

2016 No. 51 7 June**Act on the Arrest and Surrender of Persons to and from Iceland in connection with Criminal Acts on the basis of an Arrest Warrant**

Entered into force on 14 June 2016, with regard to the Nordic Arrest Warrant, and on 1 November 2019 with regard to the European Arrest Warrant, cf. Adv. 123/2019. Amended by: Act No. 117/2016 (entered into force 1 January 2018, with the exception of Articles 52, 53, 75, 76 and 79-81, which entered into force on 28 October 2016).

References in this Act to a minister or ministry without stating the area of responsibility specifically or referring to it, shall refer to the **Minister of Justice** or the **Ministry of Justice**, which administers this Act.

1. Chapter General provisions**■ Art. 1 Scope**

■ This Act applies to the surrender of a person between Iceland and Member States of the European Union and between Iceland and other Nordic countries for a criminal act on the basis of an arrest warrant. A person who is wanted on the basis of an arrest warrant shall be arrested and surrendered to the state that issued the arrest warrant in accordance with the provisions of this Act. □ To have a person arrested and surrendered to Iceland in connection with prosecution of a criminal case or for the enforcement of a sentence, an arrest warrant may be issued in accordance with the provisions of this Act.

■ Art. 2 Relationship to the Code of Criminal Procedure

■ Unless otherwise stated in this Act, the provisions of the Code of Criminal Procedure shall apply as appropriate.

■ Art. 3 Definitions

■ For the purpose of this Act, these concepts are defined as follows:

1. *European Arrest Warrant*: A decision taken in a Member State of the European Union, Iceland or Norway to request one of these states to arrest and surrender a person wanted in connection with prosecution in a criminal case which may involve a sentence of imprisonment or another form of deprivation of liberty in the state which has issued the arrest warrant, or for the enforcement of a sentence of imprisonment or other decision involving deprivation of liberty.

2. *Nordic Arrest Warrant*: A decision taken in Denmark, Finland, Iceland, Norway or Sweden to request one of these states to arrest and surrender a person wanted in connection with prosecution in a criminal case, which may involve a sentence of imprisonment or another form of deprivation of liberty in the state which has issued the arrest warrant, or for the enforcement of a sentence of imprisonment or other decision involving deprivation of liberty.

3. *Arrest warrant*: A collective term for Nordic and European arrest warrants.

4. *Extradition*: Extradition of criminals in connection with criminal acts as provided for in Act No. 13/1984, on the Extradition of Criminals and other Assistance in Criminal Cases, or comparable regulations in a foreign country.

□ Art. 4 Role of the State Prosecutor

□ An arrest warrant from a foreign state shall be sent to the State Prosecutor.

□ The State Prosecutor shall make the decision on the surrender of a wanted person in accordance with the provisions of this Act. They also make other decisions in connection with the surrender unless otherwise stated in the Act.

□ Decisions of the State Prosecutor pursuant to the provisions of this Act are final at the administrative level.

□ Art. 5 Icelandic citizens

□ The provisions of this Act also apply to the surrender of Icelandic citizens.

□ Art. 6 Form and content of an arrest warrant

□ An arrest warrant shall be written on a standardised form and contain information on:

a. the name, address, telephone and fax numbers and e-mail address of the party issuing the arrest warrant;

b. personal identity data and the nationality of the wanted person;

c. whether there is an enforceable judgment, a judge's arrest warrant or another judicial decision that has the same legal effect;

d. the nature of the crime, with reference to the provisions on punishment applicable to the act;

e. under what circumstances the crime was committed, where and when, and what was the role of the wanted person;

f. the sentence imposed or the sentencing framework applicable to the crime in the state which issued the arrest warrant; and

g. other consequences of the crime as far as possible.

□ An arrest warrant issued to Iceland shall be written in Icelandic, Danish, Norwegian, Swedish or English or shall be accompanied by a translation into one of the aforementioned languages.

□ Should an arrest warrant have significant deficiencies, it is not considered an arrest warrant under this Act. In such cases, the State Prosecutor shall reject the request; however, before this is done, the party who issued the warrant shall be given an opportunity to rectify the situation.

□

Chapter II Conditions for surrender from Iceland pursuant to a European Arrest Warrant**Art. 7 Minimum sentencing framework or sentence imposed**

□ A person may be surrendered to a Member State of the European Union (EU) on the basis of a European Arrest Warrant:

a. for prosecution in a criminal case involving punishment by imprisonment or other deprivation of liberty for at least one year in the state which issued the arrest warrant, or

b. for the enforcement of a prison sentence or other decision on deprivation of liberty when the sentence imposed or decision on other deprivation of liberty is at least four months in duration.

□ If an arrest warrant is issued for more than one criminal act, the wanted person shall be surrendered even if the conditions for surrender are only met in relation to one of the crimes.

