



STATUTORY INSTRUMENTS.

S.I. No. 719 of 2020

EUROPEAN ARREST WARRANT ACT 2003 (DESIGNATED MEMBER
STATES) (AMENDMENT) ORDER 2020

EUROPEAN ARREST WARRANT ACT 2003 (DESIGNATED MEMBER STATES) (AMENDMENT) ORDER 2020

WHEREAS on 29 March 2017 the United Kingdom of Great Britain and Northern Ireland (referred to subsequently in these recitals as “the United Kingdom”) notified the European Council of its intention to withdraw from the European Union and the European Atomic Energy Community in accordance with Article 50 of the Treaty on European Union;

AND WHEREAS an Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community (referred to subsequently in these recitals as “the Agreement”) was signed at Brussels and London on 24 January 2020, and entered into force on 1 February 2020 in accordance with Article 185 thereof;

AND WHEREAS pursuant to Article 50 of the Treaty on European Union, in conjunction with Article 106a of the Treaty establishing the European Atomic Energy Community, and subject to the arrangements laid down in the Agreement, the law of the European Union and of the European Atomic Energy Community ceased to apply to the United Kingdom from the date of entry into force of the Agreement;

AND WHEREAS the Agreement provides for a transition period that, in accordance with Article 126 of the Agreement, started on the date of entry into force of the Agreement and shall end on 31 December 2020;

AND WHEREAS Article 62(1)(b) of the Agreement provides that Council Framework Decision 2002/584/JHA of 13 June 2002¹ on the European arrest warrant and the surrender procedures between Member States shall apply in respect of European arrest warrants where the requested person was arrested before the end of the transition period for the purposes of the execution of a European arrest warrant, irrespective of the decision of the executing judicial authority as to whether the requested person is to remain in detention or be provisionally released;

NOW I, SIMON COVENEY, Minister for Foreign Affairs, in exercise of the powers conferred on me by section 3 of the European Arrest Warrant Act 2003 (No. 45 of 2003), hereby order as follows:

¹ OJ L 190, 18.7.2002, p. 1

1. This Order may be cited as the European Arrest Warrant Act 2003 (Designated Member States) (Amendment) Order 2020.

2. This Order shall come into operation at 11:00 p.m. on the 31st day of December 2020.

3. The European Arrest Warrant Act 2003 (Designated Member States) Order 2004 (S.I. No. 4 of 2004) is amended –

(a) by the insertion of the following Article after Article 2:

“2A. (1) The United Kingdom of Great Britain and Northern Ireland is, in respect of a European arrest warrant that satisfies the conditions specified in paragraph (2), designated for the purposes of the European Arrest Warrant Act 2003 (No. 45 of 2003).

(2) In relation to a European arrest warrant, the conditions referred to in paragraph (1) are –

(a) that the European arrest warrant has been issued by a judicial authority in the United Kingdom of Great Britain and Northern Ireland, and

(b) that the person in respect of whom the European arrest warrant is issued is arrested before 11:00 p.m. on the 31st day of December 2020 for the purposes of the execution of the European arrest warrant.”, and

(b) in the Schedule, by the deletion of “United Kingdom of Great Britain & Northern Ireland”.

GIVEN under my Official Seal,
31 December, 2020.

L.S.

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.)

The purpose of this order is to amend the European Arrest Warrant Act 2003 (Designated Member States) Order 2004 (S.I. No. 4 of 2004) in light of the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union, and the expiry of the transition period provided for under the Agreement on the Withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community.

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(LDDFAT-44) 85. 12/20. Propylon.