



Council of the
European Union

Brussels, 10 June 2015
(OR. en)

9822/15

COPEN 155
EUROJUST 120
EJN 58

COVER NOTE

From: Mr Anders Ahnlid, Ambassador, Permanent Representation of Sweden to the European Union

date of receipt: 23 March 2015

To: Mr Rafael Fernández-Pita y Gonzalez, Director-General, Council of the European Union

Subject: Implementation of 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, as amended by Council Framework Regulation 2009/299/JHA

- Notification by Sweden

Sir,

On behalf of the Swedish government, I hereby submit the documents relating to Sweden's implementation of 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, as amended by Council Framework Regulation 2009/299/JHA.

(Complimentary close)

(s.)Anders Ahnlid

Notification of national measures which fulfil Sweden's obligations in the European Union

Sweden has now implemented 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 ("the Framework Decision"), as amended by Council Framework Regulation 2009/299/JHA of 26 February 2009 amending Framework Decisions 2002/584/JHA, 2005/214/JHA, 2006/783/JHA, 2008/909/JHA and 2008/947/JHA, thereby enhancing the procedural rights of persons and fostering the application of the principle of mutual recognition to decisions rendered in the absence of the person concerned at the trial.

Pursuant to Article 29(2) of the Framework Decision, Member States are to transmit to the General Secretariat of Council and to the Commission the text of the provisions transposing into their national law the obligations imposed on them under the Framework Decision. The Framework Decision has been implemented in Sweden by, respectively, the Act and Ordinance on the recognition and enforcement of custodial sentences within the European Union (see Annexes). Both the Act and the Ordinance will enter into force on 1 April 2015. The statutes are being submitted to the Commission via the MNE implementation database.

In addition, Sweden is sending the following notifications and declarations in accordance with the Framework Decision.

Notification under Article 2(1)

Pursuant to Article 2(1) of 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 ("the Framework Decision"), the General Secretariat of the Council is hereby notified of the following:

The Swedish Prison and Probation Service is the competent authority in Sweden when the latter is the issuing State or the executing State, except as regards permission to transit pursuant to Article 16 of the Framework Decision, in which case the Swedish Police Authority is the competent authority.

The contact details of the Swedish Prison and Probation Service and the Swedish Police Authority are as follows:

Notification under Article 4(7)

Pursuant to Article 4(7) of the Framework Decision, notification is hereby given that, in its relations with other Member States that have given the same notification, no prior consent under Article 4(1)(c) is required from Sweden for the forwarding of the judgment and the certificate if the sentenced person lives in and has been legally residing continuously for at least five years in Sweden and will retain a permanent right of residence there.

Declarations under Article 23(1) and Article 23(3)

Pursuant to Article 23(1) of the Framework Decision, it is hereby stated that Sweden accepts translations of the certificate in Swedish, Danish, Norwegian or English.

Pursuant to Article 23(3) of the Framework Decision, it is hereby stated that Sweden, in cases where it finds the content of the certificate insufficient to decide on the enforcement of the sentence, may request that the judgment or essential parts of it be accompanied by a translation into Swedish, Danish, Norwegian or English.
