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From:	General Secretariat of the Council
To:	Delegations
N° prev. doc.:	WK 3472/2020 REV 23
Subject:	The impact of COVID-19 on judicial cooperation in criminal matters - Updated compilation by Eurojust and the EJM of collected information

Delegations will find attached an updated compilation by Eurojust and by the European Judicial Network (EJM), combining information received by Eurojust, by the EJM and by the Presidency/General Secretariat of the Council, on the impact of the measures taken by governments to combat the spread of COVID-19 on judicial cooperation in criminal matters in the European Union (and Iceland and Norway) and on the way forward.

Please note that the executive summary is also available as a public document (7693/5/20 REV 5).

The text has been updated with input received by Friday 11 December 2020.



The Impact of COVID-19 on Judicial Cooperation in Criminal Matters

Compilation of Replies

11 December 2020

The present document is a living document and it is regularly updated.
It is not meant to reflect any official position of the Member States, Iceland and Norway.

Executive summary

The measures taken at the national level to combat the spread of the coronavirus (COVID-19) have had a significant impact on judicial cooperation in criminal matters in the European Union, Iceland and Norway.

In March 2020, the Council submitted a first questionnaire to the Member States, Iceland and Norway on the impact of said national measures on judicial cooperation instruments. In parallel, Eurojust and EJN collected information from the Member States on the same topic. In view of the rapidly evolving situation, new questions were then regularly submitted to the Member States, Iceland and Norway by said actors. In light of these developments, in April 2020 the Council gave a mandate to Eurojust and EJN to prepare a compilation of all the information collected so far, to submit new questions to the Member States, Iceland and Norway where needed, and to regularly update the compilation in order to continuously assist practitioners in the application of judicial cooperation instruments in criminal matters in these challenging times.

In June 2020, the Council published a compilation of the Member States' replies to a Questionnaire on the impact of COVID-19 on SIRENE work on surrenders, extraditions of persons and transfers of convicts (Council doc. WK 6425/2020 INIT) which was integrated in the 11th revision of the compilation (Council doc. WK 3472/2020 REV 11).

The present executive summary gives an overview of the main practical and legal issues identified from an analysis of the replies included in the 21st revision of the compilation (Council doc. WK 3472/2020 REV 21) on the following legal instruments and topics:

- Framework Decision 2002/584/JHA on the European Arrest Warrant;
- Extradition from/to third States;
- Directive 2014/41/EU on the European Investigation Order;
- Mutual legal assistance in criminal matters;
- Framework Decision 2008/909/JHA on the transfer of sentenced persons;
- Framework Decision 2003/577/JHA on freezing orders;
- Framework Decision 2006/783/JHA on confiscation orders;
- Framework Decision 2002/465/JHA on Joint Investigation Teams.

In several States the situation improved considerably since May, and more notably in June. Since then, the execution of judicial cooperation instruments gradually went back to normal and several States declared the end of the state of emergency. This situation went on towards the end of October, where notwithstanding the evolution of the pandemic situation of COVID-19, the contributing States reported that the general health and restricting measures are thus far having no significant impact on the execution of judicial cooperation instruments.

1. European arrest warrants

The surrender procedure under the Framework Decision on the European Arrest Warrant (EAW FD) is the main focus of the compilation. European Arrest Warrants (EAWs) have a direct impact on the personal freedom of the requested person – or at least give rise to a restriction of their freedom of movement - and is by nature an urgent proceeding in all its phases, as provided in Article 17(1) EAW FD. The COVID-19 crisis had an **impact on both the issuing and the execution of EAWs**. However, **since the beginning of June**, some States noted that the gradual opening of the borders and resuming of flights **slowly brought the situation back to normal**, allowing the actual execution of EAWs. However, persisting limitations in commercial flights, both as to their frequency and destinations, continued to represent an obstacle.

Impact on the issuing of EAWs

In relation to the issuing of EAWs, the vast majority of EU judicial authorities have continued to issue EAWs as normal. Yet, some States prioritised the issuing of EAWs, either following the adoption of specific guidelines issued by the public prosecutors' offices, where public prosecutors are the issuing authorities or nevertheless trigger the issuing procedure (e.g. limiting the issuing of EAWs only to urgent or very serious cases), or as an indirect result of the general limitations on judicial activities during the pandemic. A number of States at one stage reported that the **activities of the judicial authorities largely resumed**, gradually returning to their regular service.

Impact on the execution of EAWs and the actual surrender by air or by land

As to the execution of EAWs, in general terms, the proceedings opened in the executing State for the recognition and execution of EAWs were not affected and were carried out normally without significant impediments. However, the measures adopted in the context of the COVID-19 crisis are having a **major impact** on the last phase of the surrender procedure, as they often lead to difficulties in carrying out **the actual surrender of the requested person** to the issuing State after a judicial decision to this effect has been taken and became final. While no State has generally suspended the execution of surrenders, in specific cases it may become impossible to transfer the requested person to the issuing State due to the practical and legal measures adopted at national level to combat the COVID-19 crisis. This is the case, for instance, where travel restrictions and flight cancellations are in place, or there are restrictions in place for the escorting officers to travel abroad preventing the issuing State from taking over the requested person. In this respect, the feasibility of each transfer needs to be assessed on a case-by-case basis and often depends on the practical arrangements in place. Transfers taking place **by land** (particularly between neighbouring States) have a higher chance of success than those that should take place **by air** (due to reduced or suspended air traffic).

Later, the majority of States noted that the gradual resumption of flight traffic and the reopening of borders **started to bring the situation back to normal**, including surrenders. Nevertheless, as previously mentioned, the developments in the COVID-19 crisis point to **some remaining/reoccurring issues in relation to the functioning of commercial flights**.

Postponement of the actual surrender

Where surrender is not possible in the individual case due to the measures taken as reaction to the COVID-19 crisis, the executing judicial authorities normally **decide to postpone the surrender**

pursuant to Article 23 EAW FD. This legal framework is generally considered sufficient to face the current situation.

As regards the specific reason justifying the postponement of surrender, there is no common approach among the Member States. While many States invoked the circumstances of *force majeure* under Article 23(3) EAW FD, a few others, bearing in mind that the duration of this pandemic is unpredictable, preferred to rely on the serious humanitarian reasons set forth by Article 23(4) EAW FD. Finally, there are several States that applied **either Article 23(3) or Article 23(4) EAW FD, depending on the specific circumstances of the individual case.** In both scenarios, a consultation between the executing and issuing authorities was necessary to agree on a new surrender date. However, under Article 23(3) EAW FD it is necessary for both judicial authorities to immediately contact each other, consult each other on a regular basis, and reach an agreement on a concrete new surrender date. This would have to be linked to the end of the state of emergency or confinement measures adopted by the Member States and cancellation of flights, which so far have been regularly extended.

It is noteworthy that the compilation -as a living document- provides updated information on the extension and conclusion of the state of emergency or any confinement measures deadlines and therefore contains relevant information to set new surrender dates in accordance with Article 23 (3) EAW FD. In contrast, under Article 23(4) EAW FD the authorities involved are initially exonerated from such obligation as it is provided that surrender shall take place as soon as the grounds justifying the postponement have ceased to exist and, therefore, the executing judicial authority shall eventually- and immediately inform the issuing judicial authority and -then - agree on a new surrender date. Furthermore, taking into consideration the indefinite nature of this situation, judicial authorities were prompted to explore the possibilities of having recourse to other measures alternative to surrender (e.g. issuing an European Investigation Order to hear the requested person via videoconference during the trial phase, with their consent, in order to avoid an adjournment of the trial, or taking over the prosecution or enforcement of a sentence).

In the event that surrender was temporarily postponed, the executing judicial authorities were called to review the prolongation of the requested person's arrest until the actual surrender becomes possible. Several States have reported cases where, based on the circumstances of the specific case, prolonging detention would be in conflict with the principle of proportionality and the executing judicial authorities have accordingly **released the requested person** and adopted **measures to prevent the person from absconding** pursuant to Article 12 EAW FD (e.g. obligation to report to the police, travel ban, probation orders, bail, house arrest). There has also been cases where the prolonging of detention awaiting the feasibility of surrender led to the withdrawal of the EAW and the release of the requested person. Again, the **importance of consultations with the issuing authorities** is underlined in order to refresh the reasons for maintaining the arrest or not.

To date, most of the surrenders previously postponed have been executed, especially after the travel restrictions had been lifted. Currently, the trend seems confirmed, namely that only short postponements are necessary, for example, due to the lack of some direct flights.

Transits

Only a few States suspended all transits. In the majority of States, transits remained –in principle– possible, but subject to a case-by-case assessment. In practice, the main difficulties were caused by the flight and lockdown restrictions.

Precautionary measures

The majority of the States have adopted precautionary measures to safeguard the health of the surrendered person and escorting officers where surrender actually takes place.

Some States request a negative COVID-19 test in relation to the **surrendered person**, while others solely request a general medical certificate. A few States do not require any health certificate, however, the person should not have any symptoms of COVID-19. Moreover, additional precautionary measures might be taken on a case-by-case basis. In many States, the surrendered person has to wear protective equipment (mask, gloves) during the surrender and will be placed in quarantine upon arrival.

Most States apply general rules in relation to the **escorting police officers** and the protections that are obligatory for the general population (e.g. wearing a mask, gloves, social distancing, disinfection, hotel rules). Only very few States explicitly mention that they apply quarantine rules to police officers.

In view of recent developments, revisions of the precautionary measures in place are foreseeable in all States.

2. Extradition

Also in relation to extradition requests from third States, the measures adopted at national level in relation to COVID-19 have an impact on the **execution of the actual surrenders, which in several States are being postponed to the end of the crisis**. Currently, the main obstacle States are facing are the limitations of flights with some third States and the closure of borders. This does not pose major problems in the context of extradition, as these proceedings normally allow the extension of deadlines for surrender.

3. European investigation orders and mutual legal assistance requests

The measures imposed in the context of the COVID-19 crisis had an impact on the issuing, but especially on the execution of other judicial cooperation instruments. However, more recently, most States noted that the resumption of judicial activities has **brought the situation back to normal**, also in relation to the issuing and execution of EIOs. Nevertheless, some alternative solutions identified during the crisis for the execution of EIOs, such as hearings via video or telephone conferences, are still considered preferable.

Some States indicate that **the issuing of European Investigation Orders (EIOs) or requests for mutual legal assistance (MLA)** continued as usual. Others inform that the issuing of these instruments has decreased and that prioritisation is also applied here. In some of these States, EIOs are being issued and translated, but their transmission to the executing State has been affected, suspended or postponed, except when it is urgent.

In most States, **the execution of EIOs and MLA requests** was initially restricted to urgent cases and/or postponed, in particular in those States where the adopted state of emergency implied the suspension of procedural time limits and hearings. Where this prioritisation applied, the main criteria used besides urgency were, for instance, the seriousness of the offence, whether the suspect is under pre-trial arrest, the risk that evidence will be lost and the stage of the proceedings in which the evidence was to be gathered. A **case-by-case evaluation** applied. Furthermore, even in the States that did not apply a prioritisation, delays in the execution could (and may still) occur if general confinement measures were in place, limiting judicial activity (e.g. remote working of judges and prosecutors). In this respect, in several States **measures requiring physical contact (e.g. house searches, hearings in person, etcetera) were postponed or, if feasible, adequate alternatives put in place** (e.g. hearings taking place via video- or telephone conferences). While in some States it was always possible to request the appearance of a person before the competent authorities, in others videoconference was the preferable way to hear a person, and in some States even the only way possible. In a few other States, house searches were executed as normal. Furthermore, in some States, participation by the issuing authorities was either not permitted or allowed only where necessary after an assessment on a case-by-case basis. In general terms, non-urgent investigative measures were in principle put on hold.

As to the means of transmission of EIOs and MLA requests, **the majority of the States recommend electronic transmission of requests (i.e. email)** as the most effective means in the current situation. This is still the case, especially with regard to urgent requests. Most States encourage addressing the requests directly to the competent executing authorities, while others recommend sending the request to a centralised email address as the executing authority may not be directly reachable in the current circumstances. **Eurojust and the EJN can help with the transmission of EIO/MLA requests, facilitating exchange of information and identification of the competent executing authority.**

4. Transfer of sentenced persons

Most States initially suspended the transfer of sentenced persons, however later in several States these transfers became possible again. In those States where the transfer of sentenced persons is possible, an assessment is done on a case-by-case basis, and in some States urgent cases are prioritised. In such cases, it is also underlined that **the time limit of 30 days for the execution of the transfer under Article 15(1) FD 2008/909/JHA is not likely to be met.** Practical issues encountered by national authorities when carrying out transfer are mainly related to the closure of internal EU borders and the cancellation of flights, as well as situations that require physical contact and medical screening. Sanitary rules are to be observed for the interest of the sentenced persons and the escorting officers. Persons transferred to other States are in principle placed in quarantine. Some States specified that decisions on the recognition of judgments continue to be issued.

Some States reported that they resumed transfers of sentenced persons to other Member States, with the only practical issue being the cancellation of some flights.

5. Freezing and confiscation orders

While in many States the situation is unchanged with respect to freezing and confiscation orders under Framework Decision 2003/577/JHA and Framework Decision 2006/783/JHA, **several other States are prioritising the issuing of certificates for the mutual recognition of freezing and confiscation orders only in urgent cases.** This is very often not the result of an *ad hoc* policy, but rather an indirect effect of the general limitations on judicial activities. However, this prioritisation **does not usually affect freezing orders as they are generally regarded as urgent** due to the risk of dissipation of assets.

Several States noted that the gradual resumption of judicial activities **started to bring the situation back to normal**, also as regards freezing and confiscation orders.

6. Joint Investigation Teams

Joint Investigation Teams (JITs) under Framework Decision 2002/465/JHA continue to operate regularly in most States, with the main difference that **travel and physical meetings between JITs' members are not regularly taking place or are taking place to a very limited extent depending on the restrictions imposed by to National Authorities.**

7. General issues

Another measure having a significant impact also in the field of judicial cooperation in criminal matters was the **remote working**, as most judges and prosecutors were teleworking (from home), and therefore the activities of the national courts and public prosecutors' offices were limited. Only judges and prosecutors on duty 24/7 could deal with very urgent requests. A case-by-case approach showed to be the predominant one under the new circumstances. However, up until now all States seem to have **resume the judicial activities**, so that the situation gradually went back to normal. Even though the recent worldwide increase in COVID-19 cases has led to the reintroduction of restrictions in certain States, these do not necessarily had a direct or significant impact on judicial cooperation in criminal matters.

In most Member States, SIRENE Bureaux worked at limited capacity during the period of the pandemic, although no serious problems arose in the exchange of information. From the beginning of June SIRENE Bureaux returned to full operational capacity in almost all Member States.

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I. Background

In order to combat the spread of the coronavirus (COVID-19), several countries have taken measures that may have an impact on the application of some judicial cooperation instruments, and in particular on the surrender procedure under Framework Decision 2002/584/JHA on the European Arrest Warrant and the surrender procedures between the Member States ('EAW FD').

On 16 March 2020, the Presidency of the Council submitted some questions to the Member States on the impact of the measures taken by governments to combat the spread of COVID-19 on the EAW surrender procedure and collected the replies (*see* Council doc. no. WK 2978/2020 and WK 3047/2020, and the subsequent revised versions WK 3047/2020 REV1 and WK 3047/2020 REV2). Eurojust and the EJN have also collected information on the impact of the measures taken by governments to combat the spread of COVID-19 on judicial cooperation in the EU (*see* annexes B and C to WK 3047/2020 REV2). In addition, Eurojust and the EJN produced a compilation, containing the information received by the Presidency of the Council/General Secretariat, Eurojust and the EJN (*see* Council doc. no. WK 3472/2020).

In order to avoid double and parallel work, and to further streamline the collection and distribution of information on the issue of the impact of COVID-19, the Presidency proposed that Eurojust takes a more central role. Under this new working method, any further questions to Member States will be posed by Eurojust, which will be solely responsible, together with the EJN, for the collection of any replies by Member States and additional information (*see* Council doc. 7188/20).

In application of the new working method, the Presidency, together with the Commission, Eurojust and EJN, drafted new questions on the impact of COVID-19 (*see* WK 3472/2020 REV3, REV4). As regards the last round of questions, which were submitted on 7 May 2020, the EAW Coordination Group was consulted in advance (*see* WK 4758/2020).

On 19 June 2020, the Presidency published a summary of the Member States' replies to a Questionnaire on the impact of COVID-19 on SIRENE work on surrenders, extraditions of persons and transfers of convicts (*see* WK 6425/2020 INIT). The information contained therein has been integrated in the present document.

The present document gives a complete overview of the different questions posed to the Member States and compiles all the replies provided by the Member States, Iceland and Norway in the context of the abovementioned questionnaires. This compilation is regularly updated and shared with the practitioners from the EU Member States and from Norway and Iceland and with Europol.

Any comments and/or suggestions for a future update can be sent to Eurojust and the EJN (cooperationCOVID19@eurojust.europa.eu).

II. Questionnaire

This questionnaire regroups, per topic, all the questions that were included in the five above-mentioned questionnaires: the COUNCIL Questionnaire, the EUROJUST Questionnaire, the EJN Questionnaire, the Joint Questionnaire and the SIS/SIRENE Questionnaire. The questions of the different questionnaires have been re-ordered and re-grouped under the following topics: EAW, precautionary measures related to the actual surrender/extradition/transfer, extradition, transfer of prisoners, European Investigation Order (EIO) and Mutual Legal Assistance (MLA), freezing and confiscation, Joint Investigation Teams (JITs), recommended channels for information exchange, operation of the national SIRENE Bureaux and other relevant information.

For the purpose of clarity, questions that related to different instruments are repeated under all the relevant topics. Questions that were repetitive and/or overlapping have been merged. All questions include between brackets a reference to the question as they originally appeared in a previous version of this Compilation (*see* **WK 3472/2020 REV 6**).

EAW

Issuing of EAWs

- Which are the views of your home authorities on future EAWs not yet transmitted or inserted in SIS? Could any prioritisation be put in place when transmitting /inserting them?

(question II of EUROJUST Questionnaire)

- Have you decided to temporary suspend the issuing of EAWs or to withdraw already issued EAWs? If so, in respect of which Member States? For how long do you expect this measure to be in place? Is your Member State currently prioritising the issuing of EAWs? If so, which criteria are used? (e.g. limiting the issue of EAWs only to serious criminal offences?)

(questions d of COUNCIL Questionnaire and 4 of Joint Questionnaire)

Execution of EAWs and postponement of the actual surrender

- Which would be the position of your home authorities on taking over the arrested persons for which the EAW was approved by the Romanian authorities?

(question I of EUROJUST Questionnaire)

- Which legal basis do you use for the temporary suspension of surrenders in the current crisis concerning COVID-19? Is it force majeure (Article 23(3)) or serious humanitarian reason (Article 23(4)) FD EAW?

(questions a of COUNCIL Questionnaire, ii of EJN Questionnaire and 1 of Joint Questionnaire)

- Do you consider these provisions applicable and sufficient to deal with the current situation? If not, what measures do you deem necessary?

(question 2 of Joint Questionnaire)

- What is your interpretation of the notion “prevented by circumstances beyond the control of any of the Member States” in Article 23 (3)?

(question iv of EJN Questionnaire)

- Have you decided to temporarily suspend the execution of EAWs? If so, in respect of which Member States? For how long do you expect this measure be in place?

(question a of COUNCIL Questionnaire)

- Have persons that were already remanded in custody been released temporarily or otherwise as a consequence of this measure?

(question b of COUNCIL Questionnaire)

- Since your reply to question b) of the first questionnaire (Council document WK 2978/2020), have you become aware of (further) cases in which the non-compliance with these deadlines has led to the release of persons that were already remanded in custody? What type of measures have been taken to prevent these persons from absconding, in the light also of Art. 12 FD EAW?

(question 3 of Joint Questionnaire)

- Has the COVID-19 pandemic had an influence on the execution of surrenders by land and by air in your country? If so, please specify in what way.

(questions 3 and 4 of SIS/SIRENE Questionnaire)

Expected resuming of surrenders

- In cases where the physical surrender/extradition of requested persons has been postponed, when will the procedures concerned be resumed, or when are they likely to be resumed (if such information is available)?

(question 7 of Joint Questionnaire)

Transits

- Are transits of persons under FD EAW possible? If yes, is a negative COVID-19-test of the surrendered person needed? Is a negative COVID-19-test of the escorting officers needed? Test not older than how many days? Are there other requirements? Have your responsible authorities implemented any measures in connection to the transits of the persons?

(questions i and vi of EJN Questionnaire and question 5 of SIS/SIRENE Questionnaire)

Precautionary measures related to the actual surrender, extradition or transfer

- If you have decided to continue the execution of EAWs, which particular measures (precautions) have you taken, e.g. relating to health? Please explain. In respect of which Member States have these measures (precautions) been taken?

(question c of COUNCIL Questionnaire)

- Are surrenders of persons under EAW FD possible? If yes, is a negative COVID-19-test of the surrendered person and/or escorting officer needed? Is a negative COVID-19-test of the escorting officers needed? Test not older than how many days? Are there other requirements?
(question v of EJN Questionnaire)
- Will any additional precautionary measures be put in place when acting as issuing, transiting and executing Member State (e.g. requesting a health certificate following a COVID-19 medical examination performed shortly before the physical surrender, protective equipment for the requested person and the officials accompanying that person, etcetera)?
(question 8 of Joint Questionnaire)
- Are there any special conditions for a person who is in a procedure of convict surrender, extradition or transfer (medical certificate, negative test for COVID-19)?
(question 6 of SIS/SIRENE Questionnaire)
- Are there any special conditions for escort police officers (medical certificate, negative test for COVID-19, medical protective gear)? Are there any specific measures for escort police officers to comply with regarding overnight stay and the use of public transport?
(questions 7 and 8 of SIS/SIRENE Questionnaire)
- Would you appreciate if guidance were established regarding any such additional precautionary measures, so as to facilitate the application of the EAW surrender procedure across the EU?
(question 9 of Joint Questionnaire)

Extradition requests

- Have you decided to temporarily suspend extradition procedures to third States due to COVID-19, or have specific third States decided to temporarily suspend extradition procedures to your State? If so, on what legal basis? And which third States does this apply to? Do you wish to exchange further information regarding the impact of COVID-19 on extradition to and from third states?
(question 6 of Joint Questionnaire)
- In cases where the physical surrender/extradition of requested persons has been postponed, when will the procedures concerned be resumed, or when are they likely to be resumed (if such information is available)?
(question 7 of Joint Questionnaire)
- In connection with the current situation concerning coronavirus COVID-19, have your responsible authorities implemented any measures in connection to the transits of the persons on the basis of the legal instruments in the area of judicial cooperation in criminal matters (such as International Arrest Warrants)?
(question i of EJN Questionnaire and question 5 of SIS/SIRENE Questionnaire)

- Has the COVID-19 pandemic had an influence on the execution of extraditions by land and by air in your country? If so, please specify in what way.
(questions 3 and 4 of SIS/SIRENE Questionnaire)

Transfer of sentenced persons

- Do the measures relating to COVID-19 also have an impact on the Transfer of Prisoners (FD 2008/909)? Please explain.

(question e of COUNCIL Questionnaire)

- Due to the situation caused by COVID-19, is your Member State currently prioritising the issuing of requests under FD 2008/909 on custodial sentences? If so, which criteria are used?

(question 5 of Joint Questionnaire)

- Has the COVID-19 pandemic had an influence on the execution of transfers of convicts by land and by air in your country? If so, please specify in what way.

(questions 3 and 4 of SIS/SIRENE Questionnaire)

- Are transfers of prisoners under FD 2008/909/JHA possible? If yes, is a negative COVID-19-test of the surrendered person needed? Is a negative COVID-19-test of the escorting officers needed? Test not older than how many days? Are there other requirements?

(question vii of EJN Questionnaire)

- In connection with the current situation concerning coronavirus COVID-19, have your responsible authorities implemented any measures in connection to the transits of the persons on the basis of the legal instruments in the area of judicial cooperation in criminal matters (such as custodial sentences)?

(question i of EJN Questionnaire and question 5 of SIS/SIRENE Questionnaire)

Evidence gathering: EIO and MLA

- Do the measures relating to COVID-19 also have an impact on EIOs and MLA requests? Please explain.

(question e of COUNCIL Questionnaire)

- Due to the situation caused by COVID-19, is your Member State currently prioritising the issuing of EIOs and/or MLA requests? If so, which criteria are used?

(question 5 of Joint Questionnaire)

- Are EIOs and other MLA requests executed only in emergency cases? How should the EIO/MLA requests be sent, by ordinary mail or email? Should they be sent to the ordinary addresses indicated in the EJN-Atlas? Or should they be sent to a central authority/other? In this case, to which address or email address?

(question viii of EJN Questionnaire)

Cross-border freezing and confiscation

- Due to the situation caused by COVID-19, is your Member State currently prioritising the issuing of freezing and confiscation orders? If so, which criteria are used?

(question 5 of Joint Questionnaire)

JITs

- Due to the situation caused by COVID-19, is your Member State currently prioritising the setting up of JITs? If so, which criteria are used?

(question 5 of Joint Questionnaire)

Recommended channels to facilitate information exchange

- In order to ensure swift exchange of information between Member States in emergency situations, what do consider to be the best channels to use (e.g. Eurojust/EJN, SIS Sirene, national focal points/other)?

(question f of COUNCIL Questionnaire)

Operation of the national SIRENE Bureaux

- Is your SIRENE Bureau working at limited or full capacity? Do you face any challenges in ensuring the 24/7 operation of your SIRENE Bureau?

(question 1 of SIS/SIRENE Questionnaire)

- Has the COVID-19 situation had an influence on the time taken for the exchange of information with other Member States? What has been the most problematic area in the exchange of information with other Member States?

(question 2 of SIS/SIRENE Questionnaire)

Any other relevant information

- Is there any other useful information regarding judicial cooperation, e.g. available information related to measures that are currently nationally possible or not possible due to either reasons regarding prioritisation or other relevant reasons? Particularly it would be useful to know about the available national measures regarding if it is possible, or not possible due to the fear of the virus or that national instructions/orders do not allow it, to request people to appear before a

court or to be heard by the police or, for instance, to what extent are house searches possible or not possible to execute.


(question 10 of Joint Questionnaire)

- Any other relevant information exchanged via Eurojust, EJN or otherwise.

(questions iii of EJN Questionnaire and III of EUROJUST Questionnaire)

III. Overview of replies

1. Austria (AT)


AUSTRIA 	
<p>EAW</p> <p>-issuing of EAWs (<i>suspension; impact on already issued EAWs; prioritization in issuing new EAWs + criteria</i>)</p> <p>- execution and postponement of the actual surrender (<i>legal bases, adequacy, release of surrendered person, measures to prevent released persons from absconding</i>)</p> <p>-expected resuming of surrenders</p> <p>-transit</p>	<p>Impact on the issuing of EAWs</p> <p>The prosecution services were invited to more thoroughly assess whether pre-trial detention is really needed given the risk of absconding, the seriousness of the crime and the punishment that could be expected. This assessment applies also in the domestic proceedings – so on a case-by-case decision the prosecution service will decide whether a domestic arrest order – and subsequently an EAW – has to be issued.</p> <p>As a consequence of the above-mentioned reassessment of the grounds for pre-trial detention also in domestic cases the number of issued EAW may be reduced. As long as the public health restriction will remain necessary also this temporary suspension will have to be applied.</p> <p>Impact on the execution of EAWs and postponement of the actual surrender</p> <p>The decision on the execution of the EAW lies in the competence of the Courts upon request of the Public Prosecutors– in the light of the dangers of spreading COVID-19 in the penitentiaries the Public Prosecutor’s Offices were requested to reassess the grounds for detention pending surrender.</p> <p>With regard to actual surrender of the persons, Austrian Courts have started to apply Art 23 FD EAW due to the extraordinary situation. Surrenders by airplane now are possible as the airlines restarted their services. Surrender by land is possible to the neighbouring states. Surrender by land to not-neighbouring states is also possible since some neighbouring states have restarted to grant transit.</p> <p>Impact on surrender, extradition, transfer by land</p> <p>We had a lot of problems with the execution of surrenders, Extraditions and transfers without a clear line which conditions we had to follow. Also with the other MS. On the one hand there were no COVID tests needed and on the other hand we had to do the testing.</p> <p>Legal basis for postponing the actual surrender</p> <p>Both grounds of postponement -Articles 23(3) and 23(4) EAW FD- are implemented in the Austrian law – the Courts competent for the decision on surrender are using alternatively both grounds in the current situation – with a slight tendency to invoke the force majeure especially in cases where flight restrictions lead to a postponement. No problems have been reported in this regard.</p>

	<p>Meaning of ‘circumstances beyond the control’</p> <p>The current pandemic situation is considered to be force majeure and therefore would be beyond the control of the Member States.</p> <p>The Ministry of Justice first issued on 19 March 2020 a circular letter informing our judicial authorities about the factual situation concerning surrenders invoking them to consider applying Art 23. This circular letter has been updated several times taking into account the changes in the relevant restrictions.</p> <p>Releases of requested persons following the postponement of the surrender</p> <p>There were singular cases of that kind as a consequence of the above-mentioned reassessment.</p> <p>Measures to prevent released persons from absconding</p> <p>The Austrian Code of Criminal Procedure knows several measures to be imposed (also in domestic situations as alternatives to pre-trial detention) to ensure the presence of a person, such as a pledge not to abscond, go into hiding or leave the place or residence without permission of the prosecution authority usually imposed together with a sum of bail, or the temporary removal of identity documents, motor vehicle documents or other licenses. Any of these measures have already been imposed in cases described above.</p> <p>Expected resuming of the surrender</p> <p>The Austrian Courts competent to order the physical surrender/extradition are checking regularly if a change in the circumstances and restrictions make a surrender possible. The number of surrenders has now significantly increased especially with neighbouring countries. Starting with the middle of June the situation is going to be better to get flights.</p> <p>Transit</p> <p>Transit permissions are given without restrictions.</p> <p>In cases of transit of persons through the territory of Austria - including Vienna International Airport – Austria requests a medical certificate not older than four days confirming that the transiting person has been tested negative of the COVID-19-virus only from countries where general travel restrictions are still in force.</p>
<p>Precautionary measures for surrender, extradition and transfer</p> <ul style="list-style-type: none"> - COVID19 test - health certificate - quarantine - facial masks 	<p>Precautionary measures</p> <p>For the surrender of persons to Austria no matter on which legal ground (EAW, Extradition, Temporary Surrender or Surrender for Enforcement of a Custodial Sentence) Austria does no longer request a medical certificate confirming that the person as well as the escorting officers have been tested negative of the COVID-19-virus. All incoming persons that will have to be kept in custody have to undergo a two-weeks quarantine which is carried out within the detention facilities.</p> <p>The person and the officers who do the escort need a mouth-nasal protection. In public transport the officers need a mouth-nasal protection and if there is a planned overnight stay they have to fulfill the requirements written in hotels.</p>

<p>Extradition</p> <ul style="list-style-type: none"> -suspension -legal basis -third countries involved -expected duration of suspension 	<p>Impact on extradition procedures</p> <p>Extradition procedures with third States are being further conducted, but the restrictions due to COVID-19 lead also in this context to a postponement of surrender (usually using Art 18 para 5 of the European Convention on Extradition, ETS No. 024, where applicable).</p> <p>The exchange of information with third States within the Council of Europe is supported by the information platform at the PC-OC-Website.</p>
<p>Transfer of sentenced persons</p> <ul style="list-style-type: none"> -impact; prioritization in issuing/execution 	<p>Impact on the issuing of requests for transfer of sentenced persons</p> <p>Austria issues certificates under the FD 2008/909/JHA taking into account that the time needed to take a positive recognition decision in the executing state might be longer than the duration of the current COVID-19-measures.</p> <p>Impact on the execution of transfers of sentenced persons</p> <p>Austria has restarted the surrender of all persons under the FD 2008/909/JHA invoking Art 15 para 2 of this FD.</p>
<p>SIRENE Bureaux</p> <ul style="list-style-type: none"> -working of SIS bureau -exchange of information with other SIS Bureaux 	<p>Impact on the working of the SIRENE Bureau</p> <p>From the beginning of June our Sirene Bureau is working with full staff. The only challenge we have within the next months is retirement and a sabbatical.</p> <p>Impact on the exchange of information with other SIRENE bureaux</p> <p>There was not a problem with the exchange of information with other MS.</p>
<p>EIO and MLA</p> <ul style="list-style-type: none"> -prioritization in issuing/execution -electronic transmission -whom to contact 	<p>Impact on the execution of EIOs and MLA requests</p> <p>EIO and other MLA requests are executed normally. Due to some restrictions in the available staff at the executing Prosecutor's Offices and Courts urgent cases will be still prioritised. With regard to EIOs, Austria as executing State is trying to prioritize incoming requests which are marked as urgent and makes all efforts to execute all the requests as soon as possible.</p> <p>Electronic transmission and contact details</p> <p>EIO/MLA requests should be sent by email. The decentralised email addresses of the Austrian executing authorities are not included in the Atlas but will be provided to all CPs of the EJN for the use of judicial authorities only. Link to the email addresses are also provided here (password protected) They should not be sent to a central authority. Only if a decentral mail address is not working or available the competent office of the Federal Ministry of Justice can be reached under team.s@bmj.gv.at.</p>
<p>Freezing and confiscation orders</p> <ul style="list-style-type: none"> -prioritization in issuing/execution 	<p>Impact on the execution of freezing and confiscation orders</p> <p>With regard to Freezing Orders and Confiscation Orders, Austria as executing State is trying to prioritize incoming requests which are marked as urgent and makes all efforts to execute all the requests as soon as possible given the reduced capacities at the judicial authorities.</p>
<p>JITs</p> <ul style="list-style-type: none"> -prioritization and alternative 	<p>Impact on JITs</p> <p>The work of Joint Investigation Teams has to be continued respecting the health-related measures by its members using technical means of communication replacing face-to-face meetings.</p>

telecommunication solutions	
Recommended channels for transmission of -urgent requests -information exchange	EJN has already proved to be an excellent channel of communication for judicial authorities with regard to consequences of COVID-19 measures both in singular cases and in general. Further exchange of information happens – as always in EAW cases – through SIRENE and Interpol. For the transmission of EIOs and MLA requests, <i>see above</i> 'EIO and MLA'.
Any other relevant information	N/A

2. Belgium (BE)


BELGIUM 	
General disclaimer	<p>As the development of the pandemic in EU Member States remains concerning, new measures are not excluded. Given the evolutive character of the sanitary restrictions, prior consultation with competent authorities are recommended.</p>
EAW -issuing of EAWs - execution and postponement of the actual surrender <i>(legal bases, adequacy, release of surrendered person)</i> -transit	<p>Impact on the issuing of EAWs</p> <p>In March 2020, some decisions to temporarily suspend the issuing of EAWs have been taken on a case-by-case basis.</p> <p>By the end of March 2020, specific guidelines in relation to COVID-19 have been given by the Board of General Prosecutors to the national prosecutors in the field of cross-border judicial cooperation in criminal matters. According to these guidelines, national prosecutors have been asked to put on hold non priority new EAWs and to wait before introducing them in the SIS system. These guidelines have been abrogated end of June 2020.</p> <p>As a consequence, the issuing of EAWs resumed without restrictions, taking duly into account obvious considerations in relation to health and security. Priority is given to persons in detention.</p> <p>A risk assessment is required before any mission of police officers outside Belgium can be granted (for instance to ensure the physical surrender/transfer of the person concerned to Belgium). Some difficulties / delays may occur due to reductions of air traffic or restrictions imposed by Air Carriers.</p> <p>Impact on the execution of EAWs and postponement of the actual surrender</p> <p>The execution of some ongoing EAWs had been suspended on the basis of Art. 23 par. 4 of the Framework Decision,. Only the effective surrender was considered to be suspended, meaning that the execution procedure itself (hearing of the person, decision on the execution, etc.) could in principle be handled normally.</p> <p>Since the summer, effective surrenders have resumed taking duly into account obvious considerations in relation to health and security. Priority is given to persons in detention. Some difficulties / delays may occur due to reductions of air traffic or restrictions imposed by Air Carriers.</p> <p>Legal basis for postponing the actual surrender</p> <p>Both legal basis – Articles 23 par. 3 and para. 4 of the Framework Decision - are considered to be applicable to temporary suspend surrender. The execution of some ongoing EAWs has been suspended on the basis of Art. 23 par. 4 of the Framework Decision.</p> <p>Releases of requested persons following the postponement of the surrender</p>

