

# **Act CXXX of 2003**

## **On the Co-operation with the Member States of the European Union in Criminal Matters**

### *Chapter I*

#### ***GENERAL PROVISIONS***

##### **Section 1**

This Act shall be applied in the co-operation with the Member States of the European Union in the field of criminal matters, and in the surrender proceedings based on the European arrest warrant.

##### **Section 2**

Unless otherwise provided by this Act, the Act on International Legal Assistance in Criminal Matters and the Code of Criminal Procedure shall be applied accordingly with the Member States of the European Union (hereinafter: Member States) in the surrender proceedings based on the European arrest warrant and in legal assistance in criminal matters.

### *Chapter II*

#### ***THE EUROPEAN ARREST WARRANT AND THE SURRENDER***

##### *Title 1*

#### **SURRENDER FROM HUNGARY**

##### **Section 3**

(1) Under the European arrest warrant issued by the judicial authority of another Member State (hereinafter: issuing judicial authority) a person staying in the territory of the Republic of Hungary may be arrested and surrendered for the

purposes of conducting a criminal prosecution or executing a custodial sentence or detention order for acts punishable by the law of the issuing Member State by a custodial sentence or a detention order for a maximum period of at least 12 months or, where a sentence has been passed or a detention order has been made, for sentences of at least four months.

(2) The requested person shall be surrendered under the European arrest warrant without verification of the double criminality of the act in respect of the categories of offences defined in *Annex I* of this Act.

(3) In respect of the categories of offences defined in *Annex I* of this Act, if they are punishable in the issuing Member State by a custodial sentence or a detention order less than for a maximum period of at least three years, and as for the offences other than those covered by *Annex I* surrender may be subject to the condition that the acts for which the European arrest warrant has been issued constitute an offence under the law of the Republic of Hungary.

(4) Where the offences relate to taxes or duties, customs and exchange, execution of the European arrest warrant shall not be refused on the grounds that the Hungarian law does not impose the same kind of tax or duty or does not contain the same type of rules as regards taxes, duties and customs and exchange regulations as the law of the issuing Member State.

#### **Section 4**

The execution of the European arrest warrant shall be refused in the following cases:

- (a) if the person requested may not be held criminally responsible owing to his or her age, (Section 23 of the Criminal Code of Hungary);
- (b) if in one of the cases referred to in Section 3 (3) the act on which the European arrest warrant is based does not constitute an offence under the law of the Republic of Hungary;
- (c) if the criminal prosecution or punishment of the requested person is statute-barred according to Hungarian law;
- (d) where a final judgement has been passed against the requested person in a Member State for the act on which the European arrest warrant is based, which prevents the institution of criminal prosecution, or where there has been a sentence, the sentence has been served or is currently being served or may no longer be executed under the law of the sentencing Member State;

- (e) if the requested person has been finally judged by a third State in respect of the same acts provided that, where there has been a sentence, the sentence has been served or is currently being served or may no longer be executed under the law of the sentencing country;
- (f) where the requested person is being prosecuted in the territory of the Republic of Hungary for the act on which the European arrest warrant is based;
- (g) where the Hungarian judicial authority (court or public prosecution) or investigating authority have decided either not to prosecute for the offence on which the European arrest warrant is based or to halt proceedings or the investigation;
- (h) if the offence on which the arrest warrant is based is covered by amnesty under the Hungarian law, and the Hungarian Criminal Code shall be applied for the offence (Sections 3 and 4 of the Criminal Code).

### **Section 5**

(1) If the European arrest warrant has been issued for the purposes of execution of a custodial sentence or detention order, where the requested person is a national and a resident of the Republic of Hungary, the executing judicial authority shall refuse to execute the European arrest warrant, and undertakes to execute the sentence or detention order in accordance with the Hungarian law (Section 6 of the Criminal Code, Section 579 of the Code of Criminal Procedure).

(2) Where a person who is subject of a European arrest warrant for the purposes of prosecution is a national who is a resident of the Republic of Hungary, surrender may be subject to the condition that the issuing judicial authority gives an assurance deemed adequate that where a sentence has been passed or a detention order has been made, the person, at his request, after being heard, is returned to the territory of the Republic of Hungary in order to serve there the custodial sentence or detention order passed against him.

### **Section 6**

The executing judicial authority may refuse to execute the European arrest warrant where it relates to offences, which have been committed in whole or in part in the territory of the Republic of Hungary.

