup>	33	139	44	67	40

<sup>91</sup> BE: "Information not available".

<sup>92</sup> BG: "N/A".

<sup>93</sup> DE: "There are no statistical data available for answering these questions".

<sup>94</sup> HU: "Non available".

<sup>95</sup> NL: "As we already stated when this questionnaire was drafted, this is not registered in the Netherlands."

<sup>96</sup> AT: "No data".

<sup>97</sup> PT: "Data not available".

<sup>98</sup> BE: "Information not available".

<sup>99</sup> BG: "N/A".

<sup>100</sup> DE: "There are no statistical data available for answering these questions".

<sup>101</sup> HU: "Non available".

<sup>102</sup> MT: "forgery of administrative documents".

<sup>103</sup> NL: "As we already stated when this questionnaire was drafted, this is not registered in the Netherlands."

<sup>104</sup> AT: "No data".

<sup>105</sup> PT: "Data not available".

<sup>106</sup> RO: "skimming, disturbing public peace and order, illegal deprivation of liberty, trafficking in stolen goods, offences regarding the road traffic regulation, etc."

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

BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
x <sup>107</sup>	143	413 <sup>108</sup>	83	1358 <sup>109</sup>	47	55	201	367	20	19	x	31	35	243 <sup>110</sup>	59	x	5	252	245	1160	114	525	42	92	54	87	162

<sup>107</sup> BE: “Information not available”.

<sup>108</sup> CZ: “Figures were provided by the Police Presidium of the Czech Republic (Sirene Office)”.

<sup>109</sup> DE: “The Federal Prosecutor’s Office implemented two extradition procedures. No distinction was made in terms of whether the surrender was based on an EAW sent in 2016 or on one from previous years”.

<sup>110</sup> LT: “Approximately 243. The available statistical data does not demonstrate the actual number of the effective surrenders under the EAWs. Please note that the number (243) includes also the surrenders of the sentenced persons and the surrenders under the extradition requests.”

## II. Questions to Member States as executing States

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

BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
x <sup>111</sup>	x <sup>112</sup>	430 <sup>113</sup>	41	x <sup>114</sup>	32	149	854	847	126	113	x	36	40	117 <sup>115</sup>	44	113	7	663	69	362	73	753	49	128	47	120	1843

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

BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
x <sup>116</sup>	217	411	x	1347	29	122	1177	739	126	81	929	36	44	111	51	110	7	860	178	402	79	760	51	128	47	95	x <sup>117</sup>

<sup>111</sup> BE: "Information not available".

<sup>112</sup> BG: "N/A".

<sup>113</sup> CZ: "Figures were provided by the Police Presidium of the Czech Republic (Sirene Office)".

<sup>114</sup> DE: "In 2016, searches by SIS Member States resulted in 1738 hits on alerts under Article 26 of the Council Decision on SIS II (ex Article 95 of CISA) for EU Member States (of which 47 were hits for the associated countries: Norway, Iceland, Switzerland and Liechtenstein). However, no distinction can be made between actual arrests and simply establishing the whereabouts of the wanted person in cases where the alert is flagged. The above numbers include only cases in which INTERPOL or SIRENE were used. They also include cases where the wanted person was already serving a custodial sentence or in detention in Germany, meaning no arrest was noted in the figures, merely that person's detention where appropriate."

<sup>115</sup> LT: "Detention was applied in 106 instances, in other cases milder measures of constraint were applied or a person has already been arrested in a domestic criminal case."

<sup>116</sup> BE: "596 EAW received".

<sup>117</sup> UK: "Not recorded".

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

BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
x <sup>118</sup>	165	233	35	1231	27	111	731	484	80	78	x	29	44	80	37	98	4	480	173	255	52	713	35	65	37	85	1431

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

BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
x <sup>119</sup>	x <sup>120</sup>	114	12	863	22	64	376	390	28	65	x	19	26	68	27	86	2	114	x	178	42	619	29	51	22	34	x <sup>121</sup>

<sup>118</sup> BE: "Information not available".

