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NOTE

From : General Secretariat
To : Delegations

No. prev. doc.: 9618/14 COPEN 144 EUROJUST 95 EJN 54

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 17 September 2014.

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	Dutch, French, German or English				

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		person is being detained in 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, pursuant to					

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			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					
BULGARIA	(Expected to enter into force in the first half of 2012)							
CZECH REPUBLIC	Implemented.	Yes	1) As an issuing	Czech or translated			Will not apply Article	

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Entry into force of legislation: 1 January 2014		State: District courts, area courts, regional courts, Prague Municipal Court and Brno Municipal Court. 2) As an executing State: The regional courts with local jurisdiction (for a detailed list see : 10079/14 COPEN 156 EUROJUST 100 EJN 58). Appeals are	into Czech. In relation to the Slovak Republic, the Czech Republic will accept certificates produced in Slovak.			7(1) see: 10079/14 COPEN 156 EUROJUST 100 EJN 58).	

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			heard by the high courts. 3) As a transit: Ministry of Justice					
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								
<u>FRANCE</u>	<u>Implemented.</u> <u>Entry into force of legislation:</u> <u>5 August 2013</u>	<u>Yes</u>		<u>French</u>		– the authority competent for enforcing a custodial sentence or measure involving deprivation of liberty in another Member State of the European Union and for sending the recognition and enforcement request to the competent authority of that Member State is the representative of the public	<u>Will not apply Article 7(1) see: (11299/14 COPEN 180 EUROJUST 121 EJM 65).</u>	

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						prosecutor's office at the court that imposed the sentence; – the authority competent for enforcing in France a custodial sentence or measure involving deprivation of liberty imposed in another Member State of the European Union is the public prosecutor in whose jurisdiction lies the last known residence of		

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						the sentenced person, his or her place of detention or, if the acts were carried out in part on French territory, the place where the offence was committed; - the prior consent of the French authorities is required in order to enforce a sentence in France where the sentenced person is neither a French national with his or her habitual residence on our territory		

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						nor a French national who, on the basis of the sentence or any other legal or administrative decision, will be deported to France once released		
<u>CROATIA</u>			County Courts (see list in the Annex of doc.: <u>12335/14</u> <u>COPEN 203</u> <u>EUROJUST</u> <u>140 E.J.N 75</u>)	<u>Croatian, English</u>			Yes (doc.: <u>12335/14</u> <u>COPEN 203</u> <u>EUROJUST</u> <u>140 E.J.N 75</u>)	
IRELAND	Reservations (doc.: 5440/12 COPEN 10)						Yes (doc.:5421/12 COPEN 9)	Yes (doc.:5421/12 COPEN 9)
ITALY	Implemented. (doc.: 5710/12)		Ministry of Justice		"In relation to Romania, Italy intends			

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	COPEN 18) Entry into force of legislation: 5 December 2011				to continue to apply existing bilateral agreement on cooperation for transfer of sentenced persons to custodial sentences; sentenced persons to whom has been imposed the measure of deportation or that of accompanying to the border, as laid down by the Italian Law (n. 281 of 30/12 /2005)			

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				entered into force on 11/04/2006, in so far as such cooperation allows the objectives of the Framework Decision to be extended or enlarged and helps to simplify or facilitate further the procedures for the enforcement of custodial sentences" (7504/09 COPEN 49)			
<u>CYPRUS</u>	Yes	1) As an issuing State:	Greek, <u>English</u>				
	<u>Implemented.</u> <u>Entry into force</u>						

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of legislation: <u>23 May 2014</u>		The assize court or district court which issued the judgment. 2) As an executing State: The district court within the territorial jurisdiction of which the person against whom another member State has issued a judgment has his or her habitual residence. (doc. 11298/14 COPEN 179 EUROJUST 120 EJA 64)					

LATVIA	Implemented. Entry into force of legislation: 1 July 2012		A "municipal (district) court" (14363/13 COPEN 145 EUROJUST 81 EJNI 57)	Latvian (14363/13 COPEN 145 EUROJUST 81 EJNI 57)				
LITHUANIA								
LUXEMBOURG								

