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**Spain's European Policy in relation to the accelerated
extradition procedures establishment under the Aznar
administrations**



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If there is a field in which Aznar's European policy has stood out, it is without doubt in the field of judicial co-operation and, more specifically, in the development of an extradition policy within the European Union (EU). Spanish attempts to establish an accelerated procedure in relation to extradition have their origin in previous governments, however. The socialist governments, led by Felipe González, had already actively supported the development of a co-operation mechanism in justice and home affairs within the framework of the European Union. Due to persistence and the international situation, it was under the mandate of José María Aznar's conservative Popular Party, however, that the main steps were taken towards the elimination of national borders for the execution of sentences.

Obviously, Spain's interest in accelerating the extradition procedures was very closely related to the fight against terrorism, which had become not only the main political priority of Aznar's mandate but also an excellent electoral opportunity.

One of the best examples of the interest shown by Spain in this field can be found in the declarations made by the then Spanish Interior Minister, Jaime Mayor Oreja. At the First European Conference on Terrorism, held at the beginning of 2001, Mayor Oreja stated that the free movement of people should not become an "ally of terrorists", which is why it was necessary to implement a European arrest warrant. "Terrorism", he said, "poses a very serious threat that affects the political, social and moral principles on which we base our state of law and on which the European Union is constructed".

The strategy of the Aznar administrations has been successfully implemented at two levels. Firstly, it succeeded in intensifying both bilateral and multilateral contacts outside the framework of the European Union in order to, secondly, defend a joint action within the European Union once the political situation allowed.

Spain and Italy, for example, signed a treaty on 28 November 2000, and France, the United Kingdom, Germany and Belgium attempted to suppress the extradition procedures between their States in order to accelerate surrender for serious offences such as terrorism.

Shortly afterwards, in the Watson Report of 5 September 2001, the European Parliament supported Spain on the adoption of these measures within the framework of the European Union. It should be remembered at this point that some months earlier, Spanish political representations had intensified at European level. Two examples of this are, firstly, the European Popular Party's demands in the European Parliament at the beginning of 2001 that Romano Prodi, the President of the European Commission, include its legislation package in the European arrest warrant, and, secondly, the interviews held with the Belgian Interior Minister in July of the same year by Javier Arenas, the General Secretary of Spain's Popular Party, and Javier Caldera, the Spokesperson for Spain's Socialist Party, with the aim of making the European arrest warrant one of the main objectives of the Belgian presidency of the European Union.

The political pressure exercised by Spain met with an unexpected ally: the attacks on New York's Twin Towers on 11 September. The Extraordinary European Council meeting held on 21 September 2001 to prepare the European Union's reaction to the attacks included in its

conclusions and Plan of Action a proposal for adopting a European arrest warrant that preserved "the rights and fundamental freedoms of the affected". This last sentence was in fact a demand from Italy.

Six days later, the Justice and Interior Ministers of the European Union adopted a roadmap for a series of measures in the fight against terrorism that the representatives of the Member States were committed to carrying out "as soon as possible". This roadmap included the harmonisation of national measures to improve judicial and police co-operation within the European Union to fight against terrorism. The first measure in this "antiterrorist roadmap" was the European arrest warrant for the arrest and surrender of alleged criminals and terrorists. It is important to mention, however, that though the agreement included a catalogue of measures for fighting terrorism, the European arrest warrant includes many other cases of extradition apart from terrorism.

On 13 June 2002, after some intense work under the Spanish presidency, the Council of the European Union adopted a Framework Decision related to the European arrest warrant and procedures for surrender between Member States. This decision required Member States to adapt their national legislation before 31st December 2003 and allowed for its earlier application for those Member States that wished it.

The adoption of the European arrest warrant did not end Spanish aspirations, however, and Spain became the Member State that was most interested in its immediate transposition. Only Spain, Portugal and Denmark were able to transpose the decision before its entry into force. These were followed by Belgium, Finland, Sweden, Portugal and the United Kingdom. France, Holland and Luxembourg are currently completing the national adaptation of their legislation and Austria is committed to completing it before May 2004. Germany has not yet completed its domestic legislative reform, and nor has Italy, where there is strong internal opposition to the European arrest warrant. Greece will not be able to complete its reform before June since its Parliament has been dissolved due to the March general election. Undoubtedly, therefore, Spain has so far become the leading country and the main user of the European arrest warrant. Between its entry into force, on 1st January 2004, and 19th February, Spain received nineteen requests for extradition, ten of which have been executed. Of its seventy-two requests, only one, with Portugal, has been executed.

In the last few years, Spain has clearly become the European Union leader in the adoption of measures for establishing accelerated extradition procedures between its Members. For the Spanish government these measures represent the European dimension to its fight against terrorism, and against ETA in particular. They are therefore a continuation of the Spanish internal policies in the judicial and police fight against terrorism.