



Brussels, 6.8.2021
SWD(2021) 227 final

COMMISSION STAFF WORKING DOCUMENT

Statistics on the practical operation of the European arrest warrant – 2019

Summary

This Commission staff working document sets out quantitative information on the practical operation of the European arrest warrant (EAW) in 2019. The statistics are based on information provided by the Member States to the Commission between May 2020 and April 2021, according to the standard questionnaire contained in Council document 11356/13 of 24 June 2013.

Member States agreed to provide EAW statistics for a given calendar year by 1 May of the following year. However, the deadline to provide 2019 statistics was extended due to the COVID-19 pandemic.

The questionnaire covers quantitative information from Member States acting both as issuing States and as executing States. It consists of data on, *inter alia*, 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.

On the basis of the submitted replies, only general conclusions can be drawn. This is because the provided data are not complete.

In particular, it should be highlighted that:

- the main indicators on the number of initiated proceedings, arrests, and effective surrender procedures have been rather stable (i.e. they have been in similar proportions to each other over several years);
- concerning the time limits for taking a decision on whether to execute an EAW, it appears that some Member States do not comply with their obligations under the Framework Decision;
- on the grounds for refusal, Article 4(6) of the Framework Decision – where the executing Member State takes over the execution of a sentence – triggers the highest percentage (44%) in comparison with other mandatory and optional grounds provided under Articles 3, 4 and 4a of the Framework Decision.

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Introduction

Council Framework Decision of 13 June 2002 on the European arrest warrant ('EAW') and the surrender procedures between Member States¹ ('the Framework Decision'), as amended by Council Framework Decision 2009/299/JHA concerning trials *in absentia*², is the first EU legal instrument on cooperation in criminal matters based on the principle of mutual recognition³. The Framework Decision has been an efficient mechanism to ensure open borders are not exploited by those seeking to evade justice. It has also contributed to the EU objective of developing and maintaining an area of freedom, security and justice. The Framework Decision replaced the previous, multilateral system of extradition between Member States with a simplified and effective system for the surrender of convicted persons or suspects for criminal proceedings and enforcing judgments. This system is based on the principle of mutual recognition and on a high level of trust between the judicial authorities of Member States.

Objective and scope of the report

This Commission staff working document sets out the quantitative information on the practical operation of the EAW in 2019. The statistics are based on information provided by the Member States to the Commission between May 2020 and April 2021, according to the standard questionnaire contained in Council document 11356/13 of 24 June 2013.

Member States agreed to provide EAW statistics for a given calendar year by 1 May of the following year. However, the deadline to provide 2019 statistics was extended due to the COVID-19 pandemic.

From 2005 to 2013, 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 information⁴.

The questionnaire covers quantitative information from Member States acting both as issuing States and as executing States. It consists of data related to, *inter alia*, the number of EAWs

¹ OJ L 190, 18.7.2002, p. 1.

² 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.

³ The programme of measures to implement the principle of mutual recognition of criminal decisions set out in the Tampere European Council Conclusions and adopted by the Council on 30 November 2000, OJ C 12 E, 15.1.2001, p. 10: 'The principle of mutual recognition is founded on mutual trust developed through the shared values of Member States concerning respect for human dignity, freedom, democracy, equality, the rule of law and human rights, so that each authority has confidence that the other authorities apply equivalent standards of protection of rights across their criminal justice systems.'

⁴ The reports covering 2014-2018 are available at https://e-justice.europa.eu/content_european_arrest_warrant-90-en.do.

issued and executed, 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 an overall picture and trends of the operation of the EAW.

Overview of Member States' replies

The Commission received replies from all 27 Member States. However, not all Member States replied to every question in the questionnaire, and only some Member States gave reasons for their failure to reply.

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 document is divided into two parts. The first part covers information provided by Member States 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 Union measure could be used to achieve an adequate result, assessing if issuing an EAW is proportionate in the light of the particular circumstances of each case⁵.

The Court of Justice held that the concept of ‘judicial authority’ under Article 6(1) of the Framework Decision is not only limited to the courts and judges of the Member States, but must be interpreted broadly as including authorities participating in the administration of criminal justice. Public prosecutor’s 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 for Justice, in a specific case in connection with the adoption of a decision to issue an EAW⁶. The Court of Justice also clarified that the term ‘judicial authority’ does not cover a police service⁷ or an organ of the executive of a Member State, such as a ministry of justice⁸.

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

1.) Total number of issued EAWs

All 27 Member States provided information on the number of EAWs issued ([Question 1](#)). The issuing judicial authorities of the 27 Member States issued **20 226 EAWs** in 2019. In 2018, the 27 Member States issued 17 471 EAWs. At first glance, it seems that a considerable increase

⁵ Handbook on how to issue and execute a European arrest warrant, OJ C 335, 6.10.2017, p. 1:

[https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52017XC1006\(02\)&from=DA](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52017XC1006(02)&from=DA), pp. 14-15.

⁶ The 2019 EU Justice Scoreboard: https://ec.europa.eu/info/sites/info/files/justice_scoreboard_2019_en.pdf, pp. 51-52. Judgment of the Court of Justice of 27 May 2019, Joined Cases C-508/18, *OG*, and C-82/19 PPU, *PI*, ECLI:EU:C:2019:456 and judgment of the Court of Justice of 27 May 2019, Case C-509/18, *PF*, ECLI:EU:C:2019:457.

⁷ Judgment of the Court of Justice of 10 November 2016, *Poltorak*, C-452/16 PPU, ECLI:EU:C:2016:858.

⁸ Judgment of the Court of Justice of 10 November 2016, *Kovalkovas*, C-477/16 PPU, ECLI:EU:C:2016:861.

occurred between 2018 and 2019 (an increase of 2 755 EAWs). However, the substantial increase can be explained by the fact that Germany clarified that the significant increase in the number of EAWs it issued is due to the reissuance of 2 379 EAWs. These 2 379 EAWs were reissued after being originally issued by German public prosecutors, which do not qualify as issuing judicial authorities under Article 6(1) of the Framework Decision as interpreted by the Court of Justice⁹.

On the purpose of the issued EAWs, only 19 Member States provided figures ([Question 2](#)). Out of these replies, 4 824 of the 11 307 EAWs issued in 2019 by these 19 Member States were for prosecution purposes¹⁰.

Among the Member States that could provide these specific statistics, three distinct trends can be observed. Some Member States issued significantly more EAWs for prosecution purposes: Cyprus (35 out of 35 EAWs issued, i.e. all the EAWs issued by Cyprus were for prosecution purposes), Denmark (99 out of 107), Finland (75 out of 128), Ireland (99 out of 107), Latvia (113 out of 178), Malta (4 out of 5), Slovenia (61 out of 85) and Spain (506 out of 665).

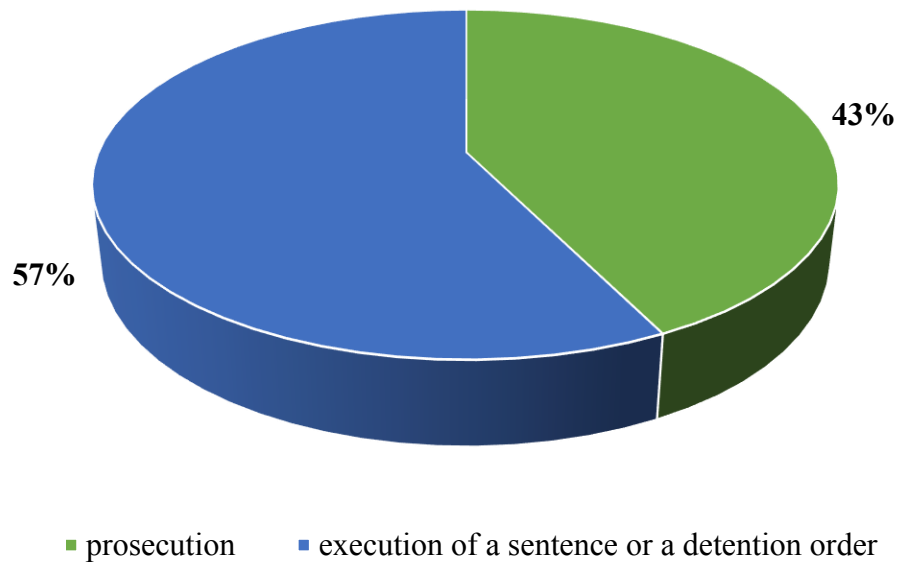
Other Member States issued significantly more EAWs for executing a sentence or a detention order: Croatia (340 out of 494 EAWs issued), Estonia (64 out of 102), Italy (822 out of 1 430), Poland (1 887 out of 2 338) and Romania (1 301 out of 1 373). It could be argued that these differences correspond to the percentage of *in absentia* proceedings in some of these Member States, leading to lower numbers of EAWs issued for prosecution purposes.

The remaining 6 Member States that provided figures issued EAWs in relatively similar proportions for both purposes.

