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European Union

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COPEN 39
EUROJUST 33
EJN 13

NOTE

From:	General Secretariat of the Council
To:	Delegations
No. prev. doc.:	6069/15 COPEN 39 EUROJUST 33 EJN 13
Subject:	Implementation of the 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 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 March 2015.

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

Member State	State/date of implementation of Framework Decision	Notification re Article 2(1) (competent authorities)	Notification re Article 23 (languages)	Notification re Article 26(4) (other agreements)	Notification re Article 4(7) (consent for forwarding of the judgment)	Notification re Article 7(4) (double criminality)	Notification re Article 28(2) (transitional provision)	Notification re Article 29(2) (implementation)
BELGIUM	Implemented. Entry into force of legislation: 18 June 2012	The competent Belgian authority for forwarding a judgement to another Member State of the European Union (the issuing	Dutch, French, German or English					Yes

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		<p>authority) is:</p> <ul style="list-style-type: none"> - The Minister of Justice, when the sentenced 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. 						

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		<p>The competent Belgian authority for giving Belgium's prior consent for a judgment to be forwarded, pursuant to paragraph 1 (c) of Article 4 of the Framework Decision, is the Minister for Justice.</p> <p>The competent Belgian authority for</p>						

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		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. Entry into force of legislation: 1 January 2014	1)As an issuing State: District courts, area courts, regional	Czech or translated into Czech. In relation to the Slovak Republic, the Czech Republic will			Will not apply Article 7(1) see: (10079/14 COPEN 156 EUROJUST		Yes

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		<p>courts, Prague Municipal Court and Brno Municipal Court.</p> <p>2) As an executing State:</p> <p>The regional courts with local jurisdiction (for a detailed list see : 10079/14 COPEN 156 EUROJUST</p>	<p>accept certificates produced in Slovak.</p>			100 EJM 58).		

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DENMARK	Implemented. Entry into force of legislation: 5 December 2011	100 EJN 58). Appeals are heard by the high courts. 3) As a transit: Ministry of Justice Minister of Justice	Danish	Yes (doc.: 6298/12 COPEN 33)				Yes
GERMANY								

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ESTONIA								
GREECE								

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SPAIN								
FRANCE	Implemented. Entry into force of legislation: 5 August 2013	– 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	French		- 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 nor a French national who, on the basis of	Will not apply Article 7(1) see: (11299/14 COPEN 180 EUROJUST 121 EJNI 65).		Yes

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		<p>authority of that Member State is the representative of the public prosecutor's office at the court that imposed the sentence;</p> <p>– the authority competent for enforcing in France a custodial sentence or measure involving deprivation of liberty imposed in another Member State of the</p>			<p>the sentence or any other legal or administrative decision, will be deported to France once released</p>			

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<u>CROATIA</u>		European Union is the public prosecutor in whose jurisdiction lies the last known residence of 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;						
		County Courts (see list in the	<u>Croatian, English on reciprocal</u>			Yes (doc.:		

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		Annex of doc.: 12335/14 COPEN 203 EUROJUST 140 EJM 75)	<u>basis.</u>			12335/14 COPEN 203 EUROJUST 140 EJM 75)		
IRELAND	Reservations (doc.: 5440/12 COPEN 10)					Yes (doc.:5421/12 COPEN 9)	Yes (doc.:5421/12 COPEN 9)	
ITALY	Implemented. (doc.: 5710/12 COPEN 18) Entry into force	Ministry of Justice		"In relation to Romania, Italy intends to continue to apply existing bilateral agreement on cooperation				

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	of legislation: 5 December 2011			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) entered into force on 11/04/2006,				

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				<p>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"</p> <p>(7504/09 COPEN 49)</p>				

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CYPRUS	Implemented. Entry into force of legislation: 23 May 2014	<p>1) As an issuing State: The assize court or district court which issued the judgment.</p> <p>2) As an executing State: The district court within the territorial jurisdiction of which the person against whom another member State has issued a</p>	Greek, English					Yes

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		judgment has his or her habitual residence. (doc. 11298/14 COPEN 179 EUROJUST 120 EJN 64)						