## Section 7

Where the European arrest warrant has been issued for the purposes of executing a decision rendered *in absentia* and if the person concerned has not been informed in advance of the date and place of the hearing which led to the decision rendered *in absentia*, surrender may be subject to the condition that the issuing judicial authority gives an assurance deemed adequate to guarantee that the person who is subject of the European arrest warrant will have an opportunity to apply for a retrial of the case in the issuing Member State and to be present at the judgment.

## Section 8

(1) If two or more Member States have issued European arrest warrants for the same person, the decision on which of the European arrest warrant shall be executed, shall be taken by the executing judicial authority with due consideration of all the circumstances and especially the relative seriousness and place of the offences, the respective dates of the European arrest warrants and whether the warrant has been issued for the purposes of prosecution or for execution of a custodial sentence or detention order.

(2) The executing judicial authority may seek the advice, if necessary, of European Judicial Co-operation Unit in the field of Justice (hereinafter: Eurojust) according to Article 29 of the Treaty of the European Union.

(3) In the event of a conflict between the European arrest warrant and a request for extradition presented by a third country, the provisions of the Act on the International Legal Assistance in Criminal Matters shall be governing in respect of the relevant proceedings.

(4) This Section shall be without prejudice to the obligations of the Republic of Hungary under the Statute of the International Criminal Court.

## Section 9

In the capacity of executing judicial authority pursuant to this Title, the Metropolitan Court shall act exclusively as a single judge. Unless forbidden by this Act, appeals against its decisions may be lodged, which the Metropolitan High Court shall review in chamber. Appeals shall have no delaying effect on the execution of the decision.

## **Section 10**

The person arrested in the territory of the Republic of Hungary under an international arrest warrant issued by another Member State, shall be taken into custody and brought before the Metropolitan Court, inasmuch as for him/her a European arrest warrant may be issued for the act on which the international arrest warrant is based, or if for him/her a European arrest warrant has already been issued. Such custody may last for a maximum of 72 hours.

## **Section 11**

- (1) The Metropolitan Court shall hold a trial, where
  - (a) it shall question the person requested, in particular with regard to the person's identity, and citizenship; and any conditions influencing surrender pursuant to this Act, if he desires to make any statements regarding such;
  - (b) it shall inform the person requested of the possibility of simplified surrender proceedings (Section 12), and the legal consequences of such;
  - (c) if the person requested declines the option of simplified proceedings for surrender, and the court has established that none of the grounds for non-execution, mentioned in Section 4, Section 5 (1), or Section 6 in respect of the person requested exists, it shall order the provisional arrest for surrender of the person, and it shall immediately forward this decision to the Minister of Justice.
- (2) The participation of the public prosecutor and the counsel for defence in the trial shall be mandatory. The Metropolitan Court shall notify the public prosecutor regarding the trial, and summon the counsel for the defence.
- (3) If the person requested has no authorized counsel, a counsel for defence, and if he or she does not speak the Hungarian language, an interpreter shall be appointed to assist him or her.
- (4) If so requested by the issuing judicial authority, the Metropolitan Court shall order, in the framework of surrender proceedings, search and seizure of the objects by the police specified under Section 24 (1).

## **Section 12**

- (1) The Metropolitan Court shall order the arrest for surrender and the surrender (simplified surrender proceedings) of the person requested, if

(a) the conditions of the execution of the European arrest warrant and that of the surrender are fulfilled, and

(b) the person requested – following the adequate instruction – indicates that he or she consents to surrender, in such a case the instruction, the consent, and if appropriate, express renunciation of the application of the rule of speciality, referred to in Section 31, shall be formally recorded in minutes.

- (2) The consent defined in paragraph (1) may not be revoked.
- (3) There lies no appeal against the order of simplified surrender.

### **Section 13**

(1) Where the person requested does not consent to his or her surrender, the Minister of Justice shall notify the issuing Member State of the action laid down in Section 11 (1) (c) in the interest of immediate transmission of the European arrest warrant.

(2) The Minister of Justice shall receive delivery of the European arrest warrant, and he shall immediately forward the request to the Metropolitan Court.

(3) Upon receipt of the European arrest warrant, the Metropolitan Court shall hold a trial, where the provisions of Section 11 shall be applied *mutatis mutandis*.

(4) If the conditions of the execution of the European arrest warrant and the surrender have been fulfilled, it shall pass a decision upon this fact. The public prosecutor, the requested person and his or her counsel shall be required to make statements regarding the appeal against the decision passed during the trial right after the promulgation of the decision.

(5) The appeal together with the related documents shall be within two days lodged directly to the Metropolitan High Court.