<sup>119</sup> BE: "Information not available".

<sup>120</sup> BG: "N/A".

<sup>121</sup> UK: "Not recorded".

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

BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
x <sup>122</sup>	x <sup>123</sup>	19,75	65	17,80	9	19,42	10.3	14	40	16	x	15	10	10	1	2	1	10	x	14	13	8	6,3	32	17	13	x <sup>124</sup>

<sup>122</sup> BE: "Information not available".

<sup>123</sup> BG: "N/A".

<sup>124</sup> UK: "Not recorded".

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

BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
x <sup>125</sup>	x <sup>126</sup>	37,32	131	42,91 <sup>127</sup>	16	40,1	44.5	30	230	59	x	60	20	26	29	56	30	x <sup>128</sup>	x	23	97	11	31	62	15	18	x <sup>129</sup>

<sup>125</sup> BE: “Information not available”.

<sup>126</sup> BG: “N/A”.

<sup>127</sup> DE: “In the aforementioned cases, where the wanted person is already in prison or detention in Germany, the duration of the surrender procedure is only counted from when the detention is carried out solely for the purposes of extradition”.

<sup>128</sup> NL: “Out of the 517 decisions on surrender:

- 53 decisions were taken within 60 days,
- 308 decisions were taken between 60 and 90 days,
- 118 decisions were taken after the time limit of 90 days expired.

In the remaining 38 cases the person was already detained based on a Dutch criminal case or on the basis of another EAW. In those cases the time limit of article 17, para 3, does not start to run. Nevertheless, a decision was taken on the EAW.”

<sup>129</sup> UK: “Not recorded”.

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

BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
x <sup>130</sup>	27	31	5	213 <sup>131</sup>	5	17	40	89	26	4	x	4	5	1	8	8	0	57 <sup>132</sup>	27	77	6 <sup>133</sup>	47	4	1	3	14 <sup>134</sup>	x <sup>135</sup>

<sup>130</sup> BE: “Information not available”.

<sup>131</sup> DE: “Where appropriate, multiple reasons for refusal to execute a European arrest warrant can be recorded in the statistics”.

<sup>132</sup> NL:

• 10 Judgments in absentia

• 5 Insufficient Standard form of EAW

• 9 Offence not punishable under Dutch law

• 2 Offence has been prescribed

• 31 Dutch national or resident requested for the execution of a sentence

In 60 cases the surrender procedure did not lead to a surrender because the EAW had been withdrawn previously by the issuing state”.

<sup>133</sup> PT: “6 cases (article 4(6), (4) – Absence of double incrimination: 1 case / absence of providing complementary elements after incomplete EAW: 1 case”.

<sup>134</sup> SE: “Refused: 10, partly refused: 4”.

<sup>135</sup> UK: “Not recorded”.



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

7.1. FD Article 3.1

BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
x <sup>136</sup>	0	0	0	0	0	0	0	3	0	0	x	0	x	0	0	0	0	x	x	1	0	0	0	0	0	0	x <sup>137</sup>

7.2. FD Article 3.2

BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
x <sup>138</sup>	2	0	0	4	0	1	x <sup>139</sup>	0	0	0	x	0	x	0	0	0	0	x	x	1	0	0	0	0	0	0	x <sup>140</sup>

<sup>136</sup> BE: "Information not available".

<sup>137</sup> UK: "Not recorded".

<sup>138</sup> BE: "Information not available".

<sup>139</sup> ES: "This figure is not known by the Ministry of Justice".

<sup>140</sup> UK: "Not recorded".

