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COVER NOTE

from :	Mr Hans G NILSSON, Minister, Permanent Representation of Sweden to the European Union
date of receipt :	3 April 2009
to :	Mr Javier SOLANA, Secretary-General/High Representative
No prev. doc. :	16288/03 COPEN 132 EJN 17 EUROJUST 20
Subject :	An update of the Swedish notifications and statements in accordance with the Framework Decision on the European arrest warrant and the surrender procedure between Member States

Dear Secretary-General,

Please find enclosed an update of the Swedish notifications and statements in accordance with the Framework Decision on the European arrest warrant and the surrender procedure between Member states.

(Complimentary close)

(signed) Hans G NILSSON

Updated information from Sweden

An update of the Swedish notifications and statements in accordance with Articles 6(3), 7, 8(2), 13(4), 25(2), 27(1) and 28(1) of the Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedure between Member States is herewith forwarded.

Article 6(3)

The following authorities in Sweden are competent to issue and execute a European arrest warrant.

Issuing judicial authority

A European arrest warrant for prosecution is issued by the public prosecutor.

A European arrest warrant for the enforcement of a custodial sentence or other form of detention is issued by the National Police Board (Rikspolisstyrelsen).

Executing judicial authority

The executing judicial authorities in Sweden are the public prosecutor and ordinary courts.

A European arrest warrant is executed in Sweden as follows.

The European arrest warrant is sent to the competent public prosecutor. A request under Article 27(4) or Article 28(3) is sent to the public prosecutor who dealt with the question of surrender of the wanted person.

Where there are doubts as to which public prosecutor is competent to deal with the European arrest warrant, information can be obtained from the Office of the Prosecutor-General, the National Police Board or a contact point in the European Judicial Network.

Office of the Prosecutor-General
International unit
Box 5553
114 85 STOCKHOLM
Tel: +46-8-453 66 00
Fax: +46-8-453 66 99
e-mail: registrator.riksaklagaren@aklagare.se

National Police Board
International Police Cooperation Division
Box 12256
102 26 STOCKHOLM
Tel: +46-8-401 37 00
Fax: +46-8-401 48 99
e-mail: ipo.rkp@polisen.se

A City or District Court decides on the question of surrender upon an application by the public prosecutor. The decision can be appealed to the Court of Appeal and the Supreme Court. Leave for appeal is required at the Supreme Court. The same procedure is applied for a request in accordance with Article 27(4) or Article 28(3).

Apart from the ordinary procedure described above, the public prosecutor is competent to decide that a European arrest warrant shall not be executed if the issuing judicial authority does not provide the information necessary to assess whether the European arrest warrant should be executed.

All contacts and correspondence in a matter concerning surrender under a European arrest warrant shall be made through the prosecutor or a policeman assisting in the investigation.

Article 7

Sweden will use direct contact between judicial authorities in the dispatch and reception of a European arrest warrant. The central authority of the Ministry of Justice may, however, assist the competent judicial authorities if they so request.

Ministry of Justice
Division for Criminal Cases and International Judicial Cooperation (BIRS)
Central Authority
103 39 STOCKHOLM
Tel: +46-8-405 10 00 (switchboard), +46-8-405 45 00 (office)
Fax: +46-8-405 46 76
e-mail: birs@justice.ministry.se

Article 8(2)

Sweden will accept a European arrest warrant written in Swedish, Danish, Norwegian or English or an arrest warrant accompanied by a translation into any one of those languages.

Article 13(4)

Consent to surrender may be revoked by the person whose surrender is requested if it occurs before the court has issued its decision on the question of surrender.

Article 25(2)

The National Police Board is responsible for receiving transit requests and the necessary documents, as well as any other official correspondence relating to transit requests.

Article 27(1)

Sweden does not grant the consent referred to in Article 27(1) to prosecution, sentencing or detention for another offence committed prior to surrender from Sweden.

Article 28(1)

Sweden does not grant the consent provided for in Article 28(1) to the surrender of a person to a Member State other than Sweden pursuant to a European arrest warrant issued for an offence committed prior to surrender from Sweden.