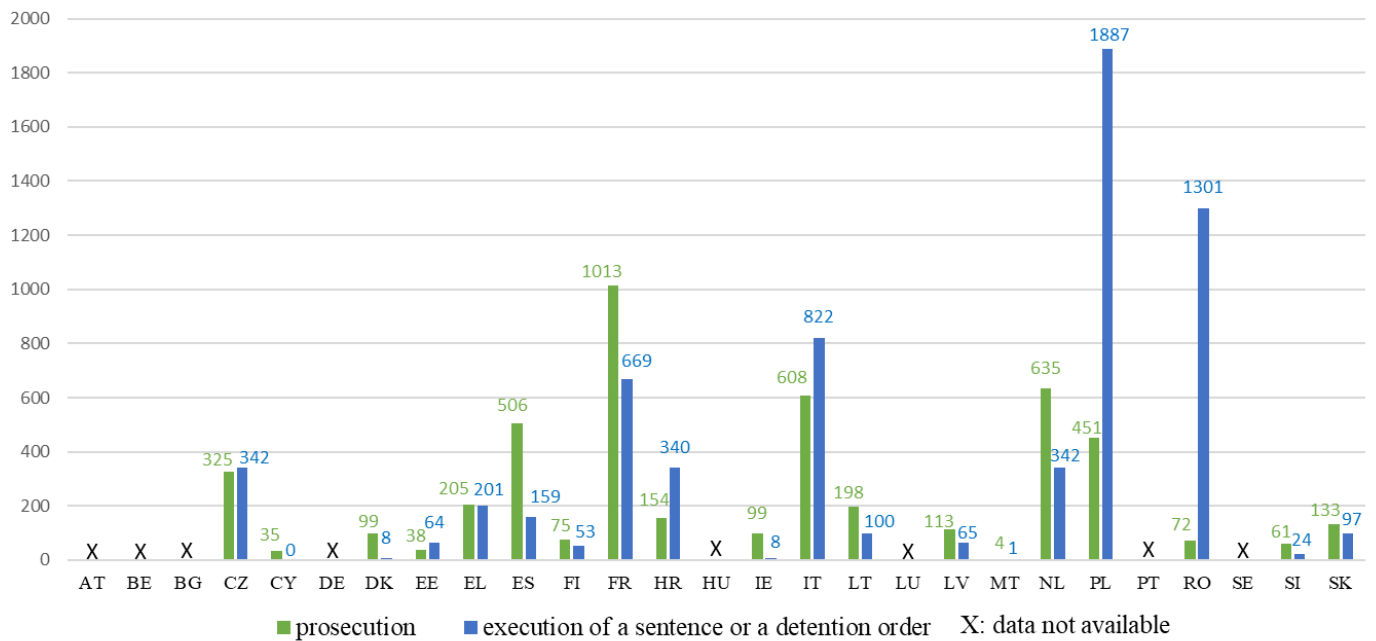
⁹ Following the judgment of the Court of Justice of 27 May 2019 in Joined Cases C-508/18, *OG*, and C-82/19 PPU, *PI*, ECLI:EU:C:2019:456.

¹⁰ NL, while providing figures for Question 2, explained that it was not possible to distinguish EAWs issued for prosecution purposes from those issued for the purpose of executing a custodial sentence or a detention order on the basis of their databases.

EAWs issued in 2019 for the purpose of:



EAWs issued in 2019 for the purpose of:



2.) Categories of offences the EAWs were issued for

On the categories of offences for which EAWs were issued, most Member States gave replies ([Question 3](#)).

Following the Commission's request to Member States to differentiate more clearly between situations where there had not been any cases (0) and situations where no figures were available (x), several Member States made an effort to give clearer answers, resulting in less ambiguity. However, certain replies were still not sufficiently clear, and this makes it difficult to draw exact conclusions from the figures provided.

The replies show that in 2019, as was also the case in 2015-2018, **the most commonly identified categories of offences** were:

- a) **theft offences and criminal damage** (2 737 EAWs) ([Question 3.5](#));
- b) **drug offences** (1 873 EAWs) ([Question 3.2](#));
- c) **fraud and corruption offences** (1 846 EAWs) ([Question 3.6](#)).

In comparison with previous years, a slight increase in drug offences was observed. However, the frequency of each of these categories of offences varies greatly among Member States. For example, 902 of the 2 737 EAWs related to theft offences and criminal damage were registered in Poland alone.

On the other hand, the recorded figures show that **the least frequently identified categories of offences** in 2019 were:

- a) **counterfeiting the Euro** (40 EAWs) ([Question 3.7](#));
- b) **offences concerning firearms/explosives** (128 EAWs) ([Question 3.4](#));
- c) **trafficking in human beings** (183 EAWs) ([Question 3.10](#)).

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

On trafficking in human beings ([Question 3.10](#)), of the 183 EAWs issued in 2019 (against the 137 EAWs issued in 2018), 63 of them were issued by France, 35 by Hungary and 33 by Romania.

On terrorism offences ([Question 3.1](#)), 274 EAWs were issued in 2019. Of these, 119 were issued by France, and 83 by Belgium. Contrary to the increasing trend registered in 2017 and 2018, in 2019 a slight decrease was registered in EAWs for terrorism offences.

Moreover, many of the offences were categorised as '3.11 Other' (2 917 EAWs – [Question 3.11](#)). In 2018, 2 695 offences were categorised as '3.11 Other'.



3.) Total number of effective surrenders

On the effective surrender of the person sought ([Question 4](#)), all Member States except for Belgium and Sweden provided figures. In total, 5 705 EAWs issued by Member States' judicial authorities in 2019 or in previous years resulted in the effective surrender of the person sought. By way of illustration, 6 976 of the issued EAWs resulted in effective surrender in 2018 in the 27 Member States.

II. Replies by Member States as executing States

Introduction

The executing judicial authority of a Member State has a general duty to act upon an EAW on the basis of the principle of mutual recognition and in accordance with the provisions of the Framework Decision (Article 1(2) of the Framework Decision)¹¹.

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 therefore the decision on issuing and executing an EAW must be taken by a judicial authority¹². On this point, the Court aligned the notion of ‘executing judicial authority’ (Article 6(2)) with the interpretation of the notion of ‘issuing judicial authority (Article 6(1) of the Framework Decision).

The concept of ‘executing judicial authority’ must therefore be interpreted as covering the authorities of a Member State which, without necessarily being judges or courts, participate in the administration of criminal justice in that Member State, acting independently in the exercise of the responsibilities inherent in the execution of an EAW. Therefore, public prosecutors of a Member State¹³ who, although participating in the administration of justice, may receive instructions in a specific case from the executive do not constitute an ‘executing judicial authority’ under the Framework Decision.

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

1.) Total number of arrests

26 Member States provided figures on the number of persons arrested under an EAW ([Question 1](#)). In 2019, **7 658 persons were arrested**, against 7 527 arrests in 2018 in the 26 Member States¹⁴ that provided information for that year. The highest numbers of arrests in 2019 were recorded in Germany (1 590), Spain (907), the Netherlands (801) and Romania (689).

¹¹ Judgment of the Court of Justice of 6 October 2009, *Wolzenburg*, C-123/08, ECLI:EU:C:2009:616, paragraph 57, and judgment of the Court of Justice of 5 April 2016, *Aranyosi and Căldăraru*, C-404/15 and C-659/15 PPU, ECLI:EU:C:2016:198, paragraph 79.

¹² Judgment of the Court of Justice of 24 November 2020, *AZ*, Case C-510/19, ECLI:EU:C:2020:953.

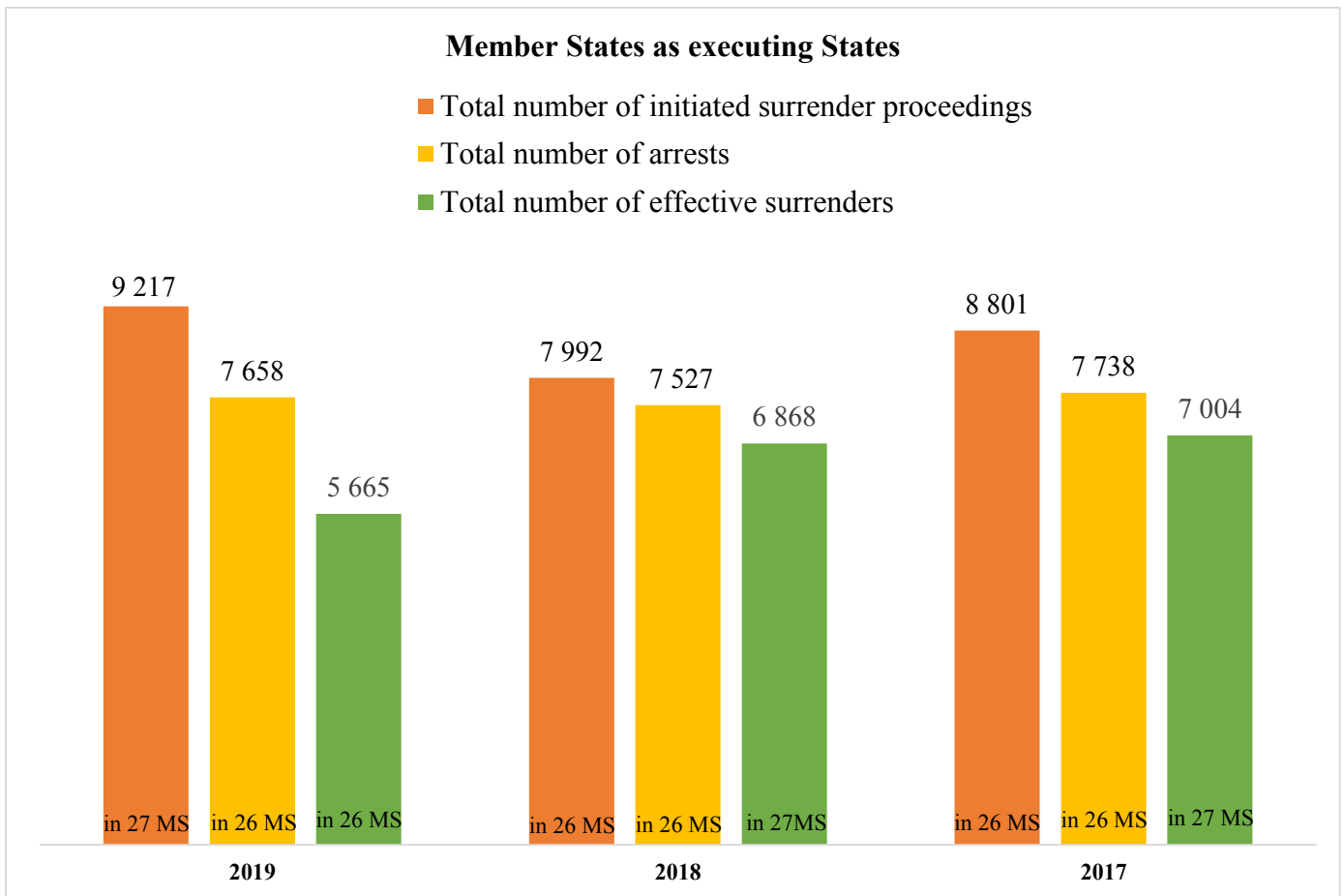
¹³ The 2019 EU Justice Scoreboard: https://ec.europa.eu/info/sites/info/files/justice_scoreboard_2019_en.pdf, pp. 51-52.

