

Official Gazette of the Kingdom of the Netherlands

Year 2004

JE MAINTIENDRAI

195

Act of 29 April 2004 implementing the Framework Decision of the Council of the European Union on the European arrest warrant and the surrender procedures between the Member States of the European Union (the Surrender Act)

We, Beatrix, by grace of God Queen of the Netherlands, Princess of Orange-Nassau, etc. etc. etc.

Greeting to all who see or hear this! Be it known that:

We have considered that the implementation of the Framework Decision of the Council of the European Union concerning the European arrest warrant and the surrender procedures between the Member States of the European Union of 13 June 2002 (2002/584/JHA), published in Official Journal of the European Communities L 190 of 18 July 2002, requires the setting of new rules for the surrender of persons between Member States of the European Union, and other related forms of legal assistance;

Now, therefore, having heard the Council of State, and in mutual consultation with the States-General, Our will and pleasure is as follows:

CHAPTER I. GENERAL PROVISIONS

SECTION 1. DEFINITIONS OF TERMS

Article 1

In this Act the following terms shall have the meanings assigned to them below:

- a. surrender: the placing of a person, by the judicial authorities of one Member State, at the disposal of the judicial authorities of another Member State of the European Union, either for a criminal investigation against him in the other Member State, or for execution of a custodial sentence or order imposed upon him;

- b. European arrest warrant: a decision, set forth in writing, of a judicial authority of a Member State of the European Union with a view to the arrest and surrender of a person by the judicial authority of another Member State;
- c. custodial sentences: sentences of a kind which deprive of liberty, to be imposed by a judge, and orders additional to or instead of a sentence, likewise to be imposed by a judge, which deprive of liberty;
- d. requested person: a person to whom a European arrest warrant or a report in the Schengen information system, with a view to arrest and surrender, relates;
- e. public prosecutor: where referred to as such, any public prosecutor, and also the public prosecutor at Amsterdam District Court;
- f. examining judge: the examining judge responsible for dealing with criminal cases at the Court of Amsterdam;
- g. court: the Court of Amsterdam;
- h. Our Minister: Our Minister of Justice;
- i. issuing judicial authority: the judicial authority of a Member State of the European Union authorised by national law to issue a European arrest warrant;
- j. issuing Member State: the Member State of the European Union in which the issuing judicial authority does its work;
- k. executing judicial authority: the judicial authority of a Member State of the European Union authorised by national law to take a decision to surrender on the strength of a European arrest warrant;
- l. executing Member State: the Member State of the European Union where the executing judicial authority does its work;
- m. Convention Implementing the Schengen Agreement: the Convention implementing the Agreement made at Schengen between the governments of the Benelux Economic Union countries, the German Federal Republic and the Republic of France, on 14 June 1985, on the gradual abolition of checks at their common borders, dated 19 June 1990 (Treaty Series, 1985, 101); and
- n. EU Convention on Mutual Legal Assistance, 2000: the convention made by the Council, under Article 34 of the Treaty establishing the European Union, on mutual legal assistance in criminal matters between the Member States of the European Union, Brussels, 29 May 2000 (Treaty Series, 2000, 96).

SECTION 2. EUROPEAN ARREST WARRANT

Article 2

1. A European arrest warrant can only be issued for acts punishable by the law of the issuing Member State by a custodial sentence of a maximum period of at least 12 months or, where a sentence has been passed or a detention order has been made, for sentences of at least four months.

2. A European arrest warrant shall be drawn up in the form contained in Annex 2 to this Act and shall, in any case, contain the following particulars:

- a. the identity and nationality of the requested person;
- b. the name, address, telephone and fax numbers and e-mail address of the issuing judicial authority;
- c. evidence of an enforceable judgment, arrest warrant or other equivalent enforceable judicial ruling;
- d. the nature and legal status of the offence, especially taking account of Article 7.1.a.1;
- e. a description of the circumstances in which the offence was committed, including the time, place and degree of participation by the requested person in the punishable offence;
- f. the penalty or measure imposed, if there is a final judgment, or the penalty carried by the relevant act in the issuing Member State; and
- g. if possible, other consequences of the punishable offence.

3. The European arrest warrant shall be translated into the official language or into one of the official languages of the executing Member State, or into such language as this Member State has indicated in a declaration deposited with the General Secretariat of the Council of the European Union.

Article 3

1. When the place of abode of the requested person is known, the issuing judicial authority may send the European arrest warrant direct to the executing judicial authority in the Member State of abode.

2. Direct sending in the terms of paragraph 1 shall not be permitted in cases where a Member State has designated a central authority for sending or receipt of European arrest warrants.

3. Sending may be by ordinary post, fax or, provided the origin is verifiable, by e-mail.

Article 4

1. The issuing authority may decide to issue an alert for the requested person in the Schengen Information System, in accordance with Article 95 of the Convention Implementing the Schengen Agreement.

2. When the requested person is found, an alert as per paragraph 1 shall immediately be followed by the sending of the European arrest warrant to the authority as per Article 3.

3. For the purposes of this Act, an alert as per paragraph 1 shall be equivalent to a European arrest warrant, provided that it includes all the particulars listed in Article 2.2.

CHAPTER II. SURRENDER BY THE NETHERLANDS

SECTION 1. CONDITIONS FOR SURRENDER

Article 5

Surrender shall only take place to issuing judicial authorities of other Member States of the European Union, in compliance with the provisions of, or by virtue of, this Act.

Article 6

1. Surrender of a Dutch person may be allowed where requested because of a criminal investigation against that person if, in the opinion of the executing judicial authority, it is guaranteed that, if he is given a non-suspended custodial sentence in the issuing Member State for acts for which surrender can be allowed, he will be able to serve that sentence in the Netherlands.

2. Surrender of a Dutch person shall not be allowed if the person is requested for execution of a custodial sentence imposed upon him by final judgment.

3. If surrender is refused solely on the grounds of paragraph 2, the public prosecutor shall notify the issuing judicial authority of the willingness to take over execution of the judgment in accordance with the procedure envisaged in Article 11 of the Convention made at Strasbourg on 21 March 1983 on the transfer of sentenced persons (Treaty Series, 1983, 74), or on the basis of another applicable convention.

4. The public prosecutor shall immediately notify Our Minister of any surrender with return guaranteed as per paragraph 1, and of any refusal of surrender under the declaration of willingness to take over execution of the foreign judgment in the terms of paragraph 3.

5. Paragraphs 1 – 4 shall also apply to an alien with a residence permit for an indefinite time, where he can be prosecuted in the Netherlands for the acts underlying the European arrest warrant and provided he is expected not to forfeit his right of residence in the Netherlands as a result of a sentence or order imposed upon him after surrender.