□ Art. 8 Double criminality

□ It is a condition for the surrender of a person pursuant to a European Arrest Warrant that the act for which the warrant is issued, or a comparable act, is also punishable under Icelandic law.

□ The condition of double criminality in the first paragraph does not apply when the act specified in the arrest warrant is part of the activities of an organized criminal organization and the act is classified as

a. terrorism or a related crime specified in Articles 1 and 2 of the Council of Europe Convention on the Prevention of Terrorism and Articles 1, 2, 3 and 4 of the EU Council Framework Decision of 13 June 2002 on combating terrorism;

- b. illegal trafficking in narcotics and psychotropic substances;
- c. homicide;
- d. gross bodily harm;
- e. kidnapping, unlawful deprivation of liberty or hostage-taking; or
- f. rape,

provided that the act was punishable by imprisonment or other deprivation of liberty for at least one year or more in the state that issued the arrest warrant. It makes no difference whether the person concerned participated in the actual commission of the act, provided that their participation was intentional and carried out with the knowledge that participation would contribute to the criminal organization achieving the objective of its activities.

Double criminality as referred to in the first paragraph is not a requirement if the act specified in the arrest warrant is punishable by imprisonment or other deprivation of liberty for three years or more in the state that issued the arrest warrant, provided that that state does not require double criminality for the surrender of a person to Iceland on the basis of a European Arrest Warrant, and the act is considered:

- a. participation in criminal organizations,
- b. terrorism,
- c. human trafficking,
- d. child sexual abuse and child pornography,
- e. illegal trade in addictive and narcotic drugs and psychotropic substances,
- f. illegal trade in weapons, ammunition and explosives,
- g. corruption,
- h. fraud, including fraud affecting the financial interests of the European Union, within the meaning of the Convention of 26 July 1995 on the protection of the European Communities' financial interests,
- i. laundering of proceeds of crimes,
- j. counterfeiting,
- k. cybercrime,
- l. environmental crimes, including illegal trade in endangered animals, plants and varieties in danger of extinction,
- m. assistance with illegal entry into and residence in a state,
- n. homicide and gross bodily harm,
- o. illegal trade in human organs and tissues,
- p. kidnapping, deprivation of liberty or hostage-taking;
- q. racism and xenophobia,
- r. organized or armed robbery,
- s. illicit trade in cultural property, including antiques and works of art,
- t. fraud,
- u. extortion,
- v. imitation and illegal exploitation of products,
- w. forgery of public documents and trading in such documents,
- x. forgery of payment instruments,
- y. illegal trade in hormones and other growth promoters,
- z. illicit trafficking in fissile materials or radioactive materials,
- aa. trading in stolen vehicles,
- bb. rape,
- cc. arson,
- dd. crimes within the jurisdiction of the International Criminal Court,
- ee. vessel or aircraft hijacking,
- ff. property damage.

Art. 9 Mandatory grounds for refusal

The surrender of a person wanted under a European Arrest Warrant shall be refused when:

- a. an amnesty has been granted for the same act in Iceland;
- b. the person cannot, due to age, be held criminally liable for the act in Iceland;
- c. the person has been convicted of the same act in Iceland by a final judgment and the sentence has already been enforced, is being enforced or can no longer be enforced;
- d. a final judgment has been pronounced in Iceland where security measures have been applied against the person for the same act and these have already been lifted, are being implemented or can no longer be implemented;
- e. a final decision on punishment exists in Iceland for the same act that has already been enforced, is being enforced or can no longer be enforced;
- f. a case against the person for the same act has been responded to with a stay of prosecution in Iceland;
- g. the State Prosecutor has information that the person has been punished for the same act by a final judgment in an EU Member State or a state participating in Schengen co-operation or has been punished by another final decision in such a state, which prevents further prosecution for the same act, and that such a decision has been enforced, is being enforced or can no longer be enforced;
- h. proceedings are ongoing before, or a final judgment or other final decision is available from, an international court that precludes further proceedings in Iceland and when these sanctions have already been enforced, are being enforced or can no longer be enforced;
- i. the act has been committed in part or in whole in Iceland or in an area covered by Icelandic criminal jurisdiction and it is either not punishable or criminal liability or the right to enforce a sentence has expired under Icelandic law.

The surrender of a person pursuant to an arrest warrant referred to in the first paragraph shall also be refused if the surrender of a person pursuant to it is contrary to provisions of the European Convention on Human Rights and protocols to the Convention that have legal effect in Iceland.

