



## **REPORT**

**On the operation of the European Arrest Warrant Act 2003 (as amended) in the year 2014 made to the Houses of the Oireachtas by the Central Authority in the person of the Minister for Justice and Equality pursuant to section 6(6) of the European Arrest Warrant Act 2003.**

## **Introduction**

### **The European Arrest Warrant Act 2003**

- 1.1 The *European Arrest Warrant Act 2003* came into operation on 1 January 2004.

The Act gives effect to the Council Framework Decision of 13 June 2002 on the European Arrest Warrant and the surrender procedures between Member States. The purpose of the Framework Decision is to simplify extradition procedures between Member States of the European Union.

- 1.2 Section 6(6) of the Act provides that the Central Authority shall prepare an annual report to the Oireachtas on the operation of Part 2 of the Act in the preceding year. Part 2 relates to European arrest warrants received in the State and European arrest warrants issued by the State.

### **The Central Authority**

- 1.3 The Act provides that the Minister for Justice and Equality will be the Central Authority. The functions of the Central Authority, which are administered through the Mutual Assistance and Extradition Division of the Department of Justice and Equality, are:
- (a) to receive European arrest warrants issued by a judicial authority in another state;
  - (b) to seek further information or documentation, where appropriate, from the issuing judicial authority;
  - (c) to apply, or cause an application to be made, to the High Court for endorsement of a European arrest warrant for execution;

- (d) to liaise with other relevant state authorities (the Office of the Attorney General, the Chief State Solicitor's Office, the Office of the Director of Public Prosecutions and the Garda Síochána) in relation to European arrest warrants;
- (e) to communicate with the issuing judicial authorities on matters relevant to the processing of European arrest warrants;
- (f) to transmit to other Member States European arrest warrants issued by the High Court;
- (g) to inform relevant parties of surrender under sections 15 and 16 of the European Arrest Warrant Act 2003, as amended.

### **Endorsement of Warrant**

- 1.4 Upon receipt of a European arrest warrant, following administrative verification, and subject to legal advice, the Central Authority forwards it to the Office of the Chief State Solicitor. The Chief State Solicitor makes an application to the High Court to have the warrant endorsed for execution.
- 1.5 If the High Court is satisfied that the warrant is in order, it may endorse the warrant for execution. Once endorsed, the warrant is sent to the Garda Síochána to be executed. The person must be brought before the High Court as soon as possible after arrest.

### **High Court Procedures**

- 1.6 On his or her first appearance before the High Court, the person may be remanded in custody or granted bail at the Court's discretion, and a date is set for a hearing of the surrender proceedings which must commence within 21 days of the date of the arrest.
- 1.7 If a person does not consent to surrender, the High Court may order the person's surrender where there is compliance with the provisions of the Act.

1.8 The High Court has an initial 60 days (extendable up to 90 days) from the date of the arrest of the person to decide whether or not to order surrender. If, at the end of that period, the High Court decides not to order surrender or has not yet made any order, it directs the Central Authority to inform the issuing authority and, where appropriate, Eurojust, accordingly of the reasons. These time limits, however, are not mandatory. In particular, they may be exceeded where the proceedings are still ongoing or where the person whose surrender is sought has exercised his/her right to make a complaint under Article 40.4.2 of the Constitution, or has appealed on a point of law to the Supreme Court.

### **Issuing of European arrest warrants by the State**

1.9 Part 2 of the 2003 Act also sets out the procedure for the issue of European arrest warrants in the State. A European arrest warrant may be issued by a court where an application is made by the Director of Public Prosecutions for such a warrant. Before the court will issue a European arrest warrant, there must be in existence a warrant issued by a court in the State for the arrest of the person, and the court must also be satisfied that the person is to be found in one of the other European Union Member States.

1.10 The Director of Public Prosecutions, to whom the European arrest warrant is issued, forwards the European arrest warrant to the Central Authority which transmits it to the relevant Member State.

## Report

The Report, which is the tenth to be prepared under the European Arrest Warrant Act 2003, is comprised of two parts:

**Part 1** records developments in 2014 in relation to European arrest warrants received by the Central Authority by reference to the various stages in the process.

**Part 2** records developments in 2014 in relation to European arrest warrants transmitted by the Central Authority.

A number of appendices are also included setting out the following information:

**Appendix 1** - Number of European arrest warrants received by the Central Authority in 2014

**Appendix 2** - Surrender Orders executed by the State since 1 January 2004

**Appendix 3** - Position at 31 December 2014 of European arrest warrants transmitted by the Central Authority in 2014

**Appendix 4** - Number surrendered to the State since 1 January 2004.

## **Part 1**

### **Developments in 2014 in relation to European Arrest Warrants received by the Central Authority**

### **Position in 2014 concerning European arrest warrants received in previous years**

1.1 442 European arrest warrants received between 2004 and 2013 were still ongoing at 1 January 2014. Of these,

173 were completed in 2014

269 were still at various stages of processing at 31 December 2014.