	<p>To this day, no persons have been released on the basis of non-compliance with the deadlines. To our knowledge, there has been one case in which the EAW has been revoked by the issuing authorities.</p> <p>Transits Transit requests may be addressed to the Central Authority of the Ministry of Justice. On a more practical level, prior consultation with the Belgian police will be necessary to set out the modalities of the transit and required intervention of the Belgian police services. The transit will only be allowed if an agreement can be reached on the practical modalities. This summer, Belgium has received a more than the average number of transit requests. Recently, and following the resurgence of the pandemic in Europe, the number of transit requests addressed by Belgium to other countries is on the rise.</p>
<p>Precautionary measures - inside the prisons - for surrender, extradition and transfer</p>	<p>Precautionary measures inside the prisons General precautionary measures have been established inside the prisons: detainees leaving or entering the prison are tested.</p> <p>Precautionary measures for surrender / extradition and transfer Effective surrenders/extraditions have resumed. Travel limitations are still in force and the reduction of activities of Air Carriers remains an obstacle. For the time being, physical surrender is assessed on a case-by-case basis and will only be carried out:</p> <ul style="list-style-type: none"> - after a positive assessment on the feasibility of the transfer (risk assessment); - if the person concerned can no longer be detained and there is a real risk of absconding ; - and provided the necessary precautionary measures are guaranteed. <p>Due consideration is given to travel advices provided by the Ministry for Foreign Affairs (color code, special requirements such as quarantine, tests, ...etc). Besides, particular precautionary measures are applied by the police services in charge of the concerned person, in consultation with the issuing authorities. General measures (ex. Facial masks) are of application.</p>
<p>Extradition -suspension -legal basis</p>	<p>Impact on extradition procedures Extradition procedures are handled normally. Given the sanitary restrictions, as described above, the physical surrenders of persons are slowing down.</p> <p>Legal basis for postponing the actual surrender The legal basis will vary depending on the relevant treaty or convention applicable. In case where the European convention on extradition of 1957 is applicable, article 18(5) provides a legal basis for the postponement of the physical surrender (based on 'force majeure'). In most cases, there is no need for a legal basis, since there is usually no mandatory time limit for the physical surrender. The person however remains entitled to ask for a provisional release which could eventually be granted by the competent court, based on an assessment of the risk of absconding.</p>

<p>Transfer of sentenced persons</p> <ul style="list-style-type: none"> -prioritization in issuing/execution 	<p>Impact on the transfer of sentenced persons</p> <p>Transfers of sentenced persons remain more difficult than physical surrender in the context of EAW / extradition, as they are considered to be less urgent and are not prioritized.</p>
<p>SIRENE Bureaux</p> <ul style="list-style-type: none"> -working of SIS bureau -exchange of information with other SIS Bureaux 	<p>Impact on the working of the SIRENE Bureau</p> <p>The Belgian SIRENE bureau is working at full capacity. Taking into account illnesses, However the Belgian SIRENE bureau remains fully operational.</p> <p>Impact on the exchange of information with other SIRENE Bureaux</p> <p>No, the COVID-19 situation has not had an influence on the time taken for the exchange of information with other Member States. All messages are managed well and on time. The most problematic area was the fact that some SPOC were temporary closed down.</p>
<p>EIO and MLA</p> <ul style="list-style-type: none"> -prioritization in issuing/execution -electronic transmission -whom to contact 	<p>Impact on the issuing of EIOs and MLA requests</p> <p>During the lockdown, specific guidelines related to COVID-19 have been issued by the Board of General Prosecutors to the national prosecutors in the field. These guidelines are abrogated. Issuing of EIOs and MLA requests have resumed.</p> <p>Impact on the execution of EIOs and MLA requests</p> <p>On the passive side EIO and MLA requests addressed to Belgian authorities are processed normally. Delays are not excluded given the backlog due to the lockdown.</p>
<p>Freezing and confiscation orders</p> <ul style="list-style-type: none"> -prioritization in issuing/execution 	<p>Impact on freezing and confiscation orders</p> <p>During the lockdown, all other instruments were put “on hold” if not urgent. The proceedings (issuing and execution) have resumed and are currently processed.</p>
<p>JITs</p> <ul style="list-style-type: none"> -prioritization and alternative telecommunication solutions 	<p>Impact on JITs</p>
<p>Recommended channels for transmission of</p> <ul style="list-style-type: none"> -urgent requests -information exchange <p>Contact details</p>	<p>General instructions remain applicable. Direct contacts between competent authorities are prioritized. If not possible or in case of urgency, the national focal point (Office of the Federal Public Prosecutor) is available 24/7. The national desk at Eurojust should be involved as far as possible in order to ensure proper coordination with other Member States. EJN contact points should also be used complementarily to exchange practical information and best practices.</p> <p>At the federal prosecutors office in Belgium we will handle all urgent and non-localisable requests and we have therefore a SPOC (office hours 08-17hrs) :</p> <p>Secretariat.international@just.fgov.be + 32 2 557 77 39</p> <p>Federal Magistrates to contact :</p>

	<p>Thomas Lamiroy National EJN-CP thomas.lamiroy@just.fgov.be +32 485 54 97 74</p> <p>Luc De Houwer: luc.dehouwer@just.fgov.be +32 485 54 47 14</p> <p>In Belgium every PPO including the FPO has a 24/7 on call duty – Those PP's can be contacted by the FEDERAL POLICE.</p>
Any other relevant information	N/A

3. Bulgaria (BG)

BULGARIA 	
<p>EAW</p> <p>-issuing of EAWs (suspension; impact on already issued EAWs; prioritization in issuing new EAWs + criteria)</p> <p>- execution and postponement of the actual surrender (legal basis, adequacy, release of surrendered persons, measures to prevent released persons from absconding)</p> <p>-expected resuming of surrenders</p> <p>-transit</p>	<p>Impact on the issuing of EAWs</p> <p>No, Bulgarian authorities issued EAWs as <u>like before</u> the situation caused by COVID-19.</p> <p>Impact on the execution of EAWs and postponement of the actual surrender</p> <p>The Prosecutor's Office is looking for mechanisms to guarantee that the execution of the EAW will take utmost account of the epidemiologic environment. In practice, the Bulgarian authorities request the surrenders following an issued EAW to be postponed at least until 13 April and later until 30 June when the declared national state of emergency ends. This measure concerns EAW proceedings with Member States where high epidemiologic risk exists as indicated by the Minister of Health. With other Member States the Bulgarian authorities request only an extension of the surrender period due to the limitations implemented as a follow-up of the COVID-19 outbreak.</p> <p>The execution of the EAW has not been suspended so far. Surrenders are not possible, they are postponed until the end of the extraordinary situation ordered by Bulgarian national assembly – pandemic COVID -19. The Supreme Prosecutor's Office of Cassation of the Republic of Bulgaria makes a great effort to agree with the issuing State on extension of the surrender period when due to objective reasons (travel restrictions, cancelled flights, high epidemiologic risk etc.) the surrender cannot take place within ten days after the entry into force of the decision of the competent Bulgarian court.</p> <p>On 15 May the state of emergency was replaced with epidemiological situation. Since 15 May the BG authorities have been seeking for every possible opportunity to perform the surrenders. There are now pending a lot of factual surrenders.</p> <p>Update about the Bulgarian practice on surrendering of criminals in the execution of granted EAW.</p> <ul style="list-style-type: none"> • First step: after receiving the court decision on the surrender the Supreme Cassation PO has prolonged the factual surrender with 20 days on the bases of Article 54 para 1 and 2 of the Bulgarian LAW on EAW. This provision is corresponding to Article 23 of the FD on EAW. In summary the court can postpone the factual surrender when: there are force majeure situation or/and the life and health of the wanted person are endangered when surrendering them. • Second step: within those 20 days SIRENE-Sofia has informed the relevant SIRENE in the issuing Member State and ask for its opinion to temporarily postpone the factual surrender.

The Supreme Cassation PO has postponed the surrender with 20 days. Within those 20 days the Supreme Cassation PO asked for the opinion of the issuing authorities to prolong that period after 20 days. There are several cases when the BG court has defined a different measures from the detention, namely less severe measures such as on a bail, home arrest in view of securing the follow-up factual surrender.

- Third step: if the issuing Member State agrees with the extension proposed the relevant District PO has requested the relevant District court to prolong the factual surrender until the end of the state of emergency.
- Fourth step: after obtaining the court decision on extension until the end of the epidemiological situation on the legal bases of Article 54 point 3 of the LAW on EAW in relation to Article 23 point 3 of the FD on EAW the wanted person is staying in the detention centre without releasing him/her until the factual surrender.

Impact on surrender, extradition, transfer by land

The COVID-19 situation has had an effect on the execution of surrenders, extraditions and transfers of convicts by land in Bulgaria. Between the middle of March and the middle of May, based on the restrictive measures for entering and exiting of the territory of Bulgaria, imposed in connection with the COVID-19 pandemic, all surrenders, extraditions and transfers of convicts by land were cancelled. After the end of the state of emergency in the middle of May, the restrictive measures for entering in Bulgaria were prolonged until 30 June 2020, when we expected the execution of all surrenders, extraditions and transfers of convicts to be resumed. Surrenders, extraditions and transfers of convicts are now being executed by land after a mutual agreement of both countries.

Impact on surrender, extradition, transfer by air

[Same situation as above on surrender by land] Currently, the surrenders, extraditions and transfers of convicts by air are reduced, because of the limited available air traffic.

Legal basis for postponing the actual surrender

The extension is based on Article 23(3) of the EAW Framework Decision.

Adequacy of these provisions

Yes, it is sufficient and applicable for the current situation.

Releases of requested persons following the postponement of the surrender

BG court in some cases has defined less severe restrained measures such as on bail, home arrest.

Expected resuming of the surrender

Practically in every case with a final decision to surrender the requested person after 13/03/2020 the physical surrender has been postponed. From the Bulgarian perspective the earliest date to consider the possible execution of the court decisions to surrender persons was 14/05/2020 since this was the last date of the *state of emergency*, declared by the Parliament. Since


	<p>14/05/2020 the Government declared <i>extraordinary epidemic situation</i> under the Law of Health. It replaced the <i>state of emergency</i> with basically the same restrictions regarding cross-border trips imposed with orders of the Ministry of Health.</p> <p>The <i>extraordinary epidemic situation</i> remained, until 31 July 2020, which was basically the new date when we expected the postponed procedures to be resumed under certain conditions.</p> <p>Until then and only in urgent and specific cases some surrenders could be executed – these would be mostly cases which do not require air-transportation and the surrender could be executed on the ground (on the borders with Greece and Romania) without necessary entry in the country of the foreign escort teams. There is also an option to interpret one of the exceptions in the order of the Ministry of Health as allowing the members of the foreign escort teams to enter the country if other conditions are met (flights, coordination with the other country, logistics) even before 14/06/2020. PORB has already made steps to receive some clarifications by the author of the order.</p> <p>Transit</p> <p>We do not have recent cases of requests for transit but the restrictions mentioned above for surrenders are valid. The transit via Bulgaria is possible, following the regulation for anti-epidemic measures, but it is limited because of the limited available air traffic in Europe.</p>
<p>Precautionary measures for surrender, extradition and transfer</p> <ul style="list-style-type: none"> - COVID19 test - health certificate - quarantine - facial masks 	<p>Specific measures for the person to be transferred</p> <p>Protective equipment (masks, gloves and disinfectants) is available to the detained persons. Additionally, they all get acquainted with the safety measures against the dissemination of the virus.</p> <p>Bulgaria applies a system of precautionary measures in order to limit the health risks for requested and detained persons in epidemic situation. It includes:</p> <ul style="list-style-type: none"> -Personal preservation and protective equipment – masks, gloves, disinfection; -Focused medical checks and quarantine of all persons who are detained or brought to the respective prison (or other detention facility) for the first time. This will include the requested persons surrendered by other member state; -14-day monitoring of the health conditions of the detained persons; -Intensive disinfection; -Protocol for isolation and hospitalization of persons with respective symptoms and persons in high risk; -Protocol for action of the staff in <i>state of emergency</i> and/or <i>extraordinary epidemic situation</i> (rotation, long shifts of the medical staff etc.). <p>The leading opinion so far is that in every case of surrender of a person the surrendering state should provide a medical reference stating the health conditions of the person and the lack of symptoms in the last 14 days. A specific COVID-19 medical examination should be obligatory only in case of symptoms or other reason for suspicion that the person is infected.</p> <p>There are no specific conditions for the persons in a procedure of surrender, extradition or transfer. In general, before the surrender, extradition or</p>

	<p>transfer from Bulgaria abroad, a medical certificate from the penitentiary institution is required. In connection with the COVID-19 situation, in the certificate should be highlighted that the person did not suffer from a respiratory disease with COVID-19 symptoms and that they had no contact with a person suffering from COVID-19. After execution of the surrender, extradition or transfer in Bulgaria the person in procedure is being quarantined according to the rules in the penitentiaries in Bulgaria. Before the surrender, extradition or transfer from abroad to Bulgaria, our competent authority requests to receive information from the other country that the person did not suffer from a respiratory disease with COVID-19 symptoms and that they had no contact with a person suffering from COVID-19 in the last 14 days.</p> <p>Specific measures for escorting police officers</p> <p>When carrying out procedures on EAW the officials at the Chief Directorate “Security” to the Ministry of Justice are provided with protective equipment (masks, gloves and disinfectants). Additionally, they all get acquainted with the safety measures against the dissemination of the virus.</p> <p>There are no special conditions for escort police officers coming to Bulgaria and according to the latest measures taken by the Bulgarian authorities, foreign officials, including law-enforcement officials are allowed to enter Bulgaria without being under quarantine after entering in Bulgaria. Bulgarian escorting officers going abroad for execution of surrenders, extraditions and transfers are provided with personal protective gear – masks, gloves and disinfectants. Masks, gloves and disinfectants are also provided to the surrendered, extradited and transferred person.</p> <p>All police officers coming to Bulgaria should be aware of the current measures taken by the Bulgarian authorities such as wearing masks in public places, keeping distance, etc.</p> <p>The Order issued by the Minister of Health has not imposed a quarantine on officials, especially for the escort team accompanying the extradited persons.</p> <p>Need (or not) for further guidance on precautionary measures</p> <p>We would appreciate a short guidance regarding the necessary measures and specifically in the application of EAW – procedures in a pandemic situation. We believe in the usefulness of such a guidance if:</p> <ul style="list-style-type: none"> - we could refer to it in relations with another member state; -we can expect that all the member states will act in compliance with it.
<p>Extradition</p> <ul style="list-style-type: none"> -suspension -legal basis -third countries involved -expected duration of suspension 	<p>Impact on extradition procedures</p> <p>Bulgaria has one case of classical extradition as requested state. The supreme cassation prosecutor’s office proceeded according to the European convention of extradition and our national legislation – Law for extradition and EAW. The person was arrested for “up to 40 days” by the District court and recently are waiting for the document to be received. The person is still under custody.</p>

<p>Transfer of sentenced persons</p> <p>-prioritization in issuing/execution</p>	<p>Impact on the issuing of requests for transfer of sentenced persons</p> <p>No prioritisation.</p> <p>Impact on the execution of transfers of sentenced persons</p> <p>The transfer of convicted persons is directly affected by the spread of the disease due to the need of surrender of the persons. In several cases the Supreme Prosecutor's Office of Cassation had to cancel plans for surrender that were already approved and to negotiate new ones due to the quickly changing situation. The other Member State has been notified that a confirmation for a new specific plan would be possible only after the alleviation of the epidemiologic environment. Transfers of prisoners are thus not possible because of the restriction of pandemic of COVID -19 no matter of negative test for the surrendered person. In every single case there is a court decision to postpone the surrender of person. But for now we don't have cases under FD 2008/909/JHA because the law entered in force from the 1-st of January 2020 and in practice we just started few cases by this procedure.</p>
<p>SIRENE Bureaux</p> <p>-working of SIS bureau</p> <p>-exchange of information with other SIS Bureaux</p>	<p>Impact on the working of the SIRENE Bureau</p> <p>SIRENE Bulgaria is working at full capacity in 24/7 regime.</p> <p>Impact on the exchange of information with other SIRENE Bureaux</p> <p>None.</p>
<p>EIO and MLA</p> <p>-prioritization in issuing/execution</p> <p>-electronic transmission</p> <p>-whom to contact</p>	<p>Impact on the issuing of EIOs and MLA requests</p> <p>No prioritisation.</p> <p>Impact on the execution of EIOs and MLA requests</p> <p>You could expect some delays in the execution of all EIOs due to the crisis with COVID-19, the state of emergency in Bulgaria and limited judicial and police resources. In addition, Bulgaria is not going not participate in common Actin Days with other countries.</p> <p>We do not execute EIO for ordinary cases till the end of the extraordinary situation announced by Bulgarian authorities –COVID -19. For serious urgent cases - a single decision is made by a concrete issues and by the competent prosecutor, responsible for the execution. But for sure before that we recommended to have consultations with him /her by phone or email for possible solutions.</p> <p>Electronic transmission and contact details</p> <p>EIO must be sent by email. It is not necessary to send the EIO to the central authority, it is always better to send directly to the competent District prosecution office responsible for the execution.</p>
<p>Freezing and confiscation orders</p> <p>-prioritization in issuing/execution</p>	<p>Impact on freezing and confiscation orders</p> <p>No prioritisation.</p>

<p>JITs -prioritization and alternative telecommunication solutions</p>	<p>Impact on JITs No prioritisation.</p>
<p>Recommended channels for transmission of -urgent requests -information exchange</p>	<p>The experience of the Supreme Prosecutor’s Office of Cassation shows that the fastest and most effective channel for exchange of information between the Member States is ensured by SIS operated by Member States SIRENE bureaus. For the transmission of EIOs and MLA requests, <i>see above</i> ‘EIO and MLA’.</p>
<p>Any other relevant information</p>	<p>With regard to the additional information asked we would like to stress that the procedures of issuing EAW and the court hearings in case of incomings EAW have been never stopped in Bulgaria and there is no obstacles for them after 14/05/2020. Only the physical surrenders have been postponed – in most of the cases via separate court decision if Bulgaria acts as executing state.</p>

4. Croatia (HR)

CROATIA 	
<p>EAW</p> <ul style="list-style-type: none"> -issuing of EAWs <i>(suspension; impact on already issued EAWs; prioritization in issuing new EAWs + criteria)</i> - execution and postponement of the actual surrender <i>(legal basis, adequacy, release of surrendered persons, measures to prevent released persons from absconding)</i> -expected resuming of surrenders -transit 	<p>Impact on the issuing of EAWs</p> <p>According to the principle of legality, the prosecutors and judges are obliged to issue the EAW if in the concrete case the legal preconditions are fulfilled (article 2 para 1 of the Framework Decision on EAW). So, in all cases where the legal preconditions are fulfilled the EAW will be issued. It is necessary to emphasize that according to our Criminal Procedure Act and Act on judicial cooperation in criminal matters the prosecutors and the judges render decision on issuance of the EAW in accordance with the principle of proportionality.</p> <p>The competent judicial authorities for issuing the EAW (Courts and Public Prosecutor's Offices) are issuing the EAWs in all cases where the legal preconditions have been fulfilled. According to our law there is no possibility to temporary suspend the issuing of EAWs. The EAWs are still being inserted in the SIS (alert) for the purpose of searching of the requested person. Please note that in most of the cases the whereabouts of the requested persons are unknown at the moment of the issuance of the EAW. The issuance of the EAW must be distinguished from the surrender of requested persons after the finalization of the surrender procedure in the concrete Member State. The Ministry of Interior has postponed the taking over of the requested person who has been arrested and detained in the executing Member State and whose surrender has been granted.</p> <p>Impact on the execution of EAWs and postponement of the actual surrender</p> <p>Croatian authorities have not implemented any additional measures in connection to the surrender /transfer of the requested persons/sentenced persons from Italy /other affected countries to Croatia. (...) In other words, regarding the cases of surrender and cases of transfer of the requested person/sentenced person where the final decision has been brought and surrender has been agreed the following provisions are relevant: Articles 23 paras 3 and 4 of the Framework Decision 2002/584/JHA.</p> <p>Furthermore, mentioned Framework Decision respect fundamental rights and observe the principles recognized by Article 6 of the Treaty on European Union and reflected in the Charter of Fundamental Rights of the European Union. So, the Framework respects the provision of the Article 35 Charter of Fundamental Rights of the European Union which reads as follows: “Everyone has the right of access to preventive health care and the right to benefit from medical treatment under the conditions</p>

established by national laws and practices. A high level of human health protection shall be ensured in the definition and implementation of all Union policies and activities.”

In other words, Member States of the EU are obliged to ensure a high level of human health protection. In concrete situation the transfer/surrender of the persons that are detained /serve the sentence in Italy could endangered high level of human health protection in other Member States of EU. So, mentioned provisions could be interpreted in the following manner: the transfer of the sentenced person/surrender of the requested person from Italy /affected countries could be against Article 35 Charter of Fundamental Rights of the European Union.

We would like to emphasize that the execution of the EAWs will not be suspended, only the surrender of the requested person shall be postponed. Namely, in line with recommendations of the Civil Protection Headquarters and further to the arrangement with the Prison System Directorate of the Ministry of Justice, the Ministry of Interior has postponed surrender, extradition and transfer of persons to and from the Republic of Croatia. Further to the above, after issuing a decision on surrender of a person, the courts temporarily postpone the surrender of the requested person for serious humanitarian reasons (Article 35, par 3 of the Act on Judicial Co-Operation in Criminal Matters with Member States of the European Union – in line with article 23 FD EAW).

Legal basis for postponing the actual surrender

The temporary suspension of surrenders of the requested persons can be based on Article 23 (3) and Article 23 (4) FD EAW. Courts are independent in the interpretation and application of the FD EAW. So, it is up to the court to decide with provision shall be apply in the concrete case of the temporary suspension of the surrender of the requested person due to the epidemic COVID-19. Please note that our legal system does not apply the principle *stare decisis*. In other words the courts are not obliged to abide the precedent established by prior decisions.

Adequacy of these provisions

We consider mentioned provisions applicable and sufficient to deal with the current situation. In each concrete case it is necessary to find the most appropriate solution taking into account the principle of proportionality and obligation to enable another Member State to conduct effective prosecution of the perpetrator of the offence. For example if the EAW is issued for the purpose of interrogation of the defendant who fled, the issuing and executing judicial authority should consider the application of the Article 19 of the FD EAW in order to avoid the excessive duration of the extradition detention due to the COVID-19.

Meaning of ‘circumstances beyond the control’

The case law of the ECJ (Case C-640/15) has defined the “circumstances beyond the control” as “exceptional circumstances,


	<p>that resistance could not have been foreseen by those authorities and could not have been avoided in spite of the exercise of all due care by those authorities”. (...) Subsequently, the surrender of the requested person can be postponed on the basis of the Article 23 para 4 of the Framework Decision (“serious humanitarian reasons”). While the transfer of the sentenced persons can be postponed due to the unforeseen circumstances, until the circumstances cease to exist.</p> <p>Releases of requested persons following the postponement of the surrender</p> <p>Until now, there was no such case. The Courts render decisions taking into account the circumstances of the concrete case and impose the measure that shall secure the presence of the requested person during the procedure of the execution of the EAWs.</p> <p>According to our Act on judicial cooperation in criminal matters with EU, Member States, the non-compliance with the deadlines cannot lead to the release of the requested persons. These deadlines are instructive.</p> <p>Measures to prevent released persons from absconding</p> <p>In each concrete case the court can decide on the application of other, less severe, measures instead of extradition detention (bail, supervision measures). But these measures can be ordered only if they can secure the presence of the requested person and prevent his/her absconding.</p> <p>Expected resuming of the surrender</p> <p>Unfortunately, we are not able to answer on the posed question. Namely, the physical surrender /extradition of requested person shall be possible when technical conditions would be fulfilled and it is very hard to predict when these conditions will be fulfilled. Namely, in most of the cases the requested persons are being surrendered/extradited to the issuing State/Requested State by air transport. The “restart” of international airline aviation requires a number of obstacles to be crossed in order for Governments to allow travel, and further hurdles in terms of the passenger journey, which includes the airports of departure and arrival, the flights themselves, and other elements.</p> <p>Transit</p> <p>Transits are not possible.</p>
<p>Precautionary measures for surrender, extradition and transfer</p> <ul style="list-style-type: none"> - COVID19 test - health certificate - quarantine - facial masks 	<p>Precautionary measures</p> <p>Generally speaking, all surrenders (esp. by air) are currently suspended. However, a different decision is possible in exceptional cases. So far, we didn’t have any such cases. There is no special protocol in place for those cases, but we do have an epidemiologist on call, which can perform testing for COVID-19 if necessary. Due to a heavy workload for our epidemiologists, we have been asked to refer to them only if absolutely necessary.</p>

	<p>Competent authorities of the Republic of Croatia (police- SIRENE Office /Interpol Zagreb) has organized the physical surrender /extradition of the requested persons in only several cases. In these cases, the following procedure was conducted:</p> <ul style="list-style-type: none"> • requested person was medically examined (tested on COVID-19) before the physical surrender/extradition; • Croatian and foreign police officers who were accompanying the requested person as well as the requested person had to respect the measures imposed by the Civil Protection Directorate (obligation to use the personal protective equipment). <p>In future cases, the testing of the foreign police officers would be more then welcome.</p> <p>Furthermore, the recommendations of the Civil Protection Headquarters are being applied by the Ministry of Justice. Therefore, Prison System Directorate of the Ministry of Justice applies all rendered measures relating to the health of prisoners and detained persons.</p> <p>Need (or not) for further guidance on precautionary measures</p> <p>The police officers who are organizing and executing the physical surrender/extradition of the requested person would appreciate mentioned guidance which shall facilitate the application of the EAW surrender procedure across the EU.</p>
<p>Extradition</p> <ul style="list-style-type: none"> -suspension -legal basis -third countries involved -expected duration of suspension 	<p>Impact on extradition procedures</p> <p>The Republic of Croatia did not suspend the international wanted notices issued by the third States. The police acts on the basis of the international wanted notices – if the requested person is on Croatian territory he/she will be arrested on the basis on the international wanted notice. After the arrest the police and judicial authorities act in accordance with the Act on mutual legal assistance in criminal matters and applicable international agreements. When Minister of justice renders the ruling granting extradition of the requested person his/her surrender to the third States shall be postponed due to the epidemic COVID -19.</p> <p>Legal basis for postponing the actual surrender</p> <p>Similar provisions as above mentioned are proscribed by the Council of Europe Conventions: Article 18 para 5 of the European convention on extradition reads as follows:” If circumstances beyond its control prevent a Party from surrendering or taking over the person to be extradited, it shall notify the other Party. The two Parties shall agree a new date for surrender and the provisions of paragraph 4 of this article shall apply.”</p>
<p>Transfer of sentenced persons</p> <ul style="list-style-type: none"> -prioritization in issuing/execution 	<p>Impact on the transfer of sentenced persons</p> <p>Transfers of prisoners are not possible. The procedure of the transfer of the sentenced persons from affected countries should not be initiated during the current situation concerning coronavirus COVID-19. Regarding the cases of transfer of the requested person/sentenced person where the final decision has been brought</p>

	<p>and surrender has been agreed the following provision is relevant: Article 15 para 2 of Framework decision 2008/909/JHA.</p> <p>Regarding the transfer of the sentenced persons who are serving sentence in the Republic of Croatia to other EU Member States in accordance with the FD 2008/909, it is necessary to emphasize that the surrender of the convicts is postponed due to the epidemic COVID-19. Furthermore these procedures are not considered as urgent cases due the fact that convicts are already serving the sentence and there is no danger of their absconding.</p>
<p>EIO and MLA</p> <ul style="list-style-type: none"> -prioritization in issuing/execution -electronic transmission -whom to contact 	<p>Impact on the issuing of EIOs and MLA requests</p> <p>In accordance with above mentioned the judicial authorities do not prioritise the issuance of the EIO. According to our legal framework the judicial authorities are obliged to obtain all evidence in the concrete case (evidence proving the guilt of defendant as well as evidence <i>in favorem</i> defendant). The investigation has to be concluded within proscribed time limits. So, it is impossible to prioritise EIOs.</p> <p>Impact on the execution of EIOs and MLA requests</p> <p>EIOs and other MLA requests are executed only in urgent cases. Please note that most of the EIOs are considered as urgent cases as they are usually issued during the investigation. Given the nature of the instrument, the EIOs are thus being handled without delay.</p> <p>Electronic transmission and contact details</p> <p>EIOs and MLA requests should be sent by e-mail to the addresses in the EJN Atlas, and ordinary mail should be used in the exceptional cases (transfer of the proceedings and service of documents). To the central authority in the MLA cases (service of documents and transfer of the proceedings).</p> <p>The EIO should be sent to the competent county state attorney's office. To the e-mail addresses specified in the EJN Atlas and to the following e-mail addresses: Danka.Hrzina@dorh.hr and Bojan.Ernjakovic@pravosudje.hr.</p>
<p>Freezing and confiscation orders</p> <ul style="list-style-type: none"> -prioritization in issuing/execution 	N/A
<p>JITs</p> <ul style="list-style-type: none"> -prioritization and alternative telecommunication solutions 	N/A
<p>Recommended channels for transmission of</p> <ul style="list-style-type: none"> -urgent requests -information exchange 	<p>In urgent cases / situations it is highly recommended to use Eurojust, EJN and SIS Sirene channels.</p> <p>For the transmission of EIOs and MLA requests, <i>see</i> above 'EIO and MLA'.</p>

<p>Any other relevant information</p>	<p>Regarding the judicial cooperation it is necessary to emphasize that all urgent requests (criteria: serious crimes, urgent investigative actions, defendant is deprived of liberty) were/are being executed within short time limits. Regarding the issuance of the instruments of the judicial cooperation they were/are issued when the legal preconditions were/are fulfilled.</p> <p>(...) Extraordinary precautionary measures shall apply to judges and prosecutors in the Republic of Croatia. Most judges and prosecutors will work from home. The urgent investigative measures shall be conducted. So, all urgent MLA s including EIO's and EAW will be handled. These extraordinary measures will last until April 1 2020.</p> <p>(...) Please note that the surrenders of requested persons /transfers of sentenced persons shall be executed /postponed taking into account the specific circumstances of the concrete case. The details of the surrender shall be agreed between the SIRENE Offices of the involved countries.</p> <p>Please note that the measures imposed due to the epidemic COVID-19 are gradually easing in the Republic of Croatia. So, the judiciary gradually returns to the normal organization of work (as it was before the COVID-19 measures).</p>
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5. Cyprus (CY)

CYPRUS 	
<p>EAW</p> <p>-issuing of EAWs (<i>suspension; impact on already issued EAWs; prioritization in issuing new EAWs + criteria</i>)</p> <p>- execution and postponement of the actual surrender (<i>legal basis, adequacy, release of surrendered persons, measures to prevent released persons from absconding</i>)</p> <p>-expected resuming of surrenders</p> <p>-transit</p>	<p>Impact on the issuing of EAWs</p> <p>Cyprus is not yet connected with SIS. All EAWs issued by the Cypriot Courts are transmitted via Interpol channels, on a timely basis upon their issue by the competent Courts.</p> <p>Issuing of EAWs has not been suspended and issued EAWs have not been withdrawn due to the COVID-19 outbreak. Bearing in mind the strict measures taken, as outlined below, Cypriot authorities are in communication with the executing states to agree on new dates for surrender of the persons sought. The above measure concerns all Member States and it is expected to be in place as long as the public health restriction will remain.</p> <p>Impact on the execution of EAWs and postponement of the actual surrender</p> <p>Cyprus implemented strict measures from the first stages the virus appeared. In this context, the Courts have announced the suspension of all cases between 16.3.2020 and 30.4.2020, with certain exceptions, among which the procedures for extradition of fugitives or wanted persons.</p> <p>With regard to the actual surrender of the persons sought, Cypriot Courts started to apply Art 23 FD EAW, force majeure, due to the extraordinary situation. It is worth mentioning that measures taken by the Republic include the closure of the airports since 21/03/2020, thus surrender to and from abroad is suspended, therefore the Judicial authorities are in communication with the issuing authorities to agree on new dates for surrender. Measures are expected to be in place as long as the public health restriction will remain necessary.</p> <p>Legal basis for postponing the actual surrender</p> <p>Although Article 23 para 4 of the EAW FD can be applied, so far Cyprus applies Article 23 para 3. The provisions of Article 23 para 3 of the EAW FD are applied, when both the executing and issuing judicial authorities agree on a new surrender date.</p> <p>Meaning of ‘circumstances beyond the control’</p> <p>The notion does not have a legal interpretation. It is perceived as factual, i.e. circumstances that fall within the notion of force majeure.</p> <p>Releases of requested persons following the postponement of the surrender</p> <p>Not until now.</p> <p>Expected resuming of the surrender</p> <p>By 9th of June there has been a gradual opening of flights to and from the airports of Cyprus. According to the plan to be put in place communication</p>

	<p>will be resumed with issuing and executing authorities for arranging the handover.</p> <p>Transit With regard to EAWs, transit and surrender of persons sought is suspended, applying the provisions of article 23 paragraph 3 of the FD2002/584/JHA of 13/06/2002. In situations where Cyprus might be used to execute transit for other Member States, the directives publicized in the website https://www.pio.gov.cy/coronavirus/en/fly.html will be applied.</p>
<p>Precautionary measures for surrender, extradition and transfer</p> <ul style="list-style-type: none"> - COVID19 test - health certificate - quarantine - facial masks 	<p>Precautionary measures The following documents will be required for flying to the Republic of Cyprus:</p> <ol style="list-style-type: none"> a. Passengers should have conducted, a test confirming negative PCR for Covid-19 during the last 72 hours before departure and possess a certificate which confirms negative PCR for Covid-19, issued from a certified laboratory. b. Passengers should complete the Passenger Locator Form and the Declarations for Category A or B or C Countries. <p>More information can be found at the website https://www.cyprusflightpass.gov.cy</p> <p>No specific measures have been announced for escort officers to comply with regarding overnight stay and the use of public transport. The same measures will be applied to all visitors entering Cyprus.</p> <p>It is worth mentioning that currently, certain precautionary measures are undertaken by Cyprus i.e at the Central Prisons all prisoners, before exiting Prison's premises for appearing before Courts and return, wear disposable personal protective equipment (robe, gloves, surgical mask, face cap, as well as shoe covers). Also, newcomer prisoners transferred to the Central Prisons are tested for coronavirus in Cyprus.</p> <p>Need (or not) for further guidance on precautionary measures Guidance regarding any such additional precautionary measures will be welcome.</p>
<p>Extradition</p> <ul style="list-style-type: none"> -suspension -legal basis -third countries involved -expected duration of suspension 	<p>N/A</p>
<p>Transfer of sentenced persons</p> <ul style="list-style-type: none"> -prioritization in issuing/execution 	<p>Impact on the transfer of sentenced persons Transfer of prisoners is for the time being postponed.</p>

<p>SIRENE Bureaux</p> <ul style="list-style-type: none"> -working of SIS bureau -exchange of information with other SIS Bureaux 	<p>Impact on the working of the SIRENE Bureau</p> <p>Cyprus National SIRENE Bureau is not yet operational. However, given the imminent risks rising because of COVID-19, personnel were divided in two shifts (12x36 day time), in order to limit contact between the personnel. Hence, the office was working at limited capacity. Please also not that at the moment, the competency for the coordination of requests for extradition, surrenders and transfers of convicts, on behalf of Cyprus Police, vests with Interpol NCB. COVID-19 had no impact on the NCB staff working in shifts (24/7). Let it be noted, that since 21/05/20, personnel has returned to its normal working hours at its full capacity.</p> <p>Impact on the exchange of information with other SIRENE bureaux</p> <p>Cyprus National SIRENE Bureau is not yet operational. However, NCB Nicosia which is dealing with the exchange of information with Member States had no delays and information were exchanged in a timely manner.</p>
<p>EIO and MLA</p> <ul style="list-style-type: none"> -prioritization in issuing/execution -electronic transmission- whom to contact 	<p>Impact on the execution of EIOs and MLA requests</p> <p>Mutual Legal Assistance requests, as well as European Investigation Orders, are executed and forwarded to the issuing authorities electronically, as far as this is possible, depending on the volume and nature of the material collected. However, due to the restrictions imposed, delays are expected on the actual delivery of the evidence collected. The Ministry has asked the judiciary to consider the exemption from suspension also of Court proceedings relating to the execution of EIO (such as orders for bank account disclosure).</p>
<p>Freezing and confiscation orders</p> <ul style="list-style-type: none"> -prioritization in issuing/execution 	N/A
<p>JITs</p> <ul style="list-style-type: none"> -prioritization and alternative telecommunication solutions 	N/A
<p>Recommended channels for transmission of</p> <ul style="list-style-type: none"> -urgent requests -information exchange 	<p>Direct contacts between competent authorities are prioritized. The national desk at Eurojust should be involved by the judicial authorities in urgent cases. The EJN contact points should also be used complementarily as usual. EUROJUST is used for exchange of information with other EU Member States.</p>
<p>Any other relevant information</p>	N/A