Art. 10 Authorisation for refusal

The surrender of a person wanted under a European Arrest Warrant may be refused when:

- a. an investigation into the same act is underway in Iceland and is directed against the wanted person;
- b. the State Prosecutor is aware that the person has been punished for the same act by a final judgment in a state outside the European Union and Schengen co-operation, the punishment has already been enforced, is being enforced or has been vacated under the law of the state in question;
- c. the arrest warrant concerns the enforcement of a sentence imposed by a court and the person to be arrested is resident or staying in Iceland or is an Icelandic citizen and the Icelandic authorities undertake to enforce the sentence imposed by the court or the decision to deprive the person of their liberty pursuant to it;
- d. the arrest warrant concerns a request to surrender an Icelandic citizen and is issued by a state that does not surrender its own citizens to Iceland.

Before a request for surrender is refused in accordance with the provisions of the first paragraph, the wanted person shall be given the opportunity to be heard.

Art. 11 Political crimes

The surrender of a person wanted under a European Arrest

Warrant for political crimes may be refused.

The provision of the first paragraph shall not apply when the act specified in the arrest warrant falls under:

- a. crimes referred to in Articles 1 and 2 of the Council of Europe Convention on the Prevention of Terrorism;
- b. crimes involving a conspiracy or concerted effort, that corresponds to the description of conduct referred to in the second paragraph of Art. 8, to commit one or more of the crimes referred to in Articles 1 and 2 of the Council of Europe Convention on the Prevention of Terrorism; or
- c. Articles 1, 2, 3 and 4 of the EU Council Framework Decision of 13 June 2002 on combating terrorism.

Art. 12 Judgment pronounced without the wanted person being present

When a European Arrest Warrant contains a request for the surrender of a person for the purpose of enforcing a prison sentence or other penalty involving deprivation of liberty, imposed in the absence of the wanted person and without them having been informed of the time and place of the proceedings, the request shall be refused unless the issuing State ensures that the wanted person can demand a new trial where they have the right to be present.

The assurance referred to in the first paragraph shall be available before a District Court rules on whether the conditions for surrender are met.

Chapter III Proceedings in connection with a European Arrest Warrant

Art. 13 Arrest and interrogation

If the State Prosecutor considers that the conditions of Art. 6 are satisfied, they shall then demand the arrest of the wanted person as soon as possible. When arrested, the wanted person shall be informed of the arrest warrant.

During interrogation following arrest, the wanted person shall be given the opportunity to consent to the surrender and shall be informed of the significance of such consent. A defence counsel shall be appointed for the person.

If the wanted person agrees to surrender pursuant to the second paragraph, they shall also be asked, if applicable, whether they consent to proceedings in connection with criminal acts other than those on which the arrest warrant is based and which were committed before the surrender.

Art. 14 Remand custody and application of other coercive measures

If the State Prosecutor considers it necessary for a wanted person to be detained for the purposes of handling the case, they shall then submit a request for remand detention to the District Court. When assessing such a request, the Court shall base its decision on the information in the arrest warrant unless it is manifestly incorrect.

Remand detention shall not be for a period longer than four weeks, which may be extended by the same period repeatedly.

Less coercive measures may be applied when they are considered sufficient to prevent a wanted person from evading prosecution.

With an entry in the court record, the District Court shall confirm whether consent pursuant to the second and third paragraphs of Art. 13 was available. Once a ruling has been pronounced consent for surrender cannot be revoked. The deadline for appealing a ruling on remand detention or the application of other coercive measures to the [Court of Appeal]¹⁾ is 24 hours.

¹⁾ Act No. 117/2016, Art. 82.

Art. 15 Decision on surrender

The State Prosecutor decides whether to grant a request for the surrender of a wanted person. The State Prosecutor shall base their decision on the information contained in the arrest warrant unless it is manifestly incorrect. If the wanted person has consented to the surrender, the final decision on surrender shall be made within ten days of consent having been received. If the wanted person does not consent to the surrender, the State Prosecutor shall make a decision on surrender within 20 days of the arrest of the wanted person.

If the wanted person has not consented to the surrender, they may request a ruling from a District Court on whether the statutory conditions for surrender are met. The State Prosecutor shall, when notifying the person of their decision and the grounds for it, inform the person of this option. A request for a ruling must be received by the State Prosecutor no later than 24 hours after the person whose surrender is sought is notified that the request for surrender has been granted. If special reasons so warrant, the State Prosecutor may allow a decision on surrender to be submitted to a court even if the aforementioned deadline has passed. If a ruling has been requested within the statutory deadline or an exception has been permitted, surrender shall not take place until a final court ruling has been issued.

Information contained in an arrest warrant shall be used as the basis for the District Court's ruling unless it is manifestly incorrect. The District Court shall issue a ruling within 40 days of the arrest of the wanted person. A ruling may be appealed to the [Court of Appeal]¹⁾ under the general rules on procedure in criminal cases, with the exception that the deadline for appeal is 24 hours. Appeal postpones the surrender. The [Court of Appeal]¹⁾ shall issue a ruling within 60 days of the arrest of the wanted person.