### 7.3. FD Article 3.3

BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
x <sup>141</sup>	0	0	0	0	0	0	x <sup>142</sup>	0	0	0	x	0	x	0	0	0	0	x	x	2	0	0	0	0	0	0	x <sup>143</sup>

### 7.4. FD Article 4.1

BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
x <sup>144</sup>	2	1	0	0	0	0	x <sup>145</sup>	4	2	0	x	0	2	0	0	3	0	x	x	11	1	1	0	0	0	3	x <sup>146</sup>

### 7.5. FD Article 4.2

BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
x <sup>147</sup>	0	0	0	2	0	2	x <sup>148</sup>	3	0	0	x	0	x	0	0	1	0	2	x	3	0	0	0	0	0	0	x <sup>149</sup>

<sup>141</sup> BE: “Information not available”.

<sup>142</sup> ES: “This figure is not known by the Ministry of Justice”.

<sup>143</sup> UK: “Not recorded”.

<sup>144</sup> BE: “Information not available”.

<sup>145</sup> ES: “This figure is not known by the Ministry of Justice”.

<sup>146</sup> UK: “Not recorded”.

<sup>147</sup> BE: “Information not available”.

<sup>148</sup> ES: “This figure is not known by the Ministry of Justice”.

<sup>149</sup> UK: “Not recorded”.

7.6. FD Article 4.3

BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
x <sup>150</sup>	0	0	0	0	0	0	x <sup>151</sup>	4	0	0	x	0	x	0	0	1	0	x	x	1	0	4	0	0	0	0	x <sup>152</sup>

7.7. FD Article 4.4

BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
x <sup>153</sup>	1	4	0	15	0	0	x <sup>154</sup>	5	0	1	x	0	x	0	0	1	0	x	x	0	0	2	0	1	0	1	x <sup>155</sup>

7.8. FD Article 4.5

BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
x <sup>156</sup>	0	0	0	1	0	0	x <sup>157</sup>	0	0	0	x	0	x	0	0	0	0	x	x	0	0	0	1	0	0	0	x <sup>158</sup>

<sup>150</sup> BE: “Information not available”.

<sup>151</sup> ES: “This figure is not known by the Ministry of Justice”.

<sup>152</sup> UK: “Not recorded”.

<sup>153</sup> BE: “Information not available”.

<sup>154</sup> ES: “This figure is not known by the Ministry of Justice”.

<sup>155</sup> UK: “Not recorded”.

<sup>156</sup> BE: “Information not available”.

<sup>157</sup> ES: “This figure is not known by the Ministry of Justice”.

<sup>158</sup> UK: “Not recorded”.

7.9. FD Article 4.6

BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
x <sup>159</sup>	8	5	4 <sup>160</sup>	64	0	5	17	11	0	0	x	4	x	0	5	0	0	x	x	29	4	0	0	0	2	0	x <sup>161</sup>

7.10. FD Article 4.7

BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
x <sup>162</sup>	0	0	0	13	0	3	x <sup>163</sup>	2	1	0	x	0	x	0	0	0	0	x	x	11	0	0	0	0	1	0	x <sup>164</sup>

7.11. Trial in the absence of the accused without meeting requirements (FD Article 4a as inserted by FD 2009/299/JHA)

BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
x <sup>165</sup>	3	2	0	29	0	0	0	4	7	0	x	0	x	0	0	0	0	10	x	4	0	0	1	0	0	5	x <sup>166</sup>

<sup>159</sup> BE: “Information not available”.

<sup>160</sup> DK: “JM [Ministry of Justice]: 4”.

<sup>161</sup> UK: “Not recorded”.

<sup>162</sup> BE: “Information not available”.

<sup>163</sup> ES: “This figure is not known by the Ministry of Justice”.

<sup>164</sup> UK: “Not recorded”.

<sup>165</sup> BE: “Information not available”.

<sup>166</sup> UK: “Not recorded”.