6. Czech Republic (CZ)


CZECH REPUBLIC 	
<p>EAW</p> <p>-issuing of EAWs (suspension; impact on already issued EAWs; prioritization in issuing new EAWs + criteria)</p> <p>- execution and postponement of the actual surrender (legal basis, adequacy, release of surrendered persons, measures to prevent released persons from absconding)</p> <p>-expected resuming of surrenders</p> <p>-transit</p>	<p>Impact on the issuing of EAWs</p> <p>No specific measures concerning the issuing of EAWs have been taken . Already issued EAWs have not been suspended or withdrawn.</p> <p>Impact on the execution of EAWs and postponement of the actual surrender</p> <p>The courts are competent to decide on the execution of EAWs. However, we are of the opinion that the situation caused by the COVID-19 can be assessed as <i>force majeure</i> according to Article 23 FD EAW.</p> <p>Surrenders by land are in principle currently possible and depend on the cooperation and precautions of the neighboring states. Surrenders by airplane could be problematic in case of unavailability of some flights or due to travel restriction, which apply also on escorts, which in some cases may lead to impossibility to observe the 10-day time limit for surrender. The Czech Republic supports a union-wide application of Art 23 during the COVID-19-related restrictions. To date, no major unsolvable problems have been identified in this area. Through the SIRENE CZ always workable solutions is found.</p> <p>Impact on surrender by air</p> <p>Due to again growing reduction of air traffic, there may be more and more problems with execution of surrenders within given time limits. Also transit may become soon and issue, also due to the fact, that Czech Republic is on red list of some EU countries.</p> <p>Legal basis for postponing the actual surrender</p> <p>Both legal basis – Articles 23(3) and 23(4) EAW FD- can be used for the temporary suspension of surrender (depending on the specific circumstances. However, it is more probable and more provable to use the Article 23(3) (force majeure) as the legal basis because of the existence of objective obstacles such as the freezing of air transport and the restriction of free movement (serious humanitarian reason stipulated in Article 23(4) can be used also as a legal basis in the case of the spread of coronavirus in the prison population in Member States).</p> <p>Adequacy of these provisions</p> <p>This question cannot be unequivocally answered. It will depend on how quickly relations (travel possibilities) between Member States are restored. If this situation persists for a longer period of time, the above provision may seem be insufficient.</p> <p>Meaning of ‘circumstances beyond the control’</p> <p>The current situation is force majeure and therefore would be beyond the control of the Member States. This does not mean however that we should not</p>

	<p>seek to execute surrenders if there is a way. Even if we consider this situation as force majeure, our authorities should try to find the way how to execute surrender when and while it is still practically possible in each particular case.</p> <p>Releases of requested persons following the postponement of the surrender We do not yet have information about such cases, however it does not mean that they cannot appear in the future.</p> <p>Expected resuming of the surrender At this time, there are no major disrupts in executing surrenders. With regard to the surrender of persons on the basis of the EAW with the Member States with which CZ has a border, the surrender is normally carried out with extra measures to limit the risk of infection. With other Member States to which the person must be surrender by air, it depends on the practical possibility to execute the surrender - availability of flights and also actual rules limiting travel between the concerned countries (e.g. obligatory quarantine, need for tests)</p> <p>Transit Currently, requests for transit are considered on a case-by-case basis. In general, transit is possible. The measures depend on the countries involved – their possible travel restriction to travel to the Czech Republic and vice versa. We always recommend the other SIRENEs contact SIRENE CZ and check the actual situation for particular countries.</p>
<p>Precautionary measures for surrender, extradition and transfer</p> <ul style="list-style-type: none"> - COVID19 test - health certificate - quarantine - facial masks 	<p>Precautionary measures No particular measures concerning EAWs, general health and restricting measures. CZ already applies further measures to reduce risk of infection of COVID 19 when executing the surrenders on land borders such as minimizing the contact of the escorts, using masks (which is anyway obligatory to all in CZ), using disposable handcuffs to avoid the need to exchange them). With coming autumn weather, further measures are taken to ensure the hand-overs can be done “under the ruff” (reservation of special rooms at hand-over border points, ensuring intensive disinfection etc.)</p> <p>Specific measures for the person to be transferred Medical check and requirement, that the person must be healthy were standard already before COVID 19. Tests on COVID 19 are not requested (bearing also in mind questions on its reliability). It is expected, that the subject spent at least 14 days in detention, so in controlled and COVID 19 free environment. The subject of the surrender has to be medically checked for any infectious illness including COVID 19. Before execution of surrender, the person is checked and the temperature is measured. In case of any suspicion for respiratory disease, the surrender is postponed. The escort members must be well. Wearing of mouth and nose protection is required. The hand over should be done in fast manner with minimum contact between escorts – only one member (leader of escort) of escorts team meets each other, sign one copy of handover document, handover persons belongings and person is then handed over from car to car if possible. Disposal handcuffs are used to avoid need to change the handcuffs. The</p>

	<p>handover takes place on open space outside PCCC if possible, we are taking measures to ensure secure hand-over also inside due to autumn bad weather (separate room with such only purpose, systematic disinfection before and after hand over), contact with PCCC personnel shall be avoided.</p> <p>Specific measures for escorting police officers We expect that the officers are medically ok, no written report is requested, neither negative test for COVID-19 (except for the high risk countries). Wearing of face mask is required for the procedure of hand-over (in line with general rules for public). Concerning the public transport and public places inside, the face masks (anything covering mouth and nose) are obligatory</p> <p>Need (or not) for further guidance on precautionary measures The CZ Police, which is solely responsible for execution of surrenders, would appreciate having a harmonized approach for all Member States as situation with different approaches and requirements complicates the effective co-operation.</p>
<p>Extradition -suspension -legal basis -third countries involved -expected duration of suspension</p>	<p>Impact on extradition procedures The extradition procedure to third countries was not interrupted; the only impact due to COVID-19 is the provisional postponement of the execution of the extradition / surrender of persons to / from the Czech Republic. Following the decision granting extradition, the competent courts decide to take the person sought into the extradition custody, which generally should not last more than 3 months, but under current extraordinary circumstances may be extended up to the other 3 months (total term of 6 months) – as for today in several cases the court decided to prolong the extradition custody for another 3 months.</p>
<p>Transfer of sentenced persons -prioritization in issuing/execution</p>	<p>Impact on the transfer of sentenced persons As regards the procedures of the CZ courts (decisions on recognition and enforcement foreign judgments or sending decisions of CZ courts for recognition and enforcement to others Member States) continue without any restrictions. Therefore, only physical handover/takeover of sentenced persons has been postponed temporarily (March – May 2020). At present, the situation is beginning to return to normal as before the declaration of a state of emergency. The General Directorate of the Prison Service of the Czech Republic is gradually establishing contacts first with the competent authorities of another MS of EU. CZ – sentencing State : the sentenced person is tested for Covid (no escorts) before the transfer CZ – executing State: negative Covid tests on sentenced persons are required in general (however, the Covid test may not always be a condition for the transfer of the sentenced person; the person could be transferred without the Covid test if agreed by the General Directorate of the Prison Service - for example by confirmation/declaration issued by the competent authority from the sentencing state stating that the sentenced person will be transferred from a prison in which no case of an infected person has been recorded. At present, the transfer of sentenced person from / to the CZ is taking place, although to a lesser extent than in previous years.</p>

<p>SIRENE Bureaux</p> <ul style="list-style-type: none"> -working of SIS bureau -exchange of information with other SIS Bureaux 	<p>Impact on the working of the SIRENE Bureau</p> <p>SIRENE CZ is working in partly limited capacity using measures to minimize the risk of infection and applying also tele-working. The FrontDesk (SPOC) is working as usual in four shifts, which were made fixed without shifts meeting each other. The BackOffice officers are divided in two shifts, where only one shift is present in the offices in one day. Several officers are provided with remote secure access to work from home. Certain limitations are caused by strict division to two shifts at the BackOffice as there is only half of the staff in the office per day. The 24/7 operation of SIRENE CZ has been always ensured.</p> <p>Impact on the exchange of information with other SIRENE bureaux</p> <p>At present we do not see any notable impact on exchange of information with other SIRENEs.</p>
<p>EIO and MLA</p> <ul style="list-style-type: none"> -prioritization in issuing/execution -electronic transmission -whom to contact 	<p>Impact on the execution of EIOs and MLA requests</p> <p>Judicial authorities are ready to provide their assistance in all cases where possible (it is up to the competent judicial authority to decide whether to require the assistance of the EJ and EJN contact points).</p> <p>Electronic transmission and contact details</p> <p>EIO and MLA requests should be sent preferably via email to the ordinary addresses of the competent authorities, as the postal services are limited at present as regards the international service. When needed, it is possible to urge the execution of the EIO via the EJN contact points or Eurojust in the serious and urgent cases.</p>
<p>Freezing and confiscation orders</p> <ul style="list-style-type: none"> -prioritization in issuing/execution 	<p>Impact on the execution of freezing and confiscation orders</p> <p>There is no prioritization regarding the execution of FD 2003/577/JHA on freezing orders or FD 2006/783/JHA on confiscation orders. The required measures should be executed by the CZ judicial authorities within the limits of the current possibilities/situation taking into account whether the requested action is urgent or not.</p>
<p>JITs</p> <ul style="list-style-type: none"> -prioritization and alternative telecommunication solutions 	<p>Impact on JITs</p> <p>There is no prioritization regarding FD 2002/465/JHA on JITs. The required measures should be executed by the CZ judicial authorities within the limits of the current possibilities/situation taking into account whether the requested action is urgent or not (it is necessary to take into account the limited activities of individual judicial authorities with regard to human capacity).</p>
<p>Recommended channels for transmission of</p> <ul style="list-style-type: none"> -urgent requests -information exchange 	<p>Direct contacts between competent authorities are prioritized. The national desk at Eurojust should be involved by the judicial authorities in urgent cases. The EJN contact points should also be used complementarily as usual. SIS Sirene – for operational cooperation.</p> <p>For the transmission of EIOs and MLA requests, <i>see above</i> ‘EIO and MLA’.</p>
<p>Any other relevant information</p>	<p>N/A</p>

7. Denmark (DK)

DENMARK 	
<p>EAW</p> <p>-issuing of EAWs (<i>suspension; impact on already issued EAWs; prioritization in issuing new EAWs + criteria</i>)</p> <p>- execution and postponement of the actual surrender (<i>legal basis, adequacy, release of surrendered persons, measures to prevent released persons from absconding</i>)</p> <p>-expected resuming of surrenders</p> <p>-transit</p>	<p>Impact on the issuing of EAWs Currently Denmark is not prioritizing the issuing of EAWs. However, depending on the development of the situation measures may be taken in this regard.</p> <p>Impact on the execution of EAWs and postponement of the actual surrender Regarding the execution of EAWs the Danish authorities have not yet taken particular measures – However, we will assess the individual situations, case by case, in regards of which precautions to take. Also, the Danish administration has taken several restricting measures, such as temporarily border control. However, at this point of time, the taken measures do not affect the execution of EAWs. Surrenders of persons under FD EAW are thus still possible. However, please note, that depending on the development of the situation, measures may be taken concerning the execution of EAWs.</p> <p>Impact on surrender by land We are not aware of any problems in this regard.</p> <p>Impact on surrender by air Because of fewer flight departures it has not always been possible to manage the extraditions within the given timeframes.</p> <p>Legal basis for postponing the actual surrender FD EAW art. 23(3) and art. 23(4) are transposed into Danish legislation in sections 38 and 39 of the Danish Extradition Act. As a main rule, we would apply art. 23(3) for the temporary suspension of the time limits for the actual surrender. However, the serious humanitarian clause in art. 23(4) could also under certain conditions be applicable e.g. if the person to be transferred was sick himself.</p> <p>Adequacy of these provisions So far, the measures have proven to be sufficient. We have only had one case in which a person who was to be extradited to a third state was released, see below.</p> <p>Releases of requested persons following the postponement of the surrender In Denmark, we have had one case in which the court decided to release a person because of non-compliance with the deadlines. The person concerned had been arrested in Denmark and was remanded in custody pursuant to a request from a third state for extradition for prosecution. The court decided</p>

	<p>to release the person due to a lack of proportionality. The court ruling was based on the facts that:</p> <ul style="list-style-type: none"> • The third state had put an indefinite stop to all transfers of persons in extradition cases both incoming and outgoing due to the Covid-19-situation, and • The third state, upon request, was not able to provide information of the expected penalty in the case, and • The duration of the time that the person had been remanded in custody in Denmark exceeded the penalty for a similar crime in Denmark. <p>The principle of proportionality in cases of remand in custody is explicitly stated in section 762(3) of the Danish Administration of Justice Act.</p> <p>Measures to prevent released persons from absconding Alternative measures to remand in custody are listed in the Danish Administration of Justice Act section 765(2). In surrender cases relevant alternative measures to detention could be an obligation for the detained person to deposit his passport with the police or to report to the police at certain specified times. Only the court can impose these measures.</p> <p>Expected resuming of the surrender Denmark has not introduced any general restrictions postponing the surrender procedures or the actual physical surrender of requested persons. Surrender in accordance to FD 2002/584/JHA is still possible. Assessments will be made on a case by case basis.</p> <p>Transit Transits of persons under FD EAW are still possible. However, depending on the development of the situation, measures may be taken concerning transits. Assessments will be made on a case by case basis. A COVID-19 negative test is not needed at the moment (<i>for surrendered persons or escorting officers</i>). However, this may change according to future developments in the situation regarding Covid-19. No other requirements are currently in place. Persons who display signs of being sick will be denied entry.</p>
<p>Precautionary measures for surrender, extradition and transfer</p> <ul style="list-style-type: none"> - COVID19 test - health certificate - quarantine - facial masks 	<p>Precautionary measures Denmark has not introduced any general additional precautionary measures. The need for application of precautionary measures will be decided on the basis of an individual assessment in each case. A COVID-19 negative test is not needed at the moment (<i>for surrendered persons or escorting officers</i>). However, this may change according to future developments in the situation regarding Covid-19. No other requirements are currently in place. Foreigners arriving in Denmark will be allowed entry to Denmark if they have a worthy purpose of entering Denmark. The accompanying officers must be able to provide written confirmation of the purpose.</p> <p>Need (or not) for further guidance on precautionary measures Denmark would welcome an overview of the various additional precautionary measures in the Member States. However, in Denmark the</p>

	<p>need for application of precautionary measures will be decided on the basis of an individual assessment in each case.</p>
<p>Extradition -suspension -legal basis -third countries involved -expected duration of suspension</p>	<p>Impact on extradition procedures Denmark has not decided to temporarily suspend extradition procedures to third states due to Covid-19. However, in each case a special assessment is made in regards to the Covid-19 situation in the requesting country, and whether the surrender may be temporarily postponed for serious humanitarian reasons, for example if there are substantial grounds for believing that it would endanger the requested person's life or health – equivalent to the EAW framework decision art. 23(4). Until now, there has not been any cases in which a specific third state has decided to suspend an extradition to Denmark.</p>
<p>Transfer of sentenced persons -prioritization in issuing/execution</p>	<p>Impact on the transfer of sentenced persons In regard to transfer of prisoners in accordance with Framework Decision 2008/909/JHA, no general system of prioritization has been implemented. Transfers of persons under FD 2008/909/JHA are still possible. However, depending on the development of the situation, measures may be taken concerning these transfers. Assessments will be made on a case-by-case basis. A COVID-19 negative test is not needed at the moment (<i>for transferred persons or escorting officers</i>). However, this may change according to future developments in the situation regarding Covid-19. No other requirements are currently in place. We will assess the individual situations, case by case, in regards of which precautions to take. The Danish Ministry of Justice considers some measures relating to COVID-19 as unforeseen circumstances in relation to article 15(2) in FD 2008/909. The 30 day deadline in Article 15(1) therefore might not be achievable at the present moment. Transfer shall take place as soon as these circumstances cease to exist.</p>
<p>SIRENE Bureaux -working of SIS bureau -exchange of information with other SIS Bureaux</p>	<p>Impact on the working of the SIRENE Bureau The Danish SIRENE Bureau and the SPOC is operating at full capacity. No problems have been encountered in ensuring 24/7 operation. Impact on the exchange of information with other SIRENE Bureaux In most cases the information exchange has been as usual. In certain cases we have experienced a slight delay in the process.</p>
<p>MLA -prioritization in issuing/execution -electronic transmission -whom to contact</p>	<p>Impact on the execution of MLA requests The Danish judicial authorities will execute MLA requests, however minor delays may occur. Electronic transmission and Contact details Direct Secure E-mail if possible or via SIRENE. Ordinary mail must be the exception. Requests should be sent to the ordinary addresses indicated in the EJN-Atlas. If very urgent, the request can also be sent to: Director of Public Prosecutions, Denmark International Affairs rigsadvokaten@ankl.dk</p>

Freezing and confiscation orders -prioritization in issuing/execution	Impact on freezing and confiscation orders Currently no prioritization has been initiated with regard to /577/JHA on freezing orders and FD 2006/783/JHA on confiscation orders.
JITs -prioritization and alternative telecommunication solutions	Impact on JITs Currently no prioritization has been initiated with regard to FD 2002/465/JHA on JITs.
Recommended channels for transmission of -urgent requests -information exchange	The Danish Director of Public Prosecutions considers, that the best channel to use is SIS Sirene. For the transmission of MLA requests, <i>see</i> above 'MLA'.
Any other relevant information	Currently, all fields of judicial cooperation is possible in Denmark, however delays may occur.

8. Estonia (EE)


ESTONIA	
<p>EAW</p> <p>-issuing of EAWs <i>(suspension; impact on already issued EAWs; prioritization in issuing new EAWs + criteria)</i></p> <p>- execution and postponement of the actual surrender <i>(legal basis, adequacy, release of surrendered persons, measures to prevent released persons from absconding)</i></p> <p>-expected resuming of surrenders</p> <p>-transit</p>	<p>Impact on the issuing of EAWs</p> <p>No restrictions on issuing the EAWs during the COVID-19 pandemic have been made to Estonian courts and prosecutor's offices. Therefore, every judge and prosecutor makes the decision regarding issuing the EAW based on the particular criminal case as they did before COVID-19 pandemic. Estonia does not cancel any of the issued EAWs. As the Court and prosecution offices will continue working as normally as possible using more e-solutions they also will issue EAWs, but probably not in amount of normal situation.</p> <p>Impact on the execution of EAWs and postponement of the actual surrender</p> <p>The Courts continue to work on partly reorganized way and using more e-solutions. Estonia continues to execute the EAWs. Due to the spread of COVID-19, the Government of Estonia has declared the state of emergency until 1.05.2020. Therefore, the actual hand over of surrendered persons will be possible after 1.05.2020. At the moment the rule concerning police cooperation regarding surrender of the persons based on EAW, is that until 1st of May all actual hand over of persons are postponed, especially if it is not an urgent matter. Nevertheless, Estonian police evaluate the need to go after the surrendered person before 1.05.2020 on case by case basis.</p> <p>Due to COVID-19 pandemic in the world and emergency situations declared by the governments of the various Member States, the surrender of the person during the 10 days after the final decision on the execution of the European arrest warrant, as stated in the Article 23 (2), is mostly not possible and police has to postpone the surrender of the person due to the reasons described above in order to ensure the safety of the surrendered person and of the police escort. Estonia postpones actual surrender of the person until the end of the emergency situation in Estonia.</p> <p>Legal basis for postponing the actual surrender</p> <p>The legal basis for the postponement is Article 23 (3) of the FD EAW.</p> <p>Adequacy of these provisions</p> <p>Yes, Article 23 is sufficient and applicable in the situation caused by the COVID-19 pandemic.</p> <p>Meaning of 'circumstances beyond the control'</p> <p>The current situation is force majeure and therefore would be beyond the control of the Member States. This does not mean however that we should not seek to execute surrenders if there is a way. The notion "prevented by circumstances beyond the control of any of the Member States" means</p>

	<p>exactly this kind of situation we never been faced with before and we should keep a common sense and prove that the mutual trust still exist.</p> <p>Releases of requested persons following the postponement of the surrender</p> <p>The persons already remanded in custody for surrender will kept under custody until it is possible to remove them by the requesting State and most likely due to the state of emergency after 1.05.2020. The date for actual surrender will be negotiated via Sirene channels and will be agreed case by case. Until now, there have not been any cases where the non-compliance with the deadlines of Article 23, have led to release of the person.</p> <p>Expected resuming of the surrender</p> <p>The physical surrender/extradition of requested persons can be resumed in its full capacity, only after flight connections will be restored. For this day, Estonian police does not have any restrictions or limitations due to COVID-19 for carrying out the physical surrender of the requested persons based on the EAW. So, if it is possible considering transport availability, Estonian police already carries out the convoy of the requested persons.</p> <p>Transit</p> <p>Transits through Estonia under the FD EAW are theoretically possible. In order to make a decision whether to grant the transit through Estonia or not, Estonia requires the COVID-19 tests to be made to the surrendered person and also to the escorting officers.</p> <p>There were no transits required. Also air connections were cut. There were no restrictions to execute transit via Estonian territory, only general self-protection requirements were applied.</p>
<p>Precautionary measures for surrender, extradition and transfer</p> <ul style="list-style-type: none"> - COVID19 test - health certificate - quarantine - facial masks 	<p>Specific measures for the person to be transferred</p> <p>When going after the surrendered person to the executing Member State, Estonian police authorities request the medical certificate of state of health of the surrendered person from the prison or any other place of detention, but not COVID-19 test. Also, the surrendered person have to wear a protective mask and gloves during the transfer procedure. Persons taken to the detention facility are kept in quarantine for 14 days.</p> <p>Specific measures for escorting police officers</p> <p>The members of convoy who come to Estonia in order to transfer the surrendered person to the issuing Member State have to wear protective masks and gloves and also it might be requested by Estonia that the convoy members will have done the COVID-19 tests before coming to Estonia..</p> <p>No specific requirements concerning overnight stay and the use of public transport apply.</p> <p>Need (or not) for further guidance on precautionary measures</p> <p>The guidance regarding any additional precautionary measures in the EAW surrender proceedings are not needed.</p>

<p>Extradition</p> <ul style="list-style-type: none"> -suspension -legal basis -third countries involved -expected duration of suspension 	<p>Impact on extradition procedures</p> <p>Regarding incoming requests, Estonia will continue with extradition proceedings until the actual handover of the person to the requesting State. Estonian police has to postpone the extradition of the person due to the reasons described above, i.e. force majeure, in order to ensure the safety of the extradited person and of the police escort. Estonian police postpones actual extradition of the person until the end of the emergency situation in Estonia.</p>
<p>Transfer of sentenced persons</p> <ul style="list-style-type: none"> -prioritization in issuing/execution 	<p>Impact on the issuing of requests for transfer of sentenced persons</p> <p>Prioritisation does not apply.</p> <p>Impact on the execution of transfers of sentenced persons</p> <p>In the time of the state of emergency until 1.05.2020 Estonia will not accept transfers of prisoners from other countries in order to avoid an outbreak of the disease in our prisons. (...)</p>
<p>SIRENE Bureaux</p> <ul style="list-style-type: none"> -working of SIS bureau -exchange of information with other SIS Bureaux 	<p>Impact on the working of the SIRENE Bureau</p> <p>Front desk is working with full capacity. We have not faced with challenges in ensuring the 24/7 operation for SIRENE Bureau.</p> <p>Impact on the exchange of information with other SIRENE Bureaux</p> <p>No significant delays have been noticed.</p>
<p>EIO and MLA</p> <ul style="list-style-type: none"> -prioritization in issuing/execution -electronic transmission -whom to contact 	<p>Impact on the issuing of EIOs and MLA requests</p> <p>Prioritisation does not apply.</p> <p>Impact on the execution of EIOs and MLA requests</p> <p>The Prosecutor's Office will decide the execution of EIO's and MLA's on case by case basis. We continue to execute the EIO's that does not require direct contacts as timely as possible. Execution of requests that require direct contacts (search, hearing etc.) delayed and not executed before 01.05.2020.</p> <p>Electronic transmission and contact details</p> <p>EIO/requests should be sent by email to the ordinary addresses indicated in the EJN Atlas.</p> <p>Questions related to the EIOs and freezing and confiscation please send to the Office of the Prosecutor General – info@prokuratuur.ee.</p>
<p>Freezing and confiscation orders</p> <ul style="list-style-type: none"> -prioritization in issuing/execution 	<p>Impact on freezing and confiscation orders</p> <p>Prioritisation does not apply.</p>
<p>JITs</p> <ul style="list-style-type: none"> -prioritization and alternative telecommunication solutions 	<p>Impact on JITs</p> <p>Prioritisation does not apply.</p>
<p>Recommended channels for</p>	<p>Any questions related to the FD EAW and FD 2008/909/JHA please send to the Ministry of Justice – central.authority@just.ee.</p>

<p>transmission of -urgent requests -information exchange</p> <p>Contact details</p>	<p>Questions related to the EIO's and freezing and confiscation please send to the Office of the Prosecutor General – info@prokuratuur.ee.</p> <p>Questions related to the EAWs and other mutual recognition instruments please send to the Ministry of Justice – central.authority@just.ee.</p>
<p>Any other relevant information</p>	<p>If it is possible, considering particular criminal matter, performing procedural acts like house searches and hearing by the police, are postponed until the end of emergency situation in Estonia. However, if it is absolutely necessary these procedural acts are still performed by the police.</p>

9. Finland (FI)

FINLAND 	
<p>EAW</p> <ul style="list-style-type: none"> -issuing of EAWs <i>(suspension of issuing EAWs; impact on already issued EAWs; prioritization in issuing new EAWs + criteria)</i> - execution and postponement of the actual surrender <i>(legal bases, adequacy, release of requested persons, measures to prevent released persons from absconding)</i> -expected resuming of surrenders -transit 	<p>Impact on the issuing of EAWs Prosecutors only issue urgent EAWs.</p> <p>Impact on the execution of EAWs and postponement of the actual surrender It is considered that force majeure will be hindering us from executing the pick-ups. In such cases, the Member State surrendering the person will be requested for a temporary suspension until the exceptional conditions related to COVID-19 are lifted in respective to Member States so that the surrendered person can be picked up by the Finnish authorities. Consequently, it is the responsibility of the executing Member State to consider whether this time proves to be unproportioned, thus it has to be considered if the individual needs to be released or placed under a travel ban. There have not been so far decisions to temporarily suspend the execution of EAWs. For the time being EAWs are executed, but certain exceptions apply. Upon a hit in SIS art. 26 and following the remand in custody, the issuing Member State will be requested to confirm about their capability to pick-up the person after the decision is made. Decision to suspend a surrender is made on a case-by-case basis. However, should this time prove to be unproportioned, it has to be considered if the individual needs to be released or placed under a travel ban. According to the Coercive Measures Act, Chapter 2 section 6, keeping a person remanded in custody could become unreasonable, if the transfer of the person is delayed due to travel restrictions. Pick-ups are carried out but the constant uncertainty related to the overall situation as well as the borders being closed and the availability of flights are taken into account when assessing the pick-ups. FI has had cases where other Nordic countries have picked up surrendered persons by car. The prosecutors have been instructed to ensure from the issuing State if they will in any case uphold the EAW and if they can pick-up the person in question from Finland. If the issuing Member State upholds the EAW, the matter needs to be decided by a court. According to the Helsinki District Court, they handle surrender cases in a way that the person, who is requested to be surrendered, will be heard via video from the prison. The competence of the District Court ends to the decision to surrender. Nevertheless, the Court may delay the enforcement of a surrender decision if there exist circumstances that make the surrender unreasonable for humanitarian reasons. The surrender decision shall be enforced as soon as these circumstances have ceased to exist. The competent authorities shall then agree on a new surrender date. The requested person shall be handed over within ten days of the new date thus agreed. The current measures in Finland: Issuing: The persons in custody in other states our NBI (National Bureau of Investigation) will if possible bring to Finland. Executing: executing prosecutors or NBI will contact the issuing authorities of the persons apprehended in Finland and make sure they wish the surrender</p>

	<p>proceedings to go on and to find out if it will be possible for them to come to pick the surrendered person up from Finland.</p> <p>Impact on surrenders by land The Covid-19 pandemic has not had an influence on the execution of surrenders or extraditions by land.</p> <p>Impact on surrender by air Finnish authorities have not set such travel restrictions, which would have had a direct impact to the surrender procedures in Finland as a surrendering Member State. However, airlines have significantly reduced flights. Due to poor flight availability, in some cases Member States have been forced to request an extension to the surrender procedure in Finland.</p> <p>Due to the COVID-19 situation only in few cases the surrender from a Member State had to be postponed and the extension had to be requested (some on the initiative of Finland and some on the initiative of the Member State surrendering the person). Decision to suspend a surrender is made on a case-by-case basis. In some cases due to postponement, the Member State has imposed a travel ban for the surrender.</p> <p>Legal basis for postponing the actual surrender Primarily Art. 23(3).</p> <p>Adequacy of these provisions At the moment they are sufficient, but the situation has to be re-evaluated if the situation continues much longer.</p> <p>Meaning of ‘circumstances beyond the control’ The current situation is force majeure and therefore would be beyond the control of the Member States. This does not mean however that we should not seek to execute surrenders if there is a way.</p> <p>Releases of requested persons following the postponement of the surrender No.</p> <p>Expected resuming of the surrender Finnish authorities have not set such travel restrictions, which would have had a direct impact to the surrender procedures in Finland as an executing Member State.</p> <p>Transit Transit of persons under EAW FD are possible. However, the requirements mentioned above concerning surrender are applicable.</p>
<p>Precautionary measures for surrender, extradition and transfer - COVID19 test</p>	<p>Precautionary measures As a precautionary measure, it is required that the requested person and the officials accompanying the requested person have no symptoms of a respiratory infection. The subject has to be “fit to fly” and Finland recommends a negative coronavirus test certificate that is less than 72 hours old at the time of arrival in Finland (unless arriving from a green country).The issuing Member State may</p>

- health certificate
- quarantine
- facial masks

have set terms preventing/complicating the surrender procedure (e.g. a certificate of a negative COVID 19 test result). All surrenders will be evaluated on case by case basis.

Airlines may have restrictions about passenger’s condition of health and they may have put additional precautionary measures in place. E.g., Finnair requires passengers to wear a mask covering their mouth and nose from boarding to leaving the aircraft. The mask can be a surgical mask or a mask made of fabric.

In Finland:

If the escort team members and the subject arrive in Finland from a country, which is green in the traffic light model, they do not need to self-quarantine. If they arrive in Finland from a country that is red or grey in the traffic light model, a 10-day self-quarantine is recommended. If the escort team members arrive without a negative test and stay in Finland less than 72 hours, they should be prepared to stay at airport hotel in self-imposed quarantine. To be considered “case by case”. Testing on arrival to Finland at the airport is free of charge.

Exceptions to quarantine recommendations: If the person has a negative coronavirus test certificate that is less than 72 hours old at the time of arrival in Finland and will stay in the country for less than 72 hours, a second test and voluntary quarantine are not required.

Voluntary quarantine can be shortened by taking a test: One can shorten a voluntary quarantine by taking two voluntary tests. If you have a negative coronavirus test certificate that is no more than 72 hours old at the time of your arrival in Finland, do not take another coronavirus test until at least 72 hours after your arrival. If the result of this second test is negative, you can stop your self-quarantine.

If you do not have a certificate of a negative coronavirus test from less than 72 hours before, we recommend that you self-quarantine regardless of the length of your stay in Finland. You can shorten the quarantine by getting a coronavirus test as soon as you arrive in Finland and a second test 72 hours after the first test at the earliest. If the result of both tests is negative, you can stop your self-quarantine. When waiting for the test results, stay in voluntary quarantine at home or in your accommodation.

N.B. New approach to border traffic and travel from 23 November

In the new testing-based operating model, internal border controls will be replaced with health security measures. The model is set to be introduced on 23 November, and the transition period will begin on 1 October. With the new approach, passengers arriving from countries with a high incidence of COVID-19 must have a certificate of a negative COVID-19 test taken less than 72 hours prior to their arrival.

Need (or not) for EU guidance on precautionary measures


General guidelines for precautionary measures should be similar in issuing/transiting/executing Member States, especially regarding the requirements for escorts.