Once the final decision on surrender has been made, the State Prosecutor shall immediately notify the party that issued the arrest warrant. The surrender procedure is governed by Art. 30.

Should a wanted person enjoy privileges or immunity in Iceland, cf. Art. 26, in connection with the act specified in the arrest warrant, the time limit does not begin to apply until the privilege or immunity has been revoked. If a wanted person has previously been extradited or surrendered to Iceland and further surrender requires the consent of the state that extradited or surrendered the person, the time limit does not begin to apply until the state in question has given its consent.

If a decision in a case cannot be made within the specified deadline, the State Prosecutor shall immediately inform the party who issued the arrest warrant accordingly.

¹⁾ Act No. 117/2016, Art. 82.

Art. 16 Consent to proceedings for another criminal act and to onward surrender or extradition

Upon application, a request may be approved from an EU Member State that has had a person extradited on the basis of a European Arrest Warrant:

- a. for prosecution or the execution of a sentence against the person concerned for an act other than that which served as the basis for the surrender and which was committed prior to it;
- b. to surrender the person concerned onward to another Member State of the EU or Norway for an act committed prior to the surrender;
- c. to extradite the person in question to a state outside the Nordic countries and the EU for an act committed prior to the surrender, provided that the person is not an Icelandic citizen.

A request for approval in cases referred to in subparagraphs a and b of the first paragraph must accord with

the provision of Art. 6 and shall be sent to the State Prosecutor. Approval shall be granted if the requirements for surrender exist for the act to which the request relates, under the conditions and terms set out in this Act. A person surrendered has the right to legal counsel in these cases. The provisions of Art. 15 shall apply as appropriate. The defence counsel of a person surrendered may request a ruling from a District Court on whether the conditions for surrender are satisfied. Unless the District Court decides otherwise, this request shall be the subject of written procedure. A final decision shall be available within 30 days of receipt of the request.

A request for approval for a case referred to in subparagraph c of the first paragraph shall be sent to the Minister; the processing of such a request shall be governed by Act No. 13/1984, on the Extradition of Criminals and other Assistance in Criminal Cases.

Chapter IV Conditions for surrender from Iceland pursuant to a Nordic Arrest Warrant

Art. 17 Minimum sentencing framework or sentence imposed

A person may be extradited to a Nordic state on the basis of a Nordic Arrest Warrant:

- a. for prosecution in a criminal case involving imprisonment or other deprivation of liberty in the state which issued the arrest warrant; or
- b. for the enforcement of a prison sentence or other decision involving deprivation of liberty.

If an arrest warrant is issued for more than one criminal act, the wanted person shall be surrendered even if the conditions for surrender are only met in relation to one of the crimes.

Art. 18 Mandatory grounds for refusal

A request for the surrender of a person wanted under a Nordic Arrest Warrant shall be refused when the grounds for refusal set out in subparagraphs a to h of the first paragraph of Art. 9 and the second paragraph of the same Article are present.

Art. 19 Authorisation for refusal

The surrender of a person wanted under a Nordic Arrest Warrant may be refused when:

- a. the circumstances described in the first paragraph of Art. 10 are present; or
- b. the act has been committed in part or in whole in Iceland or in an area covered by Icelandic criminal jurisdiction and it is not punishable under Icelandic law.

Before a request for surrender is refused in accordance with the provisions of the first paragraph, the person to be arrested shall be given the opportunity to be heard.

Chapter V Proceedings in connection with a Nordic Arrest Warrant

Art. 20 Arrest and interrogation

If the State Prosecutor considers that the conditions of Art. 6 are satisfied, they shall then demand the arrest of the wanted person as soon as possible. When arrested, the wanted person shall be informed of the arrest warrant.

During interrogation following arrest, the wanted person shall be given the opportunity to consent to the surrender and shall be informed of the significance of such consent. A defence counsel shall be appointed for the person.

If the wanted person consents to surrender pursuant to the second paragraph, they shall also be asked, if applicable, whether they consent to proceedings in connection with criminal acts other than those on which the arrest warrant is

based and which were committed before the surrender.

Art. 21 Remand custody and application of other coercive measures

If the State Prosecutor considers it necessary for a wanted person to be detained in connection with prosecution of the case, they shall then submit a request for remand detention to the District Court. When assessing such a request, the Court shall base its decision on the information in the arrest warrant unless it is manifestly incorrect.

Remand detention shall not be for a period longer than two weeks, which may be extended by the same period repeatedly. This time limit shall not apply when there are multiple incompatible arrest warrants or extradition requests, or if the person has been extradited to Iceland from a state outside the EU or the Nordic countries.

Less coercive measures may be applied when they are considered sufficient to prevent a wanted person from evading prosecution.