7.12. Lack of guarantee of review in respect of life sentence (FD Article 5.2)

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

7.13. Lack of guarantee of return of national/resident to serve sentence (FD Article 5.3)

BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
x <sup>169</sup>	1	1	0	0	0	0	0	0	0	0	x	0	x	0	0	0	0	x	x	1	0	23	0	0	0	0	x <sup>170</sup>

7.14. EAW content is not in conformity with FD requirements (FD Article 8)

BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
x <sup>171</sup>	2	0	0	8	0	0	x <sup>172</sup>	4	10	0	x	0	x	0	3	0	0	5	x	1	0	4	0	0	0	0	x <sup>173</sup>

<sup>167</sup> BE: "Information not available".

<sup>168</sup> UK: "Not recorded".

<sup>169</sup> BE: "Information not available".

<sup>170</sup> UK: "Not recorded".

<sup>171</sup> BE: "Information not available".

<sup>172</sup> ES: "This figure is not known by the Ministry of Justice".

<sup>173</sup> UK: "Not recorded".

7.15. Lack of requested additional information (FD Article 15.2)

BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
x <sup>174</sup>	0	0	0	0	0	1	x <sup>175</sup>	12	0	1	x	0	x	0	0	0	0	x	x	0	1	4	0	0	0	0	x <sup>176</sup>

7.16. Privilege or immunity (FD Article 20)

BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
x <sup>177</sup>	0	0	0	0	0	0	x <sup>178</sup>	0	0	0	x	0	x	0	0	0	0	x	x	0	0	0	0	0	0	0	x <sup>179</sup>

7.17. Maximum penalty no more than 12 months (FD Article 2.1)

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

<sup>174</sup> BE: “Information not available”.

<sup>175</sup> ES: “This figure is not known by the Ministry of Justice”.

<sup>176</sup> UK: “Not recorded”.

<sup>177</sup> BE: “Information not available”.

<sup>178</sup> ES: “This figure is not known by the Ministry of Justice”.

<sup>179</sup> UK: “Not recorded”.

<sup>180</sup> BE: “Information not available”.

<sup>181</sup> ES: “This figure is not known by the Ministry of Justice”.

<sup>182</sup> UK: “Not recorded”.

7.18. Sentence of less than 4 months (FD Article 2.1)

BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
x <sup>183</sup>	0	0	0	1	0	0	x <sup>184</sup>	0	0	0	x	0	x	0	0	0	0	x	x	3	0	0	0	0	0	0	x <sup>185</sup>

7.19. Priority of a conflicting request (FD Article 16.1, 16.3 and 16.4)

BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
x <sup>186</sup>	0	0	0	2	0	1	x <sup>187</sup>	0	0	0	x	0	x	0	0	0	0	x	x	0	0	0	1	0	0	0	x <sup>188</sup>

7.20. Fundamental rights (FD Article 1.3)

BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
x <sup>189</sup>	0	0	1	40	0	0	x <sup>190</sup>	5	7	0	x	0	x	0	0	0	0	x	x	3	0	0	0	0	0	5	x <sup>191</sup>

<sup>183</sup> BE: "Information not available".

<sup>184</sup> ES: "This figure is not known by the Ministry of Justice".

<sup>185</sup> UK: "Not recorded".

<sup>186</sup> BE: "Information not available".

<sup>187</sup> ES: "This figure is not known by the Ministry of Justice".

<sup>188</sup> UK: "Not recorded".

<sup>189</sup> BE: "Information not available".

7.21. Other

BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
x <sup>192</sup>	8	18 <sup>193</sup>	x	34	5	5	x	40	3 <sup>194</sup>	2	x	0	2	1 <sup>195</sup>	0	2	0	x	x	6	0	9 <sup>196</sup>	1	0	0	1	x <sup>197</sup>

<sup>190</sup> ES: “This figure is not known by the Ministry of Justice”.

<sup>191</sup> UK: “Not recorded”.

<sup>192</sup> BE: “Information not available”.

<sup>193</sup> CZ: “Person concerned does not stay in the Czech Republic – 3, Not-specified – 15”.

