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from : Tomas Frydenberg, Legal Attaché, Permanent Representation of Denmark

date of receipt : 7 November 2003

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to : General Secretariat of the Council of the European Union

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Subject : Notification to the General Secretariat of the Council of the transposition into Danish law of the Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States (2002/584/JHA)

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Pursuant to Article 34(1) of the Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States, Member States are to take the necessary measures to comply with the provisions of the Framework Decision by 31 December 2003.

Pursuant to the first subparagraph of Article 34(2) of the Framework Decision, Member States are to transmit to the General Secretariat of the Council and to the Commission the text of the provisions transposing into their national law the obligations imposed on them under the Framework Decision. When doing so, each Member State may indicate that it will apply the Framework Decision immediately in its relations with those Member States which have given the same notification.

The Danish Government would therefore state that the Framework Decision on the European arrest warrant was transposed by Law No 433 of 10 June 2003 amending the law on the extradition of offenders and the law on the extradition of offenders to Finland, Iceland, Norway and Sweden (transposition of the EU-Framework Decision on the European arrest warrant, etc.). The new rules enter into force on 1 January 2004 and will be applied to requests for extradition made after that date, cf. §3 of the amending law.

The comments on the proposal for a law amending the law on the extradition of offenders and the law on the extradition of offenders to Finland, Iceland, Norway and Sweden set out in more detail how individual articles of the Framework Decision are to be put into effect.

The following texts are enclosed:

- Law No 433 of 10 June 2003 amending the law on the extradition of offenders and the law on the extradition of offenders to Finland, Iceland, Norway and Sweden (transposition of the EU-Framework Decision on the European arrest warrant, etc.).
- Proposal for a law amending the above two extradition laws (L 168).

For the purposes of transposing the Framework Decision into Danish law, an administrative guide for police and prosecution authorities in Denmark will be drawn up, setting out more precise guidance on the procedure for extradition on the basis of a European arrest warrant. The guide will be sent both to the General Secretariat of the Council and to the Commission as soon as it is available.

We would also state that the Danish Government – in accordance with the Council conclusions of 3 October 2003 on the application of the European arrest warrant and its relationship with Council of Europe legal instruments – has notified the Secretary-General of the Council of Europe of the transposition of the Framework Decision into Danish law.

(Complimentary close)

(s.) Tomas Frydenberg