¹⁴ Not the same Member States as in 2019.

2.) Total number of initiated surrender proceedings

All 27 Member States provided figures on the total number of initiated surrender proceedings for 2019, which amounted to 9 217 ([Question 2](#)). In comparison, 26 Member States in 2018 reported 7 992 initiated surrender proceedings, and in 2017 they reported 8 801 initiated surrender proceedings.

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



Disclaimer: please bear in mind when reading these data that the Member States that provided figures for each year are not identical.

3.) Total number of effective surrenders

In 2019, 5 665 persons were effectively surrendered according to figures provided by 26 Member States ([Question 3](#)), compared to 6 868 effective surrenders according to figures provided by 27 Member States in 2018.

It is interesting to compare, across the same 26 Member States, the total number of effective surrenders with the total number of arrests under Question 1. It is also interesting to compare the total number of effective surrenders with the total number of initiated surrender proceedings under Question 2. Of the total number of arrests made, 73.97% resulted in effective surrenders for 2019. However, only 66% of initiated surrender proceedings resulted in effective surrenders.

3.1.) With the consent of a requested person

The consent of the requested person acquires particular importance in relation to the analysis of the speediness of the surrender procedure in practice. The final decision on the execution of the EAW should be taken within 10 days after consent has been given (Article 17(2)).

Of the 24 Member States that provided statistics on the consent of a requested person, **54.7% of the persons effectively surrendered in 2019 consented to their surrender** (2 928 out of 5 352 persons surrendered by these same Member States). A very similar percentage of 54.5% was observed in 2018 ([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 after the arrest of the requested person (Article 17(3)).

In 2019, **45.3% of effectively surrendered persons did not consent to their surrender.**

4.) Average time to take a decision 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 consents to his or her surrender, the final decision on the execution of the EAW should be taken within 10 days after consent has been given (Article 17(2)).

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 after the arrest of the requested person (Article 17(3)).

Exceptionally, where in a specific case the EAW cannot be executed within the applicable time limits, those time limits may be extended by a further 30 days. In these cases, the executing judicial authority must immediately inform the issuing judicial authority of this extension and give the reasons for the delay (Article 17(4)).

4.1.) When a person consented

Under [Question 5](#), only 22 Member States provided information on the duration of the procedure in cases where the requested person consented to the surrender¹⁵. For these Member States, the surrender procedure took an average of **16.7 days after the arrest** compared to 16.41 days in 2018.

In 2019, the highest reported average duration of the procedure, where the requested person consented to the surrender, was 60 days for Cyprus. Cyprus did not provide an explanation for the sharp increase in this average compared with 2018 (when its reported average was 15 days). Moreover, an average of 38 days was registered by Slovakia and 37 days for Poland, both showing a significant increase compared to 2018.

The lowest reported average durations of the surrender procedure were 0.97 days in Luxembourg, 3 days in Malta, 2 days in Lithuania and 2.5 days in Slovenia.

4.2.) When a person did not consent

When a requested person did not consent to the surrender, the procedure lasted on average **55.75 days** in the 23 Member States which provided figures, compared with 45.12 days in 2018, and 40.13 days in 2017 ([Question 6](#)).

¹⁵ IE did not provide figures under this question. However it provided a comment: ‘Consent is difficult to quantify, as, under Irish Law, an individual can consent to surrender even after proceedings are at an advanced stage or if a judgement or appeal in a related case went against their objections to surrender.

The average time for consented surrenders can be broken down as following:

7 persons consented and were surrendered within 0-30 days of arrest (average 21 days);

12 persons consented and were surrendered within 30-90 days of arrest (average 51 days);

10 persons consented and were surrendered within 90-300 days of arrest (average 198 days);

7 persons consented and were surrendered within 300-500 of arrest (average 430 days);

3 persons consented and were surrendered within 500-1 600 days of arrest (average 1 296 days)’.

Ireland reported an extremely high average of 361 days and referred to pending preliminary ruling references before the Court of Justice as a reason¹⁶.

In other Member States, lengthy average durations of 90 days were reported by both Italy and Cyprus, while the lowest average durations reported were 4 days in Latvia and 7 days in Malta.

As already observed in the previous reports, the Netherlands provided figures only on the numbers of decisions taken within 60 days, between 60 and 90 days, and after 90 days¹⁷.

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

Exceptionally, where in a specific case the EAW cannot be executed within the applicable time limit, the time limit may be extended by a further 30 days. In these cases, the executing judicial authority must immediately inform the issuing judicial authority and give the reasons for the delay (Article 17(4)).

Under [Question 8.1](#), the 90-day time limit was exceeded in 375 cases in 14 Member States out of 22 replying Member States. This figure is lower than the total reported for 2018 (446 cases). However, the most significant numbers were provided by the Netherlands (165 cases), Ireland (83 cases) and Germany (70 cases). Together, these three countries represented the most cases where the 90-day time limit was exceeded. A comparison with the number of initiated surrender proceedings in the same Member States reveals that the 90-day time limit was exceeded in approximately 5.1% of the initiated surrender proceedings (compared with 5.9% in 2018).

¹⁶ IE: ‘The overall average was 361. However, surrender was delayed in 2019 pending judgement in a number of ECJ references (and their related Supreme Court proceedings) including references based on prison conditions, the rule of law in Poland and whether prosecutors can be deemed Judicial Authorities for EAW purposes.

The average time for contested surrenders can be broken down as following: 23 individuals were surrendered within 0-90 days of arrest (average 57 days); 19 individuals were surrendered within 90-200 days of arrest (average 164 days); 14 individuals were surrendered within 200-500 days of arrest (average 322 days); 9 individuals were surrendered within 500-1 000 days of arrest (average 697 days); 5 individuals were surrendered within 1 000-2 500 days of arrest (average 1 679 days).’

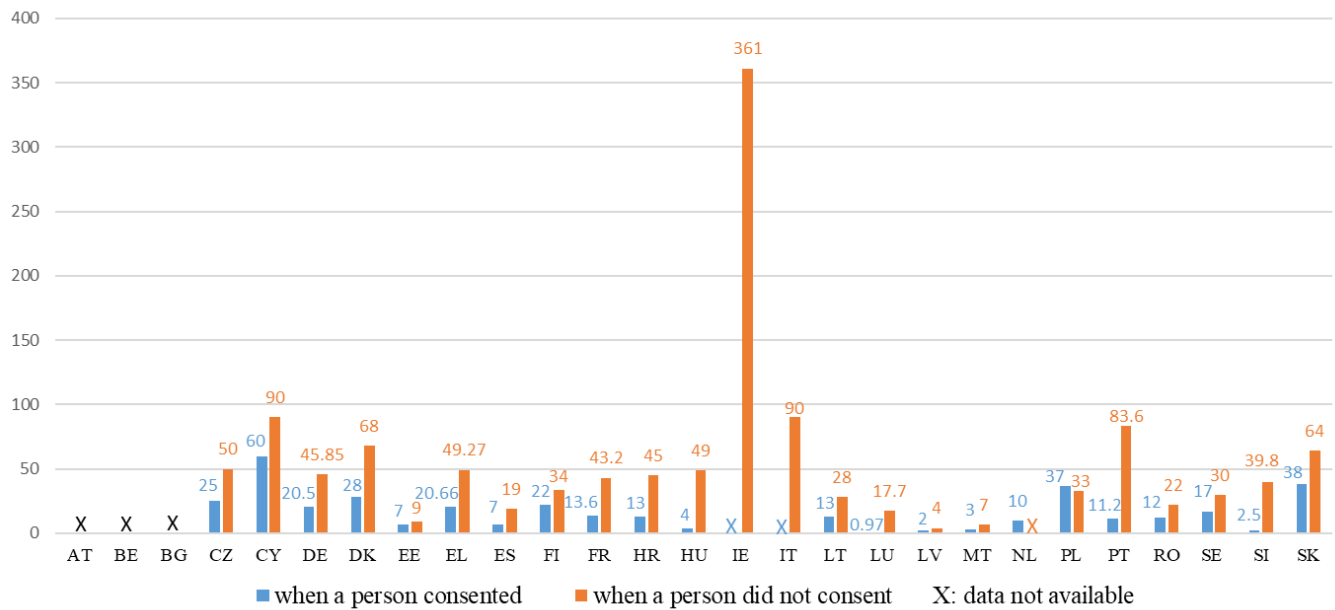
¹⁷ NL: ‘Out of the 687 decisions on surrender:

137 decisions were taken within 60 days; 280 decisions were taken between 60 and 90 days;

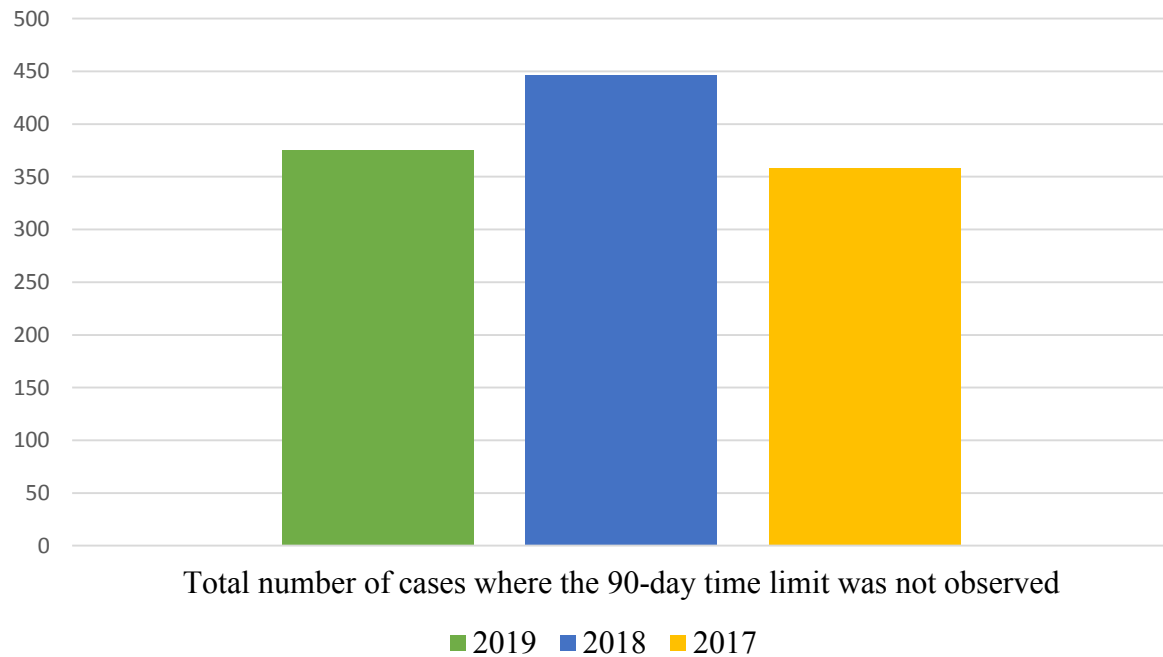
165 decisions were taken after the time limit of 90 days expired.

Finally, 105 decisions related to persons already detained for a Dutch criminal case or on the bases of another EAW, where the time limit of Article 17 does not run.’

Average time-limits to take a decision whether to execute an EAW (in days)



Article 17: total number of cases where the 90-day time limit was not observed



Disclaimer: please bear in mind when reading these data that 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 a Member State cannot comply with the time limits, the competent authorities must inform Eurojust, giving the reasons for the delay (Article 17(7)). On this basis, Eurojust can then monitor the cases and help identify the problems causing delays. To improve compliance with the time limits in surrender proceedings, Eurojust can also facilitate the exchange of information between the competent authorities. However, as was seen in previous years, statistics on informing Eurojust reveal that this provision is of limited application in practice. In 2019, Eurojust was informed in only 98 cases, according to figures provided by 20 Member States ([Question 8.2](#)). Nonetheless, this is an increase in comparison with 2017 (66 reported cases) and 2018 (75 cases). As in 2018, Ireland reported to Eurojust all cases in which the 90-day time limit was exceeded (83 cases).

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 exhaustive¹⁸. The refusal to execute an EAW is intended to be an exception, which must be interpreted strictly.

The execution of an EAW was refused in 1 042 cases in the 26 Member States that provided figures ([Question 7](#)). This aggregate figure has steadily increased, compared to 879 refusals for 26 Member States in 2018, 796 for 24 Member States in 2017, and 719 for 25 Member States in 2016. However, it is not possible to provide exact statistical comparisons, since different Member States provided the figures for 2016, 2017, 2018 and 2019.

Most Member States gave specific replies to questions on the grounds for their refusals. The figures provided show that – as in 2017 and 2018 – the most common ground for refusal to surrender was Article 4(6) of the Framework Decision, covering 290 EAWs (204 in 2018).

Article 4(6) of the Framework Decision provides that the executing judicial authority may refuse to execute the 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

¹⁸ Judgment of the Court of Justice of 6 October 2009, *Wolzenburg*, C-123/08, ECLI:EU:C:2009:616, paragraph 57; judgment of the Court of Justice of 26 February 2013, *Melloni*, C-399/11, ECLI:EU:C:2013:107, paragraph 38; judgment of the Court of Justice of 30 May 2013, *Jeremy F*, C-168/13 PPU, ECLI:EU:C:2013:358, paragraph 36; and judgment of the Court of Justice of 5 April 2016, *Aranyosi and Căldăraru*, C-404/15 and C-659/15 PPU, ECLI:EU:C:2016:198, paragraph 80.

of the executing Member State and that State undertakes the execution of the sentence or detention order according to its domestic law. Therefore, 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 sentence¹⁹.

There were no registered cases concerning: (i) privilege or immunity under Article 20 of the Framework Decision ([Question 7.16](#)); and (ii) the required penalty under Article 2(1) of the Framework Decision ([Question 7.17](#)).

5.1.) Mandatory grounds for non-execution

The Framework Decision provides for 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) being under age for criminal responsibility.

- Amnesty (Article 3(1))

Execution must be refused if the offence on which the EAW is based is covered by amnesty in the executing Member State. Another requirement is that the executing Member State had jurisdiction to prosecute the offence under its own criminal law. In 2019, execution was refused twice because of amnesty, both by Poland ([Question 7.1](#)). By way of comparison, 5 cases were registered in 2018 (4 of which were in France), and no cases were reported in 2017.

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

Execution 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. It is also required 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).

In 2019, the total number of refusals on the ground of *ne bis in idem* was 7 (3 in Poland alone) ([Question 7.2](#)). In 2018, 7 cases were also reported, while only 4 cases were registered in 2017.

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

Execution must be refused 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 limits for criminal responsibility vary among the different Member States.

¹⁹ Judgment of the Court of Justice of 29 June 2017, *Poplawski I*, C-579/15, ECLI:EU:C:2017:503.

In 2019, only 2 cases of refusals of surrender on this basis were recorded, 1 in Poland and 1 in Hungary ([Question 7.3](#)). In 2018, 4 cases were registered, and in 2017 only 2 cases.

5.2.) Grounds for optional non-execution (Articles 4 and 4a)

Articles 4 and 4a of the Framework Decision provide for eight optional grounds for non-execution.

As regards the grounds for optional non-execution, the executing judicial authority may only invoke those grounds that are transposed into its national law. The Court of Justice held that Member States have a certain margin of discretion when implementing the optional grounds for non-execution²⁰ and 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 held that the executing judicial authorities must be able to take into account the specific circumstances of each case and to assess the applicability of the optional grounds for non-execution in a specific case²¹.

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

The 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. 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 abolished if the threshold of 3 years is met.

For 2019, 15 Member States, out of 25 replying Member States, reported 67 refusals based on the lack of double criminality ([Question 7.4](#)). However, the Netherlands, which did not provide figures for this question, reported under [Question 7.21](#) (Other) 8 cases of refusal on the ground of a lack of double criminality²². By way of comparison, in 2018, 56 cases were reported by 27 Member States.

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

Execution 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.

For 2019, 6 Member States out of 23 reported 21 refusals based on this optional ground for non-execution ([Question 7.5](#)). In 2018, 16 cases were registered in 7 Member States, and in 2017, 12 cases were registered in 5 Member States.

²⁰ Judgment of the Court of Justice of 6 October 2009, *Wolzenburg*, C-123/08, ECLI:EU:C:2009:616, paragraphs 61 and 62.

²¹ NL: ‘8: Lack of dual criminality (offence not punishable in the Netherlands)’.

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

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

For 2019, 23 Member States reported 8 refusals based on this ground for non-execution, 6 of which were reported by Germany ([Question 7.6](#)). By way of comparison, in 2018 a total of 11 cases were registered by 27 Member States, with Germany reporting 6 refusals.

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

Execution 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 2019, 43 refusals based on this ground for non-execution were reported in 9 out of 24 replying Member States ([Question 7.7](#)), against 36 refusals in 11 Member States in 2018.

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

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

For 2019, only Slovenia recorded 1 case of refusal on the basis of the final judgment in a third State ([Question 7.8](#)). Numbers were also low in the previous years, where 2 cases were reported in 2018 and 1 case in 2017.

- 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 consider whether the sentence could be executed in its Member State instead of surrendering the person to the issuing Member State.

For 2019, 25 Member States reported 290 refusals based on cases where the executing Member State undertakes the execution of the sentence ([Question 7.9](#)). There were 204 such refusals in 2018 and 229 in 2017. It is interesting to note that Germany, while registering a decrease of

cases under Article 4(6) from 2017 (56) to 2018 (27), reported again an increase in 2019 to 48 cases – the highest number of any Member State that provided figures. By way of comparison with previous years, a steady increase can be observed in Spain, where these refusals increased from 17 cases in 2017 to 39 cases in 2018 and 47 cases in 2019.