Article 7

1. Surrender shall only be allowed for:

a. a criminal investigation instigated by authorities of the issuing Member State, where the issuing judicial authority suspects that the requested person has committed:

1. an act specified as punishable in the law of the issuing Member State and also included on the list in Annex 1 to this Act, on which the law of the issuing Member State imposes a maximum custodial sentence of at least three years; or

2. another act which is punishable under the laws both of the issuing Member State and of the Netherlands, by maximum custodial sentence of at least twelve months;

b. serving of a custodial sentence of four or more months by the requested person in the territory of the issuing Member State for an act as per 1 and 2.

2. The list referred to in paragraph 1.a.1 may be revised by decree-law if the Council of the European Union decides to extend or amend the punishable offences listed on it. Such a decree-law shall be proposed no earlier than four weeks after submission of the draft to both chambers of the States-General.

3. For the purpose of paragraph 1.a.2, an act punishable by Dutch law shall also mean an act which offends against the legal order of the requesting state, while the same offence against the Dutch legal order is punishable under Dutch law.

4. Article 51a of the Extradition Act shall apply accordingly to surrender between the Member States of the European Union.

Article 8

For the purposes of this Act, life sentences and custodial sentences of indefinite period shall be equated to custodial sentences longer than twelve months.

Article 9

1. Surrender of the requested person shall not be permitted for an act concerning which:

- a. criminal proceedings are in progress against him in the Netherlands;
- b. he is either not being prosecuted in the Netherlands because he has met the conditions of Article 74 of the Criminal Code or is being prosecuted in the Netherlands but renewed prosecution is precluded under Article 255, paragraphs 1 and 2, of the Code of Criminal Procedure;
- c. he can no longer be prosecuted under the law of another Member State, as a result of a final ruling given in that Member State concerning the same act;
- d. he has been acquitted or discharged from prosecution by final judgment of a Dutch judge, or a judge of another Member State of the European Union or of a third country has given a corresponding final ruling concerning him;
- e. he has been sentenced by final judgment in cases where:
 1. the sentence or order imposed has already been served;
 2. the sentence or order imposed is no longer eligible for execution or further execution;
 3. the sentence and conviction do not entail imposition of a punishment or order;
 4. the imposed punishment or order is served in the Netherlands;
- f. under Dutch law, legal authority can be exercised but prosecution or, where surrender is requested for execution of a sentence or order, punishment are statute-barred.

2. Exceptions from paragraph 1a shall be possible in cases in which Our Minister, on the advice of the public prosecutor's office, and prior to the decision to surrender, has ordered the prosecution to be suspended.

3. Exceptions from paragraph 1b shall be possible in cases in which prosecution is suspended in the Netherlands, either because Dutch criminal law appeared inapplicable on the grounds of one of Articles 2 – 8 of the Criminal Code, or because trial abroad was preferred.

Article 10

Surrender shall not be allowed if the requested person had not yet reached the age of 12 at the time the offence was committed.

Article 11

Surrender shall not be allowed in cases in which, in the opinion of the court, there is justified suspicion, based on facts and circumstances, that granting the request would lead to flagrant breach of the fundamental rights of the person concerned, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms concluded in Rome on 4 November 1950.

Article 12

Surrender shall not be allowed if the European arrest warrant concerns execution of a judgment given *in absentia* without the suspect being summoned in person or otherwise personally notified of the date and place of the proceedings at the session, unless the issuing judicial authority gives sufficient guarantee that the requested person will, after surrender, be given the opportunity to apply for and be present at a retrial.

Article 13

1. Surrender shall not be allowed if the European arrest warrant concerns an offence which:
 - a. is regarded as having been committed in whole or in part in the territory of the Netherlands or outside the Netherlands on board a Dutch vessel or aircraft; or
 - b. was committed outside the territory of the issuing state, while under Dutch law no prosecution could be brought if the offence had been committed outside the Netherlands.
2. At the public prosecutor's request, and only in the terms of paragraphs 1a and 1b, a refusal of surrender shall be waived, unless, in the opinion of the court, the public prosecutor could not reasonably make such a request.

Article 14

1. Surrender shall only be allowed on the general condition that the requested person shall not be prosecuted, punished or have his personal freedom otherwise

curtailed because of acts committed before the time of his handover and for which he is not being handed over, unless:

- a. the requested person, despite having had the opportunity to leave, has not, within 45 days of final release, left the territory of the Member State to which he is surrendered or if, having left that territory, he has returned to it;
- b. the acts do not carry a custodial sentence;
- c. the criminal prosecution does not lead to imposition of an order curtailing freedom;
- d. the matter at issue is execution of a non-custodial sentence, including a substitute sentence, e.g. for non-payment of a fine;
- e. the requested person has expressly consented to prosecution after his surrender; or
- f. authorisation was applied for to the public prosecutor for this purpose beforehand and was obtained.

2. Surrender shall further only be allowed on the general condition that the requested person shall not be placed at the disposal of the authorities of another Member State of the European Union for acts committed before the time of his surrender, unless:

- a. the requested person, despite having had the opportunity to leave, has not, within 45 days of final release, left the territory of the Member State to which he is surrendered or if, having left that territory, he has returned to it;
- b. after surrender, the requested person expressly consented to it; or
- c. authorisation was applied for to the public prosecutor for this purpose beforehand and was obtained.

3. At the request of the issuing judicial authority, and on the basis of the submitted European arrest warrant with translation, the public prosecutor shall give the authorisation mentioned in paragraph 1f or 2c concerning acts for which, under this Act, surrender could have been allowed. The decision on a request shall, in any case, be made within thirty days of receipt.

4. Surrender shall further only be allowed on the general condition that the requested person shall not be placed at the disposal of the authorities of a third state for acts committed before the time of his surrender, unless authorisation is applied for to Our Minister for this purpose, and obtained.

SECTION 2. SURRENDER PROCEDURE

§A. PROVISIONAL ARREST

Article 15

The provisional arrest of a requested person who is in the Netherlands may be ordered on the basis of a report in the Schengen information system, as per Article 4.1.

Article 16

An alien arrested under Article 54.4 of the Code of Criminal Procedure may, by order of the public prosecutor or deputy public prosecutor, be held in the district of arrest if there is good cause to expect that an alert as per Article 4.1 will be issued concerning him without delay, or that a European arrest warrant will be received. Article 61.2 of that Code shall apply accordingly.