<sup>194</sup> IE: “The surrender was not ordered as the authority that issued the European arrest warrant was not the competent Issuing Judicial Authority.”

<sup>195</sup> LT: “(Statute of limitations). However, in 8 cases execution was postponed due to the fact that the requested person was serving a sentence following the national criminal procedure, and in 6 instances EAW was withdrawn either because the person agreed to arrive before the court himself, or due to the drawbacks of the EAW form/content.”

<sup>196</sup> RO: “Withdrawn (5), the requested person was not found (3), the person mentioned in the warrant is not the one that committed the offence (1)”.

<sup>197</sup> UK: “Not recorded”.



8.1. In how many cases this year were the judicial authorities of your Member State not able to respect the 90-day time limit for the decision on the execution of the EAW according to Article 17.4 of the FD?

BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
x <sup>198</sup>	x	10	2	87	0	1	40	3	53	3	x	1	16	0	0	0	0	118 <sup>199</sup>	x	4	0	0	3	0	0	2	x <sup>200</sup>

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

BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
0	x	8	0	0 <sup>201</sup>	0	0	x <sup>202</sup>	1	53	0	x	1	2	0	0	0	0	x <sup>203</sup>	x	0	x <sup>204</sup>	0	x	0	0	0	x <sup>205</sup>

<sup>198</sup> BE: “Information not available”.

<sup>199</sup> NL: “Reasons:

Mainly pending preliminary questions to the EU Court of Justice by Dutch or executing authorities from other Member States (C-452/16 PPU Poltorak, C-453/16 PPU Özçelik, C-477/16 PPU, Kovalkovas but also C-579/15 Poplawski) and pending answers upon requests for additional information as a consequence of the EU Court of Justice judgment in joined cases C-659/15 Căldăraru and 404/15 Aranyosi.

Sometimes pending a request by the person claimed to the executing judicial authority to reach an arrangement with the issuing judicial authority for an alternative for surrender.”

<sup>200</sup> UK: “Not recorded”.

<sup>201</sup> DE: “In accordance with Section 83c(4) of the Act on International Legal Assistance in Criminal Matters (IRG Act), Eurojust need only be notified if there are exceptional circumstances. There were no such circumstances in any of these cases”.

<sup>202</sup> ES: “This figure is unknown by Ministry of Justice”.

<sup>203</sup> NL: “The issuing judicial authority was always informed immediately. Eurojust was informed later.”

<sup>204</sup> PT: “Information to be provided by EUROJUST”.

<sup>205</sup> UK: “Not recorded”.

8.3. In how many cases this year did the surrender not take place because of non-compliance with the time limits imposed by Article 23.2 FD?

BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
x <sup>206</sup>	x	8	14	0	x	0	111	4	2	0	x	x	x	0	4	0	0	0 <sup>207</sup>	x	4	0	22	x	0	x	0	x <sup>208</sup>

8.4. In how many of the cases in 8.3 above was the person released according to Article 23.5 FD?

BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
x <sup>209</sup>	x	0	0	0	x	0	x <sup>210</sup>	1	0	0	x	x	x	0	0	0	0	0	x	1	1 <sup>211</sup>	1	x	0	x	0	x <sup>212</sup>

<sup>206</sup> BE: "Information not available".

<sup>207</sup> NL: "In 124 cases the surrender took place later than 10 days after the court decision because the person was detained in a Dutch criminal case or serving a sentence, multiple EAWs were received for one person, the person had been conditionally released but did not appear at the day of the decision."

<sup>208</sup> UK: "Not recorded".

<sup>209</sup> BE: "Information not available".

<sup>210</sup> ES: "This figure is unknown by Ministry of Justice".

<sup>211</sup> Note from the Commission regarding the figure provided by PT: the figure provided by PT in *Question 4* is bigger than the one provided in *Question 3*.

<sup>212</sup> UK: "Not recorded".

