



DIRECTOR OF PUBLIC PROSECUTIONS

To Whom it May Concern

REF.:

OUR REF.:

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DATE:

2 December 2019

Certification that the Norwegian Director of the Public Prosecutions is a judicial authority in accordance with the Framework Decision of 13 June 2002 on the European Arrest Warrant and surrender procedures

The European Court of Justice's judgement of 27 May 2019 assessed, in the joined cases C-508/18 and C-82/19 PPU, the meaning of “an issuing judicial authority” according to Article 6 (1) Framework Decision 2002/584/JHA on the European Arrest Warrant and the surrender procedures. The Court stated that an issuing judicial authority must be interpreted as not including Public Prosecutor Offices that are exposed to the risk of being subject to, directly or indirectly, directions or instructions in a specific case, such as Ministry of Justice (and public security), in connection with the adoption of a decision to issue an European Arrest Warrant.

We expect the interpretation of “an issuing judicial authority” to be the same according to Article 9 (1) in the Council Decision 2006/697/EC on the Agreement between the European Union and the Republic of Iceland and the Kingdom of Norway on the surrender procedure between the Member States of the European Union and Iceland and Norway.

In Norway, the Prosecuting Authority is the issuing judicial authority.

The Norwegian Criminal Procedure Act Section 55 states clearly that the Prosecuting Authority is independent in a specific case. No one can instruct the Prosecuting Authority in a specific case or reverse a prosecutorial decision.



Knut Erik Sæther
Deputy Director of Public Prosecutions

Kjerstin A. Kvande
Senior Public Prosecutor