Article 17

1. Any public prosecutor or deputy public prosecutor shall be authorised to order the provisional arrest of a requested person in the terms of Article 15.
2. If the public prosecutor or deputy as per paragraph 1 cannot be expected to be present, any investigating officer shall be authorised to arrest the requested person, but is bound to ensure that he is brought before the public prosecutor or deputy public prosecutor as soon as possible.
3. Having heard the requested person, any public prosecutor or deputy may order that he be held in custody for three days from the time of provisional arrest. The public prosecutor at Amsterdam District Court may extend the period of custody once, by three days.
4. If the requested person is arrested and held in custody outside Amsterdam district, he shall be handed over to the public prosecutor at Amsterdam District Court within the periods stated in paragraph 3.
5. Paragraph 4 may be ignored if the requested person has stated to the public prosecutor in the district of his arrest that he consents to immediate surrender, the public prosecutor at Amsterdam District Court has decided to place the requested person at the issuing authority's disposal, and actual surrender can take place by the deadlines of paragraph 3.
6. The public prosecutor at Amsterdam District Court may set the requested person at liberty at any time.

Article 18

1. At the request of the public prosecutor at Amsterdam District Court, the examining judge may order the detention of the requested person.
2. Before issuing an order as per paragraph 1, the examining judge shall, if possible, hear the requested person.

Article 19

A requested person whose detention is ordered as per Article 18 shall be set free, without prejudice to the possibility of further deprivation of liberty on another count:

- a. if so ordered by the court, the examining judge or the public prosecutor, officially or at the request of the requested person or his counsel;
- b. if the detention has lasted twenty days and no European arrest warrant has yet been received.

§B ARREST**Article 20**

1. A European arrest warrant not sent to the public prosecutor shall be forwarded to him immediately.
2. A European arrest warrant may only be dealt with if it meets the requirements described in Article 2.
3. If the public prosecutor considers that a European arrest warrant does not meet the requirements of Article 2, he shall offer the issuing judicial authority an opportunity to complete or improve it.
4. If, in the opinion of the public prosecutor, particulars supplementary to the European arrest warrant are necessary, specifically relating to Articles 7 – 9 and 11 – 13, he shall give the issuing judicial authority the opportunity to supplement or improve them, allowing for the periods stated in Article 22.

Article 21

1. The requested person may be arrested without further formalities on the basis of a European arrest warrant which meets the requirements of Article 2.
2. Paragraph 1 shall not apply as long as the requested person enjoys immunity from criminal prosecution and execution of penalties in the Netherlands. The issuing

judicial authority shall be immediately informed of the nature of such immunity, and asked to report as soon as the immunity is lifted.

3. If the requested person has already been provisionally arrested as per Article 17, the provisional arrest shall be converted to arrest as per paragraph 1 from the date on which the public prosecutor dealt with the arrest warrant as per Article 20.2. The requested person shall be notified of the conversion and informed that the arrest will continue until the court has decided on his imprisonment.

4. A requested person arrested as per paragraph 1 shall be brought before the public prosecutor or, in his absence, the deputy public prosecutor in the district of his arrest, within 24 hours.

5. The public prosecutor or deputy public prosecutor as per paragraph 4 may order that the requested person remain in custody for three days from the time of provisional arrest.

6. If the requested person is arrested and placed in custody outside Amsterdam district, he shall be transferred to the public prosecutor at Amsterdam District Court within the custody term.

7. Paragraph 4 shall not apply if the requested person has stated to the public prosecutor in the district of arrest that he consents to his immediate surrender, the public prosecutor at Amsterdam District Court has decided to place the requested person at the disposal of the issuing judicial authority, and actual surrender can take place within the custody term.

8. Having heard the requested person, the public prosecutor at Amsterdam District Court may order him to remain in custody until the court has decided on his imprisonment.

9. The custody order may be lifted at any time, either by the Court of Amsterdam or by the public prosecutor in Amsterdam, officially or at the request of the requested person or of his counsel.

§C SURRENDER DECISION

Article 22

1. The court shall deliver the verdict containing the decision on surrender within sixty days of the requested person's arrest as per Article 21.

2. If surrender also depends on the consent of the competent authority of another Member State or of a third state, the period as per paragraph 1 shall start from the date of receipt of the requisite consent.

3. Exceptionally, provided reasons are given to the issuing judicial authority, the court may extend the term of sixty days by a maximum of thirty days.

4. If the court has still given no verdict within the period as per paragraph 3, the court may again extend the term indefinitely, while setting conditions for simultaneous suspension of the detention of the requested person, and notification of the issuing authority.

Article 23

1. If the public prosecutor is already of the opinion that surrender cannot be allowed on the basis of the European arrest warrant received, he shall immediately notify the issuing authority accordingly.

2. In all other cases, no later than the third day after receipt of the European arrest warrant, he shall make a written request for the court to deal with the arrest warrant. For this purpose he shall pass to the court the European arrest warrant with translation and any supplementary information received from the issuing judicial authority.

3. A copy of the request made as per paragraph 2, with annexed copy of the European arrest warrant, translation and any supplementary information, shall be served on the requested person. The first clause shall also apply if the public prosecutor receives another European arrest warrant later which leads him to supplement or amend his request. The requested person shall be informed of the receipt of supplementary documents, which shall be added to the file.

4. Paragraph 2 shall apply as appropriate if the prosecutor supplements or amends his request after receipt of a later request for extradition.

5. If criminal proceedings are under way against the requested person in the Netherlands for the act underlying the European arrest warrant, the public prosecutor shall also send a copy of his request, for information, to the public prosecutor responsible for such proceedings, with a request to inform him immediately whether the proceedings can be suspended.

6. If criminal proceedings are under way against the requested person for an act not underlying the European arrest warrant, the public prosecutor shall likewise send

a copy of his request, for information, to the public prosecutor responsible for the proceedings, with a request for immediate information on the status of such proceedings.

Article 24

1. Immediately after receipt of the request as per Article 23.2, the presiding judge of the court shall set the time at which the court is to hear the requested person, allowing for the deadlines set in Article 22. In doing so, he may order the requested person to appear.
2. The clerk of the court shall immediately notify the public prosecutor and the requested person of the time set for the hearing. Such notification and, where the person is ordered to appear, a copy of that order, shall be served on the requested person.
3. If it appears that the requested person does not yet have a legal counsel, the presiding judge shall appoint the legal aid office to provide such a counsel.

Article 25

1. The requested person shall be heard in public unless a request has been made for the matter to be dealt with in chambers or the court has ordered that it be thus dealt with, for good cause, which shall be recorded in the report of the session.
2. The hearing shall be held in the public prosecutor's presence.
3. The requested person may be assisted by his legal counsel at the hearing.
4. If the requested person has not appeared, and the court thinks his presence at the hearing desirable, the court shall order him to be summoned, backed where necessary by an order to appear, allowing for the deadlines set in Article 22, by such time as the court shall determine.