<p>Extradition</p> <ul style="list-style-type: none"> -suspension -legal basis -third countries involved -expected duration of suspension 	<p>Impact on extradition procedures</p> <p>No, Finland has not suspended extradition to third countries as such.</p>
<p>Transfer of sentenced persons</p> <ul style="list-style-type: none"> -prioritization in issuing/execution 	<p>Impact on the transfer of sentenced persons</p> <p>According to the Criminal Sanctions Agency (CSA) the transfers of prisoners is on hold for now. Transfers of prisoners are not possible for the moment. Regarding prioritization of FD 909 on custodial sentences, when the Criminal Sanctions Agency is considering a request for a transfer of a prison sentence to another Member State it prioritizes cases where the sentenced person is already in the executing country. Furthermore, when a person is a subject of an EAW and the executing Member State has imposed a condition that the person is to be returned to the executing Member State to serve there the custodial sentence, these cases have priority to other transfers. There are no other prioritization.</p>
<p>SIRENE Bureaux</p> <ul style="list-style-type: none"> -working of SIS bureau -exchange of information with other SIS Bureaux 	<p>Impact on the working of the SIRENE Bureau</p> <p>SIRENE Bureau in Finland is working at the present and has been working at full capacity during the COVID-19 situation. The 24/7 operation of our SIRENE Bureau has been ensured continually. Efficiency of standby function of the SIRENE Bureau is currently good.</p> <p>Impact on the exchange of information with other SIRENE Bureaux</p> <p>The volume of the international exchange of information has slightly increased from the lowest level during the spring, being still decreased compared to normal situation. Due to the travel restrictions in many countries the number of hits and the additional exchange of information have decreased. COVID-19 situation has not had any impact on the time needed for the exchange of information with other Member States.</p>
<p>EIO and MLA</p> <ul style="list-style-type: none"> -prioritization in issuing/execution -electronic transmission -whom to contact 	<p>Impact on the execution of EIOs and MLA requests</p> <p>The execution of EIOs is not limited to urgent cases, but some delays may, however, occur.</p> <p>Electronic transmission and contact details</p> <p>Sending requests by email is more convenient and recommended. Contact information of competent authorities is available at EJM Atlas. Assistance especially with important and urgent cases is available from EJM contact points, Eurojust and Europol Finnish desks.</p>
<p>Freezing and confiscation orders</p> <ul style="list-style-type: none"> -prioritization in issuing/execution 	<p>N/A</p>
<p>JITs</p> <ul style="list-style-type: none"> -prioritization and alternative telecommunication solutions 	<p>N/A</p>



<p>Recommended channels for transmission of -urgent requests -information exchange</p>	<p>The best channels to use for prosecutors and courts are Eurojust and EJN. The Finnish SIRENE bureau is at service and in a position to reach all the relevant actors related to practical arrangements of the surrender procedures.</p> <p>For the transmission of EIOs and MLA requests, <i>see</i> above 'EIO and MLA'.</p>
<p>Any other relevant information</p>	<p>N/A</p>

10. France (FR)


FRANCE 	
<p>EAW</p> <p>-issuing of EAWs (<i>suspension; impact on already issued EAWs; prioritization in issuing new EAWs + criteria</i>)</p> <p>- execution and postponement of the actual surrender (<i>legal basis, adequacy, release of surrendered persons, measures to prevent released persons from absconding</i>)</p> <p>-expected resuming of surrenders</p> <p>-transit</p>	<p>Impact on the issuing of EAWs</p> <p>From 11th of May then 2nd of June, the improvement of the sanitary situation has allowed a gradual resume of the Courts activities. Judiciary activities were severely impacted by the crisis, including the issuance of EAWs. Currently, the crisis does no longer impact of the delivery of EAWs.</p> <p>Impact on the execution of EAWs and postponement of the actual surrender</p> <p>The crisis has had a dramatic impact on the execution of EAWs and surrenders organized by the National Service of Surrenders. These surrenders had to be paused and postponed based on sanitary reasons but also due to closed borders and airlines restrictions. Now that the activities of Courts and the National Service of Surrenders have resumed, the situation is gradually going back to normal. However, some delays can still apply due to the backlog of measures awaiting execution.</p> <p>Legal basis for postponing the actual surrender</p> <p>Both legal basis (Article 23 (3) and 23 (4) of the framework decision on the European arrest warrant) were used in context of the current Covid-19 crisis. However, the serious humanitarian reason basis (Article 23 (4)) refers to the health status of the person to be surrendered, whereas force majeure (Article 23(3)) is related to general restrictions due to the epidemic, irrespective of the particular situation of the person. Therefore, force majeure was to be privileged for the temporary suspension of surrenders in the current crisis. Regarding Art 23 para 4 of the 2002 FD, it is our opinion that it could be relevant in a situation in which the person to be surrendered would be affected by the disease. We have not encountered such a situation so far.</p> <p>Adequacy of these provisions</p> <p>The provisions of Article 12 of the framework decision relating to the EAW were sufficient to deal with the current situation. No further steps were needed.</p> <p>Meaning of ‘circumstances beyond the control’</p> <p>The situation regarding restriction of movement had reached such a level that it was impossible in France to consider an alternative to the postponement of all the surrenders. The penitentiary administration, in charge of all the prisoners transfer in France, including international surrenders, had decided a complete cessation of its activities. This was not only due to flight cancellations or border closures, but was directly a consequence of the policy of limitation of movements in order to reduce the spread of the virus. Therefore, the circumstance covered by Article 23 (3) was considered to be the pandemic itself.</p>

	<p>Releases of requested persons following the postponement of the surrender</p> <p>Releases have indeed been ordered owing to the impossibility of proceeding with the surrender within the time limits laid down for the execution of European arrest warrants. This is the case in situations where the judicial authority, finding that there is a case of force majeure preventing the surrender, and assessing the necessity and proportionality of the additional deprivation of liberty brought about by the deferred surrender, has held that the person concerned should be released pursuant to the transposition of Article 23 of the Framework Decision of 13 June 2002 on the European arrest warrant. These releases are however the consequences of decisions taken by the General public prosecutor's office in charge, after an assessment, on a case-by-case basis, with regard to the seriousness of the offence, to the applicable penalty or the given sentence, to the health situation of the person to be surrendered. The actual risk of absconding has been taken into account in these decisions.</p> <p>Measures to prevent released persons from absconding</p> <p>Note that if the decision to release is taken by the court in charge of handling the case (Investigative Chamber of the Court of Appeal), a probation order may be decided with a view to limit the risk of absconding.</p> <p>Expected resuming of the surrender</p> <p>On the decision of the Ministry of Justice, the service (Service National des transferts) in charge of the organization of the operation of surrenders and extradition has been put on hold until 24 May. The surrender activity has since resumed gradually, primarily by land. There are however still remaining obstacles linked to the reduction of commercial flights, the placement of escorts in quarantine for a fortnight and the specific health provisions that may be imposed.</p> <p>Transit</p> <p>Transits of persons under the EAW FD are possible subject to the travel limitations / UE external borders restrictions. A negative COVID-19-test is not needed. No specific instructions were given so far regarding transfers at an international / European level. Nevertheless, this activity has already been considerably affected by the international transportation restrictions, closure of borders, necessity to preserve the staff in charge of implementing the transfers.</p>
<p>Precautionary measures for surrender, extradition and transfer</p> <ul style="list-style-type: none"> - COVID19 test - health certificate - quarantine - facial masks 	<p>Specific measures for the person to be transferred</p> <p>The National Service of Surrenders undertakes the following measures: the prisoners must wear protective masks at all time; when arriving in a French prison, new prisoners are systematically detained in quarantine for 15 days before being detained in the ordinary system, to make sure they don't show any symptoms of COVID-19.</p> <p>In France, it is not possible to ask a medical authority to issue a medical certificate to the prisoner proving the absence of diseases or symptoms. Therefore the issuance of a medical certificate cannot be asked as a preliminary condition.</p>

	<p>Specific measures for escorting police officers</p> <p>Personal protective measures for escort officers are applied during all escorts (masks, gloves, alcohol-based hand sanitiser, physical distancing, disinfection of vehicles where necessary, etc.).</p> <p>With respect to French escort officers' compliance with health measures to prevent the spread of COVID-19, given that there has been no harmonisation of the health rules put in place by all the countries affected by COVID-19 the authorities in each destination country have to be contacted to find out what rules are to be complied with during removals with a police escort, and during overnight stays organised for French escort officers.</p> <p>The temporary position adopted by the French authorities as regards escort missions is to aim for outbound and return journeys on the same day, without the escorts crossing air borders and thus without an overnight stay.</p> <p>Escort officers wear gloves and (surgical) masks and carry alcohol-based hand sanitiser.</p> <p>Escort officers and escorted persons comply with the additional requirements of scheduled airlines in terms of health measures to prevent the spread of COVID-19, provided these are brought to the attention of the border police directorate.</p> <p>Need (or not) for further guidance on precautionary measures</p> <p>The French authorities would welcome advices regarding the following questions:</p> <ul style="list-style-type: none"> • Necessity to have a preparatory discussion between authorities about the precautionary measures undertaken and the specific conditions of surrender. • The use of protective mask by the prisoner during the operation.
<p>Extradition</p> <ul style="list-style-type: none"> -suspension -legal basis -third countries involved -expected duration of suspension 	<p>Impact on extradition procedures</p> <p>In France, no general decision to suspend extradition procedures to third States has been taken. The French office for international cooperation in criminal matters is not aware of any decision notified by a third State indicating that it will suspend extradition procedures with France. However, the effective execution of extraditions is de facto suspended due to border and air routes closures.</p> <p>Even if the situation has positively evolved, difficulties remain with some countries, due to the air transportation limitations still enforced and borders still closed.</p> <p>Legal basis for postponing the actual surrender</p> <p>As with European arrest warrant, the legal basis allowing to postpone the surrender are used, in particular the force majeure (Article 696-18 of the French Criminal Procedure Code, or provisions dedicated to these situations present in bilateral conventions, based on the model of Article 18 of the European Convention on Extradition).</p>
<p>Transfer of sentenced persons</p> <ul style="list-style-type: none"> -prioritization in issuing/execution 	<p>Impact on the transfer of sentenced persons</p> <p>Transfer of prisoners were suspended during the peak of the crisis. They have resumed since. Priority has been given to transfers based on EAW or extraditions requests, due to the strictness of the time frameworks these measures need to comply with.</p>

<p>SIRENE Bureaux -working of SIS bureau -exchange of information with other SIS Bureaux</p>	<p>Impact on the working of the SIRENE Bureau France's SIRENE Bureau worked at limited capacity in the period from 17 March to 2 June 2020. In the days thereafter it has gradually returned to full operational capacity. The Bureau has not encountered any challenges despite having a reduced number of staff. Requests from Schengen partner countries decreased during the period mentioned, given the various restrictions on the movement of persons in those countries.</p> <p>Impact on the exchange of information with other SIRENE Bureaux Response times between partner countries have not been affected by the COVID-19 health crisis.</p>
<p>EIO and MLA -prioritization in issuing/execution -electronic transmission -whom to contact</p>	<p>Impact on the issuing of EIOs and MLA requests The crisis has no longer impact on delivery of EIO or MLA as Courts' activity has returned to normal.</p> <p>Impact on the execution of EIOs and MLA requests The crisis has no longer impact on delivery of EIO or MLA as Courts' activity has returned to normal.</p> <p>Electronic transmission and contact details Urgent EIO/ requests should be sent by email and addresses should be obtained through the EJN CP. There is no centralization of EIO / requests.</p>
<p>Freezing and confiscation orders -prioritization in issuing/execution</p>	<p>Impact on freezing and confiscation orders Non applicable as Courts' activity has returned to normal.</p>
<p>JITs -prioritization and alternative telecommunication solutions</p>	<p>Impact on JITs Non applicable as Courts' activity has returned to normal.</p>
<p>Recommended channels for transmission of -urgent requests -information exchange</p>	<p>The procedures relating to the European arrest warrant and the European investigation order require direct exchange, from one judicial authority to another. Contact could be facilitated through the various judicial cooperation networks: Eurojust, European Judicial Network, liaison magistrates, central authorities (in France, BEPI).</p> <p>For the transmission of EIOs and MLA requests, <i>see above</i> 'EIO and MLA'.</p>
<p>Any other relevant information</p>	<p>N/A</p>

11. Germany (DE)

GERMANY 	
<p>Preliminary remark: In view of the recent measures adopted to combat the spread of COVID-19, the Federal Ministry of Justice and Consumer Protection has again consulted the Federal States to ensure that the replies contained in the compilation are still up to date. In order to limit the workload for the Federal States we have focused on questions that seemed of particular importance to us. The information below is a summary of the information that has so far been reported by the federal states. Not all federal states were able to provide detailed information in the short time available. If further information is received, the information will be updated.</p>	
<p>EAW</p> <ul style="list-style-type: none"> -issuing of EAWs <i>(suspension; impact on already issued EAWs; prioritization in issuing new EAWs + criteria)</i> - execution and postponement of the actual surrender <i>(legal bases, adequacy, release of surrendered person, measures to prevent released persons from absconding)</i> -expected resuming of surrenders -transit 	<p>Impact on the issuing of EAWs</p> <p>Most federal states reported that EAWs are processed and issued as usual. Up to now, there was no need to temporarily suspend/prioritise the issuing of EAWs or to withdraw already issued EAWs. The European cross-border pursuit of searched persons should be kept up in order to keep up pressure on criminals and prevent further crimes.</p> <p>German authorities continue to be prepared to take over persons which have been searched via EAW. No general suspension applies. If the general situation changes, Germany will notify all MS via EJN, SIRENE and COPEN. In any case, however, the feasibility of taking over the requested person depends on the legal and factual limitations that vary among the federal states and can change quickly depending on the development of the pandemic. Therefore, the feasibility needs to be checked with the competent authority on a case-by case basis. Factors that can play a role in this assessment include, for example, the applicable travel, health and quarantine regulations, the duty of care for the personnel involved, the possible consequences for the functioning of the police department in question, the severity of the offence and the urgency of the transfer.</p> <p>Delays in picking up requested persons abroad have been reported by some federal states. The delays were due to various factors, among others, health concerns, staff shortages at the police or a lack of flight connections/transportation. In most cases, the executing states agreed to an extension of the deadlines and the surrender took place during the summer. A few federal states reported that in some rare cases the extension of the deadlines for surrender was denied and the requested person was released as a consequence.</p> <p>Impact on the execution of EAWs and postponement of the actual surrender</p> <p>Most federal states reported that EAWs are executed as usual. Pressure on criminals should be kept up, further crimes should be prevented. No general suspension applies. If the general situation changes, Germany will notify all</p>

MS via EJN, SIRENE and COPEN. In any case, the feasibility of the actual surrender depends on the legal and factual limitations that vary among the federal states and can change quickly depending on the development of the pandemic. Therefore, the feasibility needs to be checked with the competent authority on a case-by case basis.

Suspension/prioritisation: Regarding the experiences made in spring/summer 2020, some federal states have reported that the necessity to initiate active search measures and to detain the requested person is assessed on a case-by-case basis taking into account the severity of the alleged crime / the severity of the sentence, the potential danger posed by the requested person and relevant personal circumstances. One federal state reported that, due to the current situation, the police has been asked to postpone targeted arrests. A few federal states reported that, in some cases, the execution of EAWs and the transfer to the issuing State have been temporarily suspended and that a prioritisation of EAWs was made.

Delays: If the proceedings are prolonged due to Covid-19-related restrictions, this will be taken into account when checking the proportionality of keeping the requested person in detention pending the surrender decision or the proportionality of keeping him or her arrested after the final decision on the execution of the EAW. Some federal states reported cases where surrenders had to be postponed at the request of the issuing states due to the measures adopted to fight the spread of COVID-19 (e.g. border closures, travel restrictions, flight cancellations). The arrest for surrender was prolonged in most cases.

Impact on surrender, extradition, transfer by land

Due to the extremely volatile situation across Europe we have faced increased workload in dealing with these cases. Transfers across Europe were affected by differing procedures requirements within our country and/or with our European partners, e.g. hygienic requirements. The transfers of wanted persons within Germany towards the borders or airports were also affected by the pandemic. For more detailed information you are invited to consult the working paper of the General Secretariat of the Council (WK 3472/2020 REV 5, dated 08 May 2020) on the updated collected information by Eurojust and the EJN (*see above EAW*).

Impact on surrender, extradition, transfer by air

In addition to the above-mentioned problems the cancellation of flights put a lot of additional workload and problem-solving tasks on our SIRENE bureau and our partners.

Legal basis for postponing the actual surrender

Some federal states have reported individual cases where Article 23 (3) and/or Article 23(4) FD EAW have been applied in situations where the issuing Member State was forced to refuse taking over the requested person or where the German authorities could not carry out the surrender due to Covid-19 restrictions. One federal state reported that all surrenders are currently suspended.

In the majority of the reported cases, Article 23 (3) FD EAW was applied, mostly without immediately suggesting a new surrender date. Postponing

the agreement on a new surrender date was based on the unpredictability of when the surrender could actually be carried out again, while taking into account that keeping the requested person in detention may eventually become disproportionate.

In a significant number of cases, surrender was temporarily postponed for serious humanitarian reasons, i.e. on the basis of Article 23 (4) FD EAW. Where a justification was given, a “serious humanitarian reason” was seen either in the general risk of infection or in the specific health risks for the requested person and the personnel involved in the surrender procedure.

In other cases, Article 23 (3) FD EAW was cited jointly with Article 23 (4) FD EAW or no legal basis was specified.

If the proceedings are prolonged due to COVID-19-related restrictions of some sort, this will be taken into account when checking the proportionality of keeping the requested person in detention pending the surrender decision or the proportionality of keeping him or her arrested after the final decision on the execution of the EAW.

Adequacy of these provisions

Most federal states have informed us that, in principle, they consider art. 23 (3) and (4) FD EAW and the German law implementing those provisions sufficient to deal with the current situation, even if practice shows that there is not yet a common understanding which one of these provisions applies to the Covid-19-pandemic.

Some federal states highlighted that the real problem, i.e. the fact that the longer the Covid-19-pandemic lasts the more likely it is that requested persons will have to be released from detention, was one of proportionality that could not be solved by changing the legal framework but instead by decisions on a case-by-case basis taking into account options such as taking over the prosecution or enforcement of a sentence or postponing the arrest in the executing state.

A couple of federal states indicated that the deadlines in art. 23 FD EAW could temporarily be suspended or rephrased as a non-binding recommendation. With respect 23 (3) FD EAW, a clarification was suggested that a new date for surrender must only be agreed upon once the circumstances beyond the control of the Member States ceased to exist.

Meaning of ‘circumstances beyond the control’

The current situation is force majeure and therefore would be beyond the control of the Member States. This does not mean however that we should not seek to execute surrenders if there is a way.

Releases of requested persons following the postponement of the surrender

If a restriction in the issuing State causes delays in the surrender of a person, the German national authorities will check the proportionality of keeping the person in detention, based on the facts of each individual case. Most federal states have reported that there have not yet been any cases where delays due to COVID-19 have led to the release of persons that were already remanded in custody. A few federal states reported individual cases, where the


	<p>requested person was released due to the delays. Additional measures were not deemed necessary.</p> <p>Expected resuming of the surrender Such information depends on the facts of each individual case and is therefore not readily available. In some cases, a new date for the postponed surrender has been agreed between the judicial authorities. In numerous cases, a new date has not been immediately agreed upon. The continuation of the surrender/extradition procedure depends on the facts of the individual case and the competent court concerned with it. Since the developments are still dynamic and not predictable, it remains to be seen whether newly agreed dates might have to be postponed again. The proportionality of keeping a person in prolonged detention is continuously reassessed.</p> <p>Transit In principle, transits are still possible. However, the feasibility of surrender needs to be checked with the competent authority on a case-by case basis. Decisions are taken by the respective federal states which are affected by the transits. Due to this procedures results may differ and a rejection of the proposed transit plan may occur. The decision on the execution of a transit will always lie with the competent judicial authority. Restrictions due to the COVID-19 pandemic are possible. As to the requirement of a negative COVID-19-test, see answer above concerning surrenders.</p>
<p>Precautionary measures for surrender, extradition and transfer</p> <ul style="list-style-type: none"> - COVID19 test - health certificate - quarantine - facial masks 	<p>Precautionary measures The general precautionary measures taken by the federal government and the governments of the federal states also apply to persons in surrender procedures or affected by other instruments of judicial cooperation. For all persons detained in Germany medical care is provided. Measures to detect and prevent the spread of COVID-19 are in place. Hygiene and distancing rules have to be complied with when prisoners receive visitors. Transfer of prisoners from one prison to another are reduced to a minimum.</p> <p>While there is no country-wide uniform regulation of these measures, most federal states will keep new detainees separated in a quarantine under secure hygienic conditions and perform tests and health checks to exclude the risk of a COVID-19 infection. The German authorities will take all necessary measures to ensure the safety and health of the surrendered or transferred persons as well as officials involved in the process, when acting as issuing, transiting and executing Member State.</p> <p>Specific measures for the person to be transferred In general, health issues of wanted subjects will be determined and communicated by the locally competent authorities. This may also comprise of medical documentation regarding a negative test for COVID-19 but may probably be requested by the respective Member States in advance.</p>

	<p>Specific measures for escorting police officers</p> <p>Due to the differing guidelines in each federal state possible “special conditions” may vary and therefore cannot be determined and given in this survey. The guidelines are also under continual review. Generally, the widely-known safety precautions such as distance keeping, usage of masks etc. still apply.</p> <p>A general description re overnight stay and public transport is not possible as the requirements for the use of hotels differ within federal states. In some federal states hotel stays will be allowed henceforth but communication about this would need to be carried out in each specific case. Public transport is mostly not affected as long as the respective safety measures are being followed.</p> <p>Need (or not) for further guidance on precautionary measures</p> <p>While the functionality of different precautionary measures may vary depending on the specific context of individual cases, the German government always welcomes further guidance and the exchange of information on best practices.</p>
<p>Extradition</p> <ul style="list-style-type: none"> -suspension -legal basis -third countries involved -expected duration of suspension 	<p>Impact on extradition procedures</p> <p>In principle, extradition from and to Germany is still possible, no general suspension applies to third States. However, the feasibility of surrender depends on the legal and factual limitations that vary among the federal states and the concerned third state and needs to be checked between the competent authorities on a case-by case basis.</p> <p>The federal states reported individual cases in the spring of 2020 regarding extradition to/from – among others – Bosnia and Herzegovina, North Macedonia, Kosovo, Russia and Serbia where the surrender of the person to be extradited was postponed due to Covid-19-restrictions on the basis of art. 18 (5) of the European Convention on Extradition or art. 9 3rd Additional Protocol to the European Convention on Extradition. In most cases, surrender eventually took place.</p> <p>Third countries involved and legal basis for postponing the actual surrender</p> <p>The federal states reported individual cases regarding an extradition to/from Bosnia and Herzegovina, North Macedonia, Kosovo, Russia and Serbia where the surrender of the person to be extradited was postponed due to Covid-19-restrictions on the basis of art. 18 (5) of the European Convention on Extradition or art. 9 3rd Additional Protocol to the European Convention on Extradition.</p> <p>Need (or not) for further exchange of information</p> <p>A further exchange on information and best practices regarding the impact of Covid-19 on extradition to and from third states is welcomed.</p>

<p>Transfer of sentenced persons -impact; prioritization in issuing/execution</p>	<p>Impact on the transfer of sentenced persons Most federal states reported that a prioritisation has not yet been necessary with respect to other EU-instruments of judicial cooperation either. Outgoing requests are issued as usual, incoming requests have largely been executed in due time since the work of the relevant authorities continues, albeit with certain restrictions.</p> <p>In principle, the transfer of prisoners is still possible. However, due to the COVID-19, transfers of prisoners are currently not prioritized and the feasibility needs to be checked on a case-by-case basis. As to the requirement of a negative COVID-19-test, see answer above concerning surrenders.</p>
<p>SIRENE Bureaus -working of SIS bureau -exchange of information with other SIS Bureaux</p>	<p>Impact on the working of the SIRENE Bureau By means of streamlining and enhancing processes it was possible to ensure that SIRENE DE worked at full capacity after a short period of consolidation; roughly 10 days. The challenges of the 24/7 operation could be minimized due to the previously mentioned procedures. Training of new case workers remains challenging because of the new working (home office)-arrangements.</p> <p>Impact on the exchange of information with other SIRENE bureaus Due to the fact that not all SIRENE bureaus were in the position to ensure full capacity in 24/7 operation problems occurred but could be solved ultimately in the majority of cases. Most problems arose from time-sensitive cases such as transits, hand-overs, etc.</p>
<p>EIO and MLA -prioritization in issuing/execution -electronic transmission -whom to contact</p>	<p>Impact on the issuing of EIOs and MLA requests Concerning, in particular, EIOs the federal states reported that EIO-requests are predominantly prioritised - as in comparable domestic procedures - taking into account the circumstances of the individual case on the basis of the following criteria: urgency of the requested measure(s), proceedings of special importance or public interest, detention / custody, impending loss of evidence, impending statute of limitations, seriousness of the offence, significant aggravation of further investigations, type of investigation measure.</p> <p>Impact on the execution of EIOs and MLA requests Incoming requests have largely been executed in due time since the work of the relevant authorities continues, albeit with certain restrictions. Some federal states reported cases in which measures had to be postponed because of constraints arising from their practical implementation, e.g. where it was not possible to conduct a hearing via videoconference.</p> <p>EIO and other MLA requests are not executed only in emergency cases, however due to the COVID-19 pandemic delays and restrictions are possible. It is possible to request people to appear before a court or to be heard by the police. The order and execution of house searches has not been suspended either. However, due to the restrictions necessary to contain the pandemic, delays may be possible and some measures may have to be postponed. This mainly concerns non-urgent investigative measures requiring physical contact.</p>

	<p>Concerning, in particular, EIOs the federal states reported that:</p> <ul style="list-style-type: none"> • Up to now, incoming EIOs have largely been executed in due time. There has also been a decline in incoming requests; (...) • The presence of foreign police officers is not permitted, nor is the participation of German officers in investigations abroad; • Non-urgent investigative measures associated with physical contact are currently being put on hold. <p>(Electronic) transmission and contact details The usual means of communication shall be used, such as those indicated in the EJN Atlas. It is not necessary to contact a central authority.</p>
<p>Freezing and confiscation orders -prioritization in issuing/execution</p>	<p>Impact on freezing and confiscation orders Most federal states reported that a prioritisation has not yet been necessary with respect to other EU-instruments of judicial cooperation either.</p> <p>Outgoing requests are issued as usual, incoming requests have largely been executed in due time since the work of the relevant authorities continues, albeit with certain restrictions.</p>
<p>JITs -prioritization and alternative telecommunication solutions</p>	<p>Impact on JITs Most federal states reported that a prioritisation has not yet been necessary with respect to other EU-instruments of judicial cooperation either.</p>
<p>Recommended channels for transmission of -urgent requests -information exchange</p>	<p>We recommend to contact the issuing authority for actual information before starting the transfer. If the situation changes, Germany will notify all Member States via EJN, SIRENE and COPEN.</p>
<p>Any other relevant information</p>	<p><i>See under <u>Preliminary remark</u></i></p>


12. Greece (EL)

GREECE 	
<p>EAW</p> <p>-issuing of EAWs <i>(suspension; impact on already issued EAWs; prioritization in issuing new EAWs + criteria)</i></p> <p>- execution and postponement of the actual surrender <i>(legal basis, adequacy, release of surrendered persons, measures to prevent released persons from absconding)</i></p> <p>-expected resuming of surrenders</p> <p>-transit</p>	<p>Impact on the issuing of EAWs</p> <p>The pandemic does not have any impact on the issuing of new Greek EAW. Greece continues to process the issuing procedures of the EAW without prioritising the cases due to COVID-19 crisis.</p> <p>Impact on the execution of EAWs and postponement of the actual surrender</p> <p>The phase of executing a surrender is subject to the legislative framework mentioned below. For the time being there is no infected person in Greek jails. There was a suspension of criminal hearings in Greece till 22 June. Nevertheless hearings for extradition cases and EAW requests take place as usual during the whole pandemic period. There are two hearings a week for such cases in Athens.</p> <p>The Greek authorities are in close connection with the authorities of the countries which issued EAW and we will surrender the sentenced persons as soon as possible. The surrenders of offenders to EU member states have already begun. In the week of 22 June, the German authorities received two offenders from the Athens airport. Thus, two separate EAW were executed. We plan to surrender the rest of offenders to other European countries as soon as possible.</p> <p>All criminal procedures take place and the suitable precautionary measures have been adopted. These measures take place when the police arrests someone who is wanted by an EAW. The same measures are in force when the offender comes in the prosecutor's office.</p> <p>In spite of the increase of the COVID-19 cases in Greece, the EAWs are being executed without any problem. In the first week of September, for example, 2-3 offenders were surrendered to the national authorities of Germany and the United Kingdom. In November, COVID-19 incidents occurred in some prisons in Greece. Nevertheless, procedures for the execution of EAWs continue taking place without any postponement or suspension.</p> <p>Impact on the execution of surrenders by land and by air</p> <p>As all inbound from abroad flights and border crossings halted and quarantine measures for travellers were taken, surrenders, extraditions and transfers of convicts by land and air were postponed. In the week of 22 June, the German authorities already received two offenders from the Athens airport.</p> <p>Legal basis for postponing the actual surrender</p> <p>Under the current crisis, the Greek competent judicial authorities use Articles 23 (3) and (4) FD EAW in combination with the relevant judgement by the CJEU. This legislative basis covers the cases up to now in order not to</p>

	<p>have to use Article 23 (5) FD EAW, as far as the release of persons to be surrendered is concerned.</p> <p>Adequacy of these provisions They are considered as sufficient.</p> <p>Meaning of ‘circumstances beyond the control’ Greece fully applies "force majeure" in the meaning mentioned and duly explained by others. Our police officers are in constant contact with their counterparts trying to figure out the best way to proceed, in close cooperation with the Prosecutors. For the time being, no one has been released from prison and in some cases, when no flights are involved (i.e. Bulgaria), there have been a few surrenders.</p> <p>Releases of requested persons following the postponement of the surrender No, there has not occurred any release up to now. As we replied in the above, the existing legislation and the CJEU judgements provide with the sufficient legislative framework in order, as far as it is possible, not to apply Article 23 (5) FD EAW, especially regarding serious crimes.</p> <p>Transit From 15/6/2020 flights from 30 countries are allowed into Greece, so transits can be executed.</p>
<p>Precautionary measures for surrender, extradition and transfer</p> <ul style="list-style-type: none"> - COVID19 test - health certificate - quarantine - facial masks 	<p>Precautionary measures The Greek prison authorities examine every prisoner who has symptoms of any disease. This is a safety measure not only for the offender but also for the policemen who will surrender the offender in the airport to the foreign police authorities.</p> <p>Before the surrender, the police and the prison authorities with the assistance of doctors, define whether or not the offender has been infected by the virus. All criminal procedures take place and the suitable precautionary measures have been adopted.</p> <p>Specific measures for escorting police officers Overnights are not prohibited, but same day surrenders should be suggested, unless there is no alternative (flight schedules etc). In general, precaution measures which have been set by the competent authorities in all MSs should be taken into consideration from all colleagues who are appointed to carry out the surrender procedures.</p>
<p>Extradition</p> <ul style="list-style-type: none"> -suspension -legal basis -third countries involved -expected duration of suspension 	<p>Impact on extradition procedures Hearings for extradition cases take place as usual during the whole pandemic period. The extradition procedures continue normally without suspension. The execution of an extradition is examined within the principle of force majeure and with the cooperation and communication with the requesting third country.</p>

<p>Transfer of sentenced persons -prioritization in issuing/execution</p>	<p>The Greek authorities follow the usual process in respect of transfer of sentenced persons. There are no symptoms of the pandemic in Greek prisons. The main obstacle to surrender the sentenced persons is the lack of air flights. The beginning of air flights will solve the problem.</p>
<p>SIRENE Bureaux -working of SIS bureau -exchange of information with other SIS Bureaux</p>	<p>Impact on the working of the SIRENE Bureau Hellenic SIRENE Bureau works in full capacity. Future challenges expected due to workload, but for time being, no serious issues have been encountered.</p> <p>Impact on the exchange of information with other SIRENE Bureaux Working in full capacity through all the period of quarantine (early March - end of May) allowed us to handle cases with no problems from our side. Issues had been raised though with the contact with other national organisations and ministries, due to the restrictive measures, which affected their usual workload handling routine (e.g. the Judicial Authorities).</p>
<p>EIO and MLA -prioritization in issuing/execution -electronic transmission -whom to contact</p>	<p>Regarding the judicial cooperation on EIOs, each EIO request is examined separately and in case of emergency due to COVID-19 crisis. The EIO is examined with the cooperation and communication with the issuing Member State.</p> <p>MLAs and EIOs requests are executed normally.</p>
<p>Freezing and confiscation orders -prioritization in issuing/execution</p>	<p>The pandemic hasn't created any problem with regard to the outgoing or incoming requests for freezing and confiscation orders because Greece managed to face the pandemic successfully.</p>
<p>JITs -prioritization and alternative telecommunication solutions</p>	<p>No difficulties occurred in the communication and cooperation between the judicial authorities of Greece and other Member States. Close cooperation is also ongoing on the level of the embassies of the Member States in Greece.</p> <p>As an example of good cooperation, we can mention some recent joint investigations: in September 2020, a joint investigation took place in Athens and the results were impressive. Many items (including laptops, etc.) were confiscated and surrendered to the German authorities. Another joint investigation (Greece, Spain) took place in Athens at the beginning of October. This joint investigation was initiated on the request from the Spanish authorities, which issued 14 EAWs. Fourteen persons were arrested and the procedure for their surrender to Spain has already started.</p>
<p>Recommended channels for transmission of -urgent requests -information exchange</p>	<p>The most effective channels in emergency situations are close cooperation with the issuing authority, Eurojust, Sirene and Europol.</p>
<p>Any other relevant information</p>	<p>N/A</p>

13. Hungary (HU)


HUNGARY 	
<p>EAW</p> <p>-issuing of EAWs (<i>suspension; impact on already issued EAWs; prioritization in issuing new EAWs + criteria</i>)</p> <p>- execution and postponement of the actual surrender (<i>legal basis, adequacy, release of surrendered persons, measures to prevent released persons from absconding</i>)</p> <p>-expected resuming of surrenders</p> <p>-transit</p>	<p>Impact on the issuing of EAWs</p> <p>There is no obligatory prioritization in connection with the issuing of EAWs, it is for the issuing judicial authorities to decide whether to issue new EAWs or to withdraw existing ones on the basis of proportionality and practicality in the light of the pandemic. However, issuing judicial authorities have to examine whether other tools of criminal cooperation – such as videoconference under the EIO Directive (2014/41/EU) – can serve as an adequate substitute for the EAW.</p> <p>Impact on the execution of EAWs and postponement of the actual surrender</p> <p>Decisions on the execution of EAWs are normally made under the time limits stipulated by Art. 17 of the EAW FD. Trials are held by videoconference. As the state of danger was revoked on 17 June 2020, the free movement of EU citizens was restored. As a consequence, surrenders within the EU can be executed normally (if there are available flights to do so). If the issuing Member State cannot take over the requested person within the time limits stipulated in the EAW FD because of the COVID-19 pandemic, it is still possible to postpone the surrender on the basis of Article 23(3) or Article 23(4) of the EAW FD.</p> <p>Impact on the execution of surrenders by air</p> <p>The air traffic is still limited; consequently, it is not always possible to organize surrenders within the time limit stipulated in Article 17(2) and Article 23(2) of the EAW FD.</p> <p>Legal basis for postponing the actual surrender</p> <p>Surrenders are postponed on the basis of Art. 23(4) of the EAW FD, since according to Article 23(3) of the FD, if the surrender cannot take place due to circumstances beyond the control of any of the Member States, the executing and issuing judicial authorities shall <u>immediately contact each other and agree on a new surrender date</u>. However, in the case of the COVID-19 pandemic, the executing and issuing judicial authorities cannot agree on a new surrender date since the length of pandemic crisis is unpredictable. However, on the basis of Article 23(4) of the EAW FD, the execution of the EAW shall take place as soon as the ground has ceased to exist. Therefore, there is no need for the authorities to agree on the surrender date immediately after ordering the postponement of the surrender. The executing judicial authority shall examine regularly whether the reasons of the postponement ceased to exist.</p>

	<p>Adequacy of these provisions According to our experiences the executing judicial authorities have been consistently applying the provisions of Article 23(3) and Article 23(4) of the EAW FD in the current crisis.</p> <p>Releases of requested persons following the postponement of the surrender As issuing Member State, the Hungarian Ministry of Justice (MoJ), as the designated central authority under Article 7(2) of the FD encountered only with one case in which the non-compliance with the deadlines has led to the release of a person arrested on the basis of a Hungarian EAW.</p> <p>Measures to prevent released persons from absconding As executing Member State, in Hungary, if no ground for refusal of the EAW is identified but the surrender cannot be executed on the basis of Art. 23(3)-(4), arrested persons remain under either surrender arrest or criminal supervision (which is basically a house arrest with electronic surveillance) to prevent the requested persons absconding.</p> <p>Expected resuming of the surrender The state of danger was revoked on 17 June 2020, the free movement of EU citizens and the citizens of the European Economic Area was restored, consequently, surrenders of EU citizens and the citizens of the European Economic Area can be executed normally. Since the number of infections and deaths can be increase again, general and definitive answer cannot be given when the citizens of third countries can be taken over by Hungary without restrictions. Unfortunately, the development of the pandemic and the possible responses to it cannot be foreseen.</p> <p>Transit Transits through Hungary pursuant to Article 25 of the EAW FD and Article 16 of the 2008/909/JHA FD can be executed if the person is eligible to cross the external borders of the Schengen area according to the Schengen Borders Code and there is no sign of COVID-19 disease. Examination of body temperature may be performed at the border.</p>
<p>Precautionary measures for surrender, extradition and transfer</p> <ul style="list-style-type: none"> - COVID19 test - health certificate - quarantine - facial masks 	<p>Precautionary measures During the surrender, escorting police officers have to use hand sanitizer and wear mask and gloves. Other persons are required to wear personal protective equipment (eg. mask and gloves). After entering Hungary, there is a medical examination and two weeks isolation.</p> <p>Need (or not) for further guidance on precautionary measures From our point of view, general precautionary measures for the execution of surrenders cannot be applied in every Member State, since individual Member States apply different security measures combatting the COVID-19 pandemic; which is inevitable because of the specific pandemic situation in the individual Member States. Nevertheless, according to our experiences,</p>