With an entry in the court record, the District Court shall confirm whether consent pursuant to the second and third paragraphs of Art. 20 was available. Consent can be revoked. Consent to proceedings for another criminal act can only be revoked if consent to surrender is also revoked.

The deadline for appealing a ruling on remand detention or the application of other coercive measures to the [Court of Appeal]¹⁾ is 24 hours.

¹⁾ Act No. 117/2016, Art. 82.

Art. 22 Decision on surrender

The State Prosecutor decides whether to grant a request for the surrender of a wanted person. The State Prosecutor shall base their decision on the information contained in the arrest warrant unless it is manifestly incorrect. If the wanted person consents to the surrender, the State Prosecutor shall, within three working days of consent being given, make a decision as to whether the conditions for surrender are met. If the wanted person does not consent to the surrender, the State Prosecutor shall make a decision on surrender within 10 days of the arrest of the wanted person.

If a wanted person has not consented to the surrender, they may request a ruling from a District Court on whether the statutory conditions for surrender are met. The State Prosecutor shall, when notifying the person of their decision and the grounds for it, inform the person of this option. A request for a ruling must be received by the State Prosecutor no later than 24 hours after the person whose surrender is sought is notified that the request for surrender has been granted. If special reasons so warrant, the State Prosecutor may allow a decision on surrender to be submitted to a court even if the aforementioned deadline has passed. If a ruling has been requested within the statutory deadline or an exception has been permitted, surrender shall not take place until a final court ruling has been issued.

Information contained in an arrest warrant shall be used as the basis for the District Court's ruling unless it is manifestly incorrect. The District Court shall issue a ruling within 20 days of the arrest of the wanted person. A District Court ruling may be appealed to the [Court of Appeal]¹⁾ under the general rules of procedure in criminal cases, with the exception that the deadline for appeal is 24 hours. Appeal postpones the surrender. The [Court of Appeal]¹⁾ shall issue a ruling within 30 days of the arrest of the wanted person.

Once the final decision on surrender has been made, the State Prosecutor shall immediately notify the party that issued the arrest warrant. The surrender procedure is governed by

Art. 30

Should a wanted person enjoy privileges or immunity in Iceland, cf. Art. 26, in connection with the act specified in the arrest warrant, in such cases the time limit does not begin to apply until the privilege or immunity has been revoked. If a wanted person has been surrendered or extradited to Iceland and onward surrender requires the consent of the state that surrendered or extradited the person, the time limit does not begin to apply until the state in question has given its consent.

If a decision in a case cannot be made within the specified deadline, the State Prosecutor shall immediately inform the party who issued the arrest warrant accordingly.

¹⁾ Act No. 117/2016, Art. 82.

Art. 23 *Consent to proceedings or the enforcement of a sentence for another criminal act*

If the surrender of a person wanted under a Nordic Arrest Warrant has taken place and the state that received the person surrendered requests consent for proceedings or the enforcement of a sentence for another act committed before the arrest warrant was issued, such a request shall then be approved unless there are mandatory grounds for refusal pursuant to Art. 18. A request may also be refused when an optional reason for refusal pursuant to subparagraph b of the first paragraph of Art. 19 exists.

A request for approval must accord with the provision of Art. 6 and shall be sent to the State Prosecutor. The provisions of Art. 22 shall apply as appropriate. A person surrendered has the right to legal counsel in these cases. The defence counsel of a person surrendered may request a ruling from a District Court on whether the conditions for surrender are satisfied. Unless the District Court decides otherwise, this request shall be the subject of written procedure. A final decision shall be available within 30 days of receipt of the request.

Art. 24 *Approval for onward surrender or extradition*

Approval may be given for a person who is extradited to a Nordic state pursuant to a Nordic Arrest Warrant to be extradited onward to an EU Member State outside the Nordic countries for an act committed prior to the surrender. Such a request shall be approved if a request for surrender for the act would have been approved pursuant to a European Arrest Warrant. In these cases, the provisions of the second paragraph of Art. 23 shall apply.

A request for approval for onward surrender to a state outside the Nordic countries and the EU shall be processed in accordance with the provisions of Act No. 13/1984, on the Extradition of Criminals and other Assistance in Criminal Cases.

Chapter VI Common provisions on Nordic and European Arrest Warrants**Art. 25** *Reception and forwarding of arrest warrants for surrender from Iceland*

When the authorities of a participating state register a wanted person in the Schengen Information System, or another system for wanted persons suspected of a criminal offence, such a registration shall then be equivalent to a Nordic or European Arrest Warrant until an arrest warrant is received, even if the registration does not contain all the information specified in Art. 6.