Article 26

1. The court shall check the requested person's identity, the admissibility of the European arrest warrant and the possibility of surrender.
2. At the court session, the public prosecutor shall present his view of the requested surrender and submit to the court a written summary, which shall include any decision to suspend prosecution. The requested person and his counsel shall also

be allowed the opportunity to make relevant comments about the European arrest warrant and the decisions to be taken concerning it.

3. If there are concurrent European arrest warrants, the public prosecutor shall also state which of the European arrest warrants is to be assigned priority, provided surrender can be allowed on the basis thereof. In doing so, he shall take account of the concern for good administration of justice and, furthermore, of the following in particular:

- a. the greater or lesser seriousness of the various acts for which surrender is requested;
- b. the place or places where the acts were committed;
- c. the dates of the various European arrest warrants;
- d. the purpose of surrender;
- e. the degree to which the requested person's nationality may pose an obstacle to onward handover;
- f. the possibility that, once the requested person has moved to the territory of one of the Member States concerned, the judicial authorities of that Member State may then place him at the disposal of the issuing judicial authority of another Member State.

4. If the requested person pleads not guilty to the acts for which his surrender is requested, he should stress this at the hearing and the court shall examine the plea.

5. If the court deems necessary, with a view to the check to be conducted as per paragraph 1, it shall order the calling or written summons of witnesses or experts, allowing for the deadlines of Article 22. Where necessary, it shall back this with an order for them to be brought forward.

Article 27

1. At the public prosecutor's request the court, at its session, may order capture of the requested person.

2. Before the examination at the session is concluded, the court shall officially rule on the imprisonment of the requested person, taking account of the provision of Article 22, where the person is in custody or detention.

Article 28

1. No later than seven days from completion of the examination at the session, the court shall give its verdict on the surrender. Such verdict shall be supported by reasons.
2. If the court finds either that the European arrest warrant does not meet the requirements of Article 2, or that surrender cannot be allowed, or that there can be no suspicion that the requested person is guilty of the acts for which his surrender is requested, its verdict shall refuse surrender.
3. In cases not envisaged in paragraph 2, the court's verdict shall allow surrender unless it considers it should refuse surrender by virtue of the provision of Article 13.
4. If issuing judicial authorities of two or more Member States have requested surrender of the same person, the court shall endorse the finding of the public prosecutor as to which of the European arrest warrants should be assigned priority, provided surrender can be allowed on the basis thereof and unless, in the court's opinion, the public prosecutor's choice could not be reasonable, having regard to the prescribed criteria.
5. A verdict as per this Article shall state the applicable statutory provisions, where applicable the fact or facts for which surrender is allowed, and the verbatim texts of the guarantees given by the issuing authority as per Articles 6.1 and 12.
6. If surrender is allowed despite a plea by the person as per Article 26.4, the verdict shall state the court's finding concerning that plea.

Article 29

1. The court's verdict shall be enforceable immediately unless a competing extradition or surrender request has been made by the International Criminal Court, or other international tribunal, and is being dealt with.
2. There shall be no recourse against the court's verdict, other than an appeal for it to be quashed on legal grounds, as per Article 456 of the Code of Criminal Procedure.

Article 30

1. Articles 37 – 39, 45 – 49, 50.1, 260.1, 268, 269.5, 271, 272, 273.3, 274 – 277, 279, 281, 286, 288.4, 289 paragraphs 1 and 3, 290 – 301, 318 – 322, 324 – 327, 328 –

331, 345.1, 346, 357, 362, 363 and 365 of the Code of Criminal Procedure shall apply as appropriate.

2. The articles listed in paragraph 1 shall not apply where they concern a witness whose identity is not or not fully revealed.

Article 31

1. The court's verdict shall be served on a requested person who was not present when it was read out. Such service shall also inform him that no recourse can be lodged against the verdict.

2. If the International Criminal Court or other international tribunal is dealing with a competing extradition or surrender request for the requested person, that person shall also be informed that Our Minister, considering Articles 35 of the Extradition Act and 31 of the International Criminal Court Implementing Act, or other applicable law, will decide whether to implement the court's verdict or to extradite or surrender the person concerned to the International Criminal Court or other international tribunal.

3. The clerk of the court shall return the European arrest warrant with related documents to the public prosecutor within three days of the verdict.

4. In the cases as per paragraph 2, the clerk of the court shall also send copies of the European arrest warrant and related documents to Our Minister.

Article 32

The public prosecutor shall immediately notify the court's verdict to the issuing judicial authority. If surrender is allowed, he shall either state the date by which surrender should take place or point out the existence of a competing extradition or surrender request of the International Criminal Court or other international tribunal.

§D CONTINUED DETENTION AND ACTUAL SURRENDER

Article 33

Detention ordered by virtue of Article 27, without prejudice to the possibility of further deprivation of liberty on other grounds, shall end provided

a. the court or public prosecutor so orders, either officially or at the request of the requested person or his counsel;

b. ten days have elapsed since the date of the verdict unless the court, at the public prosecutor's request, has meanwhile extended the detention.

Article 34

1. Detention as per Article 33.b may be extended for a maximum of ten days.
2. Notwithstanding paragraph 1, detention may be extended by a maximum of thirty days each time if:
 - a. the International Criminal Court or other international tribunal has requested extradition or surrender and Our Minister has not yet decided on the request;
 - b. surrender has been allowed, but it has not been possible to complete the actual surrender by the set deadline.
3. The requested person shall be given the opportunity to be heard concerning the extension request.

Article 35

1. As soon as possible after the verdict allowing surrender in whole or in part, and no later than ten days after the date of the verdict, the requested person shall actually be surrendered. The public prosecutor, in consultation with the issuing judicial authority, shall decide the time and place.
2. If special circumstances mean that actual surrender cannot take place by the deadline set in paragraph 1, a new date shall be set by mutual consultation. Actual surrender shall then take place no later than ten days after the set date.
3. As an exception, the actual surrender may be omitted where there are serious humanitarian reasons against actual surrender, especially where it is irresponsible for the requested person to travel, given his state of health. The issuing judicial authority shall immediately be informed of this. The public prosecutor, in consultation with the issuing judicial authority, shall decide the time and place at which actual surrender can yet take place. Actual surrender shall then take place no later than ten days after the set date.
4. The detention of the requested person shall end on expiry of the deadlines of paragraphs 1 – 3.

