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NOTE

From:	General Secretariat of the Council
To:	Delegations
No. prev. doc.:	9618/1/14 REV 1 COPEN 144 EUROJUST 95 EJN 54
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 about the state of implementation

Delegations will find attached updated information about the state of implementation of 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 (OJ L 327, 5.12.2008, p. 27).

In accordance with Article 29, the Framework Decision should have been implemented by 5 December 2011. So far, 22 Member States have notified that they have implemented the Framework Decision.

This information is based on notifications communicated to the General Secretariat by Member States. It is up-to-date as at 23 June 2015.

Delegations are invited to communicate any further information in relation to the implementation status of the Framework Decision to secretariat.criminal-law@consilium.europa.eu

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 authority) is: - The Minister of Justice, when the sentenced person is being detained in Belgium; - The Public Prosecutor of the judicial district in which the	Dutch, French, German or English					Yes

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		<p>sentence was issued, when the sentenced person is not being detained in Belgium.</p> <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 recognising and executing a</p>						

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		judgment forwarded to Belgium (the executing authority) is the Public Prosecutor of Brussels						
BULGARIA	Implementation process ongoing							
CZECH REPUBLIC	Implemented. Entry into force of legislation: 1 January 2014	<p>1) As an issuing State: District courts, area courts, regional courts, Prague Municipal Court and Brno Municipal Court.</p> <p>2) As an executing State: The regional courts with local</p>	Czech or translated into Czech. In relation to the Slovak Republic, the Czech Republic will accept certificates produced in Slovak.			Will not apply Article 7(1) See doc.: 10079/14		Yes

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DENMARK	Implemented. Entry into force of legislation: 5 December 2011	jurisdiction (for a detailed list see : 10079/14 Appeals are heard by the high courts. 3) As a transit: Ministry of Justice	Danish	Yes doc.:6298/12				Yes

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GERMANY								
ESTONIA								
GREECE								
<u>SPAIN</u>	<u>Implemented</u> Entry into force of legislation: 21 November 2014	<u>As issuing state:</u> The judges responsible for the execution of sentences; judges for children, if the convicted person is a juvenile. <u>As executing state:</u> The Central Criminal Court or the Central Juvenile Court judge, if the	<u>Re Art. 23 (3):</u> <u>When acting as executing state, a translation into Spanish of the court decision on which the certificate is based may be requested.</u>					<u>Yes.</u> <u>See doc. 8138/15 and 8714/15</u>

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FRANCE	Implemented. Entry into force of legislation: 5 August 2013	<u>person concerned</u> is a <u>minor</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 prosecutor's office at the court that imposed the sentence;	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 the sentence or any other legal or administrative	Will not apply Article 7(1) see: (11299/14).		Yes

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		<p>- 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 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; (doc. 11299/14)</p>			<p>decision, will be deported to France once released</p>			

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CROATIA		County Courts (see list in the Annex of doc.: 12335/14)	Croatian, English on reciprocal basis.			Yes (doc.: 12335/14)		
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 of legislation: 5 December 2011	Ministry of Justice		"In relation to Romania, Italy intends to continue to apply existing bilateral agreement on cooperation for transfer of sentenced persons to custodial				YES

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				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, in so far as such cooperation allows the objectives of the Framework Decision to be extended or enlarged and				

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CYPRUS	Implemented. Entry into force of legislation: 23 May 2014	1) As an issuing State: The assize court or district court which issued the judgment. 2) As an executing State: The district court within the	Greek, English	helps to simplify or facilitate further the procedures for the enforcement of custodial sentences" (7504/09 COPEN 49)				Yes

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LATVIA	Implemented. Entry into force of legislation: 1 July 2012	territorial jurisdiction of which the person against whom another member State has issued a judgment has his or her habitual residence. (doc. 11298/14)	Latvian (doc. 14363/13)					Yes
LITHUANIA	Implemented. Entry into force of	1) As an executing State: the district courts 2) As an	Lithuanian (doc.:5798/1/15 REV 1)			Lithuania will not apply Article 7(1) (doc.:5798/1/	Yes: (doc.:5798/1/15 REV 1)	Yes

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	legislation: 1 April 2015	executing State : the district courts (doc.:5798/1/15 REV 1)				15 REV 1)		
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)		
MALTA	Implemented.	1) To issue judgments in terms of art. 2(1): The Court of Criminal Jurisdiction. 2) To recognise judgments :	Maltese or English				Yes (doc.: 7638/12)	YES

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NETHERLANDS	Implemented. Entry into force of legislation: 1 November 2012	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 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			Yes (doc.: 14427/12)	Yes (doc.: 14427/12)	YES

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

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		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 Strada Apolodor 17, Sector 5	Romanian (doc.: 5762/14)			Romania will not apply Article 7(1) (doc.: 5762/14)		Yes Doc. 5762/14

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		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 of appeal. Provisional arrest: Parchetul de pe lângă Curtea de Apel București						

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		<p>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 Fax +40-21- 3124553 / +40-21- 3111557 E-mail: pca_bucuresti@mpublic.ro c) Transit:</p>						

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		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/						

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		+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						

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		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 Fax: +40 37 204 1079/84 E-mail: transfer@just.ro						

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SLOVENIA	Implemented. Entry into force of legislation: 20 September 2013	<p>a) Executing authorities: District Courts or the District Court in Ljubljana.</p> <p>b) Issuing authorities: District Court or the District Court competent for the area in which the court of first instance passed the judgment.</p> <p>c) Transit: Ministry of Justice and</p>	Slovenian, English (doc.: 5507/14)			Slovenia will not apply Article 7(1) (doc.: 5507/14)		

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SLOVAKIA	Implemented. Entry into force of legislation: 1 February 2012	District courts “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 deprivation of liberty. In the Slovak	Slovak or Czech (doc. 6883/14)					Yes

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		<p>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 sentenced person or the place where the person serves his/her</