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COVER NOTE

From :	Mr. Antoine CASHA, Technical Attaché (Police), Permanent Representation of Malta to the EU
Dated :	15 September 2004
To :	Mr. Hans G. NILSSON, Head of Division of Judicial Cooperation, DG H III, General Secretariat of the Council

Subject :	Notifications with regard to the Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States
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In accordance with the provisions of Article 34 (Implementation) of the Council Framework Decision of 13 June 2002 on the European Arrest Warrant and the Surrender Procedures between Member States (2002/584/JHA), the Extradition (Designated Foreign Countries) Order (LN320/04) was adopted on 4 June 2004 and entered into force on 7 June 2004. This legislation amends the Extradition Act (Cap. 276) and implements the Council Framework Decision on the European Arrest Warrant and the Surrender Procedures between Member States (2002/584/JHA).

In accordance with the provisions of Article 6(1) (Determination of the competent judicial authorities) of the Council Framework Decision of 13 June 2002 on the European Arrest Warrant and the Surrender Procedures between Member States (2002/584/JHA), the issuing judicial authority will be a Magistrate sitting in the Court of Magistrates.

In accordance with the provisions of Article 6(2) (Determination of the competent judicial authorities) of the Council Framework Decision of 13 June 2002 on the European Arrest Warrant and the Surrender Procedures between Member States (2002/584/JHA), the executing judicial authority will be the Court of Magistrates (Malta) sitting as a Court of Criminal Inquiry, for purposes of the Extradition Act (Cap. 276) referred to as a Court of Committal.

In accordance with the provisions of Article 7 (Recourse to the central authority) of the Council Framework Decision of 13 June 2002 on the European Arrest Warrant and the Surrender Procedures between Member States (2002/584/JHA), the following is the designated central authority to assist the competent judicial authorities:

The Office of the Attorney General
(International Co-Operation in Criminal Matters)
The Palace
Valletta
Malta

In accordance with the provisions of Article 25(2) (Transit) of the Council Framework Decision of 13 June 2002 on the European Arrest Warrant and the Surrender Procedures between Member States (2002/584/JHA), the following is the designated authority for receiving transit requests and the necessary documents, as well as any other official correspondence relating to transit requests:

Commissioner of Police and Principal Immigration Officer,
Police General Headquarters
Floriana
Malta

Malta does not intend to make any notifications with regard to Article 27(1) (Possible prosecution for other offences) and Article 28(1) (Surrender or subsequent extradition) of the Council Framework Decision of 13 June 2002 on the European Arrest Warrant and the Surrender Procedures between Member States (2002/584/JHA).

Upon request, attached please find the Fiche Française with regard to the European Arrest Warrant.¹

(Complimentary close)

(signed) Antoine Casha

¹ The Fiche Française is contained in doc. 12439/04 COPEN 107 EJM 59 EUROJUST 76