

IV

(Notices)

NOTICES FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND
AGENCIES

COUNCIL

**Notification by the European Union made in accordance with the Trade and Cooperation Agreement
between the European Union and the European Atomic Energy Community, of the one part, and the
United Kingdom of Great Britain and Northern Ireland, of the other part**

(2021/C 117 I/01)

The European Union hereby notifies the United Kingdom and the Specialised Committee on Law Enforcement and Judicial Cooperation of the following in relation to the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part (the 'Trade and Cooperation Agreement').

I. REVISION TO THE LIST OF COMPETENT AUTHORITIES

The details below replace the corresponding details notified to the United Kingdom on 29 January 2021.

1. **LIST OF PROVISIONS OF THE TRADE AND COOPERATION AGREEMENT WHICH REQUIRE A NOTIFICATION TO BE MADE UPON THE ENTRY INTO FORCE OR START OF APPLICATION OF THAT AGREEMENT**
 - a) ***Article LAW.OTHER 134(7)(a): Notification of the Passenger Information Units established or designated by each Member State for the purposes of receiving and processing PNR data under Title III [Transfer and processing of passenger name record data (PNR)]***

Spain

The national authority for processing PNR data is the National Passenger Information Office (Oficina Nacional de Información de Pasajeros, ONIP), based in the Intelligence Centre for Counterterrorism and Organised Crime (Centro de Inteligencia contra el Terrorismo y el Crimen Organizado, CITCO).

Address: Josefa Valcárcel, 28

Email: citco.onip@interior.es

Tel. +34 915372691 Sala Zar 24/7

- b) **Article LAW.OTHER 134(7)(b): Notification of the authority competent by virtue of the domestic law of each Member State to execute an arrest warrant**

Czech Republic

1. Municipal Public Prosecutor's Office in Prague
Náměstí 14. října 2188/9
150 00 Praha 5
Tel. +420 257111611
Fax +420 257111723
Email: podatelna@msz.pha.justice.cz

Italy

Courts of Appeal shall be the competent authorities for the execution of an arrest warrant.

- c) **Article LAW.OTHER 134(7)(b): Notification of the authority competent by virtue of the domestic law of each Member State to issue an arrest warrant**

Denmark

The Director of Public Prosecutions
Frederiksholms Kanal 16, 1220 København K,

+45 72689000

rigsadvokaten@ankl.dk,

on the condition that a Danish court has first issued a European arrest warrant.

- d) **Article LAW.OTHER 134(7)(c): Notification of the authority competent for receiving requests for transit through the Member State's territory of a requested person who is being surrendered**

Italy

The Ministry of Justice – Directorate General for International Affairs and Judicial Cooperation – Office I (International Judicial Cooperation) shall be the authority responsible for receiving transit requests and the necessary documents, as well as any other official correspondence relating to transit requests.

Email: cooperation.dginternazionale.dag@giustizia.it

Tel. +39 0668852130

- e) **Article LAW.OTHER 134(7)(e): Notification of the central authority competent for the exchange of information extracted from the criminal record under Title IX [Exchange of Criminal Record Information] and for the exchanges referred to in Article 22(2) of the European Convention on Mutual Assistance in Criminal Matters**

Germany

Central authority competent for the exchange of information extracted from the criminal record:

Federal Office of Justice (Bundesamt für Justiz)
Division (Referat) IV 2
International matters relating to central registers (Internationale Registerangelegenheiten)
Adenauerallee 99 - 103
D - 53113 BONN

Tel. +49 2289941040

Fax +49 228994105603

Internet: www.bundesjustizamt.de

Email: bzr.international@bfj.bund.de

Central authorities competent for the exchange referred to in Article 22(2) of the European Convention on Mutual Assistance in Criminal Matters:

The public prosecutor's office in the district in which the competent court rendered its judgment.

Greece

HELLENIC MINISTRY OF JUSTICE

DEPARTMENT OF CRIMINAL RECORDS

Address: Mesogeion 96, 115 27 Athens – HELLAS

Tel. +30 2131 307042

Email: ypdipimi@otenet.gr

Italy

The Ministry of Justice – Directorate General for Internal Affairs – Office III (Criminal Record) shall be the central authority competent for the exchange of information retrieved from the criminal record under Title IX (Exchange of criminal record information) of Part Three of the Agreement (Law Enforcement and Judicial Cooperation in Criminal Matters) and for the exchanges referred to in Article 22 of the European Convention on Mutual Assistance in Criminal Matters.