	<p>Member States are able to handle the challenges posed by the COVID-19 pandemic. What is most important is to continue collecting information from Member States on the application of European arrest warrants and other EU instruments in the field of criminal cooperation during the pandemic and to keep the information updated.</p>
<p>Extradition</p> <ul style="list-style-type: none"> -suspension -legal basis -third countries involved -expected duration of suspension 	<p>Impact on extradition procedures</p> <p>In connection with extradition to third States, trials shall continue to be held and the extradition can be ordered and executed as a main rule. However, in connection with several countries – in which the number of coronavirus infections are high or rising rapidly – surrender is possible only if the escorting officers of the requesting country do not enter into Hungary; or, if Hungary is the requesting country, the Hungarian escorting officers do not enter into the territory of that country (i.e. surrender by land at the border or by air without leaving the transit zone at the Airport). The trials shall be held by videoconference.</p> <p>Legal basis for postponing the actual surrender</p> <p>In case of CoE States, the legal basis of the postponement is Article 18 Paragraph 5 of the European Convention on Extradition signed in Paris, 13.XII.1957. Similar provisions exist in bilateral extradition treaties, as well. If no ground for refusal is identified, requested persons shall either remain under extradition arrest or under criminal supervision to prevent the requested persons absconding.</p> <p>Need (or not) for further exchange of information</p> <p>Information regarding the impact of COVID-19 on extradition can be adequately exchanged with third states bilaterally.</p> <p>Expected resuming of the extradition procedures</p> <p>After the emergency security measures hindering the surrender are withdrawn, the requested persons shall be surrendered to the requesting third State.</p>
<p>Transfer of sentenced persons</p> <ul style="list-style-type: none"> -prioritization in issuing/execution 	<p>Impact on the issuing of requests for transfer of sentenced persons</p> <p>No restrictions are applied in connection with the issuing of certificates.</p> <p>Impact on the execution of transfer of sentenced persons</p> <p>As the state of danger was revoked on 17 June 2020, the free movement of EU citizens was restored. As a consequence, transfers <u>within the EU</u> can be executed normally.</p>
<p>SIRENE Bureaux</p> <ul style="list-style-type: none"> -working of SIS bureau -exchange of information with other SIS Bureaux 	<p>Impact on the working of the SIRENE Bureau</p> <p>SIRENE Hungary is working normally. The COVID-19 did not influence our 24/7 operational capacity.</p> <p>Impact on the exchange of information with other SIRENE Bureaux</p> <p>SIRENE Hungary only experienced the decreasing number of incoming request/messages; however the pace of the information exchange remained more or less the same. The most problematic area was the extradition due to the continuously changing social and legal environment.</p>

<p>EIO and MLA -prioritization in issuing/execution -electronic transmission -whom to contact</p>	<p>Impact on the issuing of EIOs and MLA requests No obligatory prioritization applies in connection with the issuing of EIOs and MLA requests (...), it is for the issuing judicial authorities to decide whether to issue new requests or to withdraw existing ones on the basis of principles of proportionality and expediency in the light of the pandemic.</p> <p>Impact on the execution of EIOs and MLA requests EIOs, MLAs, and other instruments of judicial cooperation are to be executed in normal manner and not executed only in emergency cases. However, summoning persons to be present in person before the authorities of the requesting MS is not recommended; hearing by videoconference is more preferable during the COVID-19 epidemic.</p> <p>Electronic transmission and contact details EIO/requests should be sent by email to the ordinary addresses indicated in the EJN Atlas. They should not be sent to a central authority.</p>
<p>Freezing and confiscation orders -prioritization in issuing/execution</p>	<p>All forms of judicial cooperation are applied in normal manner.</p>
<p>JITs -prioritization and alternative telecommunication solutions</p>	<p>All forms of judicial cooperation are applied in normal manner.</p>
<p>Recommended channels for transmission of -urgent requests -information exchange</p>	<p>From the experiences of the Ministry of Justice, as the designated central authority under Article 7 of the FD, the most effective channels in emergency situations are Eurojust and Sirene. EJN can also be useful for informing about the applicable emergency rules or practises of other Member States.</p> <p>For the transmission of EIOs and MLA requests, <i>see</i> above 'EIO and MLA'.</p>
<p>Any other relevant information</p>	<p>Although new restrictions entered into force from 1 September 2020, these do not have direct impact on the travels for official purposes related to judicial cooperation in criminal matters.</p>


14. Ireland (IE)

IRELAND 	
<p>EAW</p> <p>-issuing of EAWs (suspension; impact on already issued EAWs; prioritization in issuing new EAWs + criteria)</p> <p>- execution and postponement of the actual surrender (legal basis, adequacy, release of surrendered persons, measures to prevent released persons from absconding)</p> <p>-expected resuming of surrenders</p> <p>-transit</p>	<p>Impact on the issuing of EAWs</p> <p>Decisions on issuing EAWs will be taken on an individual basis so long as the current crisis impacts on the operational viability of the system.</p> <p>Impact on the execution of EAWs and postponement of the actual surrender</p> <p>The High Court acts as the executing judicial authority for the purposes of the European Arrest Warrant and Extradition under the Extradition Act 1965 (as amended). It is working to capacity on the Extradition list, but due to the number of postponements arising from Covid 19-related transport/movement issues, surrenders are taking longer to effect under the EAW framework.</p> <p>An Garda Síochána have now fully resumed the repatriation of fugitives from other jurisdictions. An Garda Síochána continue to facilitate the surrender of fugitives to other jurisdictions with clear guidance to visiting colleagues that Government / Health Service Executive (HSE) advice must be adhered to when present in Ireland.</p> <p>Legal basis for postponing the actual surrender</p> <p>Where appropriate, Ireland is postponing EAW surrenders on humanitarian grounds, pursuant to section 18(1)(a) of the European Arrest Warrant act 2003. This provision reflects Article 23(4) of the EAW framework decision.</p> <p>Releases of requested persons following the postponement of the surrender</p> <p>The granting of bail to persons held in custody on foot of EAWs is a matter for the judicial authority and cases are being considered on application to the judicial authority.</p> <p>Expected resuming of the surrender</p> <p>As stated above, the High Court is working to capacity on the Extradition list, but due to the number of postponements arising from Covid 19-related transport/movement issues, surrenders are taking longer to effect under the EAW framework.</p> <p>Any person (includes police officer) entering Ireland from a foreign jurisdiction for the purpose of Extradition business will be expected to comply with the EU traffic lights system. They will:</p> <p>i) be required to complete the COVID-19 Passenger Locator Form (https://www.gov.ie/en/publication/ab900-covid-19-passenger-locator-form/?referrer=http://www.gov.ie/locatorform/) before entry;</p>

	<p>ii) be advised to follow the HSE guidance in relation to self-isolation up to a maximum of 14 days (unless whilst performing their official duties it is not possible to self-isolate).</p> <p>Transit N/A</p>
<p>Precautionary measures for surrender, extradition and transfer</p> <ul style="list-style-type: none"> - COVID19 test - health certificate - quarantine - facial masks 	<p>Precautionary measures</p> <p>An Garda Síochána Extradition members have been issued with Personal Protective Equipment (PPE) both for the member & the fugitive (for example, they have access to spit hoods for the fugitive but they will only be used if absolutely necessary). Members have gloves, masks, visors etc. A COVID-19 negative test is not required at the time of writing. Appropriate transports are utilised.</p> <p>Need (or not) for further guidance on precautionary measures</p> <p>Irish authorities would welcome advice or guidance from our European colleagues in relation to additional precautionary measures in facilitating future extraditions. A corporate approach would be preferable.</p>
<p>Extradition</p> <ul style="list-style-type: none"> -suspension -legal basis -third countries involved -expected duration of suspension 	N/A
<p>Transfer of sentenced persons</p> <ul style="list-style-type: none"> -prioritization in issuing/execution 	<p>Impact on the transfer of sentenced persons</p> <p>That is dependent on the nature of the case in question and the processes required to execute it. In cases requiring the involvement of the courts, only emergency cases are being considered. The progress of other cases are susceptible to operational considerations in the wider context of the current COVID 19 situation.</p>
<p>SIRENE Bureaux</p> <ul style="list-style-type: none"> -working of SIS bureau -exchange of information with other SIS Bureaux 	Our SIRENE Bureau is unfortunately not yet operational.
<p>MLA</p> <ul style="list-style-type: none"> -prioritization in issuing/execution -electronic transmission -whom to contact 	<p>Electronic transmission and contact details</p> <p>Requests for mutual legal assistance in criminal matters should be sent by email to the address indicated in the EJN Atlas, currently MARequests@justice.ie</p>

Freezing and confiscation orders -prioritization in issuing/execution	N/A
JITs -prioritization and alternative telecommunication solutions	N/A
Recommended channels for transmission of -urgent requests -information exchange	Eurojust For the transmission of MLA requests, <i>see</i> above 'MLA'.
Any other relevant information	N/A

15. Italy (IT)

ITALY 	
<p>EAW</p> <p>-issuing of EAWs (suspension; impact on already issued EAWs; prioritization in issuing new EAWs + criteria)</p> <p>- execution and postponement of the actual surrender (legal basis, adequacy, release of surrendered persons, measures to prevent released persons from absconding)</p> <p>-expected resuming of surrenders</p> <p>-transit</p>	<p>Impact on the issuing of EAWs No.</p> <p>Impact on the execution of EAWs and postponement of the actual surrender In Italy there has never been a general postponement of EAW's surrenders. However, during the first phases of the spread of the Covid-19 pandemic, as most of the Member States decided to cancel flights from/to Italy, in a very huge number of cases it was concretely impossible to put in place police arrangements related to surrender. Nowadays, the issue is quite near to its solution, because since 15.6.2020 air connections have been restarting. However, some delays in surrender is currently being experienced due to the lack of direct air connections with some airports and the travel limitations recently approved by Italy and other Countries (see also below).</p> <p>Impact on the execution of surrenders by land No impact at the present time.</p> <p>Impact on the execution of surrenders by air See above.</p> <p>Legal basis for postponing the actual surrender The Ministry of Justice suggested the Courts of appeal, as competent judicial authorities, to postpone the surrender due to <i>force majeure</i> according to article 23 paragraph 3 of EAW FD, corresponding to article 23 paragraph 2 of the Italian implementing Law.</p> <p>Adequacy of these provisions Yes.</p> <p>Meaning of 'circumstances beyond the control' The assessment is that the provision <i>prevented by circumstances beyond the control of any of the Member States</i> in Article 23 (3) of EAW FD should be subject to a broad interpretation, such as to cover the current health emergency, even if there is not an absolute travel ban. Therefore, we suggested our Courts of appeal, as competent judicial authorities, to postpone surrender in all cases in which, for example, the police officer of the Issuing Member State will not or were not allowed to travel to Italy as a preventive safety measure. Moreover, please be aware that the provision above was implemented in the Italian law as <i>force majeure</i>.</p> <p>Releases of requested persons following the postponement of the surrender</p>

	<p>So far, we are not aware of cases in which persons held in custody were released as consequence of the postponement of their surrender due to <i>force majeure</i> according to article 23 paragraph 2 of Law 22.4.2005 n. 69 (Italian EAW Act).</p> <p>Expected resuming of the surrender</p> <p>As already mentioned, the gradual restart of actual surrenders has been made possible given that since 15.6.2020 air connections are more and more available.</p> <p>Notwithstanding the above, after June 2020 we exceptionally had – compared to the ordinary statistics data – a substantial lower number of actual surrenders. At this regard, detailed and updated information should be available, case by case, by using the SIRENE/INTERPOL channels of communications. At the same regard, it should also be asked the timely intervention of the involved National Desks of Eurojust, whose qualified and efficient assistance represents, by now, a commonly known added value.</p> <p>Transit</p> <p>After 3.6.2020 we had, in passive, some cases of transit from Greece to Poland and one case of transit from Spain to Slovakia. In active, we had some case of transit with The Netherlands (the requested Countries were, principally, Sweden and Bulgaria). At present, transits are possible; however, some delays have been experienced as consequence of the flight cancellations and travel limitations due to the Covid-19 pandemic.</p>
<p>Precautionary measures for surrender, extradition and transfer</p> <ul style="list-style-type: none"> - COVID19 test - health certificate - quarantine - facial masks 	<p>Precautionary measures</p> <p>Considering the ongoing restart of actual surrenders, all preventive measures generally laid down to combat the spread of COVID-19 (for instance wearing face masks as protective equipment both for the requested person and escorting officers) are fully applicable. All prisoners are tested for Covid-19 before surrender.</p> <p>Anyway, all incoming and leaving inmates must undergo an accurate screening, according to the medical protocols specifically put in place for the epidemic by the competent office of the Ministry of Justice, namely the Department of Penitentiary Administration.</p> <p>From a general viewpoint, Italy has implemented strict precautionary measures applicable to everyone being in the Country. Such measures are constantly updated both at National level by Laws and Governmental Decrees and at Regional level. For the time being, different measures will be applied; everywhere in the Country it is mandatory to wear facial masks in open spaces and streets, on public transportation means or in hotels, as well as entering shops, coffee bars and restaurants.</p> <p>Specific measures for escorting police officers</p> <p>Upon any departure and arrival Italian escort officers have to undergo a medical check, according to the specific guidelines issued by the Italian International Police Cooperation Service, which is in charge for the escort operations.</p> <p>Escorting officers must wear protective mask and gloves during all the time they are carrying out the handing over of the fugitive.</p>

	<p>Need (or not) for further guidance on precautionary measures Such a guidance should be very useful and welcomed, providing that it should not be mandatory, in order to avoid any critical issue regarding its compatibility with Italian law provisions.</p>
<p>Extradition -suspension -legal basis -third countries involved -expected duration of suspension</p>	<p>Impact on extradition procedures There has never been a general postponement of extradition's surrenders. However, as during the first time of the spread of the Covid-19 pandemic many States decided to cancel flights from/to Italy, in a very huge number of cases it was concretely impossible to put in place police arrangements related to surrender. Nowadays, the issue is gradually but slowly going to be solved, because since 15.6.2020 air connections have been restarting. However, some delays in surrenders is currently being experienced due to the lack of direct air connections with some airports and the travel limitations approved by some Countries (see also infra).</p> <p>Legal basis for postponing the actual surrender <i>Force majeure</i>, as specifically mentioned in some bilateral treaties or national law of the Requesting and/or Requested State, according to general and common principles of international courtesy and reciprocity. According to the most recent decisions of Court of Cassation, the ordinary three-month custody time limit – i.e. the period of time in which a person may be remanded in custody awaiting surrender – may be extended up to nine months if the surrender is not possible as consequence of the spread of the covid-19 pandemic.</p>
<p>Transfer of sentenced persons -prioritization in issuing/execution</p>	<p>Impact on the transfer of sentenced persons No extraordinary measure has been adopted with regard to FD 2008/909. Actual transfers suffered the same problems encountered with regard to EAW's surrenders. Similarly to these surrenders, the issue is nearly solved, because since 15.6.2020 air connections have been restarting.</p>
<p>SIRENE Bureaux -working of SIS bureau -exchange of information with other SIS Bureaux</p>	<p>Impact on the working of the SIRENE Bureau During the lockdown time, S.I.Re.N.E. Bureau Italy has worked at full capacity. Anyway, in order to contain the spread of the virus, the staff has been divided in two groups performing their job every two days. No issue related to the 24/7 operation.</p> <p>Impact on the exchange of information with other SIRENE Bureaux We didn't experience any substantial issue in this respect.</p>
<p>EIO and MLA -prioritization in issuing/execution -electronic transmission -whom to contact</p>	<p>Impact on the issuing and execution of EIOs and MLA requests In line of principle there is not any obstacle to the issuing and/or execution of such requests.</p> <p>Electronic transmission and contact details See below, under "Recommended channels for transmission of urgent requests/information exchange".</p>

<p>Freezing and confiscation orders -prioritization in issuing/execution</p>	<p>Impact on freezing and confiscation orders See reply given with regard to EIOs and MLA requests.</p>
<p>JITs -prioritization and alternative telecommunication solutions</p>	<p>Impact on JITs See reply given with regard to EIOs and MLA requests.</p>
<p>Recommended channels for transmission of -urgent requests -information exchange</p>	<p>Italy considers Eurojust and EJN the most useful channels of communications. EIOs should be sent by e-mail to the ordinary addresses indicated in EJN Atlas. In case of need, EIOs should be sent to the MoJ (cooperation.dginternazionale.dag@giustizia.it). Because of lasting troubles with ordinary mail service, the MoJ, as central authority in MLA procedures, strongly suggests to use only e-mail for transmitting and receiving any request or communication (cooperation.dginternazionale.dag@giustizia.it).</p>
<p>Any other relevant information</p>	<p>Without prejudice to information given above with regard to the issues related to actual EAW's and extradition surrenders, it is important to highlight that on 3.11.2020 a new Decree of the President of the Council of Ministers was approved, providing some movement limitations across the Country and travel limitations from/to other Countries.</p> <p>The Decree 3.11.2020 (valid until 3.12.2020, unless extended) provides as follows:</p> <p>A - San Marino and Vatican City: no travel limits.</p> <p>B - EU Member States (except those indicated at points C) and D)), SCHENGEN Countries, Andorra and Monaco, Far Oer Islands, Greenland, Svalbard and Jan Mayen Isles, Azores Islands and Madeira: no travel limits imposed by Italy.</p> <p>C - Belgium, Netherlands, Czech Republic, Spain, UK, Gibraltar, Channel Islands, Isle of Man, British bases in Cyprus, Spanish Territories in Africa, Guadeloupe, Martinique, French Guyana, Reunion, Mayotte: no travel limits according to Italian legislation; however, people arriving from those Countries who may not certificate to be negative-tested for Covid-19 must undergo a molecular or antigenic test for Covid-19 at their arrival in the Country or within the following 48 hours.</p> <p>D - Australia, Canada, Georgia, Japan, New Zealand, Romania, Rwanda, Republic of Korea, Thailand, Tunisia, Uruguay: no travel limits according to Italian legislation; however, 14-day mandatory self-isolation upon arrival applies to everyone entering the Country from those Countries.</p>

E – All other Countries not mentioned above (with the exception of those included at point F): travel to/from those Countries are permitted only for well-grounded reasons (of work, study, health-related, return to the place of residence, etc.).


F – Armenia, Bahrein, Bangladesh, Bosnia Herzegovina, Brazil, Chile, Kuwait, Republic of North Macedonia, Moldova, Oman, Panama, Peru, Dominican Republic, Kosovo, Montenegro, Columbia: travel from/to those Countries is generally forbidden, with some exceptions, amongst which for police officers and diplomats.

Please, for any updated information on travel limitations, see the website of the Ministry of Health

<http://www.viaggiaresecuri.it/approfondimenti-insights/saluteinviaggio>


It must also be highlighted that, as a general measure, according to Article 23 of the extraordinary and urgent Decree n. 137 dated 28.10.2020, in criminal proceedings any person who is detained, arrested or in custody will appear at the hearing by video-conference or by other approved instrument of remote technology; this general rule applies also in the extradition and EAW's procedures and in the execution of MLA requests, when applicable.

16. Latvia (LV)


LATVIA 	
<p>EAW</p> <p>-issuing of EAWs (<i>suspension; impact on already issued EAWs; prioritization in issuing new EAWs + criteria</i>)</p> <p>- execution and postponement of the actual surrender (<i>legal basis, adequacy, release of surrendered persons, measures to prevent released persons from absconding</i>)</p> <p>-expected resuming of surrenders</p> <p>-transit</p>	<p>Impact on the issuing of EAWs</p> <p>Currently there is no problems with issuing the EAW to declare the person in international search. Due to the situation caused by COVID 19, we are currently prioritising the issuing of EAW based on the seriousness of the offence.</p> <p>Impact on the execution of EAWs and postponement of the actual surrender</p> <p>Recently, Latvia has declared state of emergency until the 6th of December, 2020.</p> <p>Due to declared state of emergency and in accordance with the point 5.28 of the Order No 655 “Regarding Declaration of the Emergency Situation” taken by the Cabinet of Ministers of the Republic of Latvia (entry into force: 06.11.2020.) transfer and takeover of surrendered convicted persons and persons under arrest (except for such persons under arrest and convicted persons the date of executing the transfer or takeover of whom prior to coming into force of this Order has already been approved and for whose conveying all the necessary transport tickets have already been purchased) for subsequent execution of the punishment of deprivation of liberty or arrest <u>in prisons in the territory of the Republic of Latvia</u> shall be postponed</p> <p>Legal basis for postponing the actual surrender</p> <p>We would use the legal basis of force majeure.</p> <p>Adequacy of these provisions</p> <p>We consider them sufficient if they are not exceeding the maximum detention time for extradition. In cases when the detention time will be exceeded, we would need to decide about the application of another security measures.</p> <p>Releases of requested persons following the postponement of the surrender</p> <p>N/A</p> <p>Expected resuming of the surrender</p> <p>The emergency situation in order to limit the spread of Covid-19 in Latvia was in force in the period from March 13 till June 9. Starting from June 10 we are able to perform the surrenders and extraditions. The dates for the surrenders will be negotiated via the SIRENE or INTERPOL channels and will be agreed on a case by case basis. With some countries hand overs due to their restrictions still are not possible.</p>

	<p>Transit Each case will be analysed individually, depending on the airline's requirements, the length of stay in the transit area, etc. The basic condition is a negative test for COVID-19 (validity of the certificate - 5 days). Receiving request for transit permission from the countries with a high infection rate, transits via Latvia could be refused.</p>
<p>Precautionary measures for surrender, extradition and transfer - COVID19 test - health certificate - quarantine - facial masks</p>	<p>Precautionary measures Basic health safety principles will still have to be strictly observed after the end of the state of emergency. The use of personal protective equipment - mouth and nose covering face masks are still mandatory on public transport. General recommendations for personal hygiene and keeping 2 metre distance between persons wherever it is possible are still important.</p> <p><i>Additional information: Since 3 June 2020 citizens of the European Union, the European Economic Area, and the Swiss Confederation, arriving to Latvia from countries in which a 14-day cumulative number of COVID-19 cases does not exceed 15 individuals per 100,000, no longer need to face a 14-day self-isolation period. Anyone arriving in Latvia from a country with a higher infection rate must self-isolate for 14 days on arrival.</i></p> <p>Specific measures for the person to be transferred In accordance with the current legislation imprisoned person transferred to Latvia from any foreign country will be placed in isolation (14 days) in prison. The law provides limitations of prisoner's rights during this period. Negative test of COVID-19 (validity of the certificate - 5 days) for escorted person is necessary.</p> <p>Specific measures for escorting police officers No special conditions are specified for escort police officers.</p> <p>Need (or not) for further guidance on precautionary measures Establishment of any supportive guidance would be useful.</p>
<p>Extradition -suspension -legal basis -third countries involved -expected duration of suspension</p>	<p>Impact on extradition procedures Since extradition detention time with the third States is longer than EAW, currently we have no issues.</p> <p>Need (or not) for further exchange of information We would very much welcome any additional information.</p>
<p>Transfer of sentenced persons -prioritization in issuing/execution</p>	<p>Impact on the transfer of sentenced persons In cases of FD 2008/909 we are not applying any sort of 'prioritisation' of the cases. The requests can be executed only with those countries having opened the borders.</p> <p>In accordance with the point 5.28 of the Order No 655 "Regarding Declaration of the Emergency Situation" taken by the Cabinet of Ministers of the Republic of Latvia (entry into force: 06.11.2020.) transfer and takeover of sentenced persons (except for such sentenced persons the date of executing the transfer or takeover of whom prior to coming into force of</p>

	<p>this Order has already been approved and for whose conveying all the necessary transport tickets have already been purchased) for subsequent execution of the punishment of deprivation of liberty in prisons in the territory of the Republic of Latvia shall be postponed.</p>
<p>SIRENE Bureaux -working of SIS bureau -exchange of information with other SIS Bureaux</p>	<p>Impact on the working of the SIRENE Bureau Part of the SIRENE Bureau Latvia staff worked remotely during the state of emergency declared in Latvia due to the spread of COVID-19, but in general, the SIRENE Bureau has been working with full capacity.</p> <p>Impact on the exchange of information with other SIRENE Bureaux SIRENE Bureau Latvia has not faced problems in information exchange with other Member States.</p>
<p>EIO and MLA -prioritization in issuing/execution -electronic transmission -whom to contact</p>	<p>Impact on the issuing and/or execution of EIOs and MLA requests Regarding the EIO in pre-trial cases there is certain prioritisation based on the necessity for the contact with the person. The exceptions are possible taking into account the seriousness of the offence (same as the EAW). The participation of foreigner participants in the proceedings are not permitted regarding the execution of investigative activities. The assessment is made on a case by case basis taking into consideration the investigations needs. In cases of the EIO in trial stage we are not applying any sort of 'prioritisation' of the cases. (...) Regarding the EIO in trial stage, primarily are fulfilled requests that do not require the contact with the person, for example documents providing from criminal case materials. If the contact with the person is needed such request may be executed considering safe distance between the persons (2m).</p> <p>The execution of requests that require physical contact may be suspended. In urgent cases solutions must be communicated electronically with Central Authorities mentioned below.</p> <p>Electronic transmission and contact details In order to minimize delays and to continue with the cross-border cooperation ensuring the most efficient response, all the Latvian Central Authorities have agreed that incoming requests on mutual legal assistance must be sent in PDF format by email to: Pre-trial stage - pasts@vp.gov.lv (State Police) and darbdep@lrp.gov.lv (Prosecution Office General); Trial stage – central.authority@tm.gov.lv (Ministry of Justice).</p> <p>Processing of hardcopy requests received by post might be interrupted or delayed. Outgoing mutual legal assistance requests from Latvia will be sent electronically and/or parallel in hardcopy format.</p>
<p>Freezing and confiscation orders -prioritization in issuing/execution</p>	<p>Impact on freezing and confiscation orders As freezing orders do not require physical contact with the person, no prioritization is applied to this instrument due to Covid-19. Regarding confiscation orders, priority is in principle given to those cases that do not require physical contact with the person during execution (cases which require physical contact are postponed for an indefinite period of</p>

	<p>time). Other cases that can be resolved electronically are executed in the normal mode of operation. Requests regarding physical contacts between the persons may be executed if the safety measures are considered (2m distance).</p>
<p>JITs -prioritization and alternative telecommunication solutions</p>	<p>N/A</p>
<p>Recommended channels for transmission of -urgent requests -information exchange</p>	<p>The best channels would be SIRENE, direct contacts, if necessary Eurojust. For the transmission of EIOs and MLA requests, <i>see above</i> 'EIO and MLA'.</p>
<p>Any other relevant information</p>	<p>From 12 May 2020, courts may resume the court hearings in person, taking into account the requirements set by the Cabinet of Ministers regarding indoor gathering when reviewing cases. Therefore Latvian competent institution may request persons to appear before a court, Latvia continue to ensure judicial cooperation, for example executing the requests regarding document service, hearing the person via videoconference. The State Police when executing procedural measures requested by other countries via EIO/MLA operates in normal manner taking into account security measures set out by the government. There might be delays in execution, as some persons tend to refuse direct contacts, which creates additional difficulties in performing e.g. interrogation, etc. investigative activities of a relevant nature.</p> <div style="text-align: center;">  LATVIA.pdf </div>

17. Lithuania (LT)


LITHUANIA	
	
<p>EAW</p> <p>-issuing of EAWs (<i>suspension; impact on already issued EAWs; prioritization in issuing new EAWs + criteria</i>)</p> <p>- execution and postponement of the actual surrender (<i>legal basis, adequacy, release of surrendered persons, measures to prevent released persons from absconding</i>)</p> <p>-expected resuming of surrenders</p> <p>-transit</p>	<p>Impact on the issuing of EAWs No. However, in the cases of urgency (e.g. in cases of very serious offences or of hot pursuit of the offender) we would indicate in the cover letter to the executing state that the matter is urgent despite the COVID situation.</p> <p>Impact on the execution of EAWs and postponement of the actual surrender State of quarantine has been withdrawn since the 16th June 2020, however, the state of emergency on the entire territory of the Republic of Lithuania remains in place. There are certain entry restrictions left which do not impact the surrender procedures.</p> <p>Impact on the execution of surrenders by land The execution of surrenders by land is usually done with with the neighboring countries. As no restrictions are imposed on travelling to and from neighboring countries, there is no impact on surrender procedure so far.</p> <p>Impact on the execution of surrenders by air The volume of requests to extend the time limit set for for actual surrender has increased, as the number of flights within EU countries is reduced.</p> <p>Legal basis for postponing the actual surrender Legal basis: (1) Resolution of the Government on declaring quarantine on the entire territory of the Republic of Lithuania (for the moment quarantine has been declared until 27 April 2020); (2) Recommendation of the Judicial Council of the Republic of Lithuania regarding the exercise of judicial functions during the quarantine period; (3) Criminal Procedure Code of the Republic of Lithuania, Article 76(2) implementing Article 23(3) FD EAW.</p> <p>Adequacy of these provisions Yes.</p> <p>Releases of requested persons following the postponement of the surrender There were no such cases. It shall be decided on case by case basis, considering the term already spent in custody, the seriousness of the criminal offence, personality of the requested person and the possibility to ensure the execution of the EAW applying less restrictive provisional measures.</p> <p>Expected resuming of the surrender The quarantine regime on the territory of Lithuania has been extended until the 16th of June. Also, please be aware, that the state of quarantine in</p>

	<p>Lithuania was withdrawn on the 17th of June. However, the practical surrender of the persons to Lithuania will resume as from the 1st of June, taking into account the flight services and countries' accessibility.</p> <p>Under current conditions the convoy delegation of the officers of a foreign country would be able to take the persons surrendered by Lithuania over only if there would be a return flight on the same day.</p> <p>According to the prepared summary report currently the following have been postponed because of the quarantine regime:</p> <ul style="list-style-type: none"> - surrender of 18 persons from foreign countries to Lithuania, namely: United Kingdom – 8, Germany – 2, Portugal – 2, Ireland – 1, Sweden – 1, Austria – 1, Czech Republic – 1, Norway – 2. In many cases the competent authorities of foreign countries have postponed the surrender procedures of requested person until an unspecified date i. e. until the possibilities of executing the surrender are resumed. In some cases a specific date until when the surrender has been adjourned was set, e. g. until 31st May, until 6th June, until 10th June. - surrender of 9 persons from Lithuania to foreign countries, namely: Germany – 3, Spain – 1, Belgium – 1, Finland – 2, Estonia – 1, Italy – 1, Norway – 1. In many cases Lithuania has postponed the surrender procedures of requested person until an unspecified date i. e. until the possibilities of executing the surrender are resumed. <p>Transit</p> <p>The transit request will be considered taking into account lock-down restrictions.</p>
<p>Precautionary measures for surrender, extradition and transfer</p> <ul style="list-style-type: none"> - COVID19 test - health certificate - quarantine - facial masks 	<p>Precautionary measures</p> <p>As set by the Resolution of the Government on declaring quarantine on the entire territory of the Republic of Lithuania with further amendments based on the current COVID spread situation.</p> <p>Special measures for the person to be transferred</p> <p>The same rules as set to the persons arriving from abroad by the Resolution of the Government on declaring quarantine on the entire territory of the Republic of Lithuania with further amendments based on the current COVID spread situation.</p> <p>Special measures for escorting police officers</p> <p>No isolation requirement to the escorting officers (both for arriving foreigners and leaving national officers), except for those arriving from the counties where morbidity exceeds 25 cases per 100,000 residents over the last two weeks (the list of these countries is subject to constant review) with a requirement to have a COVID test done not later than 72 hours ago. Such a test is not required, if a person leaves the country on the same day and does not leave the airport territory.</p> <p>Need (or not) for further guidance on precautionary measures</p> <p>Such guidance would be highly desirable even now.</p>

<p>Extradition</p> <ul style="list-style-type: none"> -suspension -legal basis -third countries involved -expected duration of suspension 	<p>Impact on extradition procedures</p> <p>State of quarantine has been withdrawn since the 16th June 2020, however, the state of emergency on the entire territory of the Republic of Lithuania remains in place. There are certain entry restrictions left which do not impact the extradition procedures.</p> <p>Legal basis for postponing the actual surrender</p> <p>(1) Resolution of the Government on declaring quarantine on the entire territory of the Republic of Lithuania; (2) Criminal Procedure Code of the Republic of Lithuania, Article 76 and international treaties.</p> <p>Need (or not) for further exchange of information</p> <p>Regarding further exchange of information - the bilateral relations with third States vary depending on country, region, legal basis (convention or bilateral agreement) therefore the information regarding particular third state may not be relevant to all Member States.</p>
<p>Transfer of sentenced persons</p> <ul style="list-style-type: none"> -prioritization in issuing/execution 	<p>Impact on the transfer of sentenced persons</p> <p>Normally, all practical transfers of prisoners are dealt with no impact, unless flight cancellations occur.</p>
<p>SIRENE Bureaux</p> <ul style="list-style-type: none"> -working of SIS bureau -exchange of information with other SIS Bureaux 	<p>Impact on the working of the SIRENE Bureau</p> <p>Lithuanian SIRENE Bureau is working at full capacity.</p> <p>Impact on the exchange of information with other SIRENE Bureaux</p> <p>No influence has been detected on international information exchange.</p>
<p>EIO and MLA</p> <ul style="list-style-type: none"> -prioritization in issuing/execution -electronic transmission -whom to contact 	<p>Impact on the issuing of EIOs and MLA requests</p> <p>None.</p> <p>Impact on the execution of EIOs and MLA requests</p> <p>None.</p>
<p>Freezing and confiscation orders</p> <ul style="list-style-type: none"> -prioritization in issuing/execution 	<p>Impact on the issuing of freezing and confiscation orders</p> <p>None.</p>
<p>JITs</p> <ul style="list-style-type: none"> -prioritization and alternative telecommunication solutions 	<p>Impact on JITs</p> <p>None.</p>
<p>Recommended channels for transmission of</p> <ul style="list-style-type: none"> -urgent requests 	<p>We consider Eurojust to be one of the main channels. We also encourage using the EJN contact points or contacts of other networks, SIS Sirene and other forms of informal communication for some specific questions or</p>

<p>-information exchange</p> <p>Contact details</p>	<p>requests in order to have the best possible coordination, given the current situation.</p> <p>In addition, regarding national focal points, for the purpose of better organisation of work during the quarantine regime, the Prosecutor General's Office of the Republic of Lithuania has created a special e-mail box – <u>International@prokuraturos.lt</u> – where all correspondence related with the international cooperation in criminal matters is asked to be sent. The information about that was circulated via Eurojust to all EU Member States.</p>
<p>Any other relevant information</p>	<p>The Lithuanian Health Ministry has published a list of EU and European Economic Area countries from which entering the territory of Lithuania will be allowed with no self-isolation. Currently the list includes Germany, Poland, France, Italy, Finland, Norway, Denmark, Austria, Bulgaria, Croatia, Cyprus, the Czech Republic, Estonia, Greece, Hungary, Iceland, Latvia, Liechtenstein, Luxembourg, the Netherlands, Romania, Slovakia, Slovenia, and Switzerland. People can travel to Lithuania from Malta, Ireland, and Spain, but are still required to self-isolate for two weeks. Meanwhile, travel from Sweden, the United Kingdom, Portugal, and Belgium is still banned. The lists will be changed every Monday taking into account the epidemiological situation in the countries.</p> <p>Since Lithuania has introduced a quarantine regime by reason of the potential spread of COVID-19 infection (the duration of the quarantine regime: from 16 March 2020 00:00 hrs until 31 May 2020 24:00 hrs) it is understandable that certain requirements have been put in place that must be complied with (on the grounds of Resolution No. 207 issued by the Government of the Republic of Lithuania on 14 March 2020 including further amendments introduced upon taking consideration of the actual situation within the country). Currently the arrival of foreigners into the Republic of Lithuania is prohibited with the exception of the citizens of the Republic of Poland, Republic of Latvia and Republic of Estonia. The persons who have arrived in Lithuania must comply with the 14-day isolation regime with the exception of persons from the countries referred to above if they have not been diagnosed with the symptoms of corona virus infection.</p> <p>The introduction of quarantine has not suspended the execution of requests for legal assistance. However, the quarantine conditions undoubtedly impact the deadlines of execution of these requests.</p> <p>All the decisions and recommendations adopted by the State Emergency Operations Centre and announced on the website of the Ministry of Health of the Republic of Lithuania must be complied with when carrying out procedural actions. The performance of procedural actions by means of direct contact with another person is restricted, therefore, whenever possible persons are questioned by using audio-visual remote transmission measures with the exception of cases where such procedural actions must be carried out without delay. Likewise, urgent searches may also be conducted in compliance with the set requirements.</p> <p>The recommendations which are currently in place must be complied with until COVID-19 prevention and protection measures are mitigated on a state level.</p>

18. Luxembourg (LU)

LUXEMBOURG 	
<p>EAW</p> <p>-issuing of EAWs (suspension; impact on already issued EAWs; prioritization in issuing new EAWs + criteria)</p> <p>- execution and postponement of the actual surrender (legal basis, adequacy, release of surrendered persons, measures to prevent released persons from absconding)</p> <p>-expected resuming of surrenders</p> <p>-transit</p>	<p>Impact on the issuing of EAWs There has been no prioritisation – the number of cases has so far been very small (4).</p> <p>Impact on the execution of EAWs and postponement of the actual surrender The execution of European arrest warrants will be ensured as far as possible when the requested person is already in detention.</p> <p>Impact on the execution of surrenders by land The number of extraditions and surrenders have considerably decreased since European governments have put in place containment measures aimed at mitigating the outbreak COVID-19. However, it has still been possible to execute a limited number of extraditions/surrenders by land and this in cooperation with the neighbouring countries.</p> <p>Impact on the execution of surrenders by air Due to the closure of the Luxembourg airport in March, no surrenders and extraditions of convicts have been executed by air. Flight traffic was limited to cargo flights shipping basic goods.</p> <p>Legal basis for postponing the actual surrender Both Articles 23(3) and 23(4) FD EAW have been used.</p> <p>Adequacy of these provisions So far, in the view of the limited number of cases (4), these provisions have been sufficient.</p> <p>Meaning of ‘circumstances beyond the control’ The current situation is force majeure and therefore would be beyond the control of the Member States. This does not mean however that we should not seek to execute surrenders if there is a way.</p> <p>Expected resuming of the surrender The gradual improvement of the situation allowed to gradually resume normal execution of the aforementioned requests from the month of May 2020. The state of emergency has ended on this 24 June 2020. Execution of the aforementioned requests will now be carried out, unless there are unforeseen new circumstances, without restrictions. As the state of emergency has caused a certain delay in the execution of requests, it is understood that it will take a certain time to resolve gradually this delay.</p>

	<p>Transit Transits are still possible and urgent cases are always treated. If there is no urgency, details about the time of execution are discussed to reduce contamination risk as far as possible. A COVID-19 negative test is not required at the moment.</p>
<p>Precautionary measures for surrender, extradition and transfer</p> <ul style="list-style-type: none"> - COVID19 test - health certificate - quarantine - facial masks 	<p>Precautionary measures Surrenders are still possible and urgent cases are always treated. If there is no urgency, details about the time of execution are discussed to reduce contamination risk as far as possible. A COVID-19 negative test is not required at the moment.</p> <p>Specific measures for the person to be transferred There are no special conditions - except the wearing of medical protective gear - for persons in a procedure of convict surrender, extradition or transfer.</p> <p>Specific measures for escorting police officers Escort police officers wear medical protective gear (e.g. Masks) during the execution of their daily work duties. The use of public transport is only permitted when wearing a protective mask. Also, the wearing of protective masks is mandatory, e.g. if the minimum distance of 2 meters from other people cannot be maintained, as well as in places accessible to the public (shops, restaurants etc.).</p>
<p>Extradition</p> <ul style="list-style-type: none"> -suspension -legal basis -third countries involved -expected duration of suspension 	<p>Impact on extradition procedures The execution of extradition requests will be ensured as far as possible when the requested person is already in detention. One case is currently being executed [extradition]. There have been no other cases or particular issues worth mentioning in the framework of this questionnaire.</p>
<p>Transfer of sentenced persons</p> <ul style="list-style-type: none"> -prioritization in issuing/execution -whom to contact 	<p>Impact on the transfer of sentenced persons Transfers of prisoners are still possible and urgent cases are always treated. If there is no urgency, details about the time of execution are discussed to reduce contamination risk as far as possible. A COVID-19 negative test is not required at the moment. The execution of requests for transfer of sentenced persons will, in principle, be suspended until after the end of the state of emergency.</p> <p>Contact details Questions relating to requests for the transfer of sentenced persons should be addressed to the following e-mail address: Pgexp@justice.etat.lu.</p>
<p>SIRENE Bureaux</p> <ul style="list-style-type: none"> -working of SIS bureau -exchange of information with other SIS Bureaux 	<p>Impact on the working of the SIRENE Bureau The Luxembourg SIRENE bureau is working at limited capacity and does not face any challenges to ensure 24/7 operation of the SIRENE Bureau.</p> <p>Impact on the exchange of information with other SIRENE Bureaux As far as information exchange is concerned, Luxembourg has experienced that the usual European information exchange channels worked well during the COVID-19 crisis.</p>

EIO and MLA -prioritization in issuing/execution -electronic transmission -whom to contact	Impact on the execution of EIOs and MLA requests The execution of requests for international mutual legal assistance in criminal matters is nearly back to normal. All incoming cases are treated. The only limitation is the fact that the police is trying in the execution to limit the total number of persons participating in house searches. The re-planning of the operations that have been postponed during the crisis is still ongoing. Electronic transmission and contact details It is still recommended to systematically send an electronic copy of requests for international mutual assistance in criminal matters to the following email address: SecSepi@justice.etat.lu
Freezing and confiscation orders -prioritization in issuing/execution	N/A
JITs -prioritization and alternative telecommunication solutions	N/A
Recommended channels for transmission of -urgent requests -information exchange Contact details	All kind of communications are accepted. <i>(see also above under EIO and MLA, Transfer of sentenced persons)</i>
Any other relevant information	Communication from the Luxembourg central authority for legal assistance in criminal matters on the health crisis caused by COVID-19, 24 June 2020 In view of the health emergency caused by « COVID-19 », Luxembourg has declared on 18 March 2020 the state of emergency. This exceptional situation has implied a limitation of the availability of magistrates and police services for non-essential and non-urgent missions. This crisis also had repercussions on the execution of requests for international mutual legal assistance in criminal matters, European Investigation Orders in criminal matters, requests for extradition, European arrest warrants and requests for transfer of sentenced persons addressed to the Grand Duchy of Luxembourg. On this subject, the Luxembourg central authority had issued on 19 March 2020 a Communication informing that the execution of requests for international mutual legal assistance in criminal matters and European Investigation Orders in criminal matters was limited to serious and urgent cases or those involving prisoners,

that the execution of extradition requests and European arrest warrants were, as far as possible, ensured when the requested person was already in detention, that the execution of requests for transfer of sentenced persons was, in principle, suspended until after the end of the state of emergency.