### **Section 14**

In case of the refusal of the execution of the European arrest warrant, the Minister of Justice shall inform the issuing judicial authority thereof, giving reasons on basis of the final decision ordering such refusal.

## **Section 15**

(1) The provisional arrest for surrender ordered pursuant to Section 11 (c) shall be terminated if the European arrest warrant is not submitted within 40 days of the order of such arrest.

(2) The arrest for surrender ordered pursuant to Section 12(1) and Section 13(4), shall last until the time of surrender of the requested person.

(3) The arrest for surrender and the provisional arrest for surrender may not be replaced by other constraint measures restricting personal liberty, and in case of bail the temporary arrest for surrender or the arrest for surrender of the requested person may not be set aside or terminated either.

## **Section 16**

(1) The final decision on the execution of the European arrest warrant and surrender shall be taken, if the requested person

(a) consents to his or her surrender, within a period of ten days after the consent has been given,

(b) does not consent to his or her surrender, within a period of 60 days after the arrest of the person.

(2) Where in specific cases the final decision on the execution of the European arrest warrant cannot be taken within the time limits laid down in paragraph (1), the Metropolitan Court shall – via the Minister of Justice - immediately inform the issuing judicial authority thereof, giving reasons for the delay. In such case, the time limits may be extended by a further 30 days.

(3) Where in exceptional circumstances the time limits provided for in this Section cannot be observed, the Minister of Justice shall inform Eurojust, giving reasons for delay.

## **Section 17**

If the person against whom the European arrest warrant has been issued, is applying for recognition as a refugee or asylum-seeker, in case of his or her surrender, the asylum proceedings shall be suspended to be continued upon the return of the person to the territory of the Republic of Hungary.

## **Section 18**

(1) Where the requested person enjoys a privilege or immunity based on international law or on a public office fulfilled in the field of jurisdiction or execution in the territory of the Republic of Hungary, the time limits referred to in Section 16 shall not start running unless, and counting from the day when, the Metropolitan Court is informed of the fact that the privilege or immunity has been waived, and the prior assent to the institution of criminal prosecution has been given.

(2) The Metropolitan Court shall immediately contact the authority or person having power to waive the privilege or immunity based on international law or on a public office fulfilled in the field of jurisdiction or execution, and requests to exercise that power forthwith. Where power to waive the privilege or immunity lies with an authority of another State or international organisation, it shall notify the issuing judicial authority – via the Minister of Justice – about this fact, in order to take the necessary measure.

## **Section 19**

If the Metropolitan Court finds the information communicated by the issuing Member State to be insufficient to allow it to decide on surrender, it may request – via the Minister of Justice - that the necessary supplementary information, in particular with respect to Section 4, Section 5 (2), Section 7, and Section 25 (3), be furnished as a matter of urgency and may fix a time limit for the receipt thereof, taking into account the need to observe the time limits set in Section 16.

## **Section 20**

(1) The Interpol Hungarian National Bureau (hereinafter referred to as Interpol) at the National Police Headquarters shall, in co-operation with the police authorities, take measures for the surrender of the sentenced person, which shall take place as soon as possible on a date agreed between authorities concerned.

(2) The person requested shall be surrendered to the competent judicial authority of the issuing Member State no later than 10 days after the final decision on the execution of the European arrest warrant.

(3) If the surrender of the requested person within the period laid down in paragraph (2) is prevented by circumstances beyond control of any of the

Member States, the executing and issuing judicial authorities immediately contact each other and agree on a new surrender date. In that event, the surrender shall take place within 10 days of the new date thus agreed.

(4) The surrender may exceptionally be temporarily postponed for serious humanitarian reasons, for example if there are substantial grounds for believing that it would manifestly endanger the requested person's life or health. The execution of the European arrest warrant shall take place as soon as these grounds have ceased to exist. The Metropolitan Court shall immediately inform – via the Minister of Justice – the issuing judicial authority, and agree on a new surrender date. In that event, the surrender shall take place within 10 days of the new date agreed.

(5) Upon expiry of the time limits referred to in paragraphs (2) – (4), if the person concerned is still held in custody, he shall be released.

(6) The Minister of Justice shall transmit all information to the issuing judicial authority and the Interpol concerning the decision on the execution of the European arrest warrant and the surrender, and the duration of the detention of the requested person on the basis of the European arrest warrant at the time of surrender.