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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	Implemented. Entry into force of legislation: 1 April 2015	1) As an executing State: the district courts 2) As an executing State : the district courts (doc.:5798/1/15 REV 1	Lithuanian (doc.:5798/1/15 REV 1 COPEN 22 EUROJUST 19 EJNI 8)			Lithuania will not apply Article 7(1) (doc.:5798/1/15 REV 1 COPEN 22 EUROJUST 19 EJNI 8)	Yes: (doc.:5798/1/15 REV 1 COPEN 22 EUROJUST 19 EJNI 8)	Yes

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		COPE N 22 EUROJUST 19 E.JN 8)						
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 EJM 54)		
MALTA	Implemented.	1) To issue judgments in terms of art. 2(1): The Court of Criminal Jurisdiction.	Maltese or English				Yes (doc.: 7638/12 COPEN 56)	

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THE NETHERLANDS	Implemented. Entry into force of legislation: 1 November 2012	2) To recognise judgments : The Office of the Attorney General. 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	- 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			Yes (doc.: 14427/12 COPEN 217 EUROJUST 93 EJN 76)	Yes (doc.: 14427/12 COPEN 217 EUROJUST 93 EJN 76)	

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AUSTRIA	Implemented.	Justice 1) For the incoming requests: The regional Courts. 2) For outgoing requests: The Federal	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 of the judgment		Yes (doc.: 5698/12 COPEN 17).	Will not apply Article 7(1) see: (doc.:5698/12 COPEN 17)		

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		Ministry of Justice						
POLAND	Implemented.	The Regional Courts	Polish			Will not apply Article 7(1) see: (doc.:5650/12 COPEN 14)	Yes (doc.:5650/12 COPEN 14)	Yes
PORTUGAL								

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ROMANIA	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	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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		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 b) The courts						

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		<p>of appeal.</p> <p>Provisional arrest:</p> <p>Parchetul de pe lângă Curtea de Apel București</p> <p>The Prosecution Office of the Court of Appeal of Bucharest</p> <p>Str. Scaune nr. 1-3, sector 3, 030243</p> <p>Phone +40-21-3111276 /</p>						

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		+40- 21-3111557 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						

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		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 Outside of office hours:						

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		+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						

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		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						

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SLOVENIA	Implemented. Entry into force of legislation: 20 September 2013	Fax: +40 37 204 1079/84 E-mail: transfer@ just.ro	Slovenian, English (doc.: 5507/14 COPEN 15 EUROJUST 11 EJN 10)			Slovenia will not apply Article 7(1) (doc.: 5507/14 COPEN 15 EUROJUST 11 EJN 10)		

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SLOVAKIA	Implemented. Entry into force of legislation: 1 February 2012	Court competent for the area in which the court of first instance passed the judgment. c) Transit: Ministry of Justice and District courts “In the Slovak Republic the competent authority to request the enforcement of a judgment	Slovak or Czech (doc.: 6883/14 COPEN 63					Yes

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		<p>in another Member State shall be the court which issued the judgment imposing a sentence involving deprivation of liberty.</p> <p>In the Slovak Republic the competent authority for recognition and enforcement of the judgment from another Member</p>	EUROJUST 43 EJN 32)					

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		<p>State shall be the Regional Court in whose territorial jurisdiction is either the habitual 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.”</p>						

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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								

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UNITED KINGDOM	Implemented.	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	English					Yes

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		Ministry of Justice Post Point 4.16 4 th Floor Clive House 70 Petty France London.SW1H 9EX Tel: 0044 (0)300 047 5691/5694/5696 /5692 Fax: 0044 (0)300 047 6857 Scotland -						

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		<p>Scottish Prison Service Headquarters Room 305 Calton House Edinburgh. EH12 9HW Tel: 0044 (0)131 244 8745</p> <p>Northern Ireland - The Northern Ireland Prison Service Establishment Support Branch</p>						

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		Dundonald House Upper Newtownards Road Belfast. BT4 3SU Tel: 0044 (0) 289052 5065						