### **Number of valid European arrest warrants received from each Member State in 2014**

1.2 A total of 183 European arrest warrants were received from Member States by the Central Authority in 2014 (See Appendix 1)

### **Types of offences**

1.3 A wide range of offences were cited in European arrest warrants received during 2014. Among the principal offences cited were: murder/grievous bodily harm, sexual offences including rape and sexual abuse of children, drugs offences robbery/assault, fraud and human trafficking.

### **European arrest warrants endorsed**

1.4 154 European arrest warrants received in 2014 were endorsed by the High Court in 2014.

### **Number of persons arrested pursuant to a European arrest warrant**

- 1.5 62 arrests were made in this jurisdiction in 2014 pursuant to European arrest warrants received and endorsed in 2014.

### **Notifications under Section 16 (10) and 16(11) of the Act**

- 1.6 Section 16(10) of the *European Arrest Warrant Act 2003* requires the Central Authority, on the direction of the High Court, to notify the issuing judicial authority and Eurojust, if appropriate, if the High Court has not ordered the surrender, or has decided not to order the surrender, of a person within 60 days following his/her arrest. If the period exceeds 90 days after arrest, the Central Authority must again, on the direction of the High Court, notify the issuing judicial authority and Eurojust of this fact (s.16 (11)). The Central Authority must give the reasons why an order has not been made or why the High Court has decided not to make an order.

117 notifications were made under section 16(10) of the Act in 2014.

118 notifications were made under section 16(11) of the Act in 2014.

### **Number of European arrest warrants received from Member States completed in 2014**

- 1.7 30 European arrest warrants received in 2014 were completed in 2014

### **Number of complaints under Article 40.4.2 of the Constitution**

- 1.8 There were no complaints made under Article 40.4.2 of the Constitution in 2014.



### **Number of Cases appealed to the Supreme Court in 2014**

- 1.9 There were seven appeals to the Supreme Court in 2014 which were ongoing on 31 December 2014

### **Number of Cases appealed to the Court of Appeal in 2014**

- 1.10 There were two appeals to the Court of Appeal in 2014 which were ongoing on 31 December 2014.

### **Number of European arrest warrants on hand at 31 December 2014**

- 1.11 153 European arrest warrants received in 2014 were still ongoing at 31 December 2014. In addition, 269 European arrest warrants which had been received in 2004-2013 were still ongoing at 31 December 2014.

### **Surrender Orders executed by the State since 1 January 2004**

- 1.12 There were 115 orders for surrender executed by the State in 2014. It should be noted that a number of European arrest warrants may be transmitted by an issuing state for a single individual. Therefore, while the Courts have made 115 orders for surrender, a number of these orders may refer to a single individual.
- 1022 orders for surrender have been executed since the coming into operation of the European Arrest Warrant Act on 1 January 2004. (see Appendix 2)

## **Part 2**

### **Developments in 2014 in relation to European Arrest Warrants transmitted by the Central Authority**

## **Role of the Central Authority**

The role of the Central Authority in relation to the issue by the State of European arrest warrants is to transmit the warrant to the executing Member State. The Central Authority also acts as a conduit where the executing Member State requests further information or documents.

## **Position in 2014 concerning European arrest warrants transmitted between 2004 and 2013**

2.1 114 European arrest warrants transmitted by the Central Authority to other Member States between 2004 and 2013 were still ongoing at 1 January 2014.

56 persons who were the subjects of European arrest warrants transmitted between 2004 and 2013 were surrendered in 2014.

## **Number of European arrests warrants transmitted by the Central Authority in 2014**

2.2 78 European arrest warrants were transmitted by the Central Authority to other Member States in 2014.

## **Types of offences**

2.3 The types of offences cited in the European arrest warrants transmitted by the Central Authority in 2014 included murder, sexual offences, drugs offences, assault and robbery and fraud.

## **Number surrendered to the State in 2014**

2.4 27 persons who were subjects of European arrest warrants transmitted in 2014 were surrendered to this jurisdiction during 2014.

**Number of European arrest warrants transmitted in 2014 still ongoing at 31 December 2014**

- 2.5 41 European arrest warrants, transmitted during 2014, were still ongoing at 31 December 2014. 10 European arrest warrants transmitted during 2014 were withdrawn or closed for various reasons (see Appendix 3). A further 55 which had been transmitted between 2004 and 2013 were also still ongoing at 31 December 2014.

**Number surrendered to the State since 1 January 2004**

- 2.6 332 persons have been surrendered to the State since the coming into operation of the European Arrest Warrant Act on 1 January 2004 (see Appendix 4).