## **Section 21**

(1) When the requested person has not renounced entitlement to the speciality rule defined in Section 31, consent shall be given to the execution of the European arrest warrant issued after his or her surrender, when the offence for which it is requested is itself subject to surrender in accordance with the provisions of this Act. Consent may not be refused pursuant to Section 3. For the situation referred to in this paragraph, the issuing Member State must give the guarantees determined as conditions of the surrender, provided in Section 5 (2) and in Section 7.

(2) The decision related to this shall be taken no later than 30 days after receipt of the request in Chamber.

(3) Against the decision passed according to paragraph (2) there lies no appeal.

(4) The proceedings as described in paragraph (1) shall be conducted in subsequent surrenders, if the requested person has not renounced the entitlement to the speciality rule, and another Member State has issued a European arrest

warrant for him/her after his or her surrender. Consent shall be adjudged in accordance with the provisions of this Act and the Conventions related.

## **Section 22**

(1) The Metropolitan Court may, after deciding to execute the arrest warrant, postpone the surrender of the requested person so that he or she may be prosecuted in the Republic of Hungary, or if he or she has already been sentenced, so that he or she may serve, in its territory a sentence passed for an act other than that referred to in the European arrest warrant.

(2) The Metropolitan Court may decide upon postponing the surrender as defined in paragraph (1), after having passed a decision to execute the European arrest warrant.

(3) Instead of postponing the surrender, the Metropolitan Court may temporarily surrender the requested person to the issuing Member State under conditions to be determined by a mutual agreement made between the executing and the issuing judicial authorities in writing.

## **Section 23**

If the person requested is under provisional arrest at the time when arrest for surrender is requested, or if such a person is serving a sentence of imprisonment or subject to other measures for deprivation of personal liberty, arrest for surrender shall be imposed from the point in time when the provisional arrest ends, or upon conclusion of the sentence or other measures for deprivation of personal liberty.

## **Section 24**

(1) At the request of the issuing judicial authority or ex officio, the Metropolitan Court shall take measures for the seizure and hand over of property which:

- (a) may be required as evidence, or
- (b) has been acquired by the requested person as a result, or related to the commission of the offence.

(2) The property referred to in paragraph (1) shall be handed over even if the European arrest warrant cannot be carried out owing to the death or escape of the requested person.

(3) If the property referred to in paragraph (1) is needed in connection with the pending criminal proceedings in the territory of the Republic of Hungary, the latter may, temporarily retain or hand it over to the issuing Member State, on condition that it is returned.

(4) The provisions of this Section shall not affect ownership rights and other rights in such property.

## **Title 2**

### **REQUESTS FOR SURRENDER**

#### **Section 25**

(1) If criminal proceedings must be conducted against an accused that is staying in a Member State of the European Union, the Court shall without delay issue an arrest warrant. If an accused is sentenced to imprisonment on basis of a final judgment, the judge responsible for penitentiary affairs shall issue an arrest warrant.

(2) A European arrest warrant may be issued for acts punishable according to the Hungarian Criminal Code, by a custodial sentence or a detention order for a maximum period of at least 12 months. Where a sentence has been passed or a detention order has been made, European arrest warrant may be issued, if the sentence passed and the detention order made is of at least four months.

(3) The European arrest warrant shall be issued in accordance with the form contained in *Annex II* of this Act.

(4) The European arrest warrant shall be translated into the official language or one of the official languages of the executing State.

(5) The Court may request in the European arrest warrant to seize and hand over property which:

- (a) may be used as evidence, or
- (b) have been acquired as a result of or related to the commission of offence.

(6) The surrendered property, in which the acquired rights of an executing Member State or third parties still exist, shall be returned without charge and as soon as the criminal proceedings have been terminated.

### **Section 26**

Where the court has already issued an international arrest warrant for the requested person, the European arrest warrant shall replace that, with retaining the original date of issue and the court file number. In such a case the court shall inform the International Criminal Co-operation Centre (NEBEK) about the issue of the European arrest warrant.

### **Section 27**

The European arrest warrant shall be sent within three days after having been notified of the arrest of the accused to the Minister of Justice for forwarding.

### **Section 28**

(1) In the event of surrender for the execution of a sentence of imprisonment, where consecutive sentences have been ordered, and the judicial authority of the Member State does not allow surrender on the basis of all the offences, the court of first instance shall pass a decision upon the portion of the sentence imposed for the offence, for which the judicial authority of the Member State allows surrender. In the proceedings the rules concerning Special Proceedings of the Code of Criminal Code shall be applied accordingly.

(2) The portion of sentence described in paragraph (1) shall be determined by comparing the ratios of the maximum sentences, which can be imposed for the offences for which the consecutive sentences are imposed.

