



OFFICE OF THE PROSECUTOR GENERAL

29.5.2019

To whom it may concern

Reference: Court of Justice of the European Union Judgments in Joined Cases C-508/18 and C-82/19

In Finland, under Finnish law, prosecutor always decides on the issuing of EAWs.

According to the Act on the Prosecution Service (439/2011) prosecutors are autonomous and independent in the consideration of charges and any measure related thereto. It is the duty of a prosecutor is to impartially secure criminal liability in a case under his/her consideration in a manner consistent with the legal safeguards of the parties and the public interest.

Due to the autonomous and independent status of the prosecutor he/she may not be directed or instructed in a specific case or otherwise by the executive, such as a Minister for Justice or the police in connection with deciding to issue an EAW.

The prosecution service is headed by the Prosecutor General, who is appointed by the President of the Republic. The status of the Prosecutor General is laid down in the the Constitution of Finland (731/1999). The Prosecutor General serves as the supreme prosecutor and supervisor of the prosecutors. The Prosecutor General may take over a case from a subordinate prosecutor or assign a subordinate prosecutor to a case where the Prosecutor General has decided a charge is to be brought.

A prosecutor may issue an EAW for prosecution only on the basis of a national arrest warrant issued by a court. The Court may remand a person whose surrender to Finland is to be requested if there are grounds to suspect that he/she will not arrive voluntarily to Finland for prosecution. Court's decision is possible only if there are probable grounds to suspect the requested person of a crime. The principle of proportionality will be applied in the consideration of the coercive measures.

The requested person may file a complaint to the Court of Appeal against the decision by which he or she has been remanded. The complaint is not subject to any time limits and may be filed in any stage of the EAW proceedings. If the Court of Appeal annuls the decision on remand the EAW will consequently be cancelled by the issuing prosecutor.

Once the requested person is surrendered to Finland the Court will hold a new remand hearing without delay and in any case not later than four days from the time when the requested person arrived in Finland.

Prosecutor has according to the Coersive Measures Act the right to arrest a person in Finland. In such a case, if necessary, a request for the person to be remanded must be forwarded to the competent court the third day before noon counted from the arrest.

State Prosecutor

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