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## EXPLANATORY NOTE

*(This note is not part of the Order)*

Bosnia and Herzegovina were designated as a category 2 territory for the purposes of the Extradition Act 2003 (“the 2003 Act”), by the Extradition Act 2003 (Designation of Part 2 Territories) Order 2003 (“the Part 2 Order”). However they were not designated in article 3(2) of that Order for the purposes of sections 71(4), 73(5), 84(7) and 86(7) of the 2003 Act. Article 2(2) of this Order so designates them. The effect of this is to alter the evidential requirements made of Bosnia and Herzegovina when they make an extradition request to the United Kingdom.

Montenegro is now an independent country and article 2(1) of this Order amends the Part 2 Order to designate it as a category 2 territory in its own right.

Bulgaria and Romania will accede to the European Union on 1st January 2007 from which date they will be operating the European Arrest Warrant scheme for extradition. Article 3(1) of this Order amends the Extradition Act 2003 (Designation of Part 1 Territories) Order 2003 to designate them as category 1 territories to enable the United Kingdom to operate the European Arrest Warrant scheme with them from that date. As a consequence, article 3(2) of this Order omits them from the Part 2 Order.

Article 1(2) of this Order is a transitional provision, which ensures that the changes in designation do not apply where extradition proceedings have already begun.