(3) If the term of imprisonment, for which the judicial authority of the Member State grants surrender, was formulated as a total penalty, the sentence of imprisonment, which was stated in the underlying sentence and for which surrender was requested or granted, shall be executed. Paragraphs (1) and (2) shall be applied *mutatis mutandis* in the event that consecutive sentences were imposed in the underlying sentence.

(4) If the surrender is requested or granted for the execution of the entire term of imprisonment imposed in the framework of total penalty, the term of imprisonment specified in the cumulative sentence shall be executed.

### **Section 29**

All periods of detention arising from the execution of the European arrest warrant spent in custody abroad, shall be taken into account in the total period of detention to be served as a result of a custodial sentence or detention order being passed by the court.

### **Section 30**

If the judicial authority instead of postponing the surrender, temporarily surrenders the requested person under the conditions determined by a mutual agreement made in writing, the conditions laid down in the agreement shall be binding on all the authorities of the Republic of Hungary.

### **Section 31**

(1) A person surrendered may not be prosecuted, sentenced or otherwise deprived of his or her liberty (speciality rule) for an offence committed prior to his or her surrender other than that for which he or she was surrendered.

(2) Paragraph (1) may not be applied in the following cases:

(a) when the person having had an opportunity to leave the territory of the Republic of Hungary has not done so within 45 days of his or her final discharge, or has returned to after leaving it;

(b) when the offence is not punishable by a custodial sentence or detention order;

(c) if the criminal proceedings do not give rise to the application of a measure restricting personal liberty;

(d) when the person could be liable to a penalty or a measure not involving the deprivation of liberty, in particular a financial penalty or a measure in lieu thereof, even if the penalty or measure may give rise to a restriction of his or her personal liberty;

(e) when the person consented to be surrendered, and at the same time he or she renounced the speciality rule;

(f) when the person after his/her surrender, has expressly renounced entitlement to the speciality rule with regard to specific offences preceding his/her surrender. Renunciation shall be given before the competent Hungarian judicial authority and shall be recorded in minutes, which shall be signed by the representative of the judicial authority and the person making the statement. The renunciation shall be drawn up in such a way as to make clear that the person has given it voluntarily and in full awareness of the consequences. To that end, the person shall have the right to legal counsel;

(g) when the executing judicial authority, which surrendered the person, gives its consent in accordance with paragraph (3).

(3) A request for consent shall be submitted to the executing authority as determined in Section 27, accompanied by the information mentioned in Section (25 (3)), and a translation as referred to in Section 25 (4).

### **Section 32**

(1) A person requested may, without the consent of the executing Member State, be surrendered to a Member State other than the executing Member State pursuant to the European arrest warrant issued for any offence committed prior to his or her surrender in the following cases:

(a) where the requested person, having had an opportunity to leave the territory of the Republic of Hungary, has not done so within 45 days of his final discharge or has returned to that territory after leaving it;

(b) where the requested person consents to be surrendered to a Member State other than the executing Member State pursuant to the European arrest warrant. Consent shall be given before the court, and shall be recorded in minutes, which shall be signed by the judge and the person making the statement. It shall be drawn up in such a way as to make clear that the person concerned has given it voluntarily and in full awareness of the consequences. To that end, the requested person shall have the right to legal counsel;

(c) where the requested person is not subject to the speciality rule, in accordance with points (a), (e), (f) and (g) of Section 31.

(2) Notwithstanding the cases referred to in paragraph (1), a person who has been surrendered pursuant to a European arrest warrant, shall not be surrendered to a third State without the consent of the competent authority of the Member State which surrendered the person.

### **Section 33**

In co-operation with the police authorities, Interpol shall take measures for the delivery of the person requested.

### **Title 3**

#### **EXPENSES**

### **Section 34**

Expenses incurred in the territory of the Republic of Hungary for the execution of the European arrest warrant issued by the judicial authority of a Member State, shall be considered costs in criminal matters, and shall be borne by the Republic of Hungary.

### **Title 4**

#### **TRANSIT**

### **Section 35**

(1) The Minister of Justice shall permit the transit through the territory of the Republic of Hungary of a requested person who is being surrendered provided that he or she has been given information on:

- (a) the identity and nationality of the person subject to the European arrest warrant;
- (b) the existence of the European arrest warrant;
- (c) the nature and legal classification of the offence;
- (d) the description of the circumstances of the offence, including the date and the place.