Email: casellario.centrale@giustizia.it and ufficio3grazie.dginterni.dag@giustizia.it

Tel. +39 066818912

Fax +39 0668807558

- f) ***Article LAW.OTHER 134(7)(f): Notification of the central authority responsible for sending and answering requests under Title XI [Freezing and Confiscation], and for executing such requests or for transmitting them to the authorities competent for their execution***

Greece

HELLENIC MINISTRY OF JUSTICE

DIRECTORATE OF SPECIAL LEGAL AFFAIRS

DEPARTMENT OF CRIMINAL LAW

Address: Mesogeion 96, 115 27 Athens – HELLAS

Tel. +30 2131307311/7312

Email: minjustice.penalaffairs@justice.gr

Italy

The Ministry of Justice – Directorate General for International Affairs and Judicial Cooperation – Office I (International Judicial Cooperation), shall be the central authority responsible for receiving and transmitting the requests made under Title XI (Freezing and Confiscation) of Part Three of the Agreement (Law Enforcement and Judicial Cooperation in Criminal Matters).

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Tel. +39 0668852130

3. OTHER NOTIFICATIONS

- a) ***Member States that wish to notify its central authority, or, if the legal system of the relevant Member State so provides, its central authorities, to assist the judicial authorities competent to issue and execute an arrest warrant***

Czech Republic

1. Ministry of Justice of the Czech Republic mezinárodní odbor trestní (International Department for Criminal Matters)
Vyšehradská 16
128 10 Praha 2
Tel. +420 221997435
Fax +420 221997986
Email: mot@msp.justice.cz

Greece

HELLENIC MINISTRY OF JUSTICE

DIRECTORATE OF SPECIAL LEGAL AFFAIRS

DEPARTMENT OF CRIMINAL LAW

Address: Mesogeion 96, 115 27 Athens – HELLAS

Tel. +30 2131307311/7312

Email: minjustice.penalaffairs@justice.gr

Italy

The central authority is the Ministry of Justice – Directorate General for International Affairs and Judicial Cooperation – Office I (International Judicial Cooperation). The central authority is competent in relation to the functions set forth in Article LAW.SURR 85(1) and (2). The central authority shall provide assistance to the competent judicial authorities and shall be responsible for the administrative transmission and receipt of arrest warrants, as well as for all other official correspondence relating thereto.

Email: cooperation.dginternazionale.dag@giustizia.it

Tel. +39 0668852130

II. OTHER NOTIFICATIONS UNDER THE TRADE AND COOPERATION AGREEMENT

1. NOTIFICATION UNDER ARTICLE LAW.SURR. 79(4)/ARTICLE LAW.OTHER.134(2)

The European Union notifies, on behalf of the following States, that, on the basis of reciprocity, the condition of double criminality referred to in Article LAW.SURR.79(2) will not be applied provided that the offence on which the warrant is based is one of the offences listed under Article LAW.SURR 79(5), as defined by the law of the issuing State, and punishable in the issuing State by a custodial sentence or a detention order for a maximum period of at least three years:

Belgium, Ireland, Greece, Spain, France, Italy, Cyprus, Lithuania, Luxembourg, Hungary, The Netherlands ⁽¹⁾, Austria, Poland, Portugal, Romania.

⁽¹⁾ It is recalled that in accordance with its Article FINPROV.1 the TCA does not apply to the Caribbean part of the Netherlands (Bonaire, Saba, Sint Eustatius) or to the autonomous countries within the Kingdom of the Netherlands (Aruba, Curaçao, Sint Maarten).

