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NOTE

From : General Secretariat
To : Delegations

Subject : Implementation of the Council Framework Decision 2008/909/JHA on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union
- Information provided to the General Secretariat

Delegations will find attached updated information about the state of play of the implementation of the Framework Decision 2008/909/JHA on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union.

The information provided in the table is up-to-date as at 18 September 2012.

Council Framework Decision 2008/909/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences

ANNEX

	State/date of implementation of Framework Decision	Transmission re Article 29(2) of National Legislation	Notification re Article 2(1) (Competent Authorities)	Notification re Article 23 (languages)	Notification re Article 26(4)	Notification re Article 4(7)	Notification re Article 7(4)	Notification re Article 28(2)
BELGIUM	Implemented. Entry into force of legislation: 18 June 2012	Yes	The competent Belgian authority for forwarding a judgement to another Member State of the European Union (the issuing authority) is: - The Minister of Justice, when the sentenced person is being detained in	Dutch, French, German or English				

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		Belgium; - The Public Prosecutor of the judicial district in which the sentence was issued, when the sentenced person is not being detained in Belgium. The competent Belgian authority for giving Belgium's prior consent for a judgment to be forwarded,					

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		<p>pursuant to paragraph 1 (c) of Article 4 of the Framework Decision, is the Minister for Justice. The competent Belgian authority for recognising and executing a judgment forwarded to Belgium (the executing authority) is the Public Prosecutor of Brussels</p>				

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BULGARIA	(Expected to enter into force in the first half of 2012)							
CZECH REPUBLIC	(Expected to enter into force at the end of 2012)							
DENMARK	Implemented. Entry into force of legislation: 5 December 2011	Yes	Minister of Justice	Danish	Yes (doc.: 6298/12 COPEN 33)			
GERMANY								
ESTONIA								
GREECE								

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SPAIN								
FRANCE								
IRELAND	Reservations						Yes (doc.:5421/12 COPEN 9)	Yes (doc.:5421/12 COPEN 9)
ITALY	Implemented. (doc.: 5440/12 COPEN 10) Entry into force of legislation: 5 December 2011		Ministry of Justice					
CYPRUS								
LATVIA								
LITHUANIA								
LUXEMBOURG								

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HUNGARY								
MALTA	Implemented.		1) To issue judgments in terms of art. 2(1): The Court of Criminal Jurisdiction. 2) To recognise judgments : The Office of the Attorney General.	Maltese or English				Yes (doc.: 7638/12 COPEN 56)
THE NETHERLANDS								

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AUSTRIA	Implemented.		1) For the incoming requests: The regional Courts. 2) For outgoing requests: The Federal Ministry of Justice	German		Yes (doc.: 5698/12 COPEN 17).	Yes (doc.: 5698/12 COPEN 17)	
POLAND	Implemented.	Yes	The Regional Courts	Polish			Yes (doc.: 5650/12 COPEN 14)	Yes (doc.: 5650/12 COPEN 14)
PORTUGAL								

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ROMANIA								
SLOVENIA								
SLOVAKIA	Implemented. Entry into force of legislation: 1 February 2012	Yes	“In the Slovak Republic the competent authority to request the enforcement of a judgment in another Member State shall be the court which issued the judgment imposing a sentence involving	Slovak or Czech The Slovak Republic, with reference to the Article 23(3) of Council Framework Decision 2008/909/JHA, reserves the right to request from				

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		deprivation of liberty. In the Slovak Republic the competent authority for recognition and enforcement of the judgment from another Member State shall be the Regional Court in whose territorial jurisdiction is either the habitual residence of	the issuing State a translation of the judgment or its essential parts into the Slovak language if the content of the certificate should be insufficient in order to decide on the enforcement of the sentence. (see doc.: 11945/12 COPEN 156)				

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		the sentenced person or the place where the person serves his/her sentence, failing that the competent authority shall be the Regional Court in Bratislava.”					

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FINLAND	Implemented.		1) Issuing State : The central admin. office of the Criminal Sanctions Agency 2) Executing State : The District Courts	Finnish, Swedish or English	Yes (doc.: 5493/12 COPEN 11)			

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SWEDEN <u>UNITED KINGDOM</u>	<u>Implemented.</u>	<u>Yes</u>	<u>The competent authorities, when the <u>United Kingdom</u> is the <u>issuing or the executing state, will be as follows:</u> <u>England and Wales -</u> <u>The Cross Border Transfer Section National Offender Management Service</u> <u>Ministry of</u></u>	<u>English</u>				

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				<u>Scotland -</u> <u>Scottish Prison</u> <u>Service</u> <u>Headquarters</u> <u>Room 305</u> <u>Calton House</u> <u>Edinburgh.</u> <u>EH12 9HW</u> <u>Tel: 0044</u> <u>(0)131 244</u> <u>8745</u>					

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