The gradual improvement of the situation allowed to gradually resume normal execution of the aforementioned requests from the month of May 2020. The state of emergency has ended on this 24 June 2020.

Execution of the aforementioned requests will now be carried out, unless there are unforeseen new circumstances, without restrictions.

As the state of emergency has caused a certain delay in the execution of requests, it is understood that it will take a certain time to resolve gradually this delay.

(...)

The General State Prosecutor

19. Malta (MT)


MALTA	
<p>EAW</p> <p>-issuing of EAWs (<i>suspension; impact on already issued EAWs; prioritization in issuing new EAWs + criteria</i>)</p> <p>- execution and postponement of the actual surrender (<i>legal basis, adequacy, release of surrendered persons, measures to prevent released persons from absconding</i>)</p> <p>-expected resuming of surrenders</p> <p>-transit</p>	<p>Impact on the issuing of EAWs</p> <p>With regards to the issuing of EAWs, originally the official closure of the Courts and its registry, had necessitated that, EAWs are only issued in urgent cases where the Court considers that there is a prevailing public interest which requires that the case be heard despite the risks. Having said so, now the Court registry has been opened once again and hence applications for EAWs can be filed in Court for the issue of an EAW without the need to prove urgency.</p> <p>Legally we cannot withdraw already issued EAWs if grounds for the person's arrest still exist and the local warrant is still <i>in vigore</i>.</p> <p>Impact on the execution of EAWs and postponement of the actual surrender</p> <p>Malta has not suspended in general terms the execution of EAWs. We are of course aware of the possible practical difficulties which may hinder the execution of particular EAWs but as yet we do not consider that a blanket suspension is necessary. We are of course monitoring the situation and in the first place we will try to resolve issues which may come up on a practical level.</p> <p>Legal basis for postponing the actual surrender</p> <p>In fact, we have already had one case in which the Court has ordered the postponement of the actual surrender of the requested person in view of a travel ban imposed on the officers of the requesting State in light of the COVID-19 situation. This was done in light of article 23(3) of the EAW FD and on the basis of regulations 34(4)(b) and 45(3)(b) of Legal Notice 320 of 2004 transposing the EAW FD, which basically provides that the person must be surrendered to the requesting country before the end of the <u>required period</u> (i.e. within 10 days from the final decision ordering his surrender). The term 'required period' is then defined as being also ten days starting from a later date agreed to by the requesting State. In this case, the Court authorised the postponement after it was provided with a 'later date', which was agreed to by both the requested and requesting States.</p> <p>Adequacy of these provisions</p> <p>To date, the said provisions proved to be applicable and useful. However, the situation is very fluid and this matter is subject to court interpretation depending on the circumstances of each and every case. As mentioned in the previous reply, Malta's authorities are monitoring closely the situation and resolute in trying to resolve issues on a practical level.</p>

	<p>Releases of requested persons following the postponement of the surrender</p> <p>As of 16 April 2020, the Attorney General’s office has had no cases in which the requested person was discharged. So far no such releases were necessary.</p> <p>Expected resuming of the surrender</p> <p>Malta has not suspended in general terms the execution of EAWs. We are of course aware of the possible practical difficulties which may hinder the execution of particular EAWs but as yet we do not consider that an outright general suspension is necessary. We are of course monitoring the situation and in the first place we will try to resolve issues which may come up on a practical level. In fact, we have already had one case in which the Court has ordered for two consecutive times the postponement of the actual surrender of the requested person in view of a travel ban imposed on the officers of the requesting state in light of the COVID-19 situation. This was done in light of article 23(3) of the EAW FD and on the basis of regulations 34(4)(b) and 45(3)(b) of Legal Notice 320 of 2004 transposing the EAW FD, which basically provide that the person must be surrendered to the requesting country before the end of the <u>required period</u> (i.e. within 10 days from the final decision ordering his surrender). The term ‘required period’ is then defined as being also ten days starting from a later date agreed to by the requesting state. In this case, the Court authorised the postponements after it was provided with a ‘later date’, which was agreed to by both the requested and requesting states. Hence the expected date of surrender in this particular case, is within 10 days from 10th June 2020.</p>
<p>Precautionary measures for surrender, extradition and transfer</p> <ul style="list-style-type: none"> - COVID19 test - health certificate - quarantine - facial masks 	<p>Precautionary measures</p> <p>When and if physical surrender takes place, a medical certificate certifying the person’s fitness for travel is always obtained, in order to safeguard the health of the requested person and others that come in contact with him. Whilst in detention awaiting surrender, the requested person would be subject to the same measures which apply to those that are held at the Correctional Facility.</p> <p>The precautions relating to health are those applicable to the general population which involve numerous measures (closure of schools, bars and restaurants, cinemas, clubs, etc. and also of the law courts except for urgent cases) which just fall short of a lockdown. In the case of detained persons, the measures applicable are those which apply to detainees at the Correctional Facility.</p> <p>Need (or not) for further guidance on precautionary measures</p> <p>So far, the applicable provisions have continued to be useful, despite the practical difficulties which are bound to arise given the situation. Guidance is therefore, always welcome, especially given the fact that the situation is still fluid and we do not have foresight of when normality will resume or what measures will be enforced/relaxed, depending on how the situation develops.</p>

<p>Extradition</p> <ul style="list-style-type: none"> -suspension -legal basis -third countries involved -expected duration of suspension 	<p>Impact on extradition procedures</p> <p>Malta has not suspended extradition procedures to third States due to the Covid-19 situation. We are also not informed that third States have suspended extradition procedures to Malta.</p>
<p>Transfer of sentenced persons</p> <ul style="list-style-type: none"> -prioritization in issuing/execution 	<p>Impact on the transfer of sentenced persons</p> <p>Possibly yes, given the travel restrictions imposed by Malta and by many other States.</p>
<p>EIO and MLA</p> <ul style="list-style-type: none"> -prioritization in issuing/execution -electronic transmission -whom to contact 	<p>Impact on the issuing of EIOs and MLA requests</p> <p>Yes, prioritization considerations may also be applicable to other instruments, such as the EIO for instance when requesting the hearing of a witness on oath, given that such procedure is done before the Courts of Law.</p> <p>Impact on the execution of EIOs and MLA requests</p> <p>Specifically, with regards to the EIO, it depends very much on the measure being requested. Although all efforts are being done so that the impact of the crisis will be contained as much as possible we cannot rule out that there could be a negative impact on the execution of the same. This also in light of the fact that court proceedings and legal time limits have been suspended save for urgent cases and cases where the Court considers that a superseding public interest militates in favour of hearing the case despite the risks. For example, if an EIO requests the hearing of a witness this might not be possible because of court closure and hence the execution will be delayed.</p> <p>If an EIO requested for a witness hearing on oath while the Courts are closed by order of the Superintendent for Health, contact was made with the issuing authority to determine the urgency of such request. In the event that such requests are urgent we can file an application asking the Court to execute the said request as a matter of urgency.</p> <p>House searches now can also be done with the opening of the Court Registry however police effecting such searches will be asked to take the necessary precautions.</p> <p>Contact details</p> <p>The new address of the Office of the Attorney General (MT), the designated central authority to process MLA requests is :</p> <p>Office of the Attorney General 53, Admiralty House, South Street, Valletta, VLT 1101, Malta. Tel : +356 22488800. Email : ag@gov.mt.</p>

<p>Freezing and confiscation orders -prioritization in issuing/execution</p>	<p>Impact on freezing and confiscation orders Freezing and Attachment Orders are considered urgent by their very nature due to the risk of assets being dissipated. Given that freezing and confiscation orders are issued by means of a court order, the same restrictions strictly speaking are applicable to such orders. Having said so, to date, the Court deemed all requests for freezing orders as requests that merit the opening of the Court Registry in view of fear of dissipation of funds. Hence, in practise such requests were not really effected by the COVID-19 circumstances.</p>
<p>JITs -prioritization and alternative telecommunication solutions</p>	<p>N/A</p>
<p>Recommended channels for transmission of -urgent requests -information exchange</p>	<p>We would recommend Eurojust/EJN and SIS Sirene. For the transmission of EIOs and MLA requests, <i>see</i> above 'EIO and MLA'.</p>
<p>Any other relevant information</p>	<p>Generally, the same procedures which applied pre-COVID 19 in the area of judicial cooperation, continue to apply now. Having said so, a few problems might have arisen in view of the COVID-19 situation. In these cases practical solutions have been sought.</p>

20. Netherlands (NL)

NETHERLANDS 	
<p>EAW</p> <p>-issuing of EAWs (suspension; impact on already issued EAWs; prioritization in issuing new EAWs + criteria)</p> <p>- execution and postponement of the actual surrender (legal basis, adequacy, release of surrendered persons, measures to prevent released persons from absconding)</p> <p>-expected resuming of surrenders</p> <p>-transit</p>	<p>Impact on the issuing of EAWs</p> <p>There is no general decision to suspend the issuing of EAWs. We do not apply restrictions with regard to specific Member States.</p> <p>Impact on the execution of EAWs and postponement of the actual surrender</p> <p>The International Center for Legal Assistance Amsterdam (IRC), as the competent authority to receive and to execute all incoming EAWs, can provide the following information relating to COVID-19: The situation as of the 24th of June 2020:</p> <ul style="list-style-type: none"> • Arrests of wanted persons for an EAW occur, about 2/3 of the normal amount. • The Court of Amsterdam on the 28th of April resumed court sessions to decide on the surrender. Mostly regarding detained persons, but also now court sessions with conditionally released wanted persons have resumed. This means on average that 20 surrender cases a week are being dealt with in court sessions. • Physical surrenders (handing over of wanted persons) take place with every member state now. Although not always within the prescribed period of ten days after the decision on surrender. <p>Impact on the execution of surrenders by land</p> <p>There has been no general decision to suspend the execution of surrenders or extraditions in the Netherlands. With regard to surrenders, the CA will decide on a case by case basis whether or not to proceed with the actual surrender depending on the measures of Member States. All actual surrenders still take place with Germany and Belgium over land.</p> <p>Impact on the execution of surrenders by air</p> <p>There has been no general decision to suspend the execution of surrenders or extraditions in the Netherlands. Transfers by air have been hampered, however, by cancellation or lack of flights in the Netherlands and Member States. Several Member States have requested an extension of the time period for the actual surrender. Since the end of May, some physical surrenders by (especially arranged non-commercial) flights have taken place to Poland and Spain.</p> <p>Legal basis for postponing the actual surrender</p> <p>A temporary suspension of the surrender related to COVID-19 – force majeure – can be based on Article 23 FD EAW, implemented in Article 34.2 and 35.2 of the Dutch Surrender Act.</p>


	<p>Releases of requested persons following the postponement of the surrender</p> <p>After a request for an extension of the time period for the actual surrender, the PPO assesses if a prolongation of detention is necessary. This is based on the risk of absconding. The Court decides, on the same base, on requests of the defence to conditionally release the wanted person. A limited amount of persons were conditionally released, the majority remained detained.</p> <p>Measures to prevent released persons from absconding</p> <p>With regard to the persons in custody because of an EAW, it will be examined per case if the requested person is a flight risk. If there is no risk of absconding, the PPO will examine if house arrest is a possibility. Other conditions will be handing over of travel/identity documents and reporting at a police station once or twice a week.</p> <p>Expected resuming of the surrender</p> <p>At the moment as an executing authority we still encounter some requests for postponement of the physical surrender, but this is usually accompanied with a later date for a flight (later then the first ten days after the decision on surrender).</p> <p>Transit</p> <p>Requests for transits are still hampered and are approached case by case. Detainees cannot be held in the cell block of the Royal Marechaussee at Schiphol Airport and escorting officers will not be accompanied by the Marechaussee unless there is a threat to public order.</p>
<p>Precautionary measures for surrender, extradition and transfer</p> <ul style="list-style-type: none"> - COVID19 test - health certificate - quarantine - facial masks 	<p>Specific measures for the person to be transferred</p> <p>The PPO did not receive requests regarding health certificates or protective equipment. No COVID test needed. In order to be able to detain a requested person with symptoms of COVID-19, a declaration by a GGD-doctor is required that he is not ill.</p> <p>Detainees cannot be held in the cell block of the Royal Marechaussee at Schiphol Airport. No medical certificate or negative test is required.</p> <p>The penitentiaries and the services that take care of the transport of the requested persons will take all necessary measures that have been imposed nation-wide because of COVID-19.</p> <p>Specific measures for the escorting police officers</p> <p>No regulation on testing of escorting officers, as far as we know.</p> <p>If travelling by public transportation a mask should be worn. Public transportation has resumed to a normal schedule. Hotels are open however availability could be limited. A distance of 1.5 meters to other persons should be maintained at all times.</p> <p>Need (or not) for further guidance on precautionary measures</p> <p>If guidance would mean that every member state should require the same certificate and precautionary measures, then no. If guidance would mean a compilation of the required precautionary measures per member state, if any, then this could be helpful”.</p>

<p>Extradition</p> <ul style="list-style-type: none"> -suspension -legal basis -third countries involved -expected duration of suspension 	<p>Impact on extradition procedures</p> <p>Extradition procedures have not been suspended. The Central Authority is following normal procedures and delivering extradition decisions as normal. The Netherlands Central Authority received no official communication from any third state that extradition procedures are suspended, although in practice it can be assumed that in some states they are. For obvious reasons, the actual transfer of persons is often delayed or even suspended, because of practical obstacles. On a case by case basis, the Netherlands, where possible, looks for solutions to this problem, giving priority to urgent cases. The Netherlands expects that the actual transfer of persons to several countries will be resumed in July 2020. In addition, in some countries there seems to be an increase in the amount of conditional releases, again for obvious reasons. It is as yet unclear what the consequences of this practice will be.</p> <p>Need (or not) for further exchange of information</p> <p>The Netherlands is interested to exchange information on possible suspensions of extradition procedures by third countries and on practical solutions for transfer of persons in the framework of extraditions.</p>
<p>Transfer of sentenced persons</p> <ul style="list-style-type: none"> -prioritization in issuing/execution 	<p>Impact on the transfer of sentenced persons</p> <p>Regarding transfers of prisoners the same procedure applies as with regard to surrender of requested persons. The CA will decide on the basis of 'case by case' whether or not to proceed the actual transfer, depending the measures of Member States.</p> <p>With regard to the transfers of convicts, the CA continues the substantive examination of cases. However, all international transports have been postponed until further notice. No distinction was made between transfers over land and transfers by air. Following recent developments, the resumption of transfers of convicts is being examined. It is likely that the actual transfers of convicts over land will be resumed at an earlier stage than transfers by air.</p>
<p>SIRENE Bureaux</p> <ul style="list-style-type: none"> -working of SIS bureau -exchange of information with other SIS Bureaux 	<p>Impact on the working of the SIRENE Bureau</p> <p>The Dutch SIRENE Bureau is working at full capacity and has worked at full capacity since the outbreak of COVID-19. We do not face challenges to ensure 24/7 operation at the moment. In early March we divided the team in a front office working at the physical SIRENE location and a back office working from home. The front office worked in a minimal workforce capacity of two team members. Overall, normal capacity was maintained. All irregular shifts took place at the office. We are now slowly increasing the amount of personnel in the office. At the moment we have three team members working at the work location.</p> <p>Impact on the exchange of information with other SIRENE Bureaux</p> <p>There have been a few occasions where there was a time delay in exchange of information. However, the effects were minimal and this did not lead to a (potential) threat of business operations.</p>

<p>EIO and MLA -prioritization in issuing/execution -electronic transmission -whom to contact</p>	<p>Impact on the issuing of EIOs and MLA requests EIOs will still be issued, however we are aware of the restrictions that apply in several Member States.</p> <p>Impact on the execution of EIOs and MLA requests EIOs and MLA requests will be executed not only in emergency situations. Of course, the measures taken with regard to the pandemic result in prioritising the execution of MLA's. The actual limitations concerns mainly requests/EIO that require physical contact, such as questioning and search of premises. All other requests can be handled and executed.</p> <p>Electronic transmission and contact details Preferably by email, to the ordinary addresses in EJM Atlas. But through mail is still possible, although can no longer be guaranteed.</p>
<p>Freezing and confiscation orders -prioritization in issuing/execution</p>	<p>Impact on the issuing of (freezing and) confiscation orders NL has temporarily stopped sending requests under FD 2006/783/JHA (confiscation orders) to other Member States. This partly because of the uncertain delivery of post via regular mail and partly because several Member States have indicated not to be able to process these requests at this moment due to the effect of the Covid19 situation in that Member State. In case of urgent cases, we will seek contact with the competent authority in the other Member State to discuss which possibilities there are to transfer that urgent case.</p> <p>Impact on the execution of (freezing and) confiscation orders There are no special provisions in NL for the incoming cases under FD 2006/783/JHA (confiscation orders). NL can still receive those cases and is also able to recognize them and initiate the enforcement procedure (during the enforcement procedure there will be special attention for the circumstances caused by the Covid19 measures). NL is also able to receive and deal with follow up correspondence on these cases.</p>
<p>Financial Penalties -prioritization in issuing/execution</p>	<p>Impact on the issuing of decisions for the payment of financial penalties NL has temporarily stopped sending requests under FD 2005/214/JHA (financial penalties) to other Member States. This partly because of the uncertain delivery of post via regular mail and partly because several Member States have indicated not to be able to process these requests at this moment due to the effect of the Covid19 situation in that Member State. In case of urgent cases, we will seek contact with the competent authority in the other Member State to discuss which possibilities there are to transfer that urgent case.</p> <p>Impact on the execution of decisions for the payment of financial penalties There are no special provisions in NL for the incoming cases under FD 2005/214/JHA (financial penalties). NL can still receive those cases and is also able to recognize them and initiate the enforcement procedure (during the enforcement procedure there will be special attention for the circumstances caused by the Covid19 measures). NL is also able to receive and deal with follow up correspondence on these cases.</p>

<p>JITs -prioritization and alternative telecommunication solutions</p>	N/A
<p>Recommended channels for transmission of -urgent requests -information exchange</p> <p>Contact details</p>	<p>All urgent requests from Member States can be sent by e-mail to the LIRC, the National International Center for Legal Assistance: LIRC-LP@politie.nl</p> <p>Contact can be made through SIS Sirene and Interpol (24/7).The communications between, EJN NCs or CPs or other specific contact point mentioned by Member States in separate mails, have been very helpful, so this channel is also useful. Furthermore communication could also take place through Eurojust.</p> <p>Since it is still possible that the (international) service of regular mail (by post) is hindered because of Covid19 measures, it is advised to send an email to centralauthority@cjib.nl if you receive no response after sending a request or letter to check if the request/letter has been received by the CJIB (central authority for FD 2005/214/JHA (financial penalties) and FD 2006/783/JHA (confiscation orders)).</p> <p>The department in the Dutch Ministry of Justice and Security responsible for international cooperation in criminal matters, AIRS ('Afdeling Internationale Rechtshulp in Strafzaken'): airs@minjenv.nl.</p>
<p>Any other relevant information</p>	<p>Impact of general COVID-19 measures on the processing of requests</p> <p>Dutch judicial and police authorities will continue to execute requests and decisions for cooperation in criminal matters. However, also in the Netherlands preventive measures have been taken which have a limiting effect on our possibilities in executing the request. (...) Therefore it is possible that we will have to prioritize on the execution of your requests. It is also foreseeable that execution of your requests may be delayed, especially when physical contact is necessary for the execution of the request, like the interview of a witness or a house search.</p> <p>Furthermore, due to the preventive measures that have been taken, there is limited access to courts. Most judges and public prosecutors and colleagues working at our Central Authority will work from home.</p> <p>For this reason, I would like to ask you to communicate your requests by e-mail only, either directly to the IRC's- where direct contact is possible - or to the competent central authorities. I would also like to ask you to consider if your request can be postponed and send later in the year. (...)</p>

21. Poland (PL)


POLAND	
	
<p>EAW</p> <ul style="list-style-type: none"> -issuing of EAWs <i>(suspension; impact on already issued EAWs; prioritization in issuing new EAWs + criteria)</i> - execution and postponement of the actual surrender <i>(legal basis, adequacy, release of surrendered persons, measures to prevent released persons from absconding)</i> -expected resuming of surrenders -transit 	<p>Impact on the issuing of EAWs</p> <p>The EAW system in Poland is completely decentralised and all the decisions regarding the EAW mechanism are taken by the circuit courts. There are no guidelines or provisions related to the prioritisation of issuing of EAWs; judges decide independently in a concrete case. The courts are not obliged to inform the central authority (the Ministry of Justice) of any issues related to the EAW, including any decisions on the suspension of issuing of EAWs; it is a voluntary act.</p> <p>Impact on the execution of EAWs and postponement of the actual surrender</p> <p>Surrenders are possible. However, there are serious impediments to hand over/take over individuals arrested in the framework of EAW proceedings. This problem is connected with flight restrictions, for example. Therefore there are actions taken to postpone the process to hand over arrested individuals.</p> <p>In Poland there is no possibility to suspend the execution of EAWs <i>ex officio</i>, in particular by any decision of the Minister of Justice. The EAW system in Poland is decentralized and only courts have an exclusive competence in relation to the EAWs execution. The decisions regarding the EAW mechanism are taken by the circuit courts. Therefore only the courts decide – on a <i>case by case</i> basis – whether there are grounds to suspend the procedure related to the EAWs or to take any other decision in this regard / which provision of the FD EAW should be applied for the temporary suspension of surrenders. The courts are not obliged to inform the central authority (the Ministry of Justice) of any issues related to the EAW, including any decisions on the suspension of execution of EAWs; it is a voluntary act.</p> <p>Impact on surrender, extradition, transfer by land</p> <p>The COVID-19 pandemic has not had an influence on the execution of surrenders by land in Poland.</p> <p>Impact on surrender, extradition, transfer by air</p> <p>The COVID-19 pandemic has had a significant influence on the execution of surrenders, extraditions and transfers of convicts by air in Poland. It was caused by the introduction of restrictions on air traffic on the territory of the Republic of Poland.</p> <p>Legal basis for postponing the actual surrender</p> <p>So far, the Ministry of Justice has been informed only about 1 case where Art. 23(3) of the FD EAW was applied.</p> <p>According to Art. 607n of the CCP:</p> <p>§ 1. A requested person, against whom a final and binding decision on surrender was issued, is surrendered to a competent judicial authority of the issuing State</p>

	<p>no later than within seven days of the day on which the decision on surrender becomes final and binding.</p> <p>§ 2. If the surrender of the requested person within the time limit referred to in § 1 is not practicable due to an event of force majeure or a danger to the life or health of this person, the requested person is surrendered to a competent judicial authority of the issuing State no later than within 10 days of the newly fixed time limit.</p> <p>§ 3. If the issuing State fails to take a person liable to surrender into custody within the time limits laid down in § 1 or 2, the immediate release of such person is ordered, unless he is deprived of liberty in another case.</p> <p>Adequacy of these provisions Currently these provisions seem to be applicable and sufficient.</p> <p>Releases of requested persons following the postponement of the surrender No data available in relation to this type of cases.</p> <p>Transit Due to flight restrictions the handing over of individuals like air transit through third country territory was not done/not realized. More recently, transit of the persons via the territory of Poland is carried out, however, in each case the final decision is taken by the Ministry of Justice.</p>
<p>Precautionary measures for surrender, extradition and transfer</p> <ul style="list-style-type: none"> - COVID19 test - health certificate - quarantine - facial masks 	<p>Specific measures for the person to be transferred There are special conditions for surrenders. They are equipped with medical protective gear. No COVID-19 tests are currently required for surrenders. They are taken from custody, where they undergo general examinations before being delivered to the convoy.</p> <p>Specific measures for the escorting police officer There are special conditions for escort police officers. They are equipped with medical protective gear such as protective masks, protective suits, protective gloves, disinfectants. Since the beginning of the COVID-19 pandemic, we have not carried out convoys in which escort police officers would use accommodation or public transport on the territory of foreign countries.</p>
<p>Extradition</p> <ul style="list-style-type: none"> -suspension -legal basis -third countries involved -expected duration of suspension 	<p>Impact on extradition and legal basis for postponing the actual surrender</p> <p><u>Extradition to third countries:</u> There was one case that, after a decision to extradite a fugitive to a third country was taken, the requesting state asked to postpone the period for actual surrender of the fugitive due to the COVID-19 and transportation problems. The request of the requesting state to postpone a surrender and at the same time to prolong a detention period was submitted to the court which issued a decision on admissibility of extradition and was competent to decide on the detention of the fugitive. The court accepted the request and prolonged the detention. The possibility to prolong the period for actual surrender was provided in the <u>bilateral agreement</u> for extradition which was the basis for extradition request.</p> <p><u>Extradition from third countries:</u> There have been two cases when Poland asked the states where the extradition requests were sent, to prolong detention and</p>

	<p>postpone the date for taking over of the persons to be extradited. In one case cooperation with the requested state is based on the convention which allows for postponing of taking over of persons to be extradited and in the second on reciprocity principle only. In one case cooperation with the requested state is based on the <u>convention</u> which allows for postponing of taking over of persons to be extradited and in the second on <u>reciprocity principle</u> only.</p> <p>In the first case requested state agreed to postpone the taking over of the fugitive, in the other the proceeding is still pending.</p>
<p>Transfer of sentenced persons -prioritization in issuing/execution</p>	<p>Impact on the transfer of sentenced persons Transfers of prisoners are dealt like in EAW cases.</p>
<p>SIRENE Bureaux -working of SIS bureau -exchange of information with other SIS Bureaux</p>	<p>Impact on the working of the SIRENE Bureau Please be informed that SIRENE Poland is operational 24/7 and COVID-19 situation has not had significant impact on daily work of the bureau. There were some changes in organization of daily work, e.g. some people work remotely or were on special sick leave for a child, however the work continuity has been maintained.</p> <p>Impact on the exchange of information with other SIRENE bureaus The COVID-19 situation has not had any impact on exchange of information with foreign SIRENE Bureaus.</p>
<p>EIO and MLA -prioritization in issuing/execution -electronic transmission -whom to contact</p>	<p>Impact on the issuing of EIOs and MLA requests EIOs and MLA requests are not dealt only in emergency cases. Prioritisation is not applied.</p> <p>Impact on the execution of EIOs and MLA requests EIOs and MLA requests are not dealt only in emergency cases. However, in regard to non-emergency orders delays in execution may occur.</p> <p>Electronic transmission and contact details We strongly recommend to send EIO/MLA requests by email only, to the ordinary addresses indicated in the EJN-Atlas. In case of emergency (e.g. pre-trial arrest) or difficulties in establishing the competent authority (e.g. actions to be taken in different parts of the State), please send EIO/MLA requests to:</p> <p><u>In pre-trial proceedings:</u> National Prosecutor's Office Bureau of International Cooperation, 3 Postępu Str., 02-676 Warszawa; e-mail: sekretariat.bwm@pk.gov.pl</p> <p><u>In trial and post-trial proceedings:</u> Ministry of Justice, Department of International Cooperation and Human Rights, Al. Ujazdowskie 11, 00-950 Warszawa; e-mail: dwmmpc@ms.gov.pl.</p>

Freezing and confiscation orders -prioritization in issuing/execution	Impact on freezing and confiscation orders Prioritisation is not applied.
JITs -prioritization and alternative telecommunication solutions	Impact on JITs Prioritisation is not applied.
Recommended channels for transmission of -urgent requests -information exchange	All the channels should be used on a case by case basis in order to facilitate the procedure. For the transmission of EIOs and MLA requests, <i>see</i> above 'EIO and MLA'.
Any other relevant information	N/A

22. Portugal (PT)

PORTUGAL 	
<p>EAW</p> <ul style="list-style-type: none"> -issuing of EAWs <i>(suspension; impact on already issued EAWs; prioritization in issuing new EAWs + criteria)</i> - execution and postponement of the actual surrender <i>(legal basis, adequacy, release of surrendered persons, measures to prevent released persons from absconding)</i> -expected resuming of surrenders -transit 	<p>Impact on the issuing of EAWs</p> <p>Courts in Portugal are in full work now and will be kept that way unless the sanitary situation demands for some restriction in their activities. Therefore, the issuing of EAWs returns to normal. Information provided during the confinement period, that is According with the confinement rules of Portugal, Courts are now mostly working only with urgent serious cases; that will naturally impact the procedures of issuing EAWs that will only be used for serious cases. Also the Prosecutor General issued a general instruction, addressing several issues related with the COVID situation, among which one underlining the need to carefully consider the need to impose measures that imply deprivation of liberty to situations that, due to their seriousness, justify such measures. That also impacts EAW issuing since they will depend on a domestic decision on provisional arrest, is now outdated.</p> <p>Impact on the execution of EAWs and postponement of the actual surrender</p> <p>No decision has been taken to temporary suspend the execution of EAWs during the confinement period. Now that Courts restarted their normal activities also execution of EAWs and physical surrender of persons follows regular procedure and delays. During the confinement period Courts suspended their activities except for urgent cases. In case someone was arrested, the EAW procedure was started because it is an urgent procedure and on duty Magistrates and clerks dealt with it.</p> <p>Impact on surrender, extradition, transfer by land</p> <p>The COVID-19 pandemic has had no impact on the execution of surrenders, extraditions and transfers by land between Portugal and Spain, the only neighboring MS. Since June all surrenders, extradition and transfers by land became as frequent and following the rules that were applied before the confinement period.</p> <p>Impact on surrender, extradition, transfer by air</p> <p>After June, slowly all surrender, extradition and transfers by air became as frequent and following the rules that were applied before the confinement period. Information provided during the confinement period The passive surrenders, extraditions and transfers (from Portugal to other MS) are taking place as normally as possible, that is whenever the colleagues from other MS are able to make a flight plan to travel to Portugal and back to their home country. Whenever this is not possible, due to flight restrictions, we ask the competent Court of Law to postpone the surrender, extradition or transfer until it is possible to take place. This request is usually granted by the Court.</p>

As for the active surrenders, extraditions and transfers (from other MS to Portugal) they have been suspended due to the fact the national airline carrier TAP has currently no flights or very few flights to and from other MS. Portugal intends to resume active surrenders, extraditions and handovers as soon as this situation changes, that is when the national airline resumes normal flight schedule to and from other MS, which we foresee will take place in early June, will apply in case sanitary conditions so impose.

Legal basis for postponing the actual surrender

The Portuguese authorities in the limited situations concerning surrender under these new conditions have applied article 23(4) of FWD 2002/584/JHA to postpone the surrender of persons requested by EU authorities.

Adequacy of these provisions

This provision is sufficient, since it establishes no delay for surrender, when the situation, in concrete, concerns an EAW for enforcement of a conviction. It might cause problem when the EAW is for criminal procedure, when time limits to keep the person under custody are reached.

Releases of requested persons following the postponement of the surrender

No cases identified. However, in the case of a Portuguese EAW executed in Spain, the surrender is now scheduled, allegedly because the deprivation of liberty of the person to be surrendered cannot be postponed anymore.