(2) When a person who is subject of a European arrest warrant for the purposes of prosecution is a national and a resident of the Republic of Hungary, transit may be subject to the condition that the issuing Member State gives assurances deemed adequate to guarantee that the person after being heard is

returned to the territory of the Republic of Hungary to serve the custodial sentence or detention order passed against him in the issuing Member State.

(3) In case of transport by air paragraph (1) does not apply unless an unscheduled landing occurs.

(4) Where a transit concerns a person who is to be extradited from a third State to a Member State paragraphs (1) – (3) of this Section shall be applied *mutatis mutandis*. In this case the expression ‘European arrest warrant’ shall be replaced by ‘extradition request’.

**Annex I to Act CXXX of 2003**

The following criminal offences of the Hungarian Criminal Code shall relate to the categories of offences defined in Section 3 (2) of this Act:

<b>Categories of offences determined in the Framework Decision</b>	<b>Legally defined facts of the Criminal Code related to certain categories of offences</b>
Participation in a criminal organisation	Partnership in a Criminal Organization Section 263/C  Criminal acts committed in an Organised Fashion by a Criminal Organisation Section 137 (8)
Terrorism	Acts of Terrorism Section 261
Trafficking in human beings	Trafficking in Human Beings Section 175/B Man-Smuggling for financial gain or advantage Section 218 (2) (a) Man-Smuggling aliens in a pattern of criminal profiteering Section 218 (3) (c)
Sexual exploitation of children and child pornography	Crimes with Illegal Pornographic Material Section 195/A Rape Section 197 Assault against Decency Section 198 Seduction Sections 201-202 Promotion of Prostitution by Maintaining a Brothel to employ Minors Section 205 (3) (a)
Illicit trafficking in narcotic drugs and psychotropic substances	Misuse of Narcotic Drugs, certain examples for that Misuse of Narcotic Drugs (Imports into or exports narcotic drugs from Hungary, or transports such through the territory of Hungary) Section 282 (2) (a) – (b), Section 282 (3) (b), (4), (5) (b) Misuse of Narcotic Drugs (Offers, supplies, engaged in distribution, trafficking, dealing of narcotic drugs) Section 282/A

	<p>Misuse of Narcotic Drugs by Using a Person under the Age of Eighteen (Imports into or exports narcotic drugs from Hungary, or transports such through the territory of Hungary, offers, supplies, engaged in distribution, trafficking, dealing of narcotic drugs) Section 282/B (1) – (4), (6), (7)(b)</p> <p>Misuse of Narcotic Drugs by a Drug-addicted Person (Imports into or exports narcotic drugs from Hungary, or transports such through the territory of Hungary, offers, supplies, engaged in distribution, trafficking, dealing of narcotic drugs) Section 282/C (2) – (4).</p> <p>Misuse of Materials Used for Making Narcotic Drugs Section 283/A (1)</p>
Illicit trafficking in weapons, munitions and explosives	<p>Violation of Duty based on International Law in connection with the trade of any product designed for military utilization Section 261/A (3) (a)</p> <p>Misuse of Explosive or Blasting-agent Section 263, Misuse of Arms of Ammunition Section 263A</p> <p>Gun-running Section 263/B</p> <p>Criminal Misuse of Weapons Prohibited by International Treaties Section 264/C</p>
Corruption	<p>Bribery Sections 250 – 255 Trafficking in Influence Section 256 Bribery in International Relations Sections 258/B – 258/D Profiteering with Influence in International Relations Section 258/E</p>
Fraud, including that affecting the financial interests of the European Communities within	<p>Violation of the Financial Interest of the European Communities Section 314 Fraud Section 318</p>

the meaning of the Convention of 26 July 1995 on the protection of the European Communities' financial interests,	
Laundering of the proceeds of crime	Harbouring a Criminal (committed by co-operating in securing the advantage resulting from a crime) Section 244 (2) Money Laundering Section 303, Section 303/A Non-Performance of Reporting Obligation in Connection with Money Laundering Section 303/B (1) Receiving of Stolen Goods Section 326 Paragraphs (3) – (6)
Counterfeiting currency, including of the euro	Counterfeiting of Money Section 304 Paragraphs (1) – (3)
Computer-related crime	Criminal Conduct for Breaching Computer Systems and Computer Data Section 300/C Compromising of Defrauding the Integrity of the Computer Protection System or Device Section 300/E
Environmental crime, including illicit trafficking in endangered animal species and in endangered plant species and varieties	Damaging of the Environment Section 280 Damaging of Nature Section 281 Unlawful Deposition of Waste Hazardous to Environment Section 281/A
Facilitation of unauthorised entry and residence	Man Smuggling Section 218
Murder, grievous bodily injury	Homicide Section 166 without Paragraph (4) Homicide Committed with Diminished Responsibility Section 167 Battery Section 170, without Paragraphs (1) and (6) Endangering within the Sphere of Occupation, with the exception of the result according to Paragraph (1)

