



**COUNCIL OF  
THE EUROPEAN UNION**

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**NOTE**

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from : Latvian Delegation  
to : Working Party on Cooperation in Criminal Matters (Experts on European Arrest Warrant)  
Subject : Practical implementation of the European Arrest Warrant  
- Article 26  
- Speciality rule

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The Latvian delegation would like to submit two questions for the discussion at the COPEN meeting of the EAW experts:

1. Article 26 of the Framework Decision provides that the issuing Member State deducts all periods of detention arising from the execution of the EAW from the total period of detention to be served in the issuing Member State. Moreover, all information concerning the duration of the time the requested person has been kept in detention on the basis of the EAW should be transmitted by the executing authority at the time of the surrender.

The Latvian competent authorities, while taking over the surrendered person from other Member States, observed the practice that the EAW executing Member State does not provide information on the exact time that the person has spent in detention for the purpose of executing the EAW.

Neither is the information provided whether the surrendered person expressed renunciation of entitlement to the “speciality rule”.

Latvia is of the view that information on the time of arrest and persons’ opinion on the rule of speciality is essential and should be provided in the documents.

2. A question which Latvia also would like to discuss is how Member States request the consent for execution of the sentence for offences which were committed before surrender and for which surrender was not requested, which documents are sent to the executing Member State for the purpose?

For example, the Latvian Criminal Procedure Law provides that the request is formulated in the same way as the request for surrender, which means by sending EAW.

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