An arrest warrant from another foreign state shall be sent to the State Prosecutor. If an arrest warrant is received by another public authority in Iceland, the authority shall immediately forward it to the State Prosecutor and notify the

party who issued the arrest warrant of the forwarding.

Art. 26 *Privileges and immunities*

If a wanted person enjoys privileges or immunity with regard to prosecution or the execution of a sentence that Icelandic authorities can revoke, the State Prosecutor shall, without delay, direct the appropriate authorities to revoke the privileges or immunity. When this is subject to the consent of the government of a foreign state or international organizations, the State Prosecutor shall immediately inform the state that issued the arrest warrant that the person sought cannot be surrendered pursuant to the warrant until the privileges or immunities have been revoked.

Art. 27 *Conditional surrender*

When an arrest warrant concerns the surrender of a wanted person for the purpose of prosecution and the person is resident in Iceland or is an Icelandic citizen, a condition may be set for surrender that they be sent back to Iceland to serve a possible sentence. A wanted person shall be given the opportunity to be heard before such a condition is set.

It must be a condition for the surrender of an Icelandic citizen that their onward surrender to another participating state, for an act committed before the surrender took place, may not take place without the consent of the Icelandic authorities if that state does not surrender its own citizens to Iceland. Furthermore, the condition shall be set that the person concerned may not be extradited onward to a third country.

Art. 28 *An arrest warrant for a wanted person who has been surrendered or extradited to Iceland*

If a wanted person has been surrendered to Iceland on the basis of a Nordic Arrest Warrant, they may then be surrendered onward to another Nordic country on the basis of a Nordic Arrest Warrant for a criminal act committed before the surrender to Iceland. Onward surrender to another state in the EU outside the Nordic countries is permitted in the cases specified in subparagraphs a, c, d and e of the second paragraph.

A wanted person who has been surrendered to Iceland pursuant to a European Arrest Warrant shall not be surrendered onward to another Member State of the EU or Norway for an act committed prior to the surrender. However, onward surrender of the person is authorised if:

- a. the wanted person consents in writing at a court hearing to the onward surrender for legal proceedings relating to the offence;
- b. the wanted person has consented to be surrendered to Iceland and, in that context, also consented to be subject to legal proceedings or the execution of a sentence for an act committed prior to the surrender;
- c. the wanted person has not left the country, despite having been given 45 days to do so;
- d. the wanted person has voluntarily returned to the country after leaving it;
- e. the state that surrendered the wanted person to Iceland agrees to the onward surrender.

When a state that has extradited a wanted person to Iceland sets the condition that it must consent to any onward surrender, the State Prosecutor shall send a request to the state in question that it consent to the surrender. The request shall accord with the provisions of Art. 32 and shall be sent to the authority in the state which surrendered the person concerned and which is competent to take a decision.

Onward surrender shall not take place if this contravenes the specific conditions set for surrender. When a wanted

person is extradited to Iceland from a country outside the Nordic countries and the EU, the person concerned shall not be surrendered onward in contravention of the conditions set for the extradition. Where onward surrender requires the consent of the state which extradited the person, the competent authorities shall ensure that a request for such consent is sent to that state without delay.

Art. 29 *Decision on surrender when there are competing requests*

Should more than one arrest warrant be received for the surrender of the same person the State Prosecutor decides which request shall be acted upon.

When an extradition request from a state outside the Nordic countries and the EU is submitted, in addition to one or more arrest warrants, the Minister shall decide which request will be acted upon or, as the case may be, refused. The State Prosecutor shall check whether the conditions for surrender are met before the case is sent to the Ministry for a decision.

When assessing which arrest warrant or extradition request should be acted upon, consideration shall be given to the seriousness of the crime, where it was committed, when the arrest warrants or extradition requests were issued, and whether they are issued for the purpose of prosecution or for the execution of a sentence.

Art. 30 *Time limit for surrender*

Once a final decision on surrender has been made on the basis of a European Arrest Warrant, the wanted person shall be surrendered as soon as possible and at the latest ten days after the decision was made. In the case of a Nordic Arrest Warrant, the time limit is five days. If, due to special circumstances, it is not possible to surrender a wanted person within the aforementioned time limit, the State Prosecutor shall immediately negotiate a new deadline with the party who issued the arrest warrant.

Surrender may be postponed if compelling humanitarian reasons so warrant. Once these reasons no longer exist, the State Prosecutor will negotiate a new deadline for surrender with the party who issued the arrest warrant. Surrender shall then take place within ten days from the date on which the reasons that prevented surrender no longer exist.

A wanted person, who is in remand custody in connection with an arrest warrant, shall be released if surrender does not take place within the time limits set out in the first and second paragraphs.

Art. 31 *Postponed and temporary surrender*

The surrender of a wanted person may be postponed due to proceedings in Iceland against them for another criminal act or due to the execution of a sentence for another crime.