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

BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
x <sup>213</sup>	x	63 <sup>214</sup>	1	22 <sup>215</sup>	18	33	25	96	12	67	x	x	28	90	3	36	0	136 <sup>216</sup>	x	168	10	713	5	79	x	20 <sup>217</sup>	35

10. In how many cases this year did the judicial authorities of your Member State request a guarantee under Article 5.2 of the FD?

BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
x <sup>218</sup>	x	0	0	0	18	7	0	0	0	1	x	x	9	0	0	35	0	0	x	1	x <sup>219</sup>	0	1	x <sup>220</sup>	x	x <sup>221</sup>	0

<sup>213</sup> BE: "Information not available".

<sup>214</sup> CZ: "(60-Czech citizens, 3-EU residents)".

<sup>215</sup> DE: "22 European arrest warrants led to the extradition of German nationals".

<sup>216</sup> NL: "133 nationals and 3 equally treated residents have been surrendered for the purpose of prosecution with a guarantee of return."

<sup>217</sup> SE: "Approximately 20".

<sup>218</sup> BE: "Information not available".

<sup>219</sup> PT: "Data not available".

<sup>220</sup> SK: "N/A".

<sup>221</sup> SE: "Sweden does not require a guarantee as provided for in Article 5."

## Annex II – Other information provided by several Member States

### BULGARIA

The cases below are listed under **7.2, 7.11 and 7.21**.

- In **two cases** the requested person was not established on the territory of Bulgaria, resulting in termination of EAW proceedings **(7.21)**;
- In **two cases** we are not informed on the reasons for refusal **(7.21)**;
- In **one case** the requested person was found on the territory of the issuing MS; EAW was withdrawn **(7.21)**;
- In **one** particular case the EAW was refused, due to mental illness of the requested person, rendering him incapable of understanding his own actions and the purpose of the EAW proceedings **(7.21)**;
- In **one** case the court found that the person arrested in BG cannot be identified as the requested person, terminating the EAW proceedings **(7.21)**;
- In **one** case the surrender of the person was approved by the Bulgarian court, but the EAW was withdrawn by the issuing MS **(7.21)**;
- In one particular case the requested person was subject to two EAWs, issued by the same MS. On **one** of the EAW the court judged it was issued for surrendering the person in order to serve a sentence that was already served, thus terminating the EAW proceedings **(7.2)**. On the other **(one)** EAW the court judged lack of guarantees for the right of retrial (sentence rendered *in absentia*) **(7.11)**.

### CZECH REPUBLIC

Questions 2. – 3.11 (Issuing State) - Could not be answered for the year 2016. The system for statistical data collection at the Ministry of Justice is still being under construction. Date when it becomes fully operational is still not clear.

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

### **DENMARK**

From 1 January to 30 April 2016, the Danish Ministry of Justice was judicial authority and handled all matters regarding European arrest warrants.

The Director of Public Prosecution has since 1 May 2016 been judicial authority and handles all matters regarding European arrest warrants.

### **GERMANY**

The figures provided are based on a statistical survey comprising cases in which the surrender took place in 2016 and the relevant judicial authorities at federal-state level submitted their reports to the Federal Office of Justice by 13/04/2017.

In evaluating the statistics, our attention was drawn to the following aspects which we were not required to report to the Council Secretariat:

The number of extraditions to Germany on the basis of outgoing EAWs rose from 1 038 to 1 358, corresponding to an increase of around 30 %. This is a significant increase compared to previous years which had seen increases of around 8 %.

The number of incoming EAWs on which decisions were made rose from 1 409 cases in 2014 to 1 610 cases in 2015 and 1 347 now, an increase of some 16 %.

The rate of refusals to extradite to a foreign country on the basis of an European arrest warrant was around 10.7 % in 2014 and around 12.11 % in 2015; it rose to 15.81 % in 2016. One possible reason is the issue of inadequate conditions for detainees in some Member States.