## **Appendices**

## Appendix 1

### Number of European arrest warrants received by the Central Authority in 2014

<b>Member State</b>	<b>Number of European arrest warrants received</b>
<b>Austria</b>	<b>1</b>
<b>Belgium</b>	<b>2</b>
<b>Bulgaria</b>	<b>1</b>
<b>Croatia</b>	<b>3</b>
<b>Czech Republic</b>	<b>4</b>
<b>France</b>	<b>2</b>
<b>Germany</b>	<b>4</b>
<b>Greece</b>	<b>1</b>
<b>Hungary</b>	<b>4</b>
<b>Italy</b>	<b>1</b>
<b>Latvia</b>	<b>6</b>
<b>Lithuania</b>	<b>17</b>
<b>Poland</b>	<b>83</b>
<b>Romania</b>	<b>7</b>
<b>Slovakia</b>	<b>3</b>
<b>Spain</b>	<b>7</b>
<b>United Kingdom*</b>	<b>37</b>
<b>Total</b>	<b>183</b>

\* This included 8 from Northern Ireland

## Appendix 2

### Surrender Orders executed by the State since 1 January 2004

Year	Surrender executed	To Member State
2004	2	UK (1) France (1)
2005	7	UK (6) Spain (1)
2006	45	UK (25) Lithuania (9) Poland (7) France (1) Latvia (1) Hungary (1) Estonia (1)
2007	67	UK (32) Lithuania (16) Poland (8) Latvia (6) Czech Rep. (5)
2008	73	UK (32) Poland (17) Czech Rep (7) Lithuania (6) Latvia (3) Romania (3) Germany (2) Italy (1) Netherlands (1) Slovakia (1)
2009	69	UK (21) Poland (20) Lithuania (13) Latvia (5) Czech Rep. (2) Germany (2) Romania (2) Hungary (2) France (1) Estonia (1)
2010	161	Poland (87) UK (34) Lithuania (15) Czech Rep. (7) Latvia (4) Romania (4) Holland (3) Slovakia (3) Estonia (1) France (1) Germany (1) Holland (1)

<b>Year</b>	<b>Surrender executed</b>	<b>To Member State</b>
<b>2011</b>	177	Poland (113) UK (19) Romania (8) Czech Rep. (8) Hungary (7) Germany (3) Latvia (3) Lithuania (3) Slovakia (3) Spain (3) Sweden (2) Belgium (2) Estonia (1) France (1) Holland (1)
<b>2012</b>	149	Poland (101) UK (22) Lithuania (8) Czech Republic (7) Latvia (4) Romania (3) Slovakia (1) Austria (1) Hungary (1) Netherlands (1)
<b>2013</b>	157	Poland (100) UK/NI (25) Lithuania (10) Latvia (5) Germany (4) Hungary (4) Czech Republic (3) Romania (2) Slovakia (2) France (1) Austria (1)
<b>2014</b>	115	Czech Republic (3) Germany (1) Latvia (2) Lithuania (8) Poland (67) Romania (2) Slovakia (3) UK/NI (29)
<b>Total</b>	<b>1022</b>	



### Appendix 3

#### Position at 31 December 2014 in relation to European arrest warrants transmitted by the Central Authority in 2014

<b>Member State</b>	<b>EAW transmitted in 2014</b>	<b>Surrendered</b>	<b>Withdrawn / closed for other reason</b>	<b>Ongoing 31/12/14</b>
Belgium	2	-	2	0
UK	49	17	4	28
Netherlands	7	3	2	2
Spain	4	1	1	2
Greece	1	-	-	1
Hungary	1	-	-	1
Italy	1	1	-	0
Poland	5	1	-	4
Romania	1	-	-	1
Czech Republic	1	1	-	0
France	4	1	1	2
Portugal	1	1	-	0
Sweden	1	1	-	0
<b>Total</b>	<b>78</b>	<b>27</b>	<b>10</b>	<b>41</b>

## Appendix 4

### Number surrendered to the State since 1 January 2004

<b>Year</b>	<b>Surrendered</b>	<b>From Member State</b>
<b>2004</b>	5	UK (4) Spain (1)
<b>2005</b>	12	UK (12)
<b>2006</b>	19	UK (17) Spain (2)
<b>2007</b>	24	UK (22) Spain (1) Netherlands (1)
<b>2008</b>	27	UK (25) Romania (1) Germany (1)
<b>2009</b>	35	UK (27) Romania (2) Estonia (2) Portugal (1) Lithuania (1) Poland (1) Netherlands (1)
<b>2010</b>	26	UK(22) Spain (1) Poland (1) Latvia (1) France (1)
<b>2011</b>	36	UK (31) Germany (1) Lithuania (1) Netherlands (1) Poland (1) Spain (1)
<b>2012</b>	52	UK (39) Spain (2) Romania (2) Netherlands (2) Poland (2) Lithuania (2) Bulgaria (1) Czech Republic (1) Slovakia (1)
<b>2013</b>	40	UK (30) Latvia (2) Spain (2) Bulgaria (1) Germany (1) Poland (1) Romania (1) Slovakia (1) Sweden (1)

<b>Year</b>	<b>Surrendered</b>	<b>From Member State</b>
<b>2014</b>	56	UK (39) Poland (2) Netherlands (3) Czech Republic (2) France (2) Portugal (2) Spain (1) Italy (1) Sweden (1) Finland (1) Cyprus (1) Bulgaria (1)
<b>Total</b>	<b>332</b>	