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HUNGARY	Implemented			If the certificate is insufficient, the judgement or essential parts of it may be translated into Hungarian			Hungary will not apply Article 7(1) to the offences referred to in the FD (doc.: 14288/13 COPEN 141 EUROJUST 78 EJA 54)	
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	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)
	Implemented. Entry into force of legislation: 1 November 2012		The competent authority in the Netherlands when the Netherlands is the issuing State and when the Netherlands is the executing State is the Minister for Security and Justice	- Art. 23(1) : Dutch, English - Art. 23(3) : The Netherlands hereby declares that it may request a translation of the judgment or essential parts of it into Dutch or into another official language of the European Union in cases where it finds the content of the certificate insufficient to decide on the recognition			Yes (doc.: 14427/12 COPEN 217 EUROJUST 93 EJN 76)	Yes (doc.: 14427/12 COPEN 217 EUROJUST 93 EJN 76)

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				of the judgment				
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								

ROMANIA	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)
	Implemented. Entry into force of legislation: 26 December 2013		1) As an executing State: a) Ministry of Justice Directorate for International Law and Judicial Cooperation Division for international judicial cooperation in criminal matters Strada Apolodor 17, Sector 5 București, Cod 050741 Tel: +40 37 204 1077/+40 37 204 1085	Romanian (doc.: 5762/14 COPEN 24 EJM 16 EUROJUST 19)			Romania will not apply Article 7(1) (doc.: 5762/14 COPEN 24 EJM 16 EUROJUST 19)	

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		Fax: +40 37 204 1079/84 E-mail: transfer@just.ro b) The courts of appeal. Provisional arrest: Parchetul de pe lângă Curtea de Apel București The Prosecution Office of the Court of Appeal of Bucharest Str. Scaune nr. 1-3, sector 3, 030243 Phone +40-21-3111276 / +40-21-3111557					

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		Fax +40-21-3124553 / +40-21-3111557 E-mail: pca_bucuresti@mpublic.ro c) Transit: Ministry of Justice Directorate for International Law and Judicial Cooperation Division for international judicial cooperation in criminal matters Strada Apolodor 17, Sector 5 București, Cod 050741					

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		Tel: +40 37 204 1077/ +40 37 204 1085 Outside of office hours: +40 733 737 769 Fax: +40 37 204 1079/84 E-mail: transfer@just.ro 2) As an issuing State: Ministry of Justice Directorate for International Law and Judicial Cooperation Division for international					

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		judicial cooperation in criminal matters Strada Apolodor 17, Sector 5 București, Cod 050741 Tel: +40 37 204 1077/ +40 37 204 1085 Fax: +40 37 204 1079/84 E-mail: transfer@just.ro					
SLOVENIA	Implemented. Entry into force of legislation: 20 September 2013	a) Executing authorities: District Courts or the District Court in Ljubljana. b) Issuing authorities:	Slovenian, English (doc.: 5507/14 COPEN 15 EUROJUST 11 EJN 10)			Slovenia will not apply Article 7(1) (doc.: 5507/14 COPEN 15 EUROJUST	

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		District Court or the District Court competent for the area in which the court of first instance passed the judgment. c) Transit: Ministry of Justice and District courts				11 EJR 10)	
SLOVAKIA	Implemented. Entry into force of legislation: 1 February 2012	Yes	Slovak or Czech (doc.: 6883/14 COPEN 63 EUROJUST 43 EJR 32)				

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		which issued the judgment imposing a sentence involving 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					

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		residence of 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.”					
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								
UNITED KINGDOM	Implemented.	Yes	The competent authorities, when the United Kingdom is the issuing or the executing state, will be as follows: England and Wales - The Cross Border Transfer Section National Offender Management Service Ministry of Justice Post Point 4.16 4th Floor	English				

						Clive House 70 Petty France London, SW1H 9EX Tel: 0044 (0)300 047 5691/5694/569 6/5692 Fax: 0044 (0)300 047 6857 Scotland - Scottish Prison Service Headquarters Room 305 Calton House Edinburgh. EH12 9HW Tel: 0044 (0)131 244 8745 Northern Ireland - The Northern Ireland Prison Service Establishment Support					
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