There has been an increase in the number of cases where the deadline for surrender has not been met. The 10-day deadline from the final authorisation decision was not met in around 65 % of cases, compared to around 60 % of cases in 2015. In 87 cases the 90-day deadline was not met, which corresponds to around 6.45 % of cases, compared to some 6 % previously.

In the reporting period, the overall duration of the extradition procedures rose slightly. In procedures with the wanted person's consent, the average overall duration increased to 17.80 days, compared to a decrease from 15.84 days in 2014 to 15.15 days in 2015. In procedures without the wanted person's consent, the average overall duration increased from 40.49 days in 2014 to 41.74 days in 2015 and to 42.91 days in 2016.

### **NETHERLANDS**

**Finally we would like to present an overview of the EAWs the Netherlands received in 2016**

Belgium	252
Germany	148
Bulgaria	5
Cyprus	3
Denmark	4
Estonia	2
Finland	4
France	28

Greece	1
United Kingdom	20
Hungary	19
Italy	17
Croatia	3
Lithuania	8
Latvia	11
Luxembourg	4
Austria	5
Poland	275
Portugal	4
Romania	19
Slovenia	5
Slovak Republic	3
Spain	4
Czech Republic	10
Sweden	6

**Total**

**860**



## Annex III – Overview of the number of issued and executed European arrest warrants 2005–2016

**European arrest warrants in Member States – Number of issued European arrest warrants (“issued”) and the number of European arrest warrants which resulted in the effective surrender of the person sought (“executed”) based on statistics furnished to Council (2005–2013) and Commission (2014–2016) by Member States<sup>222</sup>**

	BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK	Total
<b>2005 issued<sup>223</sup></b>			4	64		38	38	519	1914	29		121	44	44	500	42	42	1	373	975	1448	200		81	56	86	144	131	<b>6894</b>
<b>2005 executed<sup>224</sup></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	1552	43			20	65	538	35	115	4	325	391	2421	102		67	111	69	137	129	<b>6889</b>
<b>2006 executed</b>			125	19		15	4	62	237	20			2	14	57	22	55	3	47	67	235	52		14	23	37	27	86	<b>1223</b>
<b>2007 issued</b>			435		1785	31	83	588	1028	35			20	97	316	44	373	3	403	495	3473	117	856	54	208	84	170	185	<b>10883</b>
<b>2007 executed</b>			66		506	14	16	59	345	14			4	16	60	15	84	1	17	47	434	45	235	8	71	43	22	99	<b>2221</b>
<b>2008 issued</b>			494	52	2149	46	119	623	1184	40			16	140	348	40	975	2	392	461	4829	104	2000	39	342	107	190	218	<b>14910</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>3078</b>
<b>2009 issued</b>	508		439	96	2433	46	116	489	1240	33			17	171	354	46	1038	7	530	292	4844	104	1900	27	485	129	263	220	<b>15827</b>
<b>2009 executed</b>	73		67	51	777	21	19	99	420	16			3	40	84	26	149	2	0	37	1367	63	877	6	79	47	28	80	<b>4431</b>
<b>2010 issued</b>	553	280	552	85	2096	74	132	566	1130				29	159	402	32	1015	16			3753	84	2000	30	361	116	169	257	<b>13891</b>
<b>2010 executed</b>	57	120	97	42	835	29	33	97	424				4	48	79	14	231	1			929		855	4	164	49	65	116	<b>4293</b>
<b>2011 issued</b>	600		518	128	2138	67		531	912	71			26	210	420	60		15			3089	193		53	350		198	205	<b>9784</b>
<b>2011 executed</b>	57		238	91	855	31		99	297	19			8	39	113	29		4			930	54		16	105		69	99	<b>3153</b>

<sup>222</sup> Sources: Council documents: 9005/5/06 COPEN 52; 11371/5/07 COPEN 106; 10330/2/08 COPEN 116; 9743/4/09 COPEN 87; 7551/7/10 COPEN 64; 9120/2/11 COPEN 83; 9200/7/12 COPEN 97; 7196/3/13 COPEN 34; 8414/4/14 COPEN 103; the Commission documents: SWD (2017) 319 final; SWD (2017) 320 final.