Article 36

1. The decision on the time and place of actual surrender shall stand if, and as long as, the requested person is under criminal prosecution in the Netherlands, or a criminal judgment delivered against him by a Dutch judge is still enforceable, in whole or in part.
2. In the cases envisaged in paragraph 1 Our Minister, on the advice of the Public Prosecutor's Office, may rule that the requested person be placed immediately at the provisional disposal of the issuing judicial authority, and on what terms.
3. If paragraph 2 applies, the public prosecutor shall give notice that the requested person is to be placed provisionally at the disposal of the issuing judicial authority, with which he shall also agree terms in writing.
4. If the requested person to whom paragraph 3 applies receives a custodial sentence, the time during which he was at the disposal of the issuing judicial authority abroad shall be deducted from the time of his sentence.

Article 37

1. If necessary for the application of Article 35(1) or (2), the requested person shall be arrested for a maximum of three days by order of the public prosecutor. If actual surrender cannot take place within the three-day period, the public prosecutor may extend the order for the arrest for a maximum of three days.
2. After the public prosecutor has extended the deadline of paragraph 1, only the court may extend it, for a maximum of ten days, at the public prosecutor's request.
3. Extension as per paragraph 2 shall only be granted when special circumstances prevented actual surrender within the six-day period as per paragraph 1.

Article 38

On actual surrender, the public prosecutor shall inform the issuing judicial authority or designated central authority, as the case may be, of the duration of the detention of the requested person, with a view to his surrender.

§E. ABBREVIATED PROCEDURE

Article 39

1. A requested person reported on the Schengen information system for the purpose of arrest with a view to surrender or for whom a European arrest warrant has

been received may declare, no later than the day before that appointed for the court hearing as per Article 24, that he consents to his immediate surrender.

2. A declaration as per paragraph 1 may be made before any public prosecutor at the time of taking into custody. After this, the declaration can only be made before the public prosecutor at Amsterdam District Court or before the examining judge. A declaration, once made, cannot be withdrawn.

3. The requested person may use the assistance of a legal counsel when making the declaration. If he appears without such counsel, the judicial authority authorised to receive such a declaration may draw his attention to this.

4. Before making the declaration, the requested person shall be warned of its possible consequences, especially as prescribed in Article 43.3. A record of the declaration shall be drawn up.

5. The examining judge before whom the declaration is made shall immediately send the record of it to the public prosecutor.

Article 40

1. No later than ten days after a declaration has been made as per Article 39, the public prosecutor shall decide whether to place the requested person at the disposal of the issuing judicial authority from which the report on the Schengen information system or the European arrest warrant emanated.

2. Paragraph 1 shall not apply:

- a. if, in accordance with one of Articles 6.2 and 9 – 11, surrender cannot take place for the act or acts for which the alert or European arrest warrant was issued;
- b. if it appears that criminal proceedings are under way in the Netherlands against the requested person or that a Dutch judge has delivered a criminal judgment against him which is still enforceable, in whole or in part.

3. The public prosecutor shall immediately notify the issuing judicial authority of every decision made by virtue of paragraph 1 of this Article.

Article 41

1. If the public prosecutor has decided, in accordance with Article 40, to place the requested person at the disposal of the issuing judicial authority of the other Member State, Article 23.2 shall not apply.

2. If the request as per Article 23.2 has already been submitted to the court, it shall immediately be withdrawn. The clerk of the court shall then return the European arrest warrant and related documents to the public prosecutor.
3. The public prosecutor shall notify the requested person of the withdrawal of such request.

Article 42

1. After the date of the declaration as per Article 39, the requested person may only continue in custody or detention a maximum of 20 days.
2. Paragraph 1 shall not apply if the public prosecutor has decided not to act on the declaration and the European arrest warrant has been passed to the court as per Article 23.2.
3. The court may extend the deadline set in paragraph 1 of this Article, at the public prosecutor's request, in each case by a maximum of 30 days, and only if the actual surrender could not take place within the 20-day deadline, due to special circumstances.

Article 43

1. If Article 40.1 applies the public prosecutor, in consultation with the competent foreign authorities, shall immediately decide the time and place at which actual surrender is to take place.
2. Where necessary to actual surrender as per this Article, the public prosecutor may order the detention of the requested person for a maximum of three days. If actual surrender could not take place within the three-day deadline, the public prosecutor may extend the detention order once, for a maximum of three days. Article 37 paragraphs 2 and 3 shall apply accordingly.
3. In case of surrender as per this Article, Article 14 shall not apply.

CHAPTER III. SURRENDER TO THE NETHERLANDS

Article 44

Any public prosecutor in the Netherlands may act as an issuing judicial authority.

Article 45

1. The issuing public prosecutor shall state as follows in or with a European arrest warrant:
 - a. that, if the requested person is a citizen of the executing Member State and receives a non-suspended custodial sentence for acts for which surrender is allowable in the Netherlands, he may serve that sentence in the executing Member State;
 - b. that, if the European arrest warrant covers execution of a judgment given *in absentia*, without summoning the suspect personally or otherwise personally notifying him of the date and place of the session dealing with the case, the requested person will be given the opportunity in the Netherlands, after surrender, to be present at a retrial;
 - c. that, if the punishable offence underlying the European arrest warrant carries a life sentence, Dutch law allows the possibility of clemency, where appropriate, for the imposed punishment or order.
2. Any person or authority with a public function in the Netherlands shall be bound by a statement as per paragraph 1.

Article 46

1. The issuing public prosecutor shall be authorised to maintain direct contact with the executing judicial authority.
2. The issuing public prosecutor shall commission Sirene Nederland, the international networks department of the Land Police Corps, to issue an alert as per Article 4. He shall pass to Sirene Nederland a certified copy of the European arrest warrant which he has issued.

Article 47

The issuing public prosecutor shall be authorised, with a view to the processing and execution of the European arrest warrant issued by him, to provide the executing judicial authority with further information on request, or of his own volition. Where applicable, he shall also be authorised to agree terms in writing if the requested person is provisionally made available.

Article 48

The terms set by the foreign executing judicial authority on surrender of the requested person to the Netherlands, in accordance with the Framework Decision of the Council of the European Union on the European arrest warrant and the surrender procedures between the Member States of the European Union, dated 13 June 2002 (ECJ L 190), shall be binding on any person or authority with a public function in the Netherlands.

CHAPTER IV. OTHER FORMS OF LEGAL ASSISTANCE**SECTION 1. REQUESTED FROM ABROAD****Article 49**

1. Objects found in the requested person's possession may be seized at the request of the issuing judicial authority. Any public prosecutor or deputy public prosecutor may order such seizure.
2. If seizure did not take place in Amsterdam district, the public prosecutor at Amsterdam District Court shall be notified of this and the objects shall be passed to him on transfer of the requested person or, if impossible, as soon as possible thereafter.
3. With the request as per Article 23.2, the public prosecutor shall pass to the court a list of the seized objects.

