

European arrest warrant and surrender procedures between Member States. Framework decision

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The Council continued its discussions on the proposed Framework Decision concerning a European arrest warrant, focussing on the key issues still unresolved, namely the scope of the European arrest warrant and the judicial appeals process. At the close of the debate, the President noted that considerable progress had been made on both aspects and said that the convergence of views between delegations should enable the JHA Council meeting on 6 and 7 December 2001 to reach political agreement on the whole content of the Framework Decision in accordance with its instruction from the extraordinary meeting of the European Council on 21 September 2001, reiterated in Ghent on 19 October 2001. Regarding the scope of the arrest warrant, a very broad consensus emerged during the Ministers' deliberations - with continuing reservations at this stage from two delegations, spelt out in the discussion - on the list of offences giving rise to surrender of persons sought on the basis of a European arrest warrant under the terms to be defined in the Framework Decision (providing inter alia for surrender without verification of double criminality). This arrangement would apply to thirty different offences, the large majority of which feature in the Annex to the EUROPOL Convention. The Council will continue also to examine one delegation's suggestion that a benchmark for sentencing (proposal: four years) be incorporated in the arrangement to facilitate surrender without verification of double criminality for listed offences not yet harmonised. Regarding the appeals process, the Council noted broad consensus on the different execution of time limits applicable with regard to surrender. Moreover, the project provides for the possibility for the authorities of the issuing State to obtain, on arrest of the person sought, the possibility either of hearing his testimony in the State of execution or of obtaining his temporary transfer. Two delegations expressed scrutiny reservations on this point.