2. NOTIFICATION UNDER ARTICLE LAW.SURR.82(2)/ARTICLE LAW.OTHER.134(1)

The European Union notifies, on behalf of the following Member States, that paragraph 1 of Article LAW.SURR.82 will be applied only in relation to:

- a) the offences referred to in Articles 1 and 2 of the European Convention on the Suppression of Terrorism;
- b) offences of conspiracy or association to commit one or more of the offences referred to in Articles 1 and 2 of the European Convention on the Suppression of Terrorism, if those offences of conspiracy or association correspond to the description of behaviour referred to in Article LAW.SURR.79(3); and
- c) terrorism as defined in ANNEX LAW-7 of this Agreement:

Belgium, Czech Republic, Denmark, France, Croatia, Italy, Cyprus, Poland, Portugal, Slovakia, Finland, Sweden.

The European Union informs the United Kingdom that the following Member States indicated that they do not intend to make a notification under Article LAW.SURR.82(2) ⁽²⁾:

Bulgaria, Germany, Ireland, Greece, Spain, Latvia, Lithuania, Luxembourg, Hungary, Malta, The Netherlands, Austria, Romania, Slovenia.

3. NOTIFICATION UNDER ARTICLE LAW.SURR. 83(2)/ARTICLE LAW.OTHER.134(1)

The European Union makes, on behalf of the following Member States, the following notifications:

The following State's own nationals will not be surrendered by that State: Germany, Greece, France, Croatia, Latvia, Poland, Slovenia, Slovakia, Finland, Sweden.

France will also not surrender a person who was a French national when the act was committed.

The following States condition surrender of their own nationals:

Bulgaria: The surrender of its nationals will only be authorised on the basis of reciprocity.

Czech Republic and Austria will not surrender an own national unless the requested person consents to the surrender.

Denmark: Surrender can be refused if the person sought is a Danish national and the offence punishable cannot result in imprisonment or other deprivation of liberty for a period greater than four years under Danish law.

Surrender will not be refused on these grounds if the requested person has been living on the territory of the United Kingdom for the last two years prior to the offence and the offence can be punished with imprisonment for at least one year under Danish law.

It is a condition that the United Kingdom also surrenders own nationals. If not, the courts will decide in each case if there are specific law enforcement considerations for surrendering the person.

Estonia: Estonia surrenders its citizens only under certain conditions. Estonia will not surrender Estonian citizens for the execution of imprisonment if the person applied for enforcement of the punishment in Estonia. Estonia will surrender its citizens who reside permanently in Estonia for the duration of the criminal proceedings only on the condition that the punishment imposed on a person in the United Kingdom is enforced in Estonia.

Cyprus: The surrender of citizens of the Republic of Cyprus will only be authorised on the basis of reciprocity.

⁽²⁾ Without prejudice to the possibility under Article LAW.SURR.82(3).

Lithuania: The surrender of citizens of the Republic of Lithuania will be authorised on the basis of reciprocity. If an arrest warrant is issued for the purposes of criminal prosecution, a citizen of the Republic of Lithuania shall be surrendered on condition that after the court delivers a judgement in the country issuing the arrest warrant, the person will be transferred to the Republic of Lithuania to serve the custodial sentence, if the person concerned or the Office of the Prosecutor General's Office of the Republic of Lithuania requests so.

Luxembourg: The surrender of its nationals will be authorised:

- i) on the basis of reciprocity, and
- ii) only on the condition that the requested person, at his or her request and with the agreement of the Prosecutor General of the Grand-Duchy of Luxembourg, will be returned to the Grand-Duchy of Luxembourg to serve the custodial sentence or detention order passed in the issuing State.

Hungary: Where a person who is the subject of an arrest warrant for the purposes of prosecution is a national and resident of Hungary, the requested person shall only be surrendered if the issuing judicial authority gives an adequate guarantee that if a final custodial sentence or detention order is imposed, the requested person, at his or her request, will be returned to Hungary to serve the custodial sentence or detention order passed against him in the issuing State.

Malta: The surrender of its nationals will only be authorised on the basis of reciprocity.

The Netherlands (?): Surrender following an arrest warrant for the purpose of prosecution is not authorised in the event of a request for the surrender of a Dutch national.

