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

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The Council examined, on the basis of a Presidency overall compromise proposal, the draft Framework Decision relating to the European arrest warrant. Following that examination, the Presidency was able to record the agreement of 14 delegations on its compromise. One delegation was unable to support the proposal. The main features of the compromise are as follows: - the arrest warrant is broad in scope. In particular, it gives rise to surrender in respect of 32 listed offences without verification of the double criminality of the act and provided that the offences are punishable in the issuing Member State by a custodial sentence of a maximum of at least 3 years. - a territoriality clause making it optional to execute an arrest warrant in respect of offences committed in the executing State or acts which took place in a third State but which are not recognised as offences by the executing State. - a retroactivity clause making it possible for a Member State to process requests submitted prior to the adoption of the Framework Decision under existing instruments relating to extradition.