



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 12 October 2004

12736/1/04

REV 1

COPEN	111
EJN	61
EUROJUST	82

NOTE

From :	General Secretariat
To :	Working Party on Cooperation in Criminal Matters (Experts on the European arrest warrant)
Subject :	Practical application of the European arrest warrant – time limits established under national legislation and language regime

Delegations will find attached a table on time limits and language regimes applicable to European arrest warrants in each Member State. When a person is arrested, the executing authority needs to receive, within a certain period of time, the European arrest warrant accompanied by a translation into one of the languages accepted by that state, in order to conduct the surrender proceeding and/or to detain the arrested person. Time limits and languages accepted by Member States vary according to national legislation. A disrespect of the time limits or the language regimes may lead to various consequences, such as the release of the arrested person.

The table is based on a note from the Belgian delegation¹ and comments made by delegations at the meeting of the Working Party on cooperation in criminal matters (Experts on the European arrest warrant) of 22 September 2004, as well as written comments.

¹ Working Document No. 3 for the meeting of the Working Party on cooperation in criminal matters (Experts on the European arrest warrant) of 22 September 2004

	<i>Time limit after the arrest of the person sought, for the receipt of the European arrest warrant¹</i>	<i>Languages accepted by the Member State as executing Member State</i>
Austria	40 days	German and all other official languages of issuing Member States that accept European arrest warrants in German
Belgium	10 days	French, Dutch, German
Cyprus	3 days provided that the European arrest warrant has been issued before the arrest of the person sought	Greek, English, Turkish
Czech Republic	40 days	Czech ²
Denmark	10 days ³	Danish, Swedish, English
Estonia	3 working days	Estonian, English
Finland	as soon as possible (some days)	Finnish, Swedish, English
France	6 working days	French
Germany	40 days	German and all other official languages of issuing Member States that accept European arrest warrants in German
Greece	15 days, can be extended to 30 days	Greek
Hungary	40 days	Hungarian as well as English, French and German in relation to Member States that accept one or more language(s) other than their own official language(s)
Ireland	The person sought is arrested after the EAW has been received and endorsed by the High Court. (A time limit of 7 days will apply when the SIS will be applicable to Ireland.)	Irish, English
Italy	---	---
Latvia	72 hours	Latvian, English
Lithuania	48 hours after the arrest of the person	Lithuanian, English
Luxembourg	6 working days	French, German, English

¹ The days are to be understood as calendar days unless indicated otherwise.

² The information is subject to the fact that the legislation to implement the EAW has not been published in the Collection of law of the Czech Republic

³ Danish executing authorities do not need to receive the European arrest warrant insofar as the information resulting from the SIS alert is sufficient.

	<i>Time limit after the arrest of the person sought, for the receipt of the European arrest warrant¹</i>	<i>Languages accepted by the Member State as executing Member State</i>
Malta	The 48 hours limit applies only in cases where a provisional arrest has been effected in the absence of an EAW. It is only in exceptional circumstances that provisional arrests will be made.	Maltese, English
Netherlands	In relation to Member States who participate in the SIS: at least 20 days when the arrest is based on a SIS alert. In relation to Member States who do not participate in the SIS, the EAW has to be received as soon as possible.	Dutch, English
Poland	48 hours ¹	Polish
Portugal	left to discretion of courts, usually 10 days	Portuguese
Slovakia	a) <u>48 hours</u> after the person has been arrested (for the receipt of a <u>copy</u> (e.g. fax) of the EAW with translation into the Slovak language, where applicable, even if it is a provisional translation); b) <u>18 days</u> from the arrest of a person for the receipt of the <u>original European Arrest Warrant</u> and the <u>original</u> document containing the <u>translation</u> of the EAW into the Slovak language. If the mentioned documents are not received within 18 days, a prosecutor can make a motion to the judge for the release of a person from custody, where applicable; if the documents are not received within 40 days, the release of the person is mandatory.	Slovakian; in relations with Member States who accept Slovakian, Slovakia accepts the official languages of those Member States, namely: Polish in relation to Poland and German in relation to Austria; as from 1 November 2004 also Czech in relation to the Czech Republic;
Slovenia	20 days	Slovenian

¹ 48 hours is the maximum period of „normal police detention“. It is applied in cases where the executing authority is not convinced that a European arrest warrant (irrespective of the language) has been issued. In cases where the executing authority is convinced that a European arrest warrant has been issued and where only the translation is lacking, the translation of the European arrest warrant has to be received within the “general rules” applicable to detention (3 months).

	<i>Time limit after the arrest of the person sought, for the receipt of the European arrest warrant¹</i>	<i>Languages accepted by the Member State as executing Member State</i>
Spain	The Spanish legislation does not provide for a delay for the receipt of the original of the EAW. However, the executing judicial authorities ask to receive the EAW as soon as possible and, in any case, within 10 days after the arrest of the person.	Spanish
Sweden	as soon as possible (a few days, decided by the prosecutor)	Swedish, Danish, Norwegian, English
United Kingdom	48 hours after a provisional arrest; however, provisional arrest will only be used in exceptional circumstances; if requested, the EAW must be supplied or the subject will be released.	English