

Spain – National Procedures for Extradition
Updated 12/05/2015

The information contained in this table should be updated on a yearly basis.

<p>The Central Authority (name of the institution, address, telephone, fax and e-mail where available) responsible for extradition:</p>	<p>The Central Authority :</p> <p>Ministerio de Justicia. Subdirección General de Cooperación Jurídica Internacional</p> <p>C/ San Bernardo, 62</p> <p>Tel.: 00 34 91.390.24.79</p> <p>Fax: 00 34 91 390.44.34</p>
<p>If different from the Central Authority the authority to which the request should be sent (name of the institution, address, telephone, fax and e-mail where available):</p>	<p>Diplomatic channel: Ministerio de Asuntos Exteriores y de Cooperación.</p> <p>Dirección General de Españoles en Exterior y Asuntos Consulares y Migratorios</p> <p>Subdirección General de Asuntos Jurídicos Consulares</p> <p>Ruiz de Alarcón, 5, 5ª planta. 28071 MADRID</p> <p>Teléfono +34 91 379 18 95</p> <p>Fax: 34 91 394 86 65</p>

Channels of communication for the request for extradition (directly, through diplomatic channels or other):	Through diplomatic channels. Spain accepts request for extradition directly (when permitted subject Second Additional Protocol to the European Convention on Extradition.	
Means of communication (e.g. by post, fax, e-mail ¹):	Requests for arrest shall be forwarded by post, telegraph or any other method traceable in writing, to the Ministry of Justice either via diplomatic channels or directly through the International Criminal Police Organization. However the extradition request through the diplomatic channel or by post directly when it was permitted.	
Language requirements:	Following European Convention on Extradition the documents should be translated into Spanish. However, Spain also accepts documents in English or French.	
Documentation required:	Following Article 12 .2 of the CoE Convention on Extradition and article 2 of Third Additional Protocol to the European Convention on Extradition.	
Provisional arrest:	Time limit for presentation of formal extradition request if the person is in provisional arrest	The request for extradition must be presented to the Spain Authorities within 40 days from the date of

¹ Please indicate if encryption or electronic signature is required.

		arrest.
	Is there a need for an explicit request for prolongation of the provisional arrest beyond the 18 days mentioned in Article 16, paragraph 4 of the European Convention on Extradition (ETS No.24)?	No, there isn't
Extradition procedures: Please describe shortly the different types of procedure (e.g. normal, simplified, other) indicating the main differences:	<p>Extradition of someone against whom an extradition arrest order has been issued may be granted without formal extradition proceedings provided the accused, after being advised of his rights, consents to such simplified extradition and his consent has been made part of the court record. In this case the Central investigating Preliminary Court decides if the extradition is to be allowed.</p> <p>Standard procedure: if the person does not consent his extradition, the High Court decide about extradition. If the Court rules that extradition is in order, it shall deliver certification thereof without delay to the Ministry of Justice. The Government shall decide whether to surrender the person claimed or refuse. The decision of the government finalizes the extradition procedure.</p>	
Detention before and after the receipt of the extradition request, (deadlines,	The request for extradition must be presented to the Spain Authorities within 40 days from	

conditional release, etc.):	<p>the date of arrest.</p> <p>Following Spanish legislation, provisional arrest can last no longer than 40 days without the receipt of the original request for extradition and accompanying documents.</p>
Statutes of limitation for the purpose of prosecution and for the execution of sentences (general principles):	<p>Spanish Criminal Code determines the status of limitation for criminal offenses in relation to penalty for each offense and in relation to the sentence imposed (article 131 and 132 of the Spanish Criminal Code)</p>
Provisions concerning extradition of nationals:	<p>The Spanish ACT 4/1985 OF 21 MARCH ON PASSIVE EXTRADITION refuse extradition of its own nationals unless an International Treaty allows it. In this case, extradition shall only be granted on the basis of the principle of reciprocity.</p>
Surrender (e.g. deadlines):	<p>According the Spanish ACT 4/1985 OF 21 MARCH ON PASSIVE EXTRADITION If the person claimed is not taken over on the date and in the place established, an order for his/her release may be issued fifteen days thereafter and shall in any case be issued thirty days thereafter; and any subsequent requests for extradition for the same offence may be refused.</p>
Other particularly relevant information (such as, specific	

requirements concerning double criminality):	
Links to national legislation, national guides on procedure,	