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from:	HE Wilhelm SCHÖNFELDER, Ambassador, Permanent Representative of the Federal Republic of Germany to the European Union
date of receipt:	7 August 2006
to:	Mr Javier SOLANA, Secretary-General/High Representative
Subject:	Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States of the European Union (2002/584/JI) specifically: Notification under Article 34(2) of the Framework Decision concerning incorporation into domestic law

Sir,

I forward herewith the text of the legislation by which Germany's obligations under the Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States of the European Union are incorporated into German law. Further to a decision by the Federal Constitutional Court on 18 July 2005, the Act implementing the Framework Decision on the European arrest warrant and the surrender procedures between Member States of the European Union (European Arrest Warrant Act) was redrafted. It entered into force on 2 August 2006.

I am also forwarding, below, the text of the other declarations made by the Federal Republic of Germany concerning the Framework Decision on the European arrest warrant and the surrender procedures between Member States of the European Union. Apart from a drafting amendment as regards the designation of the competent authorities, the text corresponds to the notifications issued following the entry into force of the European Arrest Warrant Act of 21 July 2004 which the Federal Constitutional Court declared void.

Re Article 6(3) of the Framework Decision: Under Article 6 the competent judicial authorities are the Ministries of Justice of the Federal Republic and of the Länder. As a rule, these have transferred the execution of the powers resulting from the Framework Decision for the submission of outgoing requests (Article 6(1)) to the public prosecutor's offices of the Länder and to the regional courts, and the powers to meet incoming requests (Article 6(2)) to the chief public prosecutor's offices of the Länder.

Re Article 8(2) of the Framework Decision: The Federal Republic of Germany recognises a European arrest warrant in any official language of any issuing state which recognises European arrest warrants in German issued by German judicial authorities.

Re Article 25(2) of the Framework Decision: The authority responsible for receiving transit requests is the chief public prosecutor's office in whose territory the requested person is to be transferred for transit purposes.

Re Article 31(2), subparagraph 4, of the Framework Decision: The multilateral agreements and conventions referred to in Article 31(1) remain alternatively applicable provided that they offer the possibility of going beyond the aims of the European arrest warrant, that they contribute towards simplification or streamlining of the procedures and that the Member State in question also continues to apply them. The same applies to bilateral agreements which the Federal Republic of Germany has entered into with individual Member States.

No further declarations.

(Complimentary close).

(s.) Schönfelder