Dutch nationals can be surrendered for the purpose of conducting a criminal prosecution provided that the requesting State issues a guarantee that the person sought, in accordance with the Convention on the Transfer of Sentenced Persons, concluded on 21 March 1983 in Strasbourg, will be transferred back to the Netherlands in order to serve their sentence there after following the procedure referred to in Article 11 of the Convention, if a non-suspended custodial sentence or a detention order has been passed against them after surrender.

Portugal: The Portuguese Republic declares that, for the purpose of Article LAW.SURR.83 of the Agreement between the European Union and the United Kingdom, it only surrenders its nationals on the basis of reciprocity and under the following conditions:

- i) in cases of terrorism and international organized crime; and
- ii) for purposes of criminal proceedings and provided that the requesting State gives assurances that it will return the surrendered person to the Portuguese Republic for that person to serve in Portugal the sanction or measure that might have been imposed on him/her, once the sentence is reviewed and confirmed in accordance to the Portuguese law, unless the surrendered person expressly refuses to be returned.

Romania: Surrender of nationals for the purpose of investigation/prosecution shall be carried out on condition that, if a custodial sentence is rendered, the person surrendered shall be transferred back to Romania.

When the arrest warrant was issued for the purpose of enforcement of a custodial sentence or a measure involving deprivation of liberty, surrender will be refused if the requested person is a Romanian national and he/she declares that he/she refuses to execute the sentence in the issuing state. In this case, the judgment will be recognized in Romania.

The European Union informs the United Kingdom that the following Member States indicated to make no notification under the first sentence of Article LAW.SURR.83(2) (*):

Belgium, Ireland, Spain, Italy.

(?) It is recalled that in accordance with its Article FINPROV.1 the TCA does not apply to the Caribbean part of the Netherlands (Bonaire, Saba, Sint Eustatius) or to the autonomous countries within the Kingdom of the Netherlands (Aruba, Curaçao, Sint Maarten).

(*) Without prejudice to the possibility under the third sentence of Article LAW.SURR.83(2).

4. NOTIFICATION UNDER ARTICLE LAW.SURR. 86 (2)/ARTICLE LAW.OTHER.134 (2)

The European Union makes, on behalf of the following Member States, the following notifications on accepting an arrest warrant issued or translated in one or more other languages of the States:

Denmark accepts arrest warrants in English besides in Danish.

Germany will accept an arrest warrant in English, if the United Kingdom is in turn also willing to accept an arrest warrant issued by German judicial authorities in German.

Estonia accepts arrest warrants in English besides in Estonian.

Croatia: In urgent cases, Croatia will accept arrest warrants in English, if the United Kingdom is in turn also willing to accept arrest warrants issued by Croatia in Croatian.

Luxembourg accepts arrest warrants in English besides in French and German.

Hungary – in case of reciprocity – accepts arrest warrants in English besides in Hungarian, if the United Kingdom is in turn also willing to accept arrest warrants issued by Hungary in Hungarian.

The Netherlands ^(?) accepts arrest warrants in English besides in Dutch.

Austria will accept an arrest warrant in English, if the United Kingdom is in turn also willing to accept an arrest warrant issued by Austrian judicial authorities in German.

Romania accepts arrest warrants in English or French besides in Romanian.

Finland accepts arrest warrants in English besides in Finnish and Swedish.

5. NOTIFICATION UNDER ARTICLE LAW.SURR.91(4)/ARTICLE LAW.OTHER.134(1)

The European Union notifies, on behalf of the following Member States, that they wish to have recourse to the possibility under the second sentence of Article LAW.SURR.91(4), specifying the procedures whereby revocation of the consent is possible:

Bulgaria: A consent to surrender could be revoked within three days after being given before the executing judicial authority. Where the requested person has revoked his/her consent the surrender procedures continue in accordance with the general provisions of the Extradition and European Arrest Warrant Act.

Denmark: A consent to surrender in accordance with Danish law may be revoked. This means that a consent can be revoked at any time until surrender has taken place.

Spain: The consent may be revoked at any time until the court decision is final.

Austria: A person concerned may file a remedy against the decision of the court to surrender him/her due to his/her consent within three days of being notified of the court decision. Filing of remedy will implicitly be regarded as revocation of the consent to surrender.

