



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 27 July 2011

13297/11

**COPEN 189
EUROJUST 116
EJN 95**

NOTE

from: General Secretariat

to: Delegations

Subject: Council Framework Decision 2009/299/JHA of 26 February 2009 amending Framework Decisions 2002/584/JHA, 2005/214/JHA, 2006/783/JHA, 2008/909/JHA and 2008/947/JHA, thereby enhancing the procedural rights of persons and fostering the application of the principle of mutual recognition to decisions rendered in the absence of the person concerned at the trial.
- Consolidated version of the European arrest warrant form.

Delegations find attached the consolidated version of the European arrest warrant form.

EUROPEAN ARREST WARRANT ¹

This warrant has been issued by a competent judicial authority. I request that the person mentioned below be arrested and surrendered for the purposes of conducting a criminal prosecution or executing a custodial sentence or detention order.

¹ This warrant must be written in, or translated into, one of the official languages of the executing Member State, when that State is known, or any other language accepted by that State.

(a) Information regarding the identity of the requested person:

Name:

Forename(s):

Maiden name, where applicable:

Aliases, where applicable:

Sex:

Nationality:

Date of birth:

Place of birth:

Residence and/or known address:

.....

Language(s) which the requested person understands (if known):

.....

Distinctive marks/description of the requested person:

.....

Photo and fingerprints of the requested person, if they are available and can be transmitted, or contact details of the person to be contacted in order to obtain such information or a DNA profile (where this evidence can be supplied but has not been included)

(b) Decision on which the warrant is based:

1. Arrest warrant or judicial decision having the same effect:

Type:

2. Enforceable judgement:

Reference:

(c) Indications on the length of the sentence:

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

.....

.....

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

.....

.....

Remaining sentence to be served:

.....

.....

(d) Indicate if the person appeared in person at the trial resulting in the decision:

1. Yes, the person appeared in person at the trial resulting in the decision.

2. No, the person did not appear in person at the trial resulting in the decision.

3. If you have ticked the box under point 2, please confirm the existence of one of the following:

3.1a. the person was summoned in person on ... (day/month/year) and thereby informed of the scheduled date and place of the trial which resulted in the decision and was informed that a decision may be handed down if he or she does not appear for the trial;

OR

3.1b. the person was not summoned in person but by other means actually received official information of the scheduled date and place of the trial which resulted in the decision, in such a manner that it was unequivocally established that he or she was aware of the scheduled trial, and was informed that a decision may be handed down if he or she does not appear for the trial;

OR

- 3.2. being aware of the scheduled trial, the person had given a mandate to a legal counsellor, who was either appointed by the person concerned or by the State, to defend him or her at the trial, and was indeed defended by that counsellor at the trial;

OR

- 3.3. the person was served with the decision on ... (day/month/year) and was expressly informed about the right to a retrial or appeal, in which he or she has the right to participate and which allows the merits of the case, including fresh evidence, to be re-examined, and which may lead to the original decision being reversed, and
 - the person expressly stated that he or she does not contest this decision;

OR

- the person did not request a retrial or appeal within the applicable timeframe;

OR

- 3.4. the person was not personally served with the decision, but
 - the person will be personally served with this decision without delay after the surrender; and
 - when served with the decision, the person will be expressly informed of his or her right to a retrial or appeal, in which he or she has the right to participate and which allows the merits of the case, including fresh evidence, to be re-examined, and which may lead to the original decision being reversed; and
 - the person will be informed of the timeframe within which he or she has to request a retrial or appeal, which will be days.

4. If you have ticked the box under point 3.1b, 3.2 or 3.3 above, please provide information about how the relevant condition has been met:

.....
.....

(e) Offences:

This warrant relates to in total: offences.

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

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.....

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

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.....

I. If applicable, tick one or more of the following offences punishable in the issuing Member State by a custodial sentence or detention order of a maximum of at least 3 years as defined by the laws of the issuing Member State:

- participation in a criminal organisation;
- terrorism;
- trafficking in human beings;
- sexual exploitation of children and child pornography;
- illicit trafficking in narcotic drugs and psychotropic substances;
- illicit trafficking in weapons, munitions and explosives;

- 0 corruption;
- 0 fraud, including that affecting the financial interests of the European Communities within the meaning of the Convention of 26 July 1995 on the protection of European Communities' financial interests;
- 0 laundering of the proceeds of crime;
- 0 counterfeiting of currency, including the euro;
- 0 computer-related crime;
- 0 environmental crime, including illicit trafficking in endangered animal species and in endangered plant species and varieties;
- 0 facilitation of unauthorised entry and residence;
- 0 murder, grievous bodily injury;
- 0 illicit trade in human organs and tissue;
- 0 kidnapping, illegal restraint and hostage-taking;
- 0 racism and xenophobia;
- 0 organised or armed robbery;
- 0 illicit trafficking in cultural goods, including antiques and works of art;
- 0 swindling;
- 0 racketeering and extortion;
- 0 counterfeiting and piracy of products;
- 0 forgery of administrative documents and trafficking therein;

- 0 forgery of means of payment;
 - 0 illicit trafficking in hormonal substances and other growth promoters;
 - 0 illicit trafficking in nuclear or radioactive materials;
 - 0 trafficking in stolen vehicles;
 - 0 rape;
 - 0 arson;
 - 0 crimes within the jurisdiction of the International Criminal Court;
 - 0 unlawful seizure of aircraft/ships;
 - 0 sabotage.
- II. Full descriptions of offence(s) not covered by section I above:
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(f) Other circumstances relevant to the case (optional information):
(NB: This could cover remarks on extraterritoriality, interruption of periods of time limitation and other consequences of the offence)

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(g) This warrant pertains also to the seizure and handing over of property which may be required as evidence:

This warrant pertains also to the seizure and handing over of property acquired by the requested person as a result of the offence:

Description of the property (and location) (if known):

.....

.....

.....

(h) The offence(s) on the basis of which this warrant has been issued is(are) punishable by/has(have) led to a custodial life sentence or lifetime detention order:

- the legal system of the issuing Member State allows for a review of the penalty or measure imposed – on request or at least after 20 years – aiming at a non-execution of such penalty or measure,

and/or

- the legal system of the issuing Member State allows for the application of measures of clemency to which the person is entitled under the law or practice of the issuing Member State, aiming at non-execution of such penalty or measure.

(i) The judicial authority which issued the warrant:

Official name:

Name of its representative ¹:

Post held (title/grade):

File reference:

Address:

Tel. No.: (country code) (area/city code) (...)

Fax No. (country code) (area/city code) ()

E-mail

Contact details of the person to contact to make necessary practical arrangements for the surrender:

¹ In the different language versions a reference to the "holder" of the judicial authority will be included.

Where a central authority has been made responsible for the transmission and administrative reception of European arrest warrants:

Name of the central authority:

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Contact person, if applicable (title/grade and name):

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Address:

.....

Tel. No.: (country code) (area/city code) (...)

Fax No.: (country code) (area/city code) (...)

E-mail:

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

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Name:

Post held (title/grade):

Date:

Official stamp (if available)