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from :	Mr Marek GRELA, Permanent Representative of the Republic of Poland to the European Union
dated :	1 June 2005
to :	Mr Ivan BIZJAK, Director-General, DG H - Justice and Home Affairs, General Secretariat of the Council of the European Union

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No. prev. doc. :	9328/04 COPEN 62 EJN 29 EUROJUST 39
Subject :	Implementation of the Framework Decision on the European arrest warrant

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Sir,

I hereby inform you that on 27 April 2005, the Constitutional Court of the Republic of Poland delivered a ruling in Case No P 1/05. It decided that one of the legal provisions implementing, in Polish law, the requirements of the Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States (2002/584/JHA), namely Article 607t § 1 of the Code of Criminal Procedure (Official Journal of the Polish Republic, No 89, pt. 555, with successive amendments), is in breach of Article 55(1) of the Constitution of the Republic of Poland prohibiting the extradition of Polish citizens, in that it allows the surrender of a Polish citizen to a Member State of the European Union under a European arrest warrant. The Court postponed the date on which the disputed provision would lose legally binding effect for a period of 18 months, i.e. until 4 November 2006.

I should like to draw your attention to the fact that in the grounds published on 20 May 2005, the Court stated that the courts are obliged to apply the abovementioned provision, which means continuation of the existing practice of enforcing European arrest warrants for the surrender of Polish citizens to foreign countries.

(Complimentary close).

(s.) Marek GRELA

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