<sup>223</sup> Answers to question 1 to issuing Member States in the yearly questionnaire on quantitative information on the practical operation of the EAW.

<sup>224</sup> Answers to question 4 to issuing Member States in the yearly questionnaire on quantitative information on the practical operation of the EAW.

<b>2012 issued</b>	616		487	117	1984	61		587	1087	88			34		473	60		11		552	3497	223			414	135	239		<b>10665</b>
<b>2012 executed</b>	68		186	70	1104	30		103	322	22			15		131	28		6		151	1103	54			125	59	75		<b>3652</b>
<b>2013 issued</b>	716		327	157	1932	88		582	1099	69			24	186	519			9	548	665	2972	303	2238	56	335	91	226		<b>13142</b>
<b>2013 executed</b>	63		104	106	900	35		121	305	17			7	54	109			1	90	125	731	61	422	22	43	55	96		<b>3467</b>
<b>2014 issued</b>	754	228	501	115	2219	85	269	683	1070	78	271		42	217	460	126	839	14	544	590	2961	227	1583	89	381	126	248	228	<b>14948</b>
<b>2014 executed</b>	69	156	197	78	965	33	53	75	411	27	21		15	59	270	68	333	3	208	201	1120	60	774	32	91		73	143	<b>5535</b>
<b>2015 issued</b>	785	152	631	101	2237	97	227	655	1131	92	147	1918	56	170	391	135	941	22	484	830	2390	270	1260	96	335	105	258	228	<b>16144</b>
<b>2015 executed</b>	131	151	321	56	1038	43	38	73	129	23	63		7	43	252	63	412	8		196	1279	97	530	29	59	70	72	121	<b>5304</b>
<b>2016 issued</b>	660	291	889	140	2421	95	312	730	1306	85	197	1768	56	234	348	111	948	11	774	602	2215	204	1052	120	362	118	239	348	<b>16636</b>
<b>2016 executed</b>		143	413	83	1358	47	55	201	367	20	19		31	35	243	59		5	252	245	1160	114	525	42	92	54	87	162	<b>5812</b>

Available statistics furnished by Member States and compiled for the years **2005–2016** record the total number of **150613 issued EAWs** of which **43005 were executed**.

*NB This data should be read keeping in mind the non-provision of data by a number of MS as set out below:*

- 2005 – 6894 issued – 836 executed (no data from 2 MS – BE, DE)
- 2006 – 6889 issued – 1223 executed (no data from 3 MS – BE, DE, IT)
- 2007 – 10883 issued – 2221 executed (no data from 4 MS – BE, BG, DK, IT)
- 2008 – 14910 issued – 3078 executed (no data from 3 MS – BE, BG, IT, as well as no data on the execution from 1 MS – NL)
- 2009 – 15827 issued – 4431 executed (no data from 2 MS – BG, IT)
- 2010 – 13891 issued – 4293 executed (no data from 4 MS – IE, IT, NL, AT, as well as no data on the execution from 1 MS – PT)
- 2011 – 9784 issued – 3153 executed (no data from 8 MS – BG, EL, IT, HU, NL, AT, RO, FI)
- 2012 – 10665 issued – 3652 executed (no data from 9 MS – BG, EL, IT, LV, HU, NL, RO, SI, UK)
- 2013 – 13142 issued – 3467 executed (no data from 6 MS – BG, EL, IT, LU, HU, UK)
- 2014 – 14948 issued – 5535 executed (no data from 1 MS – IT, as well as no data on the execution from 1 MS – FI)
- 2015 – 16144 issued – 5304 executed (no data on the execution from 2 MS – IT, NL)
- 2016 – 16636 issued – 5812 executed (no data on the execution from 3 MS – BE, IT, HU)