Article 50

1. The court's verdict on the surrender shall also state its decision on handover of the seized objects. Handover of such objects to the issuing judicial authority can only be ordered if the surrender request is granted.
2. Mindful of possible third-party rights, the court may decide that certain objects may only be handed over on condition that they be immediately be returned after use, as necessary, for the prosecution.
3. In case of surrender as per Chapter 2, Section 2, §E, the public prosecutor shall decide on handover or return of the seized objects. In accordance with paragraph 2, his decision shall take account of possible third-party rights.
4. Objects which the court has allowed to be handed over shall also be handed over if the requested person cannot actually be handed over due to death or escape.

Article 51

1. Aliens whom the executing judicial authority of a Member State actually surrenders to the issuing judicial authority of another Member State for criminal investigation or execution of a penal judgment may cross Dutch territory with the public prosecutor's permission.
2. The public prosecutor shall permit transit by land provided the following particulars are received:
 - a. identity and nationality of the person against whom the European arrest warrant is issued or whose extradition has been requested;
 - b. existence of a European arrest warrant or request for extradition to a third state;
 - c. nature and legal status of the punishable offence;
 - d. description of the circumstances in which the punishable offence was committed, including time and place.
3. Permission as per paragraph 2 shall not be granted in cases where the person whose transit is requested is reported for the purpose of surrender to a Member State other than that of destination, to the International Criminal Court or to another international tribunal, or for purposes of extradition to a third state.
4. Transit of Dutch persons shall only be allowed if their surrender as per this Act is possible, and under the same guarantees.
5. The public prosecutor's permission shall not be required for air transit without landing on Dutch territory.
6. In case of unforeseen landing in Dutch territory the alien may, at the request of the escorting foreign officials, be held by order of the public prosecutor. Article 17 shall apply accordingly.
7. The transit of an alien provisionally held may continue provided the public prosecutor has received the information as per paragraph 2 and has given permission. If permission has not yet been granted, after expiry of the custody deadline, or has been refused within that deadline, the alien shall immediately be released, without prejudice to the possibility of further detention on other grounds.

Article 52

1. In case of transport by land as per Article 51, the guarding of the alien shall be assigned to Dutch officials.

2. If special circumstances prevent transit through the Netherlands without stopover, the alien may be accommodated in a detention centre pending a suitable opportunity to move elsewhere. This shall be done on production of a document showing the permission given by the public prosecutor.
3. The costs of transport and detention shall be charged to the issuing judicial authority.

Article 53

1. The public prosecutor shall, as far as possible, comply with a request from the issuing judicial authority to hear a requested person held on the basis of a European arrest warrant issued by that prosecutor, before the person is surrendered.
2. Such hearing shall be governed by Articles 552 letters n and o of the Code of Criminal Procedure and Article 4 paragraphs 1 – 3 of the EU Convention on mutual legal assistance, 2000.

Article 54

1. At the request of the issuing judicial authority, the public prosecutor may allow a requested person, detained on the strength of a European arrest warrant, to be placed at the temporary disposal of the issuing judicial authority to make a statement, before the decision on surrender.
2. This shall require the requested person's consent.
3. The public prosecutor shall not allow temporary availability if it will prevent the requested person from attending at the time appointed by the court as per Article 24.1 for the hearing of the requested person.
4. For this purpose the public prosecutor, in consultation with the issuing judicial authority, shall decide the duration of such availability and the terms on which it may take place.

SECTION 2. AT THE REQUEST OF THE NETHERLANDS

Article 55

Any public prosecutor may request the issuing judicial authority to seize and hand over to him objects found in the possession of anyone whose handover he has requested on the basis of a report on the Schengen information system or by European arrest warrant.

Article 56

1. The public prosecutor who issued a European arrest warrant or issued or dealt with an extradition request shall send a request for transit of a requested person to the competent authority of the Member State of the European Union over whose territory the person concerned has to be carried.
2. A transit request shall contain the following particulars:
 - a. identity and nationality of the person against whom the European arrest warrant is issued or whose extradition has been requested;
 - b. existence of a European arrest warrant or of a request for extradition to a third state;
 - c. nature and legal status of the punishable offence; and
 - d. a description of the circumstances in which the punishable offence was committed, including time and place.
3. At the request of the competent authority of the Member States through whose territory transit takes place, the public prosecutor shall reimburse the costs of transit.

Article 57

1. Before a decision on the person's surrender, the public prosecutor may make the following requests to the issuing judicial authority concerning a person held on the strength of a European arrest warrant issued by him:
 - a. to hear the person in his presence or in the presence of a representative appointed by the public prosecutor;
 - b. temporarily to transfer the person to the Netherlands.

Article 58

1. In cases as per Article 57b, the public prosecutor who issued the European arrest warrant shall decide, in consultation with the executing judicial authority, the duration of the availability and the conditions on which it shall take place.
2. During his stay in this country, a person made temporarily available shall be placed in custody by order of the public prosecutor. Articles 61 and 64.1 shall apply accordingly as necessary.

CHAPTER V. FINAL PROVISIONS**Article 59**

Orders given in accordance with this act for custody, detention or extension of a term of deprivation of liberty shall be dated and signed and state the reason for issue. A copy of the order shall immediately be issued to the person concerned by it.

Article 60

1. Detention given in accordance with this act shall be immediately enforceable.
2. The officers mentioned in Article 141 of the Code of Criminal Procedure shall be authorised to present for execution European arrest warrants and Dutch orders for detention, provisional detention or imprisonment.
3. Articles 564 – 568 of the Code of Criminal Procedure shall govern the execution of detention orders as per paragraph 1, and the obligation to execute them.

Article 61

Persons placed in custody or detention by virtue of this Act or whose arrest or imprisonment is ordered shall be treated as suspects subject to appropriate order by virtue of the Code of Criminal Procedure.

Article 62

1. The provision of, and by virtue of, Article 40 of the Code of Criminal Procedure shall apply accordingly to a requested person placed in detention according to this Act.
2. If a person is detained according to this Act, other than by virtue of a European arrest warrant or a Dutch order for arrest, provisional arrest, detention or extension of the term thereof, the presiding judge of the court of the district in which that person is located shall give an order for referral to the legal aid office. The public prosecutor shall immediately notify the judge in writing that such referral must take place.

Article 63

Article 66a of the Code of Criminal Procedure shall apply accordingly to orders for holding and imprisonment issued by virtue of this Act.

Article 64

1. In cases where, by virtue of this Act, a decision can or must be made about detention, the provisional suspension of detention may be ordered, or an order may be given for it to be suspended, until the time of the court's verdict allowing surrender. Conditions shall only be attached to prevent absconding.
2. Articles 80, except paragraph 80.2, and 81 – 88 of the Code of Criminal Procedure shall apply accordingly to orders issued as per paragraph 1 by the court or by the examining judge.