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

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

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

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

For 2019, 63 refusals reported by 7 Member States out of 25 were based on extraterritoriality ([Question 7.10](#)). Germany, Greece and Poland reported the highest numbers of cases (30, 15 and 10 respectively).

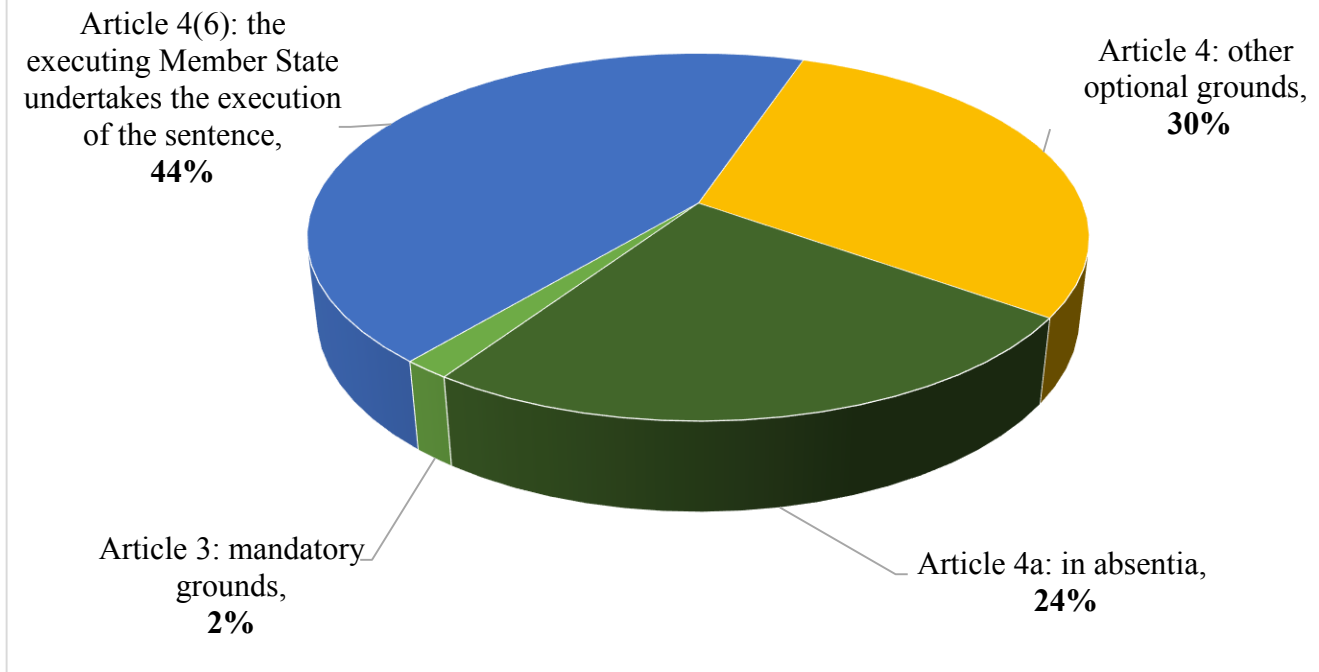
For comparison, in 2018, 66 refusals were reported by 7 Member States.

- Trials *in absentia* (Article 4a)

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

25 Member States, of which 14 did not record any cases, reported a total of 162 refusals based on decisions rendered *in absentia*. Germany reported 67 cases and the Netherlands reported 54 cases ([Question 7.11](#)). In comparison, in 2018, refusals under Article 4a amounted to a total of 119 in 11 Member States. The other 16 Member States did not record any cases.

Grounds for non-execution (Article 3, Articles 4 and 4a):



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

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

In this regard, the Court of Justice has decided that the executing judicial authority may, in exceptional circumstances and subject to certain conditions, refuse to execute an EAW where the person, if surrendered, will suffer a real risk of a serious breach of fundamental rights in the following situations: 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, due to the detention conditions in the issuing Member State²³, and where there is a real risk of breach of the fundamental right to a fair trial guaranteed by the second paragraph of Article 47 of the Charter of Fundamental Rights of the European Union, due to concerns about the independence of the judiciary in the issuing State²⁴.

²³ Judgment of the Court of Justice of 5 April 2016, C-404/15, *Aranyosi and Caldaru*, ECLI:EU:C:2016:198; judgment of 25 July 2018, C-220/18 PPU, *ML*, paragraphs 88-94; judgment of the Court of Justice of 15 October 2019, C-128/18, *Dorobantu*, ECLI:EU:C:2019:857, paragraphs 52-55.

²⁴ Judgment of 25 July 2018, C-216/18, *LM*, ECLI:EU:C:2018:586 and judgment of 17 December 2020 in Joined Cases C-354/20, *L* and C-412/20, *P*, ECLI:EU:C:2020:1033.

In 2019, fundamental rights issues led to a total of 81 refusals reported by 9 Member States out of 23 replying Member States. 65 of these refusals were registered in Germany alone. By way of comparison, 5 Member States reported 82 cases in 2018, of which 76 cases were reported by Germany ([Question 7.20](#)).

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

Article 5 provides that the execution of the EAW by the executing judicial authority may, by its national law, be subject to certain conditions, which are exhaustively laid down in Article 5. Those conditions may relate to the review of life-term imprisonment (Article 5(2)) or 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))

- Request of a guarantee

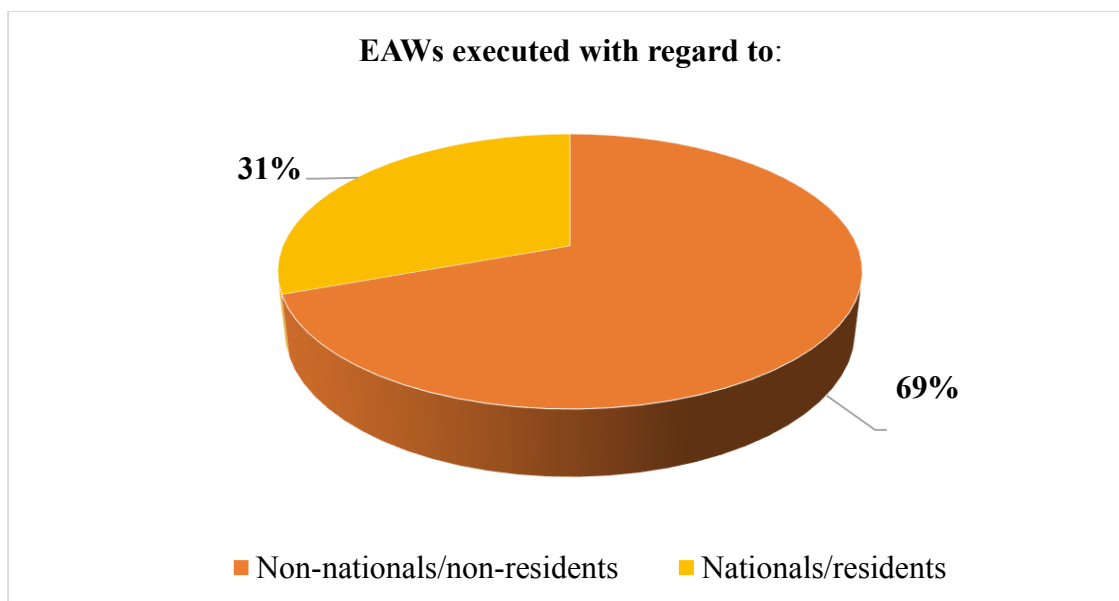
A guarantee related to the review of life-term imprisonment (Article 5(2)) was requested in 2 cases, both registered in Slovenia ([Question 10](#)). However, 7 Member States did not provide data on whether they requested a guarantee. A decrease can be observed compared to the figures from 2018 when 14 requests for a guarantee were registered in 5 Member States. However, 6 Member States did not provide data on requests for a guarantee in 2018.

- Lack of a guarantee

In relation to conditions relating to the review of life-term imprisonment (Article 5(2)), only Slovenia reported 1 case of refusal based on the lack of a guarantee by the issuing Member State ([Question 7.12](#)). In 2018, only France reported 2 cases, while in 2017 no cases were reported.

On the condition involving 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)), 5 Member States out of 23 reported a total of 13 refusals in 2019 based on the lack of the guarantee by the issuing Member State ([Question 7.13](#)). Germany reported 9 cases. By way of comparison, in 2018 there were 28 refusals based on Article 5(3) reported by 6 Member States (of which 17 in Bulgaria alone) and in 2017, 4 Member States reported a total of 9 refusals.

In 2019, the execution of an EAW concerned a national or a resident of the executing Member State in 1 541 cases in the 22 Member States that provided figures (1 575 cases in 25 Member States in 2018) ([Question 9](#)).



Only the 22 Member States that provided figures under Question 9 have been taken into account.

A comparison with the total number of persons effectively surrendered by the same Member States in 2019 (5 042, [Question 3](#)) suggests that the execution of an EAW involved own nationals or residents in about 30.56% of cases. This proportion has increased compared to 2018, when 24.42% of cases of effective surrender involved nationals or residents in 25 Member States.

5.5.) Other provisions of the Framework Decision

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

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

- evidence of an enforceable judicial decision (such as a national arrest warrant) which must be distinct from the EAW itself 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](#), 23 refusals were based on the non-conformity of the EAW with the requirements laid down in Article 8 of the Framework Decision (11 cases registered in Germany alone). In 2018, there were 33 such refusals, and in 2017 there were 23, with Germany recording the highest numbers.