Finland: The consent to surrender, the express renunciation of entitlement to the speciality rule and the consent to possible subsequent surrender may be revoked until the decision on surrender has been enforced. If the consent to surrender is revoked, the court shall take the surrender matter up for consideration.

Sweden will allow the revocation of consent to surrender as well as the revocation of a renunciation of entitlement to the speciality rule. In accordance with general principles of procedural law, a revocation of consent to surrender will be considered if it is made before the decision on surrender is made. A revocation of a renunciation of entitlement to the speciality rule will be considered if it is made before the decision on surrender is executed.

The European Union informs the United Kingdom that the following Member States indicated to make no notification under the first sentence of Article LAW.SURR.91(4):

Belgium, Czech Republic, Germany, Ireland, Greece, France, Croatia, Italy, Cyprus, Latvia, Lithuania, Luxembourg, Hungary, Malta, The Netherlands, Poland, Portugal, Romania, Slovenia, Slovakia.

^(?) It is recalled that in accordance with its Article FINPROV.1 the TCA does not apply to the Caribbean part of the Netherlands (Bonaire, Saba, Sint Eustatius) or to the autonomous countries within the Kingdom of the Netherlands (Aruba, Curaçao, Sint Maarten).

6. NOTIFICATION UNDER ARTICLE LAW.SURR. 105(1)/ARTICLE LAW.OTHER.134(2)

The European Union notifies, on behalf of the following Member States, that, on the basis of reciprocity, consent is presumed to have been given for the prosecution, sentencing or detention of a person with a view to the carrying out of a custodial sentence or detention order for an offence committed prior to the surrender of a person, other than that for which the person was surrendered, unless in a particular case the executing judicial authority states otherwise in its decision on surrender:

Malta, Austria, Romania.

7. NOTIFICATION UNDER ARTICLE LAW.SURR. 106(1)/ARTICLE LAW.OTHER.134(2)

The European Union notifies, on behalf of the following Member States, that, in relations with other States to which the same notification applies, the consent for the surrender of a person to a State other than the executing State pursuant to an arrest warrant or European arrest warrant issued for an offence committed prior to the person's surrender is presumed to have been given, unless in a particular case the executing judicial authority states otherwise in its decision on surrender:

Malta, Austria, Romania.

8. NOTIFICATION UNDER ARTICLE LAW.CONFISC.4(4)/ARTICLE LAW.OTHER.134(2)

The European Union notifies, on behalf of the following Member States, that Article LAW.CONFISC.4 will be extended to accounts held in non-bank financial institutions, subject to the principle of reciprocity:

Belgium*, Czech Republic, Denmark, Greece, Italy, Hungary, Malta, The Netherlands, Austria, Poland, Portugal*, Slovakia.

* Belgium: The Belgian judicial authorities may provide the requested assistance also on accounts held in non-bank financial institutions, on the basis of reciprocity, and insofar as similar measures or requested information may be taken or obtained in a similar domestic case under national legislation, in particular in accordance with article 46quater of the Criminal procedural code.

* Portugal: The Portuguese Republic declares that, on the basis of reciprocity, it is willing to take measures and provide details also on accounts held in non-bank financial institutions if the execution of the investigative measure would be authorized in a similar domestic case.

9. NOTIFICATION UNDER ARTICLE LAW.CONFISC.5(5)/ARTICLE LAW.OTHER.134(2)

The European Union notifies, on behalf of the following Member States, that Article LAW.CONFISC.5 will be extended to accounts held in non-bank financial institutions, subject to the principle of reciprocity:

Belgium*, Czech Republic, Denmark, Greece, Italy, Hungary, Malta, The Netherlands, Austria, Poland, Portugal*, Slovakia.

* Belgium: The Belgian judicial authorities may provide the requested assistance also on accounts held in non-bank financial institutions, on the basis of reciprocity, and insofar as similar measures or requested information may be taken or obtained in a similar domestic case under national legislation, in particular in accordance with article 46quater of the Criminal procedural code.

* Portugal: The Portuguese Republic declares that, on the basis of reciprocity, it is willing to provide particulars on banking transactions also concerning accounts held in non-bank financial institutions if the execution of the investigative measure would be authorized in a similar domestic case.