Instead of postponing the surrender, a wanted person may be temporarily surrendered under conditions agreed upon in a written agreement between the State Prosecutor and the party who issued the arrest warrant.

Chapter VII Surrender to Iceland

Art. 32 *Issuance of a European Arrest Warrant*

The State Prosecutor shall issue a European Arrest Warrant:

a. for prosecution of a wanted person, provided that there is an arrest warrant issued by a court for an act that may be liable to a prison sentence of at least one year, or

b. for the execution of a sentence, provided that there is a final judgment providing for a prison sentence or other deprivation of liberty of at least four months.

An arrest warrant may specify acts that do not satisfy the conditions of the first paragraph if one of the acts satisfies them. In such a case, it is sufficient for the issuance of an arrest warrant for the purposes of the proceedings that a court order exists for arrest for one of the acts.

The content and form of the arrest warrant shall accord with the first paragraph of Art. 6. When the act is liable to a prison sentence of at least three years, and it is considered an act as described in subparagraphs a-ff of the third paragraph of Art. 8, this shall be stated. The same applies when the provisions of the second paragraph of Art. 8 apply.

The arrest warrant shall be written in or translated into the language of the state to which it is sent or into another language accepted by that state.

Art. 33 *Issuance of a Nordic Arrest Warrant*

The State Prosecutor shall issue a Nordic Arrest Warrant:

a. for prosecution of a wanted person, who is suspected of having committed a criminal act that may be liable to a prison sentence, or

b. for the execution of a sentence, provided that there is a final judgment providing for a prison sentence or other deprivation of liberty.

The content and form of the arrest warrant shall accord with the first paragraph of Art. 6 and shall be written in Icelandic, Danish, Norwegian, Swedish or English.

An arrest warrant may specify acts that do not satisfy the conditions of the first paragraph if one of the acts satisfies them.

Art. 34 *Delivery of an arrest warrant*

An arrest warrant shall be entered in the Schengen Information System or another system for wanted persons suspected of having committed a criminal act. The information described in the first paragraph of Art. 6 which cannot be entered in the Schengen Information System shall be sent as soon as possible to the authority in the state where the person has been found and which is competent to receive the arrest warrant.

When the residence of a wanted person is known, the arrest warrant can also be sent to the authority in their country of residence that is competent to receive the arrest warrant.

Art. 35 *Reduction of sentence for time in remand custody*

If a wanted person is sent to Iceland to serve a sentence here, the time they were deprived of their liberty due to the processing of the request for surrender in the state that received the arrest warrant shall be deducted from the sentence. The same applies when a wanted person is surrendered for the purpose of prosecution if they are sentenced to imprisonment in Iceland for the act specified in the arrest warrant.

Art. 36 *Proceedings in connection with another criminal act*

A person who has been surrendered to Iceland from an EU Member State on the basis of a European Arrest Warrant, cannot be prosecuted or a sentence executed against them for a criminal act committed prior to the surrender other than that specified in the arrest warrant.

The provisions of the first paragraph do not apply, however, if:

a. the person concerned consents after surrender to proceedings or the execution of a sentence for a specified act committed prior to the surrender; such consent must be given before a court, entered in the court record and signed;

b. the person concerned consented to be surrendered to Iceland and, in that context, also agreed to be subject to legal

proceedings or the enforcement of a sentence against them for an act committed prior to the surrender;

c. the wanted person has not left Iceland, despite having been given 45 days to do so;

d. the wanted person has voluntarily returned to Iceland after leaving the country;

e. the act committed prior to the surrender is punishable only by a fine; or

f. the state that surrendered the wanted person to Iceland agrees to the prosecution or enforcement of a sentence for an act committed prior to surrender.

A person who has been surrendered to Iceland from a Nordic state on the basis of a Nordic Arrest Warrant, may be prosecuted or a sentence enforced against them for a criminal act committed prior to the surrender other than that specified in the arrest warrant unless:

a. circumstances exist in the state which surrendered this person as referred to in subparagraphs a-f of the first paragraph of Art. 9, or if information is available on circumstances referred to in subparagraphs g or h of the same Article, or

b. the act was committed in whole or in part in the territory of the state that surrendered the person, or in a location equivalent to this, and the act is not punishable under the law of that state, unless that state consents to the proceedings.

Even if the conditions of subparagraph b of the third paragraph are met, a person who is surrendered to Iceland may be prosecuted for a crime committed before the surrender if the provisions of subparagraphs c and d of the second paragraph apply or if the person has, before or after the surrender, consented to proceedings for another act.

A request for consent pursuant to subparagraph f of the second paragraph and subparagraph b of the third paragraph shall be sent to the competent authority in the state that surrendered the person concerned in accordance with the provisions of Articles 32 and 33.