	Section 171 (3) Crime against the Safety of Traffic Section 184 (2) Endangering of Railway, Air and Water Traffic Section 185 (2) Causing Danger on the Highways Section 186 (2) Driving under the Influence of Alcohol or Other Psychoactive Substances Section 188 Paragraphs (2) – (3)
Illicit trade in human organs and tissue	Illegal Use of a Human Body Section 173/I.
Kidnapping, illegal restraint and Hostage-taking	Constraint Section 174 Violation of Personal Freedom Section 175 Kidnapping Section 175/A
Racism and xenophobia	Violation of the Freedom of Conscience and Religion 174/A Violence Against a Member of a National, Ethnic, Racial or Religious Group Section 174/B Incitement against a Community Section 269
Organised or armed robbery	Robbery Section 321 Paragraphs (a) and (c), and Paragraph 4 (b) – (c) Robbery through Intoxication and Intimidation Section 322 (2) (b)
Illicit trafficking in cultural goods, including antiques and works of art	Receiving of Stolen Goods – certain cases of this Section 326 (3) Smuggling and Receiving of Smuggled Goods in respect of Dutiable Goods Section 312 (2) (d) Illegal Use of Cultural Goods Section 216/B
Swindling	
Racketeering and extortion	Blackmailing Section 323 Constraint Section 174
Counterfeiting and piracy of products	Usurpation Section 329 Infringement of Copyright and Certain Rights Related to Copyright Section 329/A Compromising of Defrauding the Integrity of Technological Measures for the Protection of Copyright and Certain Rights Related to Copyright Section 329/B Falsifying Data Related to Copyright Management Section 329/C Violation of Industrial Design Rights Section 329/D
Forgery of administrative documents and	Forgery of Official Documents Section 274 Abuse of Documents Section 277 Counterfeiting of Individual Identity Marks

trafficking therein	Section 277/A Conspiracy (Promotion of Illegal Trafficking with Excise Goods) Section 311/B (2)
Forgery of means of payment	Counterfeiting of Money Section 304 (1) – (3) Non-cash Payment Instrument Fraud Section 313/C (3) – (6)
Illicit trafficking in hormonal substances and other growth promoters	
Illicit trafficking in nuclear or radioactive materials	Misuse of Radioactive Substance Section 264
Trafficking in stolen vehicles	Smuggling and Receiving of Smuggled Goods Section 312 (2) – (4) Receiving of Stolen Goods Section 326 (3) – (6)
Rape	Rape Section 197 Assault against Decency Section 198
Arson	Causing Public Danger Section 259 Deterioration by using Explosive or Blasting Agent Section 324 (4) (c)
Crimes within the jurisdiction of the International Criminal Court	The types of crimes listed in Chapter IX of the Criminal Code with the exception of Sections 154 and 165, respectively
Unlawful seizure of aircraft/ships	Seizure of Aircraft, any means of Railway, Water or Road Transport or any means of Freight Transport by force Section 262
Sabotage	Sabotage Section 142 Causing Public Danger Section 259 (1) – (3) Interference with the Functioning of Works of Public Concern Section 260 (1) –(2)

**Annex II to Act CXXX of 2003****EUROPEAN ARREST WARRANT**

A competent judicial authority has issued this warrant. I request the person mentioned below to be arrested and surrendered for the purposes of conducting a criminal prosecution or executing a custodial sentence or detention order.

(a) Information regarding the identity of the requested person:

Name: .....

Forename(s): .....

Maiden name, where applicable: .....

Aliases, where applicable: .....

Sex: .....

Nationality: .....

Date of birth: .....

Place of birth: .....

Residence and/or known address: .....

.....

Language(s) which the requested person understands (if known):

.....

Distinctive marks/description of the requested person: .....

.....

Photo and fingerprints of the requested person, if they are available and can be transmitted, or contact details of the person to be contacted in order to obtain such information or a DNA profile (where this evidence can be supplied but has

not been included)

(b) Decision on which the warrant is based:

1. Arrest warrant or judicial decision having the same effect:

.....

Type:

.....

2. Enforceable judgement:

.....

.....

.....

Reference:

.....