10. NOTIFICATION UNDER ARTICLE LAW.CONFISC 6/ARTICLE LAW.OTHER.134(2)

The European Union notifies, on behalf of the following Member States, that Article LAW.CONFISC.6 will be extended to accounts held in non-bank financial institutions, subject to the principle of reciprocity:

Belgium*, Czech Republic*, Denmark, Greece, Italy, Hungary, Malta, The Netherlands, Austria, Poland, Portugal*.

- * Belgium: The Belgian judicial authorities may provide the requested assistance also on accounts held in non-bank financial institutions, on the basis of reciprocity, and insofar as similar measures or requested information may be taken or obtained in a similar domestic case under national legislation, in particular in accordance with article 46quater of the Criminal procedural code.
- * Czech Republic: applies only to accounts held in savings and credit cooperatives and accounts with a person authorized to register investment instruments or book-entry securities.
- * Portugal: The Portuguese Republic declares that, on the basis of reciprocity, it is willing to monitor and to communicate the results also on accounts held in non-bank financial institutions if the execution of the investigative measure would be authorized in a similar domestic case.

11. NOTIFICATION UNDER ARTICLE LAW.CONFISC.15(2)/ARTICLE LAW.OTHER.134(2)

The European Union notifies, on behalf of the following Member States, that, on the basis of reciprocity, the condition of double criminality referred to in point (b) of Article LAW.CONFISC.15(1) will not be applied provided that the offence giving rise to the request is

- a) one of the offences listed in Article LAW.SURR.79(4), as defined by the law of the requesting State, and
- b) punishable by the requesting State by a custodial sentence or a detention order for a maximum period of at least three years:

Belgium, Ireland, Greece, Spain, France, Italy, Latvia, Lithuania, Austria, Poland, Portugal.

12. NOTIFICATION UNDER ARTICLE LAW. CONFISC.23 (3)/ARTICLE LAW.OTHER.134 (2)

The European Union notifies, on behalf of the following Member States, of the following language or languages which, in addition to the official language or languages of that Member State, may be used for making requests under Title eleven of this Agreement:

Estonia: English.

Croatia: In urgent cases, English if the United Kingdom is in turn also willing to accept Croatian.

Cyprus: English.

Luxembourg: English.

Hungary: English if the United Kingdom is in turn also willing to accept Hungarian.

The Netherlands ⁽⁶⁾: English.

Austria: English if the United Kingdom is in turn also willing to accept German.

Romania: English and French.

13. NOTIFICATION UNDER ARTICLE LAW.CONFISC.23 (7)/ARTICLE LAW.OTHER. 134(2) MEMBER STATES THAT REQUIRE THE TRANSLATION OF ANY DOCUMENTS SUPPORTING THE REQUEST INTO ONE OF ITS OFFICIAL LANGUAGES OR ANY OTHER OFFICIAL UNION LANGUAGE

The European Union notifies, on behalf of the following Member States, that the Member State requires the translation of any supporting document into one of the official languages of the requested Member State or any other language indicated in accordance with Article LAW.CONFISC.23(3):

⁽⁶⁾ It is recalled that in accordance with its Article FINPROV.1 the TCA does not apply to the Caribbean part of the Netherlands (Bonaire, Saba, Sint Eustatius) or to the autonomous countries within the Kingdom of the Netherlands (Aruba, Curaçao, Sint Maarten).

Bulgaria, Czech Republic, Denmark, Germany, Ireland, Greece, Spain, Croatia*, Italy, Cyprus ^(?), Latvia, Lithuania, Hungary*, Austria*, Poland, Portugal, Romania ⁽⁸⁾, Slovakia.

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- * Croatia: The documentation shall be translated in Croatian language, but in urgent cases, documentation in English will be accepted, if the United Kingdom is in turn also willing to accept documentation supporting a request of Croatia in Croatian.
 - * Hungary requests the documents to be in Hungarian or English if the United Kingdom is in turn also willing to accept Hungarian.
 - * Austria requests documents to be in German or English if the United Kingdom is in turn also willing to accept German.

Estonia requests the documents to be in Estonian or in English.

^(?) i.e. Greek and English.

⁽⁸⁾ i.e. Romanian, English or French.