Article 65

Articles 73, 79, 569 and 570 of the Code of Criminal Procedure shall apply accordingly to orders ending detention issued by virtue of this Act, and to execution of such orders.

Article 66

The periods of time set in Articles 19b, 22 and 37 paragraphs 1 and 2 shall not run during the time for which the person concerned has evaded further execution of the orders mentioned in those Articles.

Article 67

1. In cases of refusal of surrender the court may, at the requested person's request, award him compensation, at the State's expense, for the loss he incurred as a result of detention ordered under this Act. Loss shall mean non-pecuniary loss. Articles 89 paragraphs 3, 4 and 6 and 90, 91 and 93 of the Code of Criminal Procedure shall apply accordingly.
2. In cases as per paragraph 1, Articles 591 and 591a of the Code of Criminal Procedure shall apply accordingly to reimbursement of costs and compensation for loss incurred by the requested person or his heirs. The court shall take the place of the tribunal mentioned in these Articles.

Article 68

Articles 585 – 590 of the Code of Criminal Procedure shall apply accordingly to services of notice, notices and summonses given by virtue of this Act.

Article 69

1. The provisions of this Act shall not apply to:
 - a. surrender of members of crews, who are deserters, to the authorities of the state to which they belong;
 - b. surrender of members of a foreign armed force and of persons equivalent to them, to the competent military authorities, where such surrender takes place by virtue of an agreement with one or more states with which the Netherlands is allied.

Article 70

The public prosecutor shall ensure six-monthly reporting to Our Minister on:

- a. the number of European arrest warrants received and dealt with;
- b. the number of times the abridged procedure has been used;
- c. the number of hearings by the court;
- d. the number of times the court has refused surrender; and
- e. the average duration of the proceedings as per b and c.

Article 71

The Extradition Act¹ shall be amended as follows:

A

Article 12.5 shall read as follows:

5. Paragraph 3 shall apply accordingly to requests from a Member State of the European Union for onward handover to a third country of a person whom the Netherlands surrendered to the requesting Member State on the condition of Article 14.4 of the Surrender Act.

B

Article 20.4 shall read as follows:

4. If the district of location of the requested person is currently unknown, and the requested person is reported by a European arrest warrant issued against him, or an order to this effect has already been received, Our Minister shall send the documents to the public prosecutor at Amsterdam District Court.

C

Article 35 shall be amended as follows:

1. The text shall be preceded by the figure “1.”
2. A paragraph shall be added reading as follows:
2. Paragraph 1 shall apply accordingly if the executing judicial authority of a Member State of the European Union has requested surrender as per Article 1 of the Surrender Act and another state has applied for extradition of the same person.

Article 72

“or for surrender” shall be added to Article 27.1 of the Criminal Code² after the words “a Dutch request for extradition”.

Article 73

Within three years of entry into force of this Act, Our Minister shall send the Estates-General a report of the application of this Act to surrender by the Netherlands, especially concerning the effects of dealing with surrender requests under one authority.

Article 74

1. This Act shall replace the Extradition Act as regards the Member States of the European Union, except Articles 50a and 51 of that Act. It shall also replace the conventions in force between the Netherlands and the Member States of the European Union concerning extradition, namely:
 - a. the European Convention on Extradition, concluded in Paris on 13 December 1957 (Treaty Series, 1965, 9), its Additional Protocol made in Strasbourg on 15 October 1975 (Treaty Series, 1979, 119), its Second Additional Protocol, made in Strasbourg on 17 March 1978 (Treaty series, 1979, 120) and the European Convention on the Suppression of Terrorism concluded in Strasbourg on 27 January 1977, as far as extradition is concerned (Treaty Series, 1985, 66);
 - b. the Agreement made at Wittem on 30 August 1979 between the Kingdom of the Netherlands and the German Federal Republic on compliance with, and simplifying the application of, the European Convention on Extradition of 13 December 1957 (Treaty Series, 1979, no. 142);

- c. Sections I and, where applicable, III of the Convention made in Brussels on 27 June 1962 concerning extradition and mutual legal assistance in criminal matters between the Kingdom of Belgium, the Grand-Duchy of Luxembourg and the Kingdom of the Netherlands, as amended by the Protocol made in Brussels on 11 May 1974 (Treaty Series, 1962, 97 and 1974, 11);
 - d. Chapter III Section 4 of the Convention implementing the Schengen Agreement;
 - e. the Agreement between the Member States of the European Communities on the simplification and modernisation of methods of transmitting extradition requests of 26 May 1989 (Treaty Series, 1990, 97);
 - f. the Convention concluded in Brussels on 10 March 1995 under Article K.3 of the Treaty establishing the European Union on simplified extradition procedure between the Member States of the European Union (Treaty Series, 1995, 10);
 - g. The Convention concluded in Dublin on 27 September 1996 under Article K.3 of the Treaty establishing the European Union relating to extradition between Member States of the European Union (Treaty Series, 1996, 304).
2. Paragraph 1 shall not apply to another Member State of the European Union provided, and as long as, that Member State has not taken the necessary measures to implement the Framework Decision of the Council of the European Union on the European arrest warrant and the surrender procedures between the Member States of the European Union, made in Brussels on 13 June 2003 (ECJ L 190).
3. Where the Council of the European Union decides contrary to paragraphs 1 or 2, a general decree-law may implement its decision.
4. The Extradition Act shall remain applicable to the handling of a request for extradition and to the decisions to be taken in connection with it, when Our Minister receives the documents concerning that request before the time of entry into force of this Act.
5. A requested person who, at the time of entry into force of this Act, is detained following an order given by virtue of Articles 13a, 14 or 15 of the Extradition Act shall, until the European arrest warrant is received, be deemed and treated as a person held in custody or detention by virtue of Articles 16, 17 or 18 of this Act.

Article 75

This Act shall take effect from 1 January 2004. If the Law Gazette in which this Act is published is published after 31 December 2003, the Act shall take effect on the day after the date of publication of the Law Gazette in which it is published.

Article 76

This Act shall be known as: the Surrender Act.

We request and command that this Act be published in the Law Gazette and that all ministries, authorities, boards and officials whom it may concern carefully implement it.

Given in The Hague on 29 April 2004.

Beatrix

The Minister of Justice

J.P.H. Donner

Issued on the eleventh of May 2004

The Minister of Justice

J.P.H. Donner

For the proceedings in the States-General, please see:
Parliamentary Papers II 2002/2003, 2003/2004, 29 042; Proceedings II 2003/2004 pp. 2154-2161;
2180-2181. Parliamentary Papers I 2003/2004, 29 042 (A, B, C, D, E). Proceedings I 2003/2004, see
session of 27 April 2004.