Expected resuming of the surrender

Portuguese authorities have been surrendering persons as requested State, when conditions are met, mostly at the land boarder, since many flights have been suspended but not as requesting State. In fact, Portuguese police officers in principle should fly in the national company that has suspended most flights. For that reason surrenders to Portugal, as requesting State or issuing authority, will only resume from June. The concerned procedures will be activated from the third week of May. It is possible to confirm that surrenders followed usual rules from June on.

Transit


So far the Portuguese authorities have not implemented any measures specifically addressed to the transit of persons. Generic preventive measures may apply.

The transit through Portuguese territory, maintain the same rules previously established, if there is entry into national territory, the previous rules must be complied with the specific rules currently in force for the pandemic situation COVID-19. Transit became normal from June on.

<p>Precautionary measures for surrender, extradition and transfer</p> <ul style="list-style-type: none"> - COVID19 test - health certificate - quarantine - facial masks 	<p>Precautionary measures So far Portugal has been requested to provide health certificates to persons to be surrendered when they transit through Austria. Persons to be surrendered to Portugal will be introduced in the prison system but will remain in quarantine; this situation is already in place for the surrenders/transfers by land that went on within the bilateral cooperation with Spain.</p> <p>Specific measures for the person to be transferred There are no special conditions for the ingress in prison of persons surrendered, extradited or transferred to Portugal from another MS. Ingress will take place at one of the prisons designated for the admission of new inmates, subject to a quarantine period before joining the general prison population.</p> <p>Specific measures for the escorting police officer Yes, the escort of police officers must be protected with medical protective equipment (facemasks and/or visor and disposable gloves) Regarding measures on overnight stay and the use of public transport, the rules are those used for the general population.</p> <p>Need (or not) for further guidance on precautionary measures We believe it would be helpful to know in advance which type of precautionary measures each State will be requiring.</p>
<p>Extradition</p> <ul style="list-style-type: none"> -suspension -legal basis -third countries involved -expected duration of suspension 	<p>Impact on extradition procedures In a case of an extradition to Switzerland, already granted, the surrender of the person has been postponed once, due to the limited availability of the officials from the requesting State to travel to pick the person and accompany him, and is now scheduled.</p>
<p>Transfer of sentenced persons</p> <ul style="list-style-type: none"> -prioritization in issuing/execution 	<p>Impact on the transfer of sentenced persons Some transfers of prisoners, especially physical removal, have been cancelled due to COVID-19 implications, mainly in order to avoid circulation in airports.</p>
<p>SIRENE Bureaux</p> <ul style="list-style-type: none"> -working of SIS bureau -exchange of information with other SIS Bureaux 	<p>Impact on the working of the SIRENE Bureau SIRENE Portugal is working at full capacity, but due to the COVID-19 situation the SIRENE staff has been working remotely from home.</p> <p>Impact on the exchange of information with other SIRENE Bureaux There has been no impact on the time taken for exchanging information with other MS, as the SIRENE staff has access to all the relevant police databases.</p>

EIO and MLA -prioritization in issuing/execution -electronic transmission -whom to contact	Impact on the issuing of EIOs and MLA requests EIOs are being issued and translated but their sending is affected, suspended or postponed. The sending of EIOs is limited to serious cases.
Freezing and confiscation orders -prioritization in issuing/execution	N/A
JITs -prioritization and alternative telecommunication solutions	N/A
Recommended channels for transmission of -urgent requests -information exchange	In Portugal, judicial authorities as well as the central authority have <i>on duty services</i> . Direct requests to the competent authorities, in cases of EAW, are considered <i>very urgent</i> ; EIOs, with the mention of urgency clearly stated in the subject will be addressed immediately. We also consider that the intervention of urgent police channels, as well as EUROJUST, in duly justified cases, are an added value.
Any other relevant information	So far a decision to suspend delays is in force what, in many cases, had the direct impact of suspending all procedures, with the exception of urgent cases (persons under custody or other cases that have the same nature). Judicial measures could only be enforced if sanitary precautions were met. Therefore the information that we have is that during the last 7 weeks they didn't take place. Due to the end of the confinement period this decision has been outdated.

23. Romania (RO)


ROMANIA 	
<p>EAW</p> <p>-issuing of EAWs (suspension; impact on already issued EAWs; prioritization in issuing new EAWs + criteria)</p> <p>- execution and postponement of the actual surrender (legal basis, adequacy, release of surrendered persons, measures to prevent released persons from absconding)</p> <p>-expected resuming of surrenders</p> <p>-transit</p>	<p>Impact on the issuing of EAWs No significant impact.</p> <p>Impact on the execution of EAWs and postponement of the actual surrender The execution of EAWs has not been suspended. The number of requests to agree on new surrender dates (article 23 paragraph 3 of the FD) has increased. As executing authorities, Romanian courts continued the hearing procedures on the EAWs, including through videoconference.</p> <p>Impact on surrender, extradition, transfer by land Surrenders are difficult, in the light of travel restrictions and travel bans imposed in the EU. The number of transit requests has increased (both incoming and outgoing).</p> <p>Impact on surrender, extradition, transfer by air Same as above.</p> <p>Legal basis for postponing the actual surrender (Articles 23 (3) and/or 23 (4) EAW FD) Provisions of article 23 paragraphs 3 and 4 of FD 2002/584/JHA.</p> <p>Adequacy of these provisions In our opinion, the COVID 19 pandemic falls under the categories envisaged by article 23 (3) and (4). We deem those provisions sufficient.</p> <p>Meaning of ‘circumstances beyond the control’ The interpretation of the notion “prevented by circumstances beyond the control of any of the Member States” in Article 23 (3) of the EAW FD should be made from a broader perspective, meant to reach the purpose for which that provision exists. Thus, in the current context of the COVID-19 pandemic, the circumstances covered by Article 23 (3) are not limited to particular measures such as temporary closer of borders or cancelling of flights, restriction of the freedom of movement within the territory of some Member States or to establishing the state of national emergency (as it is the case also in Romania, as of 16 March). The <u>circumstance “beyond the control of any of the Member States”</u> is this pandemic itself, which could not be foreseen by any of the Member States, by any of us. Closure of borders or cancelling flights are just two of the effects of this situation, but not the only ones and not necessarily the ones which represent the biggest obstacle to the effective surrender. The main argument</p>

	<p>to apply Article 23 (3) is the protection of the public health, taking also the account the quarantine / isolation measures decided in most of the Member States, as well as the need to protect the law enforcement and judicial staff, but also the persons sought. Moreover, due to the state of emergency declared some Member States, the judicial activities are also performed in accordance with specific measures, even if EAW is among the urgent matters. If the current situation determined by COVID-19 is not as a whole a “circumstance beyond the control of any of the Member States” which falls in the scope of Article 23, a more obvious example cannot be imagined. We should make all of us prove of flexibility and to interpret the existing legislation in the interest of serving justice and of an effective judicial cooperation. Thus, any narrow interpretation is contrary to the letter and spirit of the EAW FD.</p> <p>Releases of requested persons following the postponement of the surrender Generally, arrest of the requested persons is maintained. It is to be noted that the maximum duration of the arrest during the procedure for the execution of an EAW is maximum 180 days.</p> <p>Measures to prevent released persons from absconding The measures taken in order to prevent absconding were ordering the general obligations related to the release under supervision (to report to the police, limitations of movement etc.).</p> <p>Expected resuming of the surrender Surrender of persons has resumed, but it is influenced by flight and travel restrictions.</p> <p>Transit Transit is possible, it will have to be approved by the Court of Appeal Bucharest. The number of transit requests has increased.</p> <p>Electronic transmission and contact details Requests should be sent by email. Central authorities can assist, but direct contact is preferred. For EAW, custodial sentences, as well as for EIOs and MLA requests during trial stage and regarding enforcement of sentences: dreptinternational@just.ro</p>
<p>Precautionary measures for surrender, extradition and transfer</p> <ul style="list-style-type: none"> - COVID19 test - health certificate - quarantine - facial masks 	<p>Precautionary measures The general precautionary measures have been established. The national Administration of Penitentiaries drafted a specific plan to prevent and limit the spread of the coronavirus, limiting contacts as much as possible and putting in place measures to use of remote communication.</p> <p>Specific measures for the person to be transferred After surrender, the person will undergo a 21 days mandatory quarantine.</p>

	<p>Specific measures for the escorting police officer None</p> <p>Need (or not) for further guidance on precautionary measures Guidelines are welcomed in order to ensure the continuity of the surrender/transfer missions, without delays or quarantine the members of the escorts on the territories of other states.</p>
<p>Extradition -suspension -legal basis -third countries involved -expected duration of suspension -transit</p>	<p>Impact on extradition procedures Extradition procedures from Romania have not been suspended and neither have been extradition from other states. The problems arise when surrender is concerned, the reasons being the same as in the cases of EAWs.</p> <p>Need (or not) for further exchange of information Exchange of information on extradition in relation with third states would be welcome.</p>
<p>Transfer of sentenced persons -prioritization in issuing/execution - transit</p>	<p>Impact on the transfer of sentenced persons The judicial and administrative procedures are not affected. Issues occur when it comes to the physical surrender of the transferred persons, for the same reasons as in the cases of EAW and extradition.</p>
<p>SIRENE Bureaux -working of SIS bureau -exchange of information with other SIS Bureaux</p>	<p>Impact on the working of the SIRENE Bureau SIRENE Romania is working at full capacity. Half of the personnel works AM, the other PM, with 30 minutes between shifts, to avoid interaction between people. We have Frontdesk officers working 24/7, as usual.</p> <p>Impact on the exchange of information with other SIRENE Bureaux We have not had any issues with the exchange of information, nor as far as time response is concerned, nor any other type of problems with any MS. An important number of forms was exchanged in order to obtain the prolongation of person`s arrest when the period of 30 days expired, a new date of surrender was requested by judicial authorities taking into consideration the provisions of Art. 23 (3, 4) of framework decision 2002/584/JHA.</p>
<p>EIO and MLA -prioritization in issuing/execution -electronic transmission -whom to contact</p>	<p>Impact on the issuing of EIOs and MLA requests No significant impact. The number of EIOs concerning hearing via videoconference has increased.</p> <p>Impact on the execution of EIOs and MLA requests Same as above.</p> <p>Electronic transmission and contact details EIOs and mutual legal assistance requests should be sent by email. Central authorities can assist, but direct contact is preferred. For <u>EIOs and MLA requests</u> during trial stage: dreptinternational@just.ro For EIOs and MLA requests issued during investigation/prosecution: coop@mpublic.ro</p>

	<p>For EIOs and MLA requests issued during prosecution, for organised crime and terrorism offences: diicot_cooperation@mpublic.ro</p> <p>For EIOs and MLA requests issued during prosecution, for corruption offences: anticoruptie@pna.ro</p>
<p>Freezing and confiscation orders</p> <p>-prioritization in issuing/execution</p>	<p>Impact on freezing and confiscation orders</p> <p>Not affected.</p>
<p>JITs</p> <p>-prioritization and alternative telecommunication solutions</p>	<p>Impact on JITs</p> <p>The activities during JITs that imply direct contact between participants are affected, but we are not aware of significant changes in this matter.</p>
<p>Recommended channels for transmission of</p> <p>-urgent requests</p> <p>-information exchange</p> <p>Contact details</p>	<p>The advice is to communicate requests by e-mail only, either directly to courts or prosecutor's offices – where direct contact is possible – or to the competent central authorities.</p> <p>As far as the Ministry of Justice is concerned, as Romanian Central Authority for extradition, EAW, FD 2008/909, EIO Directive and MLA during trial phase etc., please contact it via e-mail at the functional inbox of the Directorate for International Law and Judicial Cooperation: dreptinternational@just.ro</p> <p>In urgent situations, Eurojust and SIS/Sirene should be the preferred channels to use. Of course, central authorities have not suspended their activity, even though measures for remote work are in place.</p>
<p>Any other relevant information</p>	<p>The state of emergency in Romania has ceased, being replaced by the state of alert, until 14 October 2020. Courts and prosecution offices have resumed their activities.</p> <p>In criminal cases, if the judicial authority deems that this does not affect carrying out of the trial or the rights and interests of the parties, persons deprived of their liberty are heard by videoconference at the place of detention, without the need for their consent.</p>

24. Slovak Republic (SK)


SLOVAK REPUBLIC	
	
<p>EAW</p> <p>-issuing of EAWs (<i>suspension; impact on already issued EAWs; prioritization in issuing new EAWs + criteria</i>)</p> <p>- execution and postponement of the actual surrender (<i>legal basis, adequacy, release of surrendered persons, measures to prevent released persons from absconding</i>)</p> <p>-expected resuming of surrenders</p> <p>-transit</p>	<p>Impact on the issuing of EAWs The SK authorities are not prioritising the issuing of EAWs. Such measure would not be in accordance with relevant provisions of the Slovak legal order.</p> <p>Impact on the execution of EAWs and postponement of the actual surrender Surrenders are still possible with the neighbouring countries. According to the decision of the Supreme Court of the Slovak Republic, colour scan of the original of EAW is sufficient for the SK authorities, additional hard copy is not required. This makes the procedure faster.</p> <p>Impact on surrender, extradition, transfer by land In majority of cases, the surrenders are performed with neighbouring countries, while the protection rules were set up.</p> <p>Impact on surrender, extradition, transfer by air Yes, we have stopped all surrenders performed with non-neighbouring countries. All our airports were closed for commercial flights. We regularly ask for the prolongation of the deadline for surrenders from abroad and only in cases any country insists on performing the surrender, we had to manage it via our state air carrier as exception from the rule. On the other hand, our judicial authorities are in favour to prolong these deadlines as EAW executing authority in all cases. The Ministry of Justice has issued an order explaining the best practice due to the COVID-19 impact.</p> <p>Legal basis for postponing the actual surrender The courts in Slovakia use for the temporary suspension of surrenders the legal basis of Art. 23 FD EAW (both respective paragraphs).</p> <p>Adequacy of these provisions The SK authorities consider these provisions sufficient to deal with the current situation.</p> <p>Releases of requested persons following the postponement of the surrender Currently we are not aware of any cases in which the non-compliance with relevant deadlines has led to the release of persons in custody.</p> <p>Transit Transits are still possible, usually they are allowed, while individual case is considered by the Ministry of Justice. The protection rules are requested.</p>

<p>Precautionary measures for surrender, extradition and transfer</p> <ul style="list-style-type: none"> - COVID19 test - health certificate - quarantine - facial masks 	<p>Precautionary measures</p> <p>A negative COVID-19 test not older than 3 days is needed but in case the executing Member State does not provide it, the person is tested in Slovakia. We would appreciate the rule of reciprocity.</p> <p>.</p> <p>In the public transport, there is still an obligation to wear a mask. As regards the overnight stay, it is individually assessed as different rules apply for citizens of various countries and the conditions are still in the process of their review.</p> <p>Please note also following:</p> <ul style="list-style-type: none"> - As regards the <u>extraditions</u>, these are considered individually and in case the conditions allow to perform it, the extradition will be executed. - As regards the <u>transfer of convicted</u> these are considered individually and in case the conditions allow to perform it, the transfer will be executed. <p>Specific measures for the person to be transferred</p> <p>The person who is surrendered from abroad for the purpose of the execution of a custodial sentence is placed in the 14 days quarantine within the prison facilities and undergo the medical examination.</p> <p>Slovakia asks the testing on COVID-19 of the escorted person. In case, the country which has surrendered the person to Slovakia is not in state to provide the testing, the person is tested in Slovakia consequently. At least general medical certificate on health status of the escorted person is requested.</p> <p>Specific measures for escorting police officers</p> <p>We require the escorting teams/officers carrying out the surrender of both countries are protected during the escort (mask, gloves) and keep general protection rules during the surrender. All the police officers who are abroad for the purpose of transport and surrender person wear protective equipment. Subsequently, these police officers undergo 14 days quarantine. However, it has to be notice that such measures are not solutions from the long-term perspective. Since, the number of police officers, who arrange transports, is more and more limited due to the quarantine. These precautions have been taken in relations to all Member States and in relation to cases when Slovakia is issuing State, too.</p> <p>Need (or not) for further guidance on precautionary measures</p> <p>Not considered necessary at this stage.</p>
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<p>Extradition</p> <ul style="list-style-type: none"> -suspension -legal basis -third countries involved -expected duration of suspension 	<p>Impact on extradition procedures</p> <p>We are temporarily suspending decisions on granting the extradition to third countries within the legal framework of Slovak legal order, which doesn't set specific time limits for such decision. This measure is being applied in relation to all third countries generally, due to the restrictions in cross-border traffic and health protection measures. Slovak authorities didn't encounter any suspension of extradition from third countries to Slovakia.</p> <p>Need (or not) for further exchange of information</p> <p>We would welcome information from other Member States regarding the impact of Covid-19 on extradition to/from third states.</p>
<p>Transfer of sentenced persons</p> <ul style="list-style-type: none"> -prioritization in issuing/execution 	<p>Impact on the transfer of sentenced persons</p> <p>We are not currently applying prioritisation to other instruments of judicial cooperation.</p> <p>As regards the transfer of prisoners (FD 2008/909), all transfers were temporary suspended.</p>
<p>SIRENE Bureaux</p> <ul style="list-style-type: none"> -working of SIS bureau -exchange of information with other SIS Bureaux 	<p>Impact on the working of the SIRENE Bureau</p> <p>The SIRENE Bureau Slovakia is already working in its full capacity.</p> <p>Impact on the exchange of information with other SIRENE Bureaux</p> <p>We did not experience significant difficulties in the information exchange as regards the time limits or any other problems.</p>
<p>EIO and MLA</p> <ul style="list-style-type: none"> -prioritization in issuing/execution -electronic transmission -whom to contact 	<p>Impact on the issuing of EIOs and MLA requests</p> <p>We are not currently applying prioritisation to instruments of judicial cooperation.</p> <p>Impact on the execution of EIOs and MLA requests</p> <p>EIO and other requests delivered to Slovak Republic are executed not only in emergency cases but almost as usual, bearing in mind current situation regarding the COVID-19 pandemic and special measures applied, however delays may occur due to the Slovakia state of emergency over coronavirus which is causing delays, same in Slovakia as worldwide. Some measures, in particular interrogations carried out in the presence of representatives of foreign authorities have to be postponed.</p> <p>We do still execute all the MLA requests, urgent matters are executed with priority and of course all the procedures are executed under very strict hygienic rules (at least 2 m between persons, protective equipment, use of disinfectants...) For interrogations, we use videoconferences when it is possible.</p> <p>(Electronic) transmission and contact details</p> <p>EIOs should be sent to the ordinary addresses as is indicated in the EJN-Atlas. Requests delivered to the Central Authority (to the address as indicated in the EJN-Atlas) will be forwarded in accordance to applicable legislation to the</p>

	<p>appropriate judicial authority (district or county prosecution offices) for its execution, however, this may cause a delay and for this reason, it is strongly recommended to send all requests to the appropriate authorities as indicated in the EJN-Atlas.</p> <p>Regarding the current applicable legislation of Slovak Republic, the EIO and other requests, should be delivered to Slovak Republic by ordinary mail and <u>in emergency cases by email</u> indicating that original request is sent or will be sent in original hard copy by ordinary mail.</p>
<p>Freezing and confiscation orders -prioritization in issuing/execution</p>	<p>Impact on freezing and confiscation orders</p> <p>We are not currently applying prioritisation to instruments of judicial cooperation.</p>
<p>JITs -prioritization and alternative telecommunication solutions</p>	<p>Impact on JITs</p> <p>We are not currently applying prioritisation to instruments of judicial cooperation.</p>
<p>Recommended channels for transmission of -urgent requests -information exchange</p>	<p>We suggest using the EJN (national correspondents) for exchange of information, particularly if some general and/or legal issues will arise. In relation to operational issues we consider as best channel the SIS SIRENE.</p>
<p>Any other relevant information</p>	<p>N/A</p>

25. Slovenia (SI)

SLOVENIA 	
<p>EAW</p> <p>-issuing of EAWs (suspension; impact on already issued EAWs; prioritization in issuing new EAWs + criteria)</p> <p>- execution and postponement of the actual surrender (legal basis, adequacy, release of surrendered persons, measures to prevent released persons from absconding)</p> <p>-expected resuming of surrenders</p> <p>-transit</p>	<p>Impact on the issuing of EAWs</p> <p>No impact.</p> <p>Impact on the execution of EAWs and postponement of the actual surrender</p> <p>The actual surrender of wanted person by EAW is in some cases postponed due to existing travel limitations (travel by air) and safety measures and prohibitions.</p> <p>Impact on surrender, extradition, transfer by land</p> <p>Actual surrender of a person by land may be difficult to execute in cases, where a person is to be surrendered from a member state with high risk of potential infection with the COVID-19.</p> <p>Impact on surrender, extradition, transfer by air</p> <p>Actual surrender of a person by air is limited to countries that have air connections with Slovenia.</p> <p>Legal basis for postponing the actual surrender</p> <p>The courts have legal basis to temporarily postpone the surrender of wanted persons by the European arrest warrant in Article 23 of the FD EAW and Article 35/III of the Cooperation in criminal matters with the member states of the European Union Act. Provisions regarding force majeure (Art. 23(3)), as transposed into national legislation, is a suitable legal basis for such suspension. The courts are also bound by the judgement of the ECJ in the case of C-640/16 (Vilkas).</p> <p>Adequacy of these provisions</p> <p>Legal framework is adequate.</p> <p>Meaning of ‘circumstances beyond the control’</p> <p>The situation of COVID-19 epidemic is force majeure and therefore beyond the control of the Member States.</p> <p>Releases of requested persons following the postponement of the surrender</p> <p>No such cases have been detected yet.</p> <p>Expected resuming of the surrender</p> <p>All surrender proceedings are expected to resume after the improvement of health situation in countries where high risk of potential infection with the COVID-19 currently exists and after the re-establishment of air connections with some countries.</p>

	<p>Transit</p> <p>Transits are possible mainly by land. From the police point of view, police can execute that kind of procedure, but just with permission of the Ministry of Justice (transit permission) and considering safety measures regarding epidemic of COVID -19. A negative COVID 19 test is required.</p>
<p>Precautionary measures for surrender, extradition and transfer</p> <ul style="list-style-type: none"> - COVID19 test - health certificate - quarantine - facial masks 	<p>Precautionary measures</p> <p>Escort officers, as well as the surrendered person, are obliged to use protective equipment (masks and gloves).</p> <p>Safety measures have been taken in relation to functioning of courts (such as: persons showing clear signs of infections are not allowed to enter court buildings, body temperature of all persons entering is being measured at the entrance of court buildings).</p> <p>Social distance and hand and cough hygiene must always still be practiced. Hand sanitation and face masks or scarves are still obligatory in indoor public spaces, on public transport and in open public spaces where it is not possible to stay two meters from other people.</p> <p>Specific measures for the person to be transferred</p> <p>Before a person is surrendered/extradited/transferred to a foreign country, a person is tested for COVID-19 only if the country to which the person is to be surrendered/extradited/transferred for serving prison sentence, demands COVID-19 negative test.</p> <p>In such case the test is conducted in prison, with the assistance of the Judicial Police. Official test report, issued by the National Institute for Public Health, is a part of the surrender/extradition documentation (protocol).</p> <p>If the country does not demand COVID-19 negative test, a person must be checked by the prison doctor, who issues report on his health condition, especially that he has no COVID-19 symptoms. This report is also a part of the surrender/extradition documentation (protocol).</p> <p>Each person who is extradited/surrendered/transferred is always checked by a prison doctor, who in each case issues a report about a person's health condition. It is a standard procedure for every person before leaving prison in Slovenia.</p> <p>Specific measures for the escorting police officer</p> <p>When the person is picked up at the border, our local police transports a convicted person to the border with the other State. When a person is in the vehicle with escort police officers of a foreign country and our officers only escort their vehicle with their own transportation without any physical contact, they do not need to be tested for COVID-19, however they need to wear protective gear (masks, gloves)</p> <p>Escorting officers must follow all recommendations regarding self-protection measures.</p>


	<p>There are no specific measures for escort police officers to comply with regarding overnight stay and the use of public transport.</p> <p>Need (or not) for further guidance on precautionary measures This might be useful, although it should be noted that the procedure is subject to the actual circumstances of each individual case - particularly the distance between the two countries and necessity of transiting other (additional) member states.</p>
<p>Extradition -suspension -legal basis -third countries involved -expected duration of suspension</p>	<p>Impact on extradition procedures</p> <p>Slovenian courts and the Ministry of Justice of the Republic of Slovenia are taking decisions regarding incoming requests for extradition; however, surrender of wanted person is in some cases postponed due to existing travel limitations and safety measures.</p> <p>As limitation on the freedom of movement of persons has been established, the Ministry of Justice has established a system of tele working, reducing a physical presence of persons present at the MOJ to a minimum. Therefore, the processing of hardcopy requests received by post or telefax might be interrupted or delayed.</p> <p>We advise other states to send all requests, addressed to the MOJ, also by electronic means to the following email address: gp.mp@gov.si</p> <p>Slovenia was not informed by any third State of any suspension of extradition procedures to our country.</p> <p>Legal basis for postponing the actual surrender The courts have legal basis to temporarily postpone the surrender of wanted persons under Article 18, paragraph 5 of the European Convention on Extradition of 13 December 1957.</p>
<p>Transfer of sentenced persons -prioritization in issuing/execution</p>	<p>Impact on the execution of transfers of sentenced persons</p> <p>The courts perform duties of issuing and executing authorities in accordance with the European acts such as FD on Transfer of Prisoners.</p> <p>Surrenders are possible but may be postponed due to existing travel limitations (travel by air), safety measures and prohibitions.</p>
<p>SIRENE Bureaux -working of SIS bureau -exchange of information with other SIS Bureaux</p>	<p>Impact on the working of the SIRENE Bureau SIRENE Bureau was working on limited capacity from 23rd of March. As of 1 June 2020, the SIRENE Bureau works normally.</p> <p>Impact on the exchange of information with other SIRENE Bureaux The COVID -19 situation had no influence on for exchange of information.</p>
<p>EIO and MLA -prioritization in issuing/execution</p>	<p>Impact on the issuing of EIOs and MLA requests No impact.</p>

<p>-electronic transmission -whom to contact</p>	<p>Impact on the execution of EIOs and MLA requests</p> <p>On 13 November 2020, the president of the Supreme Court of the Republic of Slovenia issued new Order on special safety measures due to the epidemic of COVID-19. According to this Order operation of the Slovenian courts is limited as of 16 November 2020. Trials will take place only in urgent cases. The following is considered as urgent cases in the field of criminal matters: investigations and adjudication in criminal cases in which the defendant is deprived of liberty or his liberty is restricted and procedures regarding execution of criminal sentences. Judicial deadlines have been suspended, except for urgent cases. In non-urgent cases, decisions are taken, and documents are being served.</p> <p>Hearings at the courts are conducted via videoconference whenever possible. The physical distance between the parties in the courtrooms must always be respected and the parties should wear protective equipment.</p> <p>The said measures might affect the execution of EIOs and MLA requests. Requests for hearing of suspects and witnesses and personal service of documents, will be executed only in cases, where the requests fully explain the reasons why urgent processing is required.</p> <p>The Police performs interrogation of suspects and respects precautionary measures to avoid the spread of the virus.</p> <p>Electronic transmission and contact details Requests can be sent by email; we would suggest via EJN contact points.</p>
<p>Freezing and confiscation orders -prioritization in issuing/execution</p>	<p>Impact on freezing and confiscation orders</p> <p>No impact.</p>
<p>JITs -prioritization and alternative telecommunication solutions</p>	<p>Impact on JITs</p> <p>No impact.</p>
<p>Recommended channels for transmission of -urgent requests -information exchange</p> <p>Contact details</p>	<p>Communication via the SIS Sirene/Interpol is recommended for police, while for judicial authorities use of Eurojust and European judicial network in criminal matters is recommended.</p>
<p>Any other relevant information</p>	<p>As the coronavirus disease has been spreading rapidly and the number of cases among the population has been rising, on 19 October 2020 the Government of the Republic of Slovenia declared an epidemic for the entire territory of the Republic of Slovenia for the period of 30 days, which was</p>



	prolonged by the governmental order of 17 November 2020 for another 30 days.
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26. Spain (ES)

SPAIN 	
<p>EAW</p> <p>-issuing of EAWs <i>(suspension; impact on already issued EAWs; prioritization in issuing new EAWs + criteria)</i></p> <p>- execution and postponement of the actual surrender <i>(legal basis, adequacy, release of surrendered persons, measures to prevent released persons from absconding)</i></p> <p>-expected resuming of surrenders</p> <p>-transit</p>	<p>Impact on the issuing of EAWs</p> <p>Prioritisation has been recommended by the GPO but no specific guidelines have been issued for prosecutors when asking for the issuance of an EAW other than focusing on serious criminal offences; restrictive criteria should be applied due to the foreseeable difficulties in the execution of the surrender to Spain. However, the decision on if and when to issue a EAW is always taken given the merits of the case and an assessment on a case-by-case is always carried out, taking into account the intrinsic urgent nature of the EAW.</p> <p>The issuing of EAWs is not suspended, nor the withdrawal of already issued EAWs is considered. However, in view of the current public health crisis, the General Prosecutor's Office has recommended to be extremely cautious and apply an extraordinarily restrictive criterion when issuing EAWs, limiting them to the most serious criminal offences.</p> <p>Impact on the execution of EAWs and postponement of the actual surrender</p> <p>EAWs received in Spain are being processed normally and in a timely manner so far. However, whenever it is not possible to execute the surrender due to the restrictions established either in Spain or in the issuing country, surrender can be formally postponed in accordance with Article 23 of the FD. The state of alarm was lifted on 21 June 2020; however, under the present circumstances, Spain is being experiencing one of the worst second wave of COVID-19 and restriction measures are being taken locally with regard to freedom of movements which, in principle, do not affect the execution of EAWs .</p> <p>SIRENE Office Spain has notified that surrender of requested individuals are taking place with relative normality within the foreseen time limits despite the fact that the second wave is striking hard.</p> <p>SIRENE Spain does not impose any limitation or requirement for the execution of surrenders, which are being carried out according to the requests of the MS concerned.</p> <p>Despite the fact that surrender procedures are taking place in a rather timely manner, it should be borne in mind that, at least during the period where a limited number of flights is offered by airlines and as long as this anomalous situation persists, due a number of restrictive circumstances: unavailability of seats, inappropriate number of free seats at suitable flight times or high prices, even where there are direct scheduled flights to the destination concerned. Airlines are often not able to offer more than a small</p>

proportion of the seats on commercial flights. The reduction in the number of flights has had a particular impact with regard to some particularly relevant countries with a high number of surrender cases; the solution here has been scheduling flights with the sole objective of transferring detainees.

SIRENE Office Spain believes that Member States should agree on how the remainder of the work will be carried out in order to maximize profitability of the available resources, for example, reaching agreements to execute active and passive surrenders consecutively, meaning that the same police team would escort bringing to Spain a requested person and taking to their MS an individual requested by their authorities (although each Member State shall bear any additional costs for the supplementary performance and would reciprocate).

Impact on surrender, extradition, transfer by land

Initially, surrenders were almost entirely suspended, and were reduced to specific cases that were particularly sensitive. As of September 2020, transfers by land are taking place but not as frequently as in the pre-COVID times; surrender procedures are pending to be executed and some countries have requested such procedures to be postponed due to sanitary reasons. Some requested individuals had to be released due to the surrender difficulties.

According to our Prison Administration, transfers between penitentiaries only take place under extraordinary circumstances.

Impact on surrender, extradition, transfer by air

Most surrender procedures take place by air; they are carried out in a timely manner. Taking into account the pandemic situation in Spain, some MS impose certain measures for the escorting team and request that a PCR test made within the 72 hours prior to the flight is provided; others request that full identification and contact details of the police officers is provided. Quarantine is not imposed. Generally speaking, surrender procedures with third States are not normally being carried out; in a particular case a person who was in detention in a third State has been released due to the impossibility to conduct the actual surrender.

As for Spain as executing MS, they are also being carried out in a timely manner; some MS request that surrendered individuals are tested before the transfer is executed: if the test is negative the surrender is carried out; otherwise it is postponed and Article 23 as explained hereunder applies. If the issuing MS requests the PCR test to be done, such request is forwarded to the court; the inconvenient judicial authorities come across here is when the requested person refuses to be tested.

The decision whether or not to remand the requested person in custody after the deadlines have expired is carried out on a case-by-case assessment.

Legal basis for postponing the actual surrender

The competent courts took the decisions to temporarily postpone the surrender of requested individuals mostly on the grounds foreseen in Article 23(3) of the FD EAW due to the fact that the concept of “force majeure” fits more with the state of alarm and the consequences derived thereto.

However, some incoming requests from competent authorities of other member States justify such the petition for postponement on the grounds foreseen in Article 23(4).

The competent judicial authority will decide on a case-by-case basis and depending on the concurrent circumstances, the applicable legal provision:

Article 23(3) of the FD *“If the surrender of the requested person within the period laid down in paragraph 2 is prevented by **circumstances beyond the control of any of the Member States**, the executing and issuing judicial authorities shall immediately contact each other and agree on a new surrender date. In that event, the surrender shall take place **within 10 days of the new date thus agreed.**”* In this case, the executing judicial authority shall immediately communicate with the issuing authority, including through SIRENE, the EJN and Eurojust. In accordance with Article 23(3) of the FD, the executing authority will conduct consultations with the issuing authority in order to agree on a new feasible date for surrender. This channel of dialogue will be maintained as long as the situation of force majeure persists. The surrender shall take place within 10 days of the new fixed date.

Article 23(4) of the FD: *“The surrender may exceptionally be temporarily postponed for serious humanitarian reasons, for example if there are substantial grounds for believing that it would manifestly endanger the requested person's life or health. The execution of the European arrest warrant shall take place as soon as these grounds have ceased to exist. The executing judicial authority shall immediately inform the issuing judicial authority and agree on a new surrender date. In that event, the surrender shall take place within 10 days of the new date thus agreed.”* This paragraph allows to postpone the surrender until the end of the state of alarm and even beyond (if on that date these circumstances continue) without having to fix a date.

In any case, the postponement has two consequences:

- Impossibility/Difficulty to observe the deadlines set out in Article 23 of the FD;
- The need to decide on the personal situation of the person concerned.

Adequacy of these provisions

The situations foreseen in Article 23 are considered to be sufficient legal provisions to tackle the consequences stemming from the COVID-19 pandemic and the current state of alarm; no particular additional legal measures are considered to be needed.

Meaning of ‘circumstances beyond the control’

Spain is applying the interpretation of Art 23(3) EAW FD stated by Romania. Due to the declaration of the state of alarm by Royal Decree 463/ 2020, from 14th of March it is not possible to carry out surrenders both due to the limitation of movements and the difficulty in air communication. In this sense, the six judges of the Central Investigative Courts of the National High Court that are the competent authority for the execution of the EAW's have agreed to the application of Article 23 (3) EAW FD and they are communicating the postponement of deliveries because they understand that it is a case of force majeure that fits the provisions of this article.

Releases of requested persons following the postponement of the surrender

Article 504 of the Spanish Criminal Procedural Law establishes time limits for pre-trial detention: they will last for as long as it is essential to achieve any of the purposes provided for in the previous article (503) and for as long as grounds still exist justifying it. Hence, it would be necessary to solve, case by case. Afterwards, “the executing judicial authority shall immediately inform the issuing judicial authority (...)” if it’s necessary to keep the pre-trial detention or it’s more appropriate to release the person under any measures considered applicable.

So far, there has been a number of cases where the requested person has been released because of obstacles to conduct the physical surrender (either on the part of the requesting State or due to restriction of movement in Spain); other measures have been taken to guarantee the execution of the EAW, whenever it will be possible. Anyhow, all pending cases are potentially affected by this situation and will very likely be dealt with in the same manner.

No cases of persons affected by the disease being surrendered have been reported. Should this situation arise, Article 23(4) of the EAW FD shall apply (postponement for serious humanitarian reasons).

Further to what was said in the previous paragraphs, all issuing courts have been contacted by the Council of the Judiciary and it seems that some malfunctioning of the EAW procedure have been identified; e.g. in one case, the executing authority, instead of having recourse to Article 23(3)/(4) EAW FD decided to simply revoke the surrender decision upon the expiry of the arrest deadlines and informed the issuing court via Eurojust that a new EAW needs to be issued, should the surrender of the requested person still be needed.