(c) Indications on the length of the sentence:

1. Maximum length of the custodial sentence or detention order which may be imposed for the offence(s):

.....  
.....

2. Length of the custodial sentence or detention order imposed:

.....

Remaining sentence to be served: .....

.....  
.....

(d) Decision rendered in absentia and:

- The person concerned has been summoned in person or otherwise informed of the date and place of the hearing which led to the decision rendered in absentia

or

- The person concerned has not been summoned in person or otherwise informed of the date and place of the hearing which led to the decision rendered in absentia but has the following legal guarantees after surrender (such guarantees can be given in advance) .....

Specify the legal guarantees .....

.....  
.....

(e) Offences:

This warrant relates to in total: ..... offences.

Description of the circumstances in which the offence(s) was (were) committed, including the time, place and degree of participation in the offence(s) by the requested person

.....  
 .....  
 .....

Nature and legal classification of the offence(s) and the applicable statutory provision/code:

.....  
 .....  
 .....  
 .....

I. If applicable, tick one or more of the following offences punishable in the issuing Member State by a custodial sentence or detention order of a maximum of at least 3 years as defined by the laws of the issuing Member State:

- participation in a criminal organisation;
- terrorism;
- trafficking in human beings;
- sexual exploitation of children and child pornography;
- illicit trafficking in narcotic drugs and psychotropic substances;
- illicit trafficking in weapons, munitions and explosives;
- corruption;
- fraud, including that affecting the financial interests of the European Communities within the meaning of the Convention of 26 July 1995 on the protection of European Communities' financial interests;
- laundering of the proceeds of crime;
- counterfeiting of currency, including the euro;
- computer-related crime;
- environmental crime, including illicit trafficking in endangered animal species and in endangered plant species and varieties;
- facilitation of unauthorised entry and residence;
- murder, grievous bodily injury;
- illicit trade in human organs and tissue;
- kidnapping, illegal restraint and hostage-taking;
- racism and xenophobia;
- organised or armed robbery;
- illicit trafficking in cultural goods, including antiques and works of art;

0	swindling;
0	racketeering and extortion;
0	counterfeiting and piracy of products;
0	forgery of administrative documents and trafficking therein;

- 0 forgery of means of payment;
- 0 illicit trafficking in hormonal substances and other growth promoters;
- 0 illicit trafficking in nuclear or radioactive materials;
- 0 trafficking in stolen vehicles;
- 0 rape;
- 0 arson;
- 0 crimes within the jurisdiction of the International Criminal Court;
- 0 unlawful seizure of aircraft/ships;
- 0 sabotage.

II. Full descriptions of offence(s) not covered by section I above:

.....  
.....  
.....  
.....

(f) Other circumstances relevant to the case (optional information):

*(NB: This could cover remarks on extraterritoriality, interruption of periods of time limitation and other consequences of the offence)*

.....  
.....  
.....

(g) This warrant pertains also to the seizure and handing over of property which may be required as evidence:

This warrant pertains also to the seizure and handing over of property acquired by the requested person as a result of the offence:

Description of the property (and location) (if known):

.....  
.....  
.....

(h) The offence(s) on the basis of which this warrant has been issued is(are) punishable by/has(have) led to a custodial life sentence or lifetime detention order:

- the legal system of the issuing Member State allows for a review of the penalty or measure imposed – on request or at least after 20 years – aiming at a non-execution of such penalty or measure,

and/or

- the legal system of the issuing Member State allows for the application of measures of clemency to which the person is entitled under the law or practice of the issuing Member State, aiming at non-execution of such penalty or measure.

(i) The judicial authority which issued the warrant:

Official name: .....

.....

Name of its representative <sup>1</sup>: .....

.....

Post held (title/grade): .....

.....

File reference: .....

Address: .....

.....

Tel. No.: (country code) (area/city code) (...) .....

Fax No. (country code) (area/city code) ( ) .....

E-mail .....

Contact details of the person to contact to make necessary practical arrangements for the surrender:.....

---

<sup>1</sup> In the different language versions a reference to the "holder" of the judicial authority will be included.

Where a central authority has been made responsible for the transmission and administrative reception of European arrest warrants:

Name of the central authority: .....

.....

Contact person, if applicable (title/grade and name): .....

.....

Address:.....

.....

.....

.....

Tel. No.: (country code) (area/city code) (...) .....

Fax No.: (country code) (area/city code) (...) .....

E-mail: .....

Signature of the issuing judicial authority and/or its representative:

.....

Name:

.....

.....

Post held (title/grade): .....

Date: .....

Official stamp (if available)