¹ Law Gazette, 1967, 139, most recently amended by Act of 5 February 2004, Law Gazette 50.

² Most recently amended by Act of 21 April 2004, Law Gazette 180.

ANNEX I TO THE SURRENDER ACT**List of punishable offences as per Article 7.1.a.1 of the Surrender Act**

1. participation in a criminal organisation;
2. terrorism;
3. trafficking in human beings;
4. sexual exploitation of children and child pornography;
5. illicit trafficking in narcotic drugs and psychotropic substances;
6. illicit trafficking in weapons, munitions and explosives;
7. corruption;
8. fraud, including that affecting the financial interests of the Community, within the meaning of the Convention of 26 July 1995 on the protection of the European Communities' financial interests;
9. laundering of the proceeds of crime;
10. counterfeiting, including forgery of the euro;
11. computer-related crime;
12. environmental offences, including illicit trafficking in endangered animal, plant and tree species;
13. facilitation of unlawful entry and unlawful residence;
14. murder, manslaughter and grievous bodily harm;
15. unlawful trafficking in human organs and tissue;
16. kidnapping, unlawful deprivation of liberty and hostage-taking;
17. racism and xenophobia;
18. organised or armed robbery;
19. illicit trafficking in cultural assets, including antiques and works of art;
20. swindling;
21. racketeering and extortion;
22. counterfeiting and piracy of products;
23. forgery of administrative documents and trafficking in false documents;
forgery of means of payment;
24. illicit trafficking in hormonal substances and other growth promoters;
25. illicit trafficking in nuclear or radio-active substances;
26. trafficking in stolen vehicles;

-
27. rape;
 28. arson;
 29. offences within the jurisdiction of the International Criminal Court;
 30. unlawful seizure of aircraft or ships;
 31. sabotage.

ANNEXE 2 TO THE SURRENDER ACT

Form of European arrest warrant as per Article 2.2 of the Surrender Act

EUROPEAN ARREST WARRANT

This warrant is issued by a competent judicial authority. I request that the person named below be arrested and surrendered for the purposes of criminal prosecution, executing a penal sentence or an order entailing deprivation of liberty.

a) Information concerning the identity of the requested person:

Name:

First name(s):

Maiden name, where applicable:

Aliases, where applicable:

Sex:

Nationality:

Date of birth:

Place of birth:

Residence and/or known address:

If known: language(s) which the requested person understands:

Distinctive features/description of the requested person:

Photograph and fingerprints of the requested person, if they are available and can be sent, or contact address of the person who has to be contacted to obtain the information or a DNA profile (where these details are available and can be sent, but are not included).

b) Decision underlying this arrest warrant

1. Arrest warrant or equivalent judicial decision:

Type:

2. Enforceable judgment:

Reference:

c) Information on length of sentence

1. Maximum length of custodial sentence or detention order which may be imposed for the offence(s):

2. Length of the custodial sentence or detention order imposed:

Remaining sentence to be served:

d) The judgment was given *in absentia*

- the person concerned was summoned in person or otherwise informed of the date and place of the session which led to the decision rendered *in absentia*

or

- the person concerned was not summoned in person or otherwise informed of the date and place of the session which led to the decision rendered *in absentia*, but has the following legal guarantees after surrender:

Legal guarantees:

e) Offences

This warrant relates to in total _____ punishable offences.

Description of the circumstances in which the offence(s) were committed, including the time, place and degree of participation in the offence(s) by the requested person:

Nature and legal classification of the offence(s) and applicable statutory provision/law code:

I. If applicable, indicate whether one or more of the following punishable offences are concerned, which carry a custodial sentence or detention order of a maximum of at least three years, as described in the law of the issuing Member State (cross box):

participation in a criminal organisation;

-
- terrorism;
 - trafficking in human beings;
 - sexual exploitation of children and child pornography;
 - illicit trafficking in narcotic drugs and psychotropic substances;
 - illicit trafficking in weapons, munitions and explosives;
 - corruption;
 - fraud, including that affecting the financial interests of the Community, within the meaning of the Convention of 26 July 1995 on the protection of the European Communities' financial interests;
 - laundering of the proceeds of crime;
 - counterfeiting of currency, including of the euro;
 - computer-related crime;
 - environmental crime, including illicit trafficking in endangered animal, plant and tree species;
 - facilitation of unlawful entry and unlawful residence;
 - murder, manslaughter and grievous bodily harm;
 - unlawful trafficking in human organs and tissue;
 - kidnapping, unlawful deprivation of liberty and hostage-taking;
 - racism and xenophobia;
 - organised or armed robbery;
 - illicit trafficking in cultural assets, including antiques and works of art;
 - swindling;
 - racketeering and extortion;
 - counterfeiting and piracy of products;
 - forgery of administrative documents and trafficking in false documents;
 - forgery of means of payment;
 - illicit trafficking in hormonal substances and other growth promoters;
 - illicit trafficking in nuclear or radio-active substances;
 - trafficking in stolen vehicles;
 - rape;
 - arson;
 - offences within the jurisdiction of the International Criminal Court;
 - unlawful seizure of aircraft or ships;

sabotage.

II. Full descriptions of offence(s) not covered by Section I above:

f) Other circumstances relevant to the case (optional information)

(N.B., for example, remarks on extra-territoriality, interruption of periods of prescription and other consequences of the offence).

g) This warrant also concerns the seizure and handover of objects required as evidence. This warrant also concerns the seizure and handover of objects which the requested person acquired from the offence

Description and location of objects (if known):

h) The offence(s) underlying this warrant are punishable by/have led to a custodial life sentence or lifetime detention order:

- the legal system of the issuing Member State allows for a review of the sentence imposed – by request or after at least 20 years – extending to non-execution of the sentence and/or
- the legal system of the issuing Member State allows for application of measures of clemency for which the person concerned is eligible by the law or practice of the issuing Member State, extending to non-execution of the sentence.

i) Judicial authority which issued the warrant

Official name:

Name of its representative²:

Function (title/grade):

File reference:

Address:

Tel. (country code) (prefix) (...)

Fax: (country code) (prefix) (...)

e-mail:

Address details of the person who must be contacted to make the necessary practical arrangements for the surrender:

If a central authority is responsible for the administrative forwarding and receipt of European arrest warrants:

Name of the central authority:

Contact person if any (title/grade, name):

Address:

Tel. (country code) (prefix) (...)

Fax (country code) (prefix) (...)

e-mail:

Signature of the issuing judicial authority and/or its representative:

Name:

Function (title/grade):

Date:

Official stamp (if available)