



STATUTORY INSTRUMENTS.

S.I. No. 720 of 2020



EUROPEAN ARREST WARRANT (APPLICATION TO THIRD
COUNTRIES) (UNITED KINGDOM) ORDER 2020

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EUROPEAN ARREST WARRANT (APPLICATION TO THIRD COUNTRIES) (UNITED KINGDOM) ORDER 2020

WHEREAS 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 (referred to subsequently in these recitals as “the Agreement”) was done at Brussels and London on 30 December 2020;

AND WHEREAS Title VII of Part Three of the Agreement provides for the surrender of persons wanted for prosecution or punishment;

AND WHEREAS Article LAW.SURR.112 of the Agreement provides that the said Title VII shall apply in respect of European arrest warrants issued in accordance with Council Framework Decision 2002/584/JHA¹ by a State before the end of the transition period (being the period that ends at 11.00 p.m. on the 31st day of December 2020) where the requested person has not been arrested for the purpose of its execution before the end of the transition period;

AND WHEREAS Article FINPROV.11 of the Agreement provides for the entry into force and for the provisional application of the Agreement;

AND WHEREAS, the Parties to the Agreement having notified each other that their respective internal procedures necessary for provisional application have been completed, the Agreement, in accordance with the said Article FINPROV.11, shall be provisionally applied from 11.00 p.m. on the 31st day of December 2020;

NOW I, SIMON COVENEY, Minister for Foreign Affairs, in exercise of the powers conferred on me by section 2(2) of the European Arrest Warrant (Application to Third Countries and Amendment) and Extradition (Amendment) Act 2012 (No. 30 of 2012) (as adapted by the Foreign Affairs and Trade (Alteration of Name of Department and Title of Minister) Order 2020 (S.I. No. 382 of 2020)), after consultation with the Minister for Justice, hereby order as follows:

1. (1) This Order may be cited as the European Arrest Warrant (Application to Third Countries) (United Kingdom) Order 2020.

(2) This Order shall come into operation at 11.00 p.m. on the 31st day of December 2020.

2. In this Order –

“Act of 2003” means the European Arrest Warrant Act 2003 (No. 45 of 2003);

“Agreement” means the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one

¹ OJ No. L190 of 18.7.2002, p.1

part, and the United Kingdom of Great Britain and Northern Ireland, of the other part, done at Brussels and London on 30 December 2020;

“European arrest warrant” has the meaning it has in the Act of 2003.

3. The provisions of the Act of 2003 that would, apart from section 2 of the European Arrest Warrant (Application to Third Countries and Amendment) and Extradition (Amendment) Act 2012 (No. 30 of 2012) and orders made under subsection (2) of that section, apply only in relation to Member States shall apply in relation to the United Kingdom of Great Britain and Northern Ireland.

4. Without prejudice to the generality of Article 3, the provisions of the Act of 2003 referred to in that Article shall, in accordance with Article LAW.SURR.112 of the Agreement, apply in relation to a European arrest warrant that satisfies the following conditions:

- (a) that the European arrest warrant has been issued by a judicial authority in the United Kingdom of Great Britain and Northern Ireland before 11.00 p.m. on the 31st day of December 2020, and
- (b) that the person in respect of whom the European arrest warrant is issued has not been arrested for the purposes of the execution of the European arrest warrant before 11.00 p.m. on the 31st day of December 2020.



GIVEN under my Official Seal,
31 December, 2020.

SIMON COVENEY,
Minister for Foreign Affairs.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

This Order applies the provisions of the European Arrest Warrant Act 2003 (No. 45 of 2003) to the United Kingdom of Great Britain and Northern Ireland, in light of the coming into operation of 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 Agreement').

The Agreement provides for the surrender of persons wanted for prosecution or punishment as between the Member States of the European Union and the United Kingdom at Title VII of Part 3.

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