Taking into account the doctrine set by the ECJ in its judgements of 25 January 2017 (Vilkas, C-640/15), 16 July 2015 (Lanigan, C-237/15 PPU) or 12 February 2019 (TC, C-492/18 PPU), a very high number of individuals requested by competent authorities of other member States have applied for their release and some have been released due to the exceptional circumstances we are undergoing and the impossibility to comply with the surrender deadlines established in Article 23(1) and (2) whereas others have not, depending on the circumstances of the case. As of 17 June, 7 requested individuals out of 21 are not in prison.

According to the Spanish SIRENE Office, as of September 30th, 2020, there are no cases of individuals waiting to be surrendered. Over the period elapsed between the last two months, the number of passive surrender procedures is quite similar compared with the same period last year, nevertheless the ratio of active surrender procedures has decreased around 27%.

The criteria which are taken into account when deciding whether or not to remand persons in custody are based on the Criminal Procedural Law and on how the ECJ has construed the FD EAW in this regard in the abovementioned judgements, *inter alia*, namely the seriousness of the crime, the risk of absconding that cannot be reduced to an acceptable level by the imposition of alternative measures, taking always into account the

proportionality principle. An assessment on a case-by-case basis is always conducted.

It is of utmost importance to stress the need for issuing and executing authorities to establish direct contacts. The establishment of direct contacts between issuing and executing authorities is considered to be of paramount importance in order to decide on the most convenient way to proceed with the surrender procedure; Eurojust is playing a relevant role in fostering such contacts and assisting national authorities in the framework of the mandatory consultation procedure provided for in Article 15 in relation with Article 23 EAW FD. Such contacts can be useful for the executing authority when deciding to keep the requested person in detention or to release him/her under the current exceptional circumstances and have already proven to be useful in one case to remand a requested person in custody in Spain. In an effort to promote direct contacts, the Council of the Judiciary is trying to liaise with all issuing courts in Spain in order to ascertain whether the executing authorities that have taken decisions to postpone surrender have contacted them for the adoption of such decisions.

Measures to prevent released persons from absconding

If a decision to release the requested person is taken, appropriate measures to prevent him/her from absconding are adopted; such measures vary depending on the case: withdrawal of passport, prohibition to leave the country or obligation to provide the court with an address and telephone in Spain are the most frequent ones. The obligation to report to the nearest court to his/her domicile with a determined periodicity, a measure otherwise always imposed, is no longer used for obvious reasons; nevertheless, such reporting obligation is being carried out by means of video-link where possible, a measure that allows the court to be in permanent contact with the requested individual.

Expected resuming of the surrender

The decisions to postpone the surrender that are being taken do not include a new date, they only mention that the new date will be adopted when the situation so allows due to the impossibility under the current circumstances to set a new date.

The lifting of the state of alarm (21 of June) will entail the restoration of freedom of movement of individuals. However, as abovementioned, the postponement of surrender decisions will still continue as long as the exceptional circumstances are not completely overcome.

Restrictive measures other than freedom of movement will continue to be issued by the regional governments.

The procedural deadlines have been resumed as of 4 June 2020 (Royal Decree of 22 May 2020).

Transit

Transits are possible during this exceptional situation, but no request has been received until now.

<p>Precautionary measures for surrender, extradition and transfer</p> <ul style="list-style-type: none"> - COVID19 test - health certificate - quarantine - facial masks 	<p>Precautionary measures</p> <p>There are protocols followed by law enforcement units competent for the surrender process and logistics. Protection equipment are provided to the surrendered person, as well as to the officials conducting him/her. In addition, the hearings before the judicial authority take place by means of videoconference unless they are arrested in Madrid, where the competent courts are based, but even in the latter situation videoconference may be considered; if the surrendered person is remanded in custody, he/she will be in quarantine for 14 days.</p> <p>Competent authorities should strive for shortening the transfer period and for air transportation the closest airports to the location of the issuing authorities should be chosen: on a number of occasions the requested persons land in airports which are distant from the issuing courts and long distance land transportation is then needed when a closer airport could have been used; this practice should be avoided.</p> <p>The minimum medical-sanitary requirements approved by our authorities must be met, temperature will be taken and it is mandatory the use of mask, etc. All guarantees are welcome. Infection tests are not compulsory.</p> <p>Need (or not) for further guidance on precautionary measures</p> <p>National authorities have different approaches with regard to the need of having guidelines at EU level; the fact that Interpol has issued guidelines on 26 March in relation to the surrender protocols to be adopted during the Covid pandemic has been highlighted. Also, the need for smooth and up to date exchange of information between issuing and executing authorities with regard to the health condition of the requested person and the protocols followed in the surrender process has been underlined.</p>
<p>Extradition</p> <ul style="list-style-type: none"> -suspension -legal basis -third countries involved -expected duration of suspension 	<p>Impact on extradition procedures</p> <p>No general decision has been taken or can be taken to temporarily suspend extradition procedures. Such procedures are ongoing and the suspension of the effective surrender, once the governmental phase has been concluded, will be assessed on a case-by-case basis taking the needed steps to liaise with the central and competent authorities of the affected third State.</p> <p>A difference between simplified and regular extradition should be highlighted: for simplified extradition cases where the affected person consents, the execution of the surrender decision follows a similar pattern as for the EAW. As for all other cases, the criminal chamber in the Central Court has been scheduling and holding extradition hearings for some months now.</p> <p>As of 1 October, since the state of alarm was initially declared on March 14, 2020 NCB INTERPOL Madrid has materialized eight (8) surrenders in passive extradition to third countries (EEUU, Monaco, Macedonia, Montenegro, China (2), Morocco and France); only four (4) citizens has been surrendered from a third State to Spain (Tunisia, Chile, Canada and Mali).</p> <p>With regard to the transfer of sentenced persons to EU Member States, the activity has been slowly recovering since June 26, 2020. Since March 14, 2020 NCB INTERPOL Madrid has executed nine (9) sentence recognition decisions and the affected citizens have been transferred to other UE</p>

Member States (Netherlands (4), Italy, France, Poland, United Kingdom and Germany). Besides, NCB INTERPOL Madrid has reported eleven sentenced persons transferred to Spain: (Poland (2), Netherlands (2), Portugal (2), United Kingdom, Romania, Sweden, Italy and France).

As of 10 September 2020 NCB INTERPOL Madrid has executed 8 extradition requests from third countries since 26 June; since the state of alarm was declared, only two persons have been surrendered from a third country to Spain. Due to travel restrictions with third countries, the execution of extradition requests is experiencing delays.

For the logistics an aircraft of the National Police is used for the active cases; all escorting personnel will be duly equipped.

Legal basis for postponing the actual surrender

The Spanish law on extradition does not foresee the possibility to postpone the surrender due to force majeure or humanitarian reasons, but it does not specify that the surrender has to be conducted within a determined period of time after the extradition has been granted at both judicial and governmental levels; for this reason, the executing court has room to decide on the date when the person is to be extradited and take into account the current situation before setting a date.

In any case, the European Convention on Extradition of 1957 does foresee the possibility to postpone the surrender “if circumstances beyond its control prevent a Party from surrendering or taking over the person to be extradited” (Article 18.5).

Bilateral extradition treaties normally foresee the possibility to postpone the execution of the surrender, normally when exceptional circumstances linked to humanitarian reasons or motives beyond the will any of the Parties arise, e.g. extradition treaties subscribed with Argentina (Article 19), Brazil (Article 13), Kazakhstan (Article 11), Mexico (Article 22) or Morocco (Article 13), among others.

In the context of the Latin American countries a similar discussion is going on and the possibility to postpone the surrender is considered due to force majeure, humanitarian or risk to health reasons. This possibility is foreseen in Article 22.5 of the Mercosur extradition treaty.

Releases of requested persons following the postponement of the surrender

As for the decision to remand the requested person, the Procedural Criminal Law criteria apply, these criteria do not vary from the EAW procedure. No particular case where the person in detention had to be released because of time limits being exceeded. In a given case, a person -whose extradition to Albania has been granted at judicial level and the governmental approval is pending requested to be released because some COVID-19 cases had occurred in prisons and asked the detention measure to be lifted and a house detention imposed. The court, however, refused to release him based on the circumstances of the case, the risk of absconding, the facts that all preventive measures have been also taken in prisons, that the risk does not disappear if released and finally, that due to the control measures imposed by the Government, the police units need to use all their manpower to supervise


	<p>such measures and it is unlikely that the house detention can be properly supervised. In three other extradition cases involving Russia and Colombia, requests for release due to the COVID-19 crisis have also been rejected by the court. In none of these cases the prison terms have expired.</p> <p>Electronic transmission</p> <p>The use of electronic means for the transmission of requests for extradition and the relevant documentation on which such request is based is highly recommended due to the fact that the use of such means is not as usual as in the case of EAWs. <i>See also below 'recommended channels for transmission of urgent requests and information exchange'.</i></p>
<p>Transfer of sentenced persons</p> <ul style="list-style-type: none"> -prioritization in issuing/execution 	<p>Impact on the issuing of requests for transfer of sentenced persons</p> <p>With regard to the issuance of mutual recognition instruments other than the EAW, no particular guidelines have been issued. Decisions on transfer of sentenced persons are being taken by the courts and the situation has gone back to normality since July once the state of alarm came to an end.</p> <p>Impact on the execution of transfers of sentenced persons</p> <p>The Criminal Central Court responsible for the recognition and execution of decision taken by courts in other MS is receiving decisions on transfer of sentenced persons similarly as in the pre-pandemic scenario.</p> <p>As of 22 September, 105 transfer decisions have been received in 2020 (147 decisions in the same period of 2019); between May and August 2020, 23 decisions were received against 60 decisions in the same period last year.</p>
<p>SIRENE Bureaux</p> <ul style="list-style-type: none"> -working of SIS bureau -exchange of information with other SIS Bureaux 	<p>Impact on the working of the SIRENE Bureau</p> <p>The operators of Spanish SIRENE Bureaux are working on full capacity. We don't have any challenges in ensuring the 24/7 availability.</p> <p>Impact on the exchange of information with other SIRENE Bureaux</p> <p>As a result of the reduction on the amount of daily communications this SIRENE Office normally has, it is hard to tell if this pandemic has influence on our response-time when answering requests from others SIRENE or Judicial Authorities, although the most problematic requests are given when the required information is not in our databases and has to be requested from third parties (judicial authorities for example) who are not working full time.</p>
<p>EIO and MLA</p> <ul style="list-style-type: none"> -prioritization in issuing/execution -electronic transmission -whom to contact 	<p>Impact on the issuing of EIOs and MLA requests</p> <p>With regard to the issuance of mutual recognition instruments other than the EAW, no particular guidelines have been issued. Decisions are being issued or executed on a regular basis similarly as in the pre-pandemic situation.</p> <p>Impact on the execution of EIOs and MLA requests</p> <p>As concerns EIOs, electronic formats are preferred, giving priority to urgent cases with a clear description of the reasons thereof. The difficulty of</p>

	<p>carrying out investigative measures involving transfer of persons or any other kind of physical contacts must be taken into account.</p> <p>Taking into account that the prosecutors are the receiving authorities for EIOs and that a high number of letters of requests are also received in the different Prosecution Offices, delays in the execution of orders/requests occurred in the past months, but now the situation has gone back to normality and delays are rare but the postponement of declarations and videoconferences of witnesses, experts and suspects/accused may be decided, but an assessment on a case-by-case basis will be carried out taking into account the circumstances of the case, bearing in mind the limitation of movement imposed on the citizens in certain areas and the need to preserve their health. The same rule applies to any measure involving the need for any individual to leave their home or the presence of court officials in their homes for house searches, risking physical contact beyond what is strictly needed in contravention of the imposed limitations.</p> <p>Electronic transmission and contact details</p> <p>The use of electronic means to transfer the order has been strongly recommended. Incoming MLA requests from third States shall be sent to the following email address: rogatoriaspenal@mjusticia.es</p>
<p>Freezing and confiscation orders</p> <p>-prioritization in issuing/execution</p>	<p>Impact on the issuing of freezing and confiscation orders</p> <p>With regard to the issuance of mutual recognition instruments other than the EAW, no particular guidelines have been issued. With regard to freezing and confiscation orders, no particular information is to be added apart from the fact that such orders may be considered as intrinsically urgent by nature and are being issued and executed normally; no particular difficulties have been recently reported.</p> <p>Impact on the execution of freezing and confiscation orders</p> <p>See above.</p>
<p>JITs</p> <p>-prioritization and alternative telecommunication solutions</p>	<p>Impact on JITs</p> <p>As for JITs, a distinction must be drawn between the setting up and the functioning of JITs. Different JITs have been considered and drafted in the course of the crisis; as of September 2020 at least one JIT with a third State is being drafted; digital signature or scanned signed documents will most likely be used.</p> <p>With regard to the activities conducted within the JITs already set up, team members are not travelling to and from other participant States; in one case, a meeting that had been scheduled to be held in March was cancelled, but the needed contacts are still taking place regularly through email, videoconference or telephone. Contacts via videoconference is now being promoted for a Eurojust meeting in the context of a JIT.</p>
<p>Recommended channels for</p>	<p>Direct contacts between the judicial authorities concerned should be the essential tool, in line with the principle of direct communication between</p>

<p>transmission of -urgent requests -information exchange</p> <p>Contact details</p>	<p>judicial authorities. Eurojust can play an important role to facilitate and speed up contacts between the judicial authorities concerned. In addition, for the enforcement of practical arrangements related to the EAWs the support and coordination with SIRENE is crucial.</p> <p>MLA requests: <i>see</i> above under EIO/MLA.</p> <p>Extradition requests: all extradition requests are being processed. However, due to the still ongoing limitations, the request can be sent by electronic means, even though, physical transfer of convicted persons is still strongly limited and subject to the criteria and instructions given by the police and law enforcement forces.</p> <p>All requests shall be sent to the following e-mail address: extradiciones@mjusticia.es</p> <p>Transfer of sentenced persons: all transfer requests are being processed, even though the Spanish central authority encourages to send the requests by electronic means.</p> <p>Requests shall be sent to the following email address: sgcijtraslados@mjusticia.es. It should be noted, however, that due to existing travel limitations and prohibitions, physical transfer of convicted persons is strongly limited and subject to the criteria and instructions given by the police and law enforcement forces.</p> <p>The Spanish prosecutors will do their best endeavours to provide the requested assistance taking into account the abovementioned circumstances. For any further inquiry or assistance, you may need do not hesitate to contact us via our corporative email: internacional.fge@fiscal.es.</p>
<p>Any other relevant information</p>	<p>In general terms, as long as this crisis lasts, requests on mutual recognition will only be issued in serious and urgent cases that cannot be postponed. Transmission will take place only by electronic means. As concerns mutual recognition requests received in Spain, the legal deadlines are considered suspended by force majeure. Anyway, preference will be given to requests that state their seriousness and urgency. In terms of urgency, European Protection Orders and freezing and confiscation orders will be prioritised. <i>See</i> also above in relation to the specific judicial cooperation tools.</p> <p>Communication from the Spanish central authority on the health crisis caused by COVID-19: In general terms, as long as this crisis lasts, the Spanish central authority highly recommends to forward all requests by electronic means given the still ongoing limitations and travel difficulties.</p> <p>National authorities keep insisting in the need to resort to videoconferencing and other measures instead of issuing EAW; national authorities should be particularly keen on this approach.</p> <p>At national level, trials where the accused persons are in custody are being scheduled and taking place; also, according to one of the measures adopted in the crisis period, the physical presence in court of the accused person for</p>

	<p>the purpose of being tried is only needed, up to three months after the emergency state has been lifted, when the penalty requested to be imposed is above five years of deprivation of freedom (under the “normal” legal framework the threshold is two years).</p> <p>Impact on the working of NCB INTERPOL Madrid Working of notices and exchange of information with other NCBs Police officers of NCB INTERPOL Madrid are working on full capacity I-24/7.</p>
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27. Sweden (SE)


SWEDEN 	
<p>EAW</p> <p>-issuing of EAWs (<i>suspension; impact on already issued EAWs; prioritization in issuing new EAWs + criteria</i>)</p> <p>- execution and postponement of the actual surrender (<i>legal basis, adequacy, release of surrendered persons, measures to prevent released persons from absconding</i>)</p> <p>-expected resuming of surrenders</p> <p>-transit</p>	<p>Impact on the issuing of EAWs</p> <p>There has been no change with regard to the issuing of EAWs. A proportionality check is, as always, done. It is important that the system of surrender is upheld as far as possible.</p> <p>Impact on the execution of EAWs and postponement of the actual surrender</p> <p>Surrenders are possible. Sweden has not made a general decision to suspend the execution of EAWs. Upon requests for postponement of the execution of arrest warrants, the Swedish Prosecution Authority and the Swedish Economic Crime Authority have decided to postpone the execution of these arrest warrants in accordance with Article 23(3) in the EAW Framework Decision. In order to uphold the system of surrender it is however important that all possibilities for the surrender has been exempted before requesting postponement. When postponing a surrender an assessment of the proportionality will be done in the individual case with regard to the length of postponement and detention.</p> <p>Impact on surrender, extradition, transfer by land</p> <p>We seldom have this procedure by land, but the ones that have been asked for are difficult to execute due to lack of Swedish police staff to assist and escort by land.</p> <p>Impact on surrender, extradition, transfer by air</p> <p>For some time the air traffic has been lowered in intensity, and it has not been possible to fly to execute the surrender. There has been many prolongation requests both from other countries to us and from us to other MS. Due to the fact that in many countries the restrictions to travel have been lifted, most of the surrenders previously postponed have now been executed.</p> <p>Some countries have sent charters to pick up their clients, and these arrangements tend to take a lot of time to plan and organise, but are also appreciated.</p> <p>Legal basis for postponing the actual surrender</p> <p>Upon the request of the issuing authority Article 23(3) is used as the legal basis for the temporary postponement in individual cases of surrenders when the surrender, due to the COVID-19 virus, cannot be executed because for example flights are cancelled, airports closed or national decisions are taken restricting the possibilities for escorting officers to travel abroad. In order to uphold the system of surrender it is however important that all possibilities for the surrender has been exempted before requesting postponement.</p>

	<p>Article 23(4) could in principle be used as the legal basis for the temporary postponement of a surrender if the person to be surrendered are infected by the COVID-19 virus. There have so far been no such cases in Sweden. When postponing a surrender an assessment of the proportionality will be done in the individual case with regard to the length of postponement and detention.</p> <p>Adequacy of these provisions These provisions are applicable and sufficient to deal with the situation. Of great importance is the communication between the executing and issuing authorities.</p> <p>Releases of requested persons following the postponement of the surrender We recently (10th June) had the first decision from a district court - Södertörn -to release a wanted person from custody due to COVID-19 delay. Instead he was obliged to stay in Stockholm and report his personal presence regularly to the police. This person shall according to the court decision be surrendered to Estonia to serve a sentence for 5 months and 28 days. When released by the court he had been in custody since 20th April 2020 which was almost half of the prison sentence according to Swedish legislation. The man had consented to be surrendered to Estonia but there were no plans or schedule from Estonian authorities for when the execution of the decision to surrender him to Estonia could take place. So the court decision to release him was based on the principle of proportionality. The wanted person has now been surrendered to Estonia. There might be more similar decisions from the courts in the future.</p> <p>In another case a person sought by Latvia has been released after the EAW was withdrawn. The EAW was withdrawn due to the time the person sought had been in custody in Sweden awaiting surrender.</p> <p>Expected resuming of the surrender There is no general decision in Sweden to postpone surrenders. Thus, surrenders to and from Sweden can take place already now as long as it is practically possible and the other Member State agrees. A postponement in the particular case can be decided by the prosecutor handling the case. The postponement is usually set for a time of one month but can, if necessary and proportionate, be prolonged. The trend is however that only shorter postponements are necessary due to, for example, the lack of direct flights and that, in cases where postponements previously have been decided upon, surrenders now can take place.</p> <p>Transit Transits via the territory of Sweden are possible and a negative COVID-19-test is not needed, neither for the requested person nor for the escorting officer. No specific conditions are required more than no one in the staff being sick.</p> <p>The Swedish Police Authority, responsible for transits through Sweden, has not implemented any specific measures due to the coronavirus in connection</p>
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	<p>to the transits of the persons on the basis of the legal instruments in the area of judicial cooperation in criminal matter.</p>
<p>Precautionary measures for surrender, extradition and transfer</p> <ul style="list-style-type: none"> - COVID19 test - health certificate - quarantine - facial masks 	<p>Precautionary measures</p> <p>At this moment, we don't have any information that any particular measures have been taken, besides that both persons to be transferred and the escorting police officers should show no sign of sickness/symptoms of COVID-19. No additional precautionary measures are foreseen (a negative COVID-19-test is not needed, neither for the requested person nor for the escorting officer).</p> <p>Specific measures for the escorting police officer</p> <p>Foreign countries escort officer are mostly EU member states staff and no restrictions apply. For third country police staff there has been possibility to enter Sweden and leaving next day due to very special circumstances. Regarding public transport, there are no special limitations for escorting officers but the general approach in our country should of course be taken into consideration.</p> <p>Need (or not) for further guidance on precautionary measures</p> <p>The need for guidance with regard to additional precautionary measures will have to be evaluated in due time if Member States will put such measures in place.</p>
<p>Extradition</p> <ul style="list-style-type: none"> -suspension -legal basis -third countries involved -expected duration of suspension 	<p>Impact on extradition procedures</p> <p>Extradition procedures have not been temporarily suspended. The surrender of the person to be extradited can be postponed. Decision to that is taken in the individual case.</p>
<p>Transfer of sentenced persons</p> <ul style="list-style-type: none"> -prioritization in issuing/execution 	<p>Impact on transfers of sentenced persons</p> <p>Prioritization is not applied. Transfers of prisoners are possible. The Swedish Prison and Probation Service has reported, regarding the Framework Decision 2008/909, problems to execute decisions on transfer of enforcement. At this time, it is not possible to meet the deadline for transport within 30 days due to the closing of borders of many member states.</p> <p>Essential for transport of a client is that he or she is not suspected or confirmed infected by COVID-19. Transport of a client with suspected or confirmed infection can only be made if it is absolutely necessary.</p>
<p>SIRENE Bureaux</p> <ul style="list-style-type: none"> -working of SIS bureau -exchange of information with other SIS Bureaux 	<p>Impact on the working of the SIRENE Bureau</p> <p>The SIRENE Bureau is working at full capacity. After implementing an adjusted working schedule the work is done in a pretty normal way.</p> <p>Impact on the exchange of information with other SIRENE Bureaux</p> <p>Some MS have less staff working and do not answer the phone which can be a problem in urgent cases. Time for reply to a request can be longer and sometimes that delay is negative.</p>

<p>EIO and MLA -prioritization in issuing/execution -electronic transmission -whom to contact</p>	<p>Impact on the issuing of EIOs and MLA requests Prioritisation is not applied. Regarding outgoing EIO's, the Authority has reported that they have received information of restrictions in the channels of communication and in the execution of EIO's from other member states.</p> <p>Impact on the execution of EIOs and MLA requests No national instructions are given that restrict the execution of EIOs.</p> <p>Electronic transmission and contact details We deal with all incoming EIO and other MLA requests. Email is for the time being preferred but we do take care of ordinary mail too. The ordinary addresses in EJN Atlas should be used.</p>
<p>Freezing and confiscation orders -prioritization in issuing/execution</p>	<p>Impact on freezing and confiscation orders Prioritisation is not applied.</p>
<p>JITs -prioritization and alternative telecommunication solutions</p>	<p>Impact on JITs Prioritisation is not applied.</p>
<p>Recommended channels for transmission of -urgent requests -information exchange</p>	<p>N/A</p>
<p>Any other relevant information</p>	<p>N/A</p>


28. Iceland (IS)

ICELAND 	
<p>EAW</p> <p>-issuing of EAWs <i>(suspension; impact on already issued EAWs; prioritization in issuing new EAWs + criteria)</i></p> <p>- execution and postponement of the actual surrender <i>(legal basis, adequacy, release of surrendered persons, measures to prevent released persons from absconding)</i></p> <p>-expected resuming of surrenders</p> <p>-transit</p>	<p>Impact on the issuing of EAWs We haven't decided to prioritise the issuing of EAW's.</p> <p>Impact on the execution of EAWs and postponement of the actual surrender The Director of Public Prosecutions has not at this point decided to temporarily suspend the execution of any EAWs. However, please note, that depending on the development of the situation, measures may be taken concerning the execution of EAWs, and the execution might get delayed due to that reason that execution of EAW requires direct contact (hearing and bringing the arrested person to court etc.).</p> <p>Impact on surrender, extradition, transfer by land No land borders – no execution of surrenders, extraditions and transfers of convicts by land.</p> <p>Impact on surrender, extradition, transfer by air No execution of surrenders, extraditions and transfers of convicts by land have been executed due to closing of borders and no flights in COVID-19.</p> <p>Legal basis for postponing the actual surrender If we will decide to temporary suspend the execution of surrender in the current crisis concerning Covid-19 we would use the force majeure (Art. 26.3 of the Agreement of 28 June 2006 between the European Union and the Republic of Iceland and the Kingdom of Norway on the surrender procedure between the Member States of the European Union and Iceland and Norway) and/or serious humanitarian reason (Art. 26.4) as a legal basis for the decision.</p> <p>Adequacy of these provisions The Icelandic authorities consider the provisions on postponing the actual surrender applicable and sufficient to deal with the current situation.</p> <p>Releases of requested persons following the postponement of the surrender At this moment there is no one in custody or travel ban in Iceland regarding execution of EAW's.</p> <p>Measures to prevent released persons from absconding We use rarely detention/custody in surrender cases. The decision on using detention/custody depends on how serious the offence is. Instead of using detention/custody we can use travel ban.</p>

	<p>Expected resuming of the surrender Icelandic authorities first and only decision on surrender became final on 28th of April. The surrender was postponed on request from the issuing state. The wanted person was then finally surrendered on 20th of August.</p> <p>Transit It is possible to transit via Iceland, no special conditions.</p>
<p>Precautionary measures for surrender, extradition and transfer</p> <ul style="list-style-type: none"> - COVID19 test - health certificate - quarantine - facial masks 	<p>Precautionary measures Regarding the execution of EAW's the Director of Public Prosecutions have not yet taken particular measures. No decision has been made on putting in place additional precautionary measures. However Icelandic authorities will assess the individual situation case by case in regards of which precautions to take according to the several restricting measure that the Icelandic government has taken and also with the view of protecting the surrendered person and other official to the fullest.</p> <p>Iceland's borders have remained open to the EU and Schengen states throughout the Covid-19 pandemic. As of 19th August 2020 all arriving passengers entering Iceland can choose between a 14 day quarantine or a double testing procedure along with a quarantine for 5-6 days. By undergoing a double testing procedure you need to undergo a test for Covid-19 on arrival to Iceland and again after 5 days. According to current rules face masks should be used on all international and domestic flights in Iceland. Individuals with a confirmed prior Covid-19 infection in Iceland or antibodies measured in Iceland are exempted from quarantine and screening. Test results or certificates regarding antibodies need to be sent to the contact tracing team.</p> <p>No specific measures are requested for the persons to be transferred or the escorting police officer, if the they just transit via Iceland.</p> <p>Need (or not) for further guidance on precautionary measures Yes such guidelines would be helpful.</p>
<p>Extradition</p> <ul style="list-style-type: none"> -suspension -legal basis -third countries involved -expected duration of suspension 	<p>Impact on extradition procedures The Director of Public Prosecutions has not decided to temporarily suspend extradition procedures to third States due to Covid-19. But they have delayed, among other because of low supply of flights from the country.</p> <p>Need (or not) for further exchange of information Icelandic authorities appreciate further information exchange.</p>
<p>Transfer of sentenced persons</p> <ul style="list-style-type: none"> -prioritization in issuing/execution 	N/A

<p>SIRENE Bureaux -working of SIS bureau -exchange of information with other SIS Bureaux</p>	<p>Impact on the working of the SIRENE Bureau No.</p> <p>Impact on the exchange of information with other SIRENE Bureaux No / none</p>
<p>MLA -prioritization in issuing/execution -electronic transmission -whom to contact</p>	<p>Impact on the execution of MLA requests We will try to assist other authorities' requests which are based on MLAs. Execution of MLAs that require direct contact (search, hearing etc.) might get delayed by the police.</p>
<p>Freezing and confiscation orders -prioritization in issuing/execution</p>	<p>N/A</p>
<p>JITs -prioritization and alternative telecommunication solutions</p>	<p>N/A</p>
<p>Recommended channels for transmission of -urgent requests -information exchange</p> <p>Contact details</p>	<p>The Director of Public Prosecutions considers, that the best channel to use is SIS – Sirene or/and by sending email to our office, email: saksoknari@saksoknari.is</p>
<p>Any other relevant information</p>	<p>The activities of Icelandic courts will be as normal as possible with regards to regulation no. 1051/2020 on the restriction of meeting due to an epidemic that is valid until and including 17th November. It is up to each court to ensure that the rules on number and proximity restrictions are respected within the walls of the court in according to mentioned rules. There are no restrictions regarding house searches or police interrogations, but there are delays.</p>

29. Norway (NO)

NORWAY 	
<p>EAW</p> <p>-issuing of EAWs (suspension; impact on already issued EAWs; prioritization in issuing new EAWs + criteria)</p> <p>- execution and postponement of the actual surrender (legal basis, adequacy, release of surrendered persons, measures to prevent released persons from absconding)</p> <p>-expected resuming of surrenders</p> <p>-transit</p>	<p>Impact on the issuing of EAWs Norway has so far not decided to temporary suspend the issuing of Arrest Warrants (AWs), nor to withdraw already issued AWs. No directive has been given to prioritize the issuing of Arrest Warrants.</p> <p>Impact on the execution of EAWs and postponement of the actual surrender Norway has not decided to temporary suspend the execution of Arrest Warrants. Postponement of surrender has taken place in several cases. Surrender has been made within the new deadline decided in each case.</p> <p>Impact on surrender, extradition, transfer by land SIRENE Norway has not experienced that the COVID-19 situation has had any influence on the execution of surrenders, extraditions and transfers of convicts by land.</p> <p>Impact on surrender, extradition, transfer by air Yes, SIRENE Norway can confirm that the COVID-19 pandemic has had an influence on the execution of surrenders, extraditions and transfers of convicts by air. However, since June 2020 almost all surrenders to and/or from Norway have taken place within the time frame of 10 days from final decision.</p> <p>Legal basis for postponing the actual surrender The FD EAW does not apply to Norway, but Norway applies the Agreement of 28 June 2006 between the European Union and the Republic of Iceland and the Kingdom of Norway on the surrender procedure between the Member States of the European Union and Iceland and Norway. Article 26 of the Agreement corresponds with Article 23 of the FD EAW. So far, we have applied Article 26 (3) regarding force majeure.</p> <p>Adequacy of these provisions So far, we consider that these provisions are sufficient.</p> <p>Releases of requested persons following the postponement of the surrender If surrender turns out to be impossible due to travel restrictions or similar force majeure, the Prosecution Authority and the Courts will decide on a case to case basis whether continued detention is justified according to our Code on Arrest Warrant section 30, which implement the Agreement Article 26 para. 3, or whether continued detention would be regarded as</p>

	<p>disproportionate. This assessment will depend on several issues, including the seriousness of the criminal case and the expected time of surrender.</p> <p>The non-compliance with deadlines has so far led to release of one person in one case, according to the knowledge of the Office of the Director of Public Prosecutions and the National Criminal Investigation Service.</p> <p>Expected resuming of the surrender Surrenders and extraditions have in general been carried out as normal.</p> <p>Transit In the case of ongoing measures related to the pandemic, it is possible to execute transit via the territory of Norway.</p>
<p>Precautionary measures for surrender, extradition and transfer</p> <ul style="list-style-type: none"> - COVID19 test - health certificate - quarantine - facial masks 	<p>Precautionary measures Persons who are surrendered/extradited to Norway have to endure 10 days of quarantine, which applies to everybody who has been abroad. The prisoner must bring a certificate of negative COVID-19 (SARS-CoV-2). The certificate must refer to an approved test method: PCR or the rapid antigen test. The certificate must have been issued within the past 72 hours before arrival in Norway. The test certificate must be in Norwegian, Swedish, Danish, English, French or German.</p> <p>Specific measures for the escorting police officer There is no requirement for a negative COVID-19 test as long as escorting officers do not leave the aircraft or the transit area at the airport. If the escorting officers are to leave the transit area, they must present, upon entry, a certificate of negative COVID-19 (SARS-CoV-2). The certificate must refer to an approved test method: PCR or the rapid antigen test. The certificate must have been issued within the past 72 hours before arrival in Norway. The test certificate must be in Norwegian, Swedish, Danish, English, French or German.</p> <p>If the escorting officers have to stay overnight in Norway, the following restrictions apply when arriving in Norway from countries and regions with a high or very high infection: the escorting officers must accommodate themselves in separate single rooms in a hotel nearby the airport. The officers must travel directly from the airport to the hotel, and they have to wear a face mask until they arrive at their accommodation. Close contact with other people must be avoided, and we recommend that they remain in the vicinity of the hotel during their stay.</p> <p>The officers are exempt from the duty to observe quarantine procedures when travelling from their accommodation to their place of work and when on duty. This means from their arrival in Norway and until reaching their accommodation, as well as during other travel necessary to reach where the person in question will be handed over and when returning to their own country. However, the officers must at all times avoid close contact with other persons to the extent possible. This means that travel from the airport and to their accommodation and back must be organised to comply with distancing rules. If it becomes necessary to use public transport or a taxi, the</p>

	<p>officers must maintain a distance of at least two metres to fellow passengers or drivers, to the extent possible. When the foreign officers are not on duty in Norway (e.g. while awaiting hand-over), they will be subject to quarantine procedures like any other person who has arrived from abroad.</p> <p>Need (or not) for further guidance on precautionary measures It seems difficult to establish common guidance, as the States take different precautionary measures depending on the situation, which vary between States and over time also changes within every State. However it could be useful if all States used a common list with information that the States have to provide in connection with surrenders, which would contain information about possible requirements of protective equipment, health certificates etc.</p>
<p>Extradition -suspension -legal basis -third countries involved -expected duration of suspension</p>	<p>Impact on extradition procedures The Director of Public Prosecutions has not decided to temporarily suspend extradition procedures to third States due to COVID-19, nor have specific third States decided to temporarily suspend extradition procedures to Norway according to our knowledge. However, surrenders may be delayed due to travel restrictions.</p>
<p>Transfer of sentenced persons -prioritization in issuing/execution</p>	N/A
<p>SIRENE Bureaux -working of SIS bureau -exchange of information with other SIS Bureaux</p>	<p>Impact on the working of the SIRENE Bureau SIRENE Norway is now fully functional, partly with presence in the office and partly teleworking from home.</p> <p>Impact on the exchange of information with other SIRENE Bureaux SIRENE Norway has not experienced that the COVID-19 situation has had any influence of the time taken for the exchange of information with other Bureaux. However, in some urgent cases we have had some problems reaching others by telephone.</p>
<p>MLA -prioritization in issuing/execution -electronic transmission -whom to contact</p>	<p>Impact on the issuing and execution of MLA requests COVID-19 might have an impact on the execution and issuing of requests for Mutual Legal Assistance (MLA-requests).</p> <p>The issuing of MLA-requests is prioritized according to a directive of 20 March 2020 from the Director of Public Prosecutions. According to the directive, requests for Mutual Legal Assistance should only be issued by Norwegian prosecutors if the Prosecution Authority would have decided to carry out the requested investigative steps in the current situation.</p> <p>According to the directive of 20 March 2020 from the Director of Public Prosecutions, the Prosecutors should not request Authorities of other States to carry out investigative steps which would not have been prioritized by Norwegian Authorities during the current critical situation.</p>

	<p>The execution of MLA-requests is also prioritized according to the directive, which states that MLA-requests may be given a lower priority – if necessary – provided that the case does not concern serious crime, such as cases which concern life or health. However, such MLA-requests will be handled if the Authorities have recourses to do so. MLA-requests which concern serious crime will be handled with the same priority as before.</p>
<p>Freezing and confiscation orders -prioritization in issuing/execution</p>	N/A
<p>JITs -prioritization and alternative telecommunication solutions</p>	N/A
<p>Recommended channels for transmission of -urgent requests -information exchange</p>	<p>The Norwegian Director of Public Prosecutions considers that the best channel to use in order to exchange information is SIRENE.</p>
<p>Any other relevant information</p>	<p>There are no restrictions regarding house searches, court hearings or police interrogations, but there are delays in particular as far as court hearings are concerned.</p>