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

Article 15(2) of the Framework Decision provides for a duty upon the executing judicial authority to request supplementary information from the issuing judicial authority, whenever it finds that the information provided by the issuing judicial authority is insufficient to allow it to decide on surrender. This concerns, in particular, the content required in the EAW form (Article 8), which is needed to assess the possibility to execute the EAW, but also all the information necessary for the applicability of any ground for refusal (Articles 3 to 5)²⁵.

In 2019, 7 Member States out of 24 recorded 76 refusals to execute an EAW due to a lack of the requested additional information ([Question 7.15](#)). However, 3 Member States did not provide the data. The highest numbers of this type of refusal were recorded in Czechia (32) and Poland (22). For comparison, 15 refusals were reported in 2018 and 25 in 2017.

- Privilege or immunity (Article 20)

Article 20 of the Framework Decision concerns privileges and immunities on which the requested person can rely. There were no cases of refusals of execution on these grounds registered in the 23 Member States that provided figures for 2019 ([Question 7.16](#)). Only 1 case was reported by Finland in 2018, and no cases were identified in 2017.

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

As previously underlined, 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 under Article 2(1) of the Framework Decision.

In 2019, no cases of refusals of execution on the grounds of non-fulfilment of the first threshold of 12 months were recorded ([Question 7.17](#)). By comparison, in 2018, 2 cases were reported by 2 Member States.

However, 8 cases were reported by 6 Member States (out of 24 that responded) concerning EAWs issued for the purposes of executing a custodial sentence or detention order where the four-month threshold was not met ([Question 7.18](#)). In 2018, 6 such cases were reported by 5 Member States.

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

²⁵ Handbook on how to issue and execute a European arrest warrant, OJ C 335, 6 October 2017, p. 34.

When multiple EAWs concerning the same person exist at the same time issued by 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 on which EAW to execute, with due consideration of all the circumstances as provided for in Article 16 of the Framework Decision. There could be as well a situation when a competing EAW and an extradition request concerning the same person would exist.

In particular, the executing authority, while encouraging coordination among the different issuing authorities, may consider different factors in its decision, such as the relative seriousness of the offences, the place where the offences were committed, the respective dates of the EAWs, whether the warrant has been issued for the purposes of prosecution or for execution of a custodial sentence or detention order.

In 2019 under [Question 7.19](#), 7 refusals in 4 Member States out of 24 were reported concerning conflicting requests. In 2018, 8 refusals were reported by 4 Member States; and in 2017, 3 refusals were reported by 3 Member States.

- Other reasons

Finally, 12 Member States reported a total of 114 cases in which the execution of the EAW was not finalised due to different reasons, such as withdrawals of EAWs or postponed surrenders ([Question 7.21](#)). In comparison, in 2018, 134 cases were reported by 15 Member States.

6.) Surrender of a person (Article 23)

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

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

Responses to [Question 8.3](#) show that, in 2019, the surrender did not take place due to non-compliance with the time limit of 10 days prescribed by Article 23(2) of the Framework Decision in 115 cases registered in 7 Member States (of these, 54 were in Romania and 37 were in Spain). However, 7 Member States did not provide data. By way of comparison with the figures from previous years, there has been a significant increase: there were only 56 cases in 2018 in 22 Member States.

Article 23(3) and Article 23(4) address, respectively: (i) extensions of the time limits in cases when the surrender of the requested person within the ten-day period is prevented by

circumstances beyond the control of any of the Member States²⁶; or (ii) extensions of the time limits for serious humanitarian reasons.

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

Under Article 23(5), upon expiry of the time limits referred to in paragraphs 2 to 4 of Article 23, if the person is still being held in custody he or she must be released.

In 2019, 8 cases where the requested persons were released were reported by 3 Member States out of 21, compared to 9 cases in 2018 ([Question 8.4](#)).

Conclusions

On the basis of the submitted replies, only general conclusions can be drawn, since the provided data are not complete.

In particular, it should be highlighted that:

- the main indicators on the number of initiated proceedings, arrests, and effective surrender procedures have been rather stable, i.e. arrests and surrender procedures have not changed greatly as a share of initiated proceedings;
- concerning the time limits to take a decision whether to execute an EAW, it appears that some Member States do not comply with their obligations under the Framework Decision;
- on the grounds for non-execution, Article 4(6) of the Framework Decision – where the executing Member State takes over the execution of a sentence – triggers the highest percentage of 44% when compared with other mandatory and optional grounds provided under Articles 3, 4 and 4a of the Framework Decision.

During 2020, the Commission started infringement proceedings against Member States for the incomplete and incorrect transposition of the Framework Decision into their national legal orders. By the time of issuing this staff working document, the Commission issued 15 letters of formal notice against Austria, Belgium, Cyprus, Czechia, Estonia, Germany, Greece, Hungary, Ireland, Italy, Lithuania, the Netherlands, Poland, Spain and Sweden. The Commission has been assessing transposition in the remaining Member States.

²⁶ Judgment of the Court of Justice of 25 January 2017, *Vilkas*, C-640/15, ECLI:EU:C:2017:39.

Some of the deficiencies detected through the responses to the questionnaire for this exercise have also been observed in the context of the assessment of national transposition measures. It is expected that, if the affected Member States take steps to amend their national laws to bring them in line with the Framework Decision, most of these deficiencies will also be remedied.

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

2019

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	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
645	309 ²⁷	239 ²⁸	667 ²⁹	35	6162 ³⁰	107	102	406	665	128	1682	494	999	107	1430	298 ³¹	14	178	5	977	2338	358	1373	193 ³²	85	230

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

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	X	X	325	35	X ³³	99	38	205	506	75	1013	154	X	99	608	198	X	113	4	635 ³⁴	451	X ³⁵	72 ³⁶	X ³⁷	61	133

3.1. Terrorism

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	83	X	2	0	X ³⁸	0	0	18	11	0	119	0	0	0	40	0	X	0	0	X ³⁹	1	X	0	0	0	0

²⁷ BE: ‘Disclaimer: Due to the limitations of the database that is currently being used by the public prosecutor in Belgium to collect data on EAWs, we are not able to provide specific and differentiated numbers. Having said this, and for future reference, it needs to be emphasised that Belgium has made and is still making great efforts to further develop its database by which more differentiated numbers can be saved and requested from 1st January 2021 onwards.’

²⁸ BG: ‘All information below is provided according to the data available at the Ministry of Justice as Central Authority.’

²⁹ CZ: ‘All figures in this questionnaire, unless stated otherwise in the comments, were provided by the Czech Ministry of Justice.’

³⁰ DE: ‘This significant increase of EAWs compared with previous years is due to EAWs being reissued and exchanged. The arrest warrants that needed to be exchanged had originally been issued by German public prosecutors, which do not qualify as an issuing judicial authority within the meaning of Article 6(1) of Council Framework Decision 2002/584/JHA of JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States as amended by Council Framework Decision 2009/299/JHA of 26 February 2009.’

³¹ LT: ‘198 - for the purpose of prosecution, 100 - for the purpose of the execution of the custodial sentence.’

³² SE: ‘The system for compiling statistics has changed during the past year. The statistics might therefore include some uncertain figures.’

³³ DE: ‘The distinction between arrest warrants for the purpose of prosecution and arrest warrants for the purpose of execution – as presupposed by the question – is not statistically recorded.’

³⁴ NL: ‘In the Dutch database on EAWs there is no distinction between EAWs for prosecution and for execution of a sentence. Therefore we are unable to give figures in this respect.’

³⁵ PT: ‘Information not available.’

³⁶ RO: ‘(according to the database of the Romanian Ministry of Justice).’

³⁷ SE: ‘It is not possible to separate the EAWs for the purpose of prosecution from those for the purpose of execution of a sentence.’

³⁸ DE: ‘There are no statistics which distinguish between the categories of offences in EAWs.’

³⁹ NL: ‘The type of offence is not registered in EAW cases.’

3.2. Drug offences

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	X	X	67	7	X	22	18	44	230	30	446	43	53	17	318	42	2	28	0	X	407	X	40	44	5	10

3.3. Sexual offences

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	X	X	8	1 ⁴⁰	X	3	1	14	50	22	112	27	6	27	139	3	1	4	0	X	41	X	9	19	1	2

3.4. Firearms/explosives

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	X	X	0	1	x	5	1	18	15	0	30	3	4	0	10	10	X	1	0	X	22	X	6	1	0	1

3.5. Theft offences and criminal damage

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	X	X	169	8	X	29	37	73	139	23	325	120	191	17	305	78	4	64	2	X	902	X	147	31	16	57

3.6. Fraud and corruption offences

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	X	X	95	13	X	5	11	43	101	29	193	280	179	2	86	33	1	9	1	X	621	X	67	18	18	41

3.7. Counterfeiting the Euro

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	X	X	1	0	X	0	0	7	0	1	8	0	4	1	6	2	X	0	0	X	9	X	0	0	0	1

⁴⁰ CY: 'Possession of pornographic material related to minors.'