Article 37 Onward extradition

If a person is surrendered to Iceland on the basis of a European Arrest Warrant, they shall not be extradited onward to a state outside the Nordic countries and the EU for an act committed prior to the surrender without the consent of the state that extradited them, unless otherwise provided for in the consent given prior to the surrender.

A wanted person who has been surrendered to Iceland on the basis of a Nordic Arrest Warrant may only be extradited onward to a state outside the Nordic countries and the EU for an act committed prior to the surrender if the person concerned consents to the extradition or if the provisions of subparagraphs c, d and f of the second paragraph of Art. 36 apply.

The Minister shall make a decision on onward extradition in accordance with the provisions of Act No. 13/1984, on the Extradition of Criminals and other Assistance in Criminal Cases.

Art. 38 Return of a person who is surrendered to Iceland

If a wanted person is surrendered to Iceland for the purpose of prosecution on the condition that they be returned to the state that extradited them after the proceedings have been concluded, the State Prosecutor shall then ensure that this is done.

If the person to be returned is not in remand custody, they may be arrested and detained in remand if this is deemed necessary to enable them to be returned. The person concerned

shall not be sentenced to longer remand detention than ten days and no longer than five days if they are to be returned to another Nordic state. If special circumstances prevent surrender within the time limits specified here, detention may be extended by ten days, and by five days if the person concerned is to be surrendered back to another Nordic country.

Chapter VIII Other provisions regarding surrender

Art. 39 Confiscation and surrender of property

The State Prosecutor shall have property seized and surrendered if the property is considered to be of significance as evidence in the case specified in the arrest warrant or is the proceeds of the criminal act. The same shall apply to any other items or proceeds that can be confiscated pursuant to the provisions of Chapter VII A of the General Penal Code, Act No. 19/1940, when the state that issued the arrest warrant so requires and the items would be subject to confiscation according to the laws of the state that issued the arrest warrant.

The provisions of the first paragraph apply even if the wanted person is dead or missing.

The State Prosecutor may have property as referred to in the first paragraph retained or surrendered temporarily if it is regarded as of significance as evidence in connection with a case being prosecuted in Iceland.

Surrender does not affect existing entitlement to the item. Conditions may be imposed for surrender if necessary to protect such entitlement.

Art. 40 Temporary surrender

If an arrest warrant exists for the arrest and surrender of a wanted person in connection with prosecution, the State Prosecutor may, upon request, approve the temporary surrender of the person for questioning in the state that issued the arrest warrant.

Temporary surrender may not be approved if it is evident that the surrender of a wanted person will be refused, or if it is considered necessary for the person concerned to be in Iceland in connection with prosecution of a criminal case or the processing of the arrest warrant. When assessing whether to approve temporary surrender, consideration shall be given, among other things, to whether the surrender will prolong the deprivation of liberty of the wanted person. A wanted person has the right to express their opinion on the matter before a decision is made.

The Public Prosecutor determines the timing of the surrender and sets the conditions deemed necessary.

Art. 41 Transit

A person surrendered from Denmark, Finland, Norway or Sweden to one of these countries may be transported via Icelandic territory without special consent.

The Minister shall authorize the transit of a wanted person on the basis of a European Arrest Warrant through Icelandic territory, provided that the Icelandic authorities have received information about the identity and nationality of the wanted person, the nature of the crime and what penalties apply to it, and the circumstances under which the crime was committed, including where and when. When surrender is to a state that does not surrender its own citizens to Iceland, transit shall be refused if the wanted person is an Icelandic citizen. In other cases where the wanted person is an Icelandic citizen, the consent may be made subject to conditions.

The provisions of the second paragraph shall apply as appropriate when a person is to be extradited from a state outside the Nordic countries and the EU to a Member State of

the EU or Norway.

Chapter IX Entry into force

Art. 42 *Entry into force*

With regard to the Nordic Arrest Warrant, this Act shall enter into force immediately.

With regard to the European Arrest Warrant, this Act shall enter into force upon the entry into force of the Agreement between the European Union and the Republic of Iceland and the Kingdom of Norway on Surrender Procedures between Member States of the European Union and Iceland and Norway. The Minister shall publish an announcement in the Official Journal of Iceland regarding the entry into force of the Act in this regard.

Art. 43 *Amendments to other Acts ...*

Temporary provisions

Should a request for the surrender of a criminal to Denmark, Finland, Norway or Sweden be received before the entry into force of this Act, the request will be processed in accordance with Act No. 12/2010, on the Arrest and Surrender of Persons between Nordic Countries for Criminal Acts (Nordic Arrest Warrant).

Should a request for the extradition of a criminal to an EU Member State be received before the entry into force of this Act, it shall be processed in accordance with Act No. 13/1984, on the Extradition of Criminals and other Assistance in Criminal