3.8. Homicide/Fatal offences

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	X	X	7	1	X	7	0	26	35	2	148	138	7	7	36	7	1	9	0	X	31	X	6	5	2	9

3.9. Non-fatal offences against the person

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	X	X	31	1	X	17	12	18	36	14	108	36	42	15	64	36	3	14	0	X	482	X	28	31	6	2

3.10. Trafficking in human beings

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	X	X	0	6	X	1	0	4	17	1	63	3	35	0	4	7	X	0	0	X	6	X	33	1	1	1

3.11. Other

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	X	X	287	8	X	18	35	176	31	6	378	36	487	6	318	102	1	10	2 ⁴¹	X	846	X ⁴²	X ⁴³	43	21	106

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

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
192	X	177 ⁴⁴	401	7	1117	52	49	61	135	50	492	123	213	40	279	60 ⁴⁵	3	36	2	267	1072	133	655 ⁴⁶	X	28	61

⁴¹ MT: 'Kidnap'.

⁴² PT: 'Information on EAWs issued this year according to categories of offences is not available.'

⁴³ RO: 'Road traffic offences – 156; Smuggling – 49; Organised crime – 39; Robbery – 25; Tax fraud – 38; Cybercrime – 11.....Etc....'

⁴⁴ BG: 'Additionally, 7 of the requested persons for 2019 were surrendered during the first 6 months of 2020.'

⁴⁵ LT: '46 for the purpose of prosecution and 14 for the purpose of execution of the custodial sentence.'

⁴⁶ RO: '(No distinction is made between surrenders resulting from the EAWs transmitted in 2019 and those resulting from EAW transmitted 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	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
392	X	165 ⁴⁷	323 ⁴⁸	34	1590	51	36	225	907	33	621	46	249	146	375	108 ⁴⁹	43	24	12	801	358	99	689	138	84	109

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	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
399	633 ⁵⁰	165 ⁵¹	363	34	1481	77	36	174	1071	34	529	48	249	420	632	108	49	34	12	1077	390	99	747	125	87	144

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

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
189 ⁵²	X	124 ⁵³	278	21	1185	51	32	133	688	32	438	75	225	109	207	98	40 ⁵⁴	31	9	503	252	72 ⁵⁵	630	103	69	71

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

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	X	X	164	20	608	30	28	78	310	15	210	54	174	39	61	73	26	25	4	86	161	44	560	55	43	60

⁴⁷ BG: 'All information below is provided according to the data sent by the competent judicial authorities to the Ministry of Justice as Central Authority.'

⁴⁸ CZ: 'This figure was provided by the Police Presidium of the Czech Republic (Sirene Office).'

⁴⁹ LT: 'Detention was applied in 82 instances, in 26 cases milder measures of constraint were applied or a person has already been arrested in a domestic criminal case.'

⁵⁰ BE: 'Disclaimer: Due to the limitations of the database that is currently being used by the public prosecutor in Belgium to collect data on EAWs, we are not able to provide specific and differentiated numbers. Having said this, and for future reference, it needs to be emphasised that Belgium has made and is still making great efforts to further develop its database by which more differentiated numbers can be saved and requested from 1st January 2021 onwards.'

⁵¹ BG: 'The Ministry of Justice is informed only in cases where a competent national authority has initiated EAW proceedings.'

⁵² AT: 'Out of the 399 proceedings that were initiated, in 259 cases the surrender was granted, in 28 cases the execution was refused. 48 cases were still pending, but have not been decided until the end of 2019, in 64 cases the proceedings were postponed or stopped due to various reasons. In those cases, where the surrender was granted, an effective surrender of 189 persons was effected, in the other cases, the effective surrender had to be postponed due to domestic proceedings that were pending against the requested person.'

⁵³ BG: 'Additionally, 8 of the requested persons for 2019 were surrendered during the first month of 2020.'

⁵⁴ LU: 'We have identified all EAWs for which a surrender date has been recorded. Deferred surrenders scheduled in 2018 but not executed are not included.'

⁵⁵ PT: 'Some of the surrendered persons relate to the execution of an EAW in 2018.'

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	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	X	X	25	60	20,5	28 ⁵⁶	7	20,66	7	22	13,6	13	4	X ⁵⁷	X	13	0,97 ⁵⁸	2	3	10	37	11,2	12	17	2,5	38

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

⁵⁶ DK: 'Please also view other information regarding this question.'

⁵⁷ IE: 'Consent is difficult to quantify as under Irish Law, an individual can consent to surrender even after proceedings are at an advanced stage or if a judgement or appeal in a related case went against their objections to surrender.'

The average time for consented surrenders can be broken down as follows:

7 persons consented and were surrendered within 0-30 days of arrest (average 21 days)

12 persons consented and were surrendered within 30-90 days of arrest (average 51 days)

10 persons consented and were surrendered within 90-300 days of arrest (average 198 days)

7 persons consented and were surrendered within 300-500 of arrest (average 430 days)

3 persons consented and were surrendered within 500-1 600 days of arrest (average 1296 days).'

⁵⁸ LU: 'For the calculation of the average time (in days) for EAWs with consent (i.e. without Chaco), we took into account the time between the date of notification and the date of consent. We only take into account EAWs or a surrender that have actually taken place and do not exclude from the calculation of the average the deferred surrenders, i.e. 11 of the 40 discounts that actually took place.'

X	X	X	50	90	45,85 ⁵⁹	68 ⁶⁰	9	49,27	19	34	43,2	45	49	361 ⁶¹	90	28	17,7 ⁶²	4	7	X ⁶³	33	83,6	22	30	39,8	64
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7. In how many cases this year has a judicial authority in your Member State refused the execution of an EAW?

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
28	X	23	55	4	289	8	1	29	65	2	53	4	23	21	50	4	1	3	3	185	67	6	97	8	8	5

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

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

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

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

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

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

⁵⁹ DE: 'The relevant period starts from the moment of detention for the purpose of surrender.'

⁶⁰ DK: 'Please also view other information regarding this question.'

⁶¹ IE: 'The overall average was 361. However, surrender was delayed in 2019 pending judgement in a number of ECJ references (and their related Supreme Court proceedings) including references based on Prison Conditions, the Rule of Law in Poland and whether Prosecutors can be deemed Judicial Authorities for EAW purposes.

The average time for contested surrenders can be broken down as follows:

23 individuals were surrendered within 0-90 days of arrest (average 57 days)

19 individuals were surrendered within 90-200 days of arrest (average 164 days)

14 individuals were surrendered within 200-500 days of arrest (average 322 days)

9 individuals were surrendered within 500-1 000 days of arrest (average 697 days)

5 individuals were surrendered within 1 000-2 500 days of arrest (average 1679 days).'

⁶² LU: 'For the calculation of 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 Counsel (District Court or Court of Appeal) until 01/01/2020. We only take into account EAWs or a surrender that have actually taken place and do not exclude from the calculation of the average the deferred surrenders, i.e. 11 of the 40 discounts that actually took place.'

⁶³ NL: 'Out of the 687 decisions on surrender:

137 decisions were taken within 60 days,

280 decisions were taken between 60 and 90 days,

165 decisions were taken after the time limit of 90 days expired.

Finally 105 decisions related to persons already detained for a Dutch criminal case or on the bases of another EAW, where the time limit of Article 17 does not run.'

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

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
8	X	1	3	0	5	0	0	0	4	0	1	3	7	3	2	1	X	0	0	8 ⁶⁴	17	0	X	1	1	2

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

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

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

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

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

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
0	X	0	0	0	16	0	0	0	1	0	1	18	0	0	1	0	X	0	1	X	0	0	1	2	2	0

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

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

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

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
3	X	18	6	2	48	1	0	1	47	1	19	0	13	0	25	1	X	3	0	37	22	3	40	0	0	0

⁶⁴ Disclaimer: NL inserted this figure under ‘Question 7.21 (Other)’ with the comment: ‘Lack of dual criminality (offence not punishable in the Netherlands).’ The figure was therefore transposed under the relevant figures related to double criminality under Question 7.4 (Lack of double criminality) (Framework Decision, Article 4(1))’.

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

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
0	X	1	0	0	30	0	0	15	3	0	0	0	0	0	0	0	X	0	0	1	10	0	3	0	0	0

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

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
3	X	3	4	1	67	7	1	0	1	0	6	0	1	6	0	0	X	0	0	54	1	0	4	2	1	0

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

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

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

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

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

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

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

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
1	X	1	32	0	0	0	0	0	0	0	14	0	0	0	5	0	X	0	0	X	1	0	22	0	0	0

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

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

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

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

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

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

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

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

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

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
2	X	1 ⁶⁵	0	1	65	0	0	0	0	1	2	0	0	6	0	2	X	0	0	X	0	0	X	1	0	0

7.21. Other

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
10 ⁶⁶	X	0	9	0	31	0	0	10 ⁶⁷	5	0	9	0	0	2 ⁶⁸	15	9 ⁶⁹	X	0	0	0	6	3 ⁷⁰	X ⁷¹	0	2	3 ⁷²

⁶⁵ BG: 'In one case, the competent Bulgarian court decided that a possible surrender could endanger the health of the requested person.'

⁶⁶ AT: 'In some cases, the ground for refusal could not be deduced from the available statistical data.'

⁶⁷ EL: 'statute of limitations - the relevant entry in SIS II was deleted.'

⁶⁸ IE: 'EAW had been issued by a body not recognised as an Issuing Judicial Authority as envisaged by the Act.'

⁶⁹ LT: '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 1 instance EAW was withdrawn (because the person agreed to arrive before the court himself, EAW was changed into the transfer of criminal procedure).'

⁷⁰ PT: 'Withdrawal of the EAW.'

⁷¹ RO: 'Withdrawn (18), non-compliance with the ECJ decisions (4) etc.'

⁷² SK: '2 cases - the absence of the purpose of EAW (criminal prosecution or execution of a custodial sentence).

1 case - with reference to the case-law of the Court of Justice.'

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	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	X	X	7	1	70	7	0	2	18	0	5	4	0	83	X	0	X ⁷³	0	0	165 ⁷⁴	3	0 ⁷⁵	1	0	2	7

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

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	X	X	7 ⁷⁶	1	0	0	0	2	0	0	1	0	0	83	X	0	X	0	0	X ⁷⁷	2	X	1	0	0	1

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

AT	BE	BG	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	X	X	2 ⁷⁸	0	0	0	0	7	37	0	8	3	0	0	X	0	X ⁷⁹	0	0	0	4	0	54	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	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK

⁷³ LU: ‘The procedure laid down for the conduct of EAW cases in Luxembourg does not allow the 90-day period between the date of notification and the date of the decision to be exceeded.’

⁷⁴ NL: ‘Mainly pending preliminary questions to the Court of Justice by Dutch or executing authorities from other Member States (C-573/17 Poplawski, C-216/18 Celmer) and pending answers upon requests for additional information as a consequence of the Court of Justice decisions C-695/15 Caldararu and C-496/16 Aranyosi, C-271/17 Zdziaszek, C-270/17 Tupikas, C-108/16 Dworzecki, C-314/18 SF. 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.’

⁷⁵ PT: ‘No such case was reported.’

⁷⁶ CZ: ‘This figure was consulted with the Czech national desk at Eurojust.’

⁷⁷ NL: ‘The issuing judicial authority was always informed immediately. Eurojust was informed later.’

⁷⁸ CZ: ‘Execution of the surrender was postponed in two cases upon request of BG authorities.’

⁷⁹ LU: ‘In 4 cases, the judicial authorities were not able to respect the 10-days’ time limit for surrender according to Article 23(2) of the Framework Decision, but it is not specified if the surrender did or did not take place.’

X	X	X	0	0	0	0	0	0	0	⁸⁰	0	5	1	0	0	X	0	0 ⁸¹	0	0	0	0	0	2	X	0	0
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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	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	X	X	98	5	50	3	8	16	28	4	46	25	73	26	X	87	8 ⁸²	24	7 ⁸³	158 ⁸⁴	140	31	588	X	14	102

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	CZ	CY	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
X	X	X	0	0	0	0	0	0	0	0	0	0	0	0	X	0	X	0	0	0	0	X ⁸⁵	X	0 ⁸⁶	2	0

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

Belgium

‘Disclaimer: Due to the limitations of the database that is currently being used by the public prosecutor in Belgium to collect data on EAWs, we are not able to provide specific and differentiated numbers.

Having said this, and for future reference, it needs to be emphasised that Belgium has made and is still making great efforts to further develop its database by which more differentiated numbers can be saved and requested from 1st January 2021 onwards.’

⁸⁰ ES: ‘This figure is unknown.’

⁸¹ LU: ‘The delays were always justified, in none of the cases the person was released as a result of the delay in surrender.’

⁸² LU: ‘1 (national) - 7 (residents).’

⁸³ MT: ‘National – 1, Resident – 6.’

⁸⁴ NL: ‘151 nationals and 7 residents.’

⁸⁵ PT: ‘Information not available.’

⁸⁶ SE: ‘Sweden does not require a guarantee as provided for in Article 5.’

Bulgaria

‘In 3 cases the EAW was withdrawn by the issuing Member State.’

Denmark

‘Under section 5 and 6 regarding the average time from the arrest to the decision to surrender, in cases where the person consented to transfer, and in cases where the person did not consent, it should be noted that some cases took a long time processing since we had to ask for information regarding prison conditions, information on judgments rendered *in absentia* and the rule of law in Poland. Please note that the numbers provided for this questionnaire has been counted manually and therefore minor inaccuracies can occur.’

Annex II – Overview of the number of issued and executed EAWs 2005-2019

EAWs in Member States – Number of issued EAWs (‘issued’) and number of EAWs that resulted in the effective surrender of the person sought (‘executed’) based on statistics provided to the Council (2005-2013) and the Commission (2014-2019) by Member States⁸⁷

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

	BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK	Total
2005 issued⁸⁸			4	64		38	38	519	1914	29		121	44	44	500	42	42	1	373	975	1448	200		81	56	86	144	131	6894
2005 executed⁸⁹			0	19		10	12	54	162	6		57	3	10	69	24	23	0	30	73	112	38		10	14	37	10	63	836
2006 issued			168	52		42	53	450	1552	43			20	65	538	35	115	4	325	391	2421	102		67	111	69	137	129	6889
2006 executed			125	19		15	4	62	237	20			2	14	57	22	55	3	47	67	235	52		14	23	37	27	86	1223
2007 issued			435		1785	31	83	588	1028	35			20	97	316	44	373	3	403	495	3473	117	856	54	208	84	170	185	10883
2007 executed			66		506	14	16	59	345	14			4	16	60	15	84	1	17	47	434	45	235	8	71	43	22	99	2221
2008 issued			494	52	2149	46	119	623	1184	40			16	140	348	40	975	2	392	461	4829	104	2000	39	342	107	190	218	14910
2008 executed			141	26	624	22	10	93	400	13			3	22	68	22	205	1		28	617	63	448	11	81	44	40	96	3078
2009 issued	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	15827
2009 executed	73		67	51	777	21	19	99	420	16			3	40	84	26	149	2	0	37	1367	63	877	6	79	47	28	80	4431
2010 issued	553	280	552	85	2096	74	132	566	1130				29	159	402	32	1015	16			3753	84	2000	30	361	116	169	257	13891
2010 executed	57	120	97	42	835	29	33	97	424				4	48	79	14	231	1			929		855	4	164	49	65	116	4293
2011 issued	600		518	128	2138	67		531	912	71			26	210	420	60		15			3089	193		53	350		198	205	9784
2011 executed	57		238	91	855	31		99	297	19			8	39	113	29		4			930	54		16	105		69	99	3153
2012 issued	616		487	117	1984	61		587	1087	88			34		473	60		11		552	3497	223			414	135	239		10665
2012 executed	68		186	70	1104	30		103	322	22			15		131	28		6		151	1103	54			125	59	75		3652
2013 issued	716		327	157	1932	88		582	1099	69			24	186	519			9	548	665	2972	303	2238	56	335	91	226		13142
2013 executed	63		104	106	900	35		121	305	17			7	54	109			1	90	125	731	61	422	22	43	55	96		3467
2014 issued	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	14948
2014 executed	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	5535
2015 issued	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	16144
2015 executed	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	5304
2016 issued	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	16636

⁸⁸ Answers to Question 1 to issuing Member States in the yearly questionnaire on quantitative information on the practical operation of the EAW.

⁸⁹ Answers to Question 4 to issuing Member States in the yearly questionnaire on quantitative information on the practical operation of the EAW.

2016 executed		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	5812
2017 issued	757	280	787	88	2600	93	291	618	1271	76	275	1291	50	260	346	146	1376	14	652	783	2432	440	1350	115	308	105	409	278	17491
2017 executed		173	319	31	1234	49	66	201	376	47	100	405	13	44	236	77	239	4		337	1349	119	515	34	58	37	71	183	6317
2018 issued	x	478	667	106	3783	92	508	824	1311	106	353	1362	49	179	288	124	1042	4	787	662	2394	321	1067	121	275	122	270	176	17471
2018 executed	x	201	403	43	1185	45	79	268	396	61	195	342	12	63	175	64	214	2	327	319	1428	118	639	53	31	59	69	185	6976
2019 issued	309	239	667	107	6162	102	406	665	1682	107	494	1430	35	178	298	178	999	5	977	645	2338	358	1373	85	230	128	193	X	20226
2019 executed	x	124	278	51	1185	32	133	688	438	109	75	207	21	31	98	40	225	9	503	189	252	72	630	69	71	32	103	X	5665

The available statistics furnished by Member States and compiled for **2005-2019** record a total of **205 801 issued EAWs**, of which **61 963 were executed**.

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

2005 – 6 894 issued – 836 executed (no data from 2 MS – BE, DE)
2006 – 6 889 issued – 1 223 executed (no data from 3 MS – BE, DE, IT)
2007 – 10 883 issued – 2 221 executed (no data from 4 MS – BE, BG, DK, IT)
2008 – 14 910 issued – 3 078 executed (no data from 3 MS – BE, BG, IT, and no data on execution from 1 MS – NL)
2009 – 15 827 issued – 4 431 executed (no data from 2 MS – BG, IT)
2010 – 13 891 issued – 4 293 executed (no data from 4 MS – IE, IT, NL, AT, and no data on execution from 1 MS – PT)
2011 – 9 784 issued – 3 153 executed (no data from 8 MS – BG, EL, IT, HU, NL, AT, RO, FI)
2012 – 10 665 issued – 3 652 executed (no data from 9 MS – BG, EL, IT, LV, HU, NL, RO, SI, UK)
2013 – 13 142 issued – 3 467 executed (no data from 6 MS – BG, EL, IT, LU, HU, UK)
2014 – 14 948 issued – 5 535 executed (no data from 1 MS – IT, and no data on execution from 1 MS – FI)
2015 – 16 144 issued – 5 304 executed (no data on execution from 2 MS – IT, NL)
2016 – 16 636 issued – 5 812 executed (no data on execution from 3 MS – BE, IT, HU)
2017 – 17 491 issued – 6 317 executed (no data on execution from 1 MS – BE)
2018 – 17 471 issued – 6 976 executed (no data from 1 MS – BE)
2019 – 20 226 issued – 5 665 executed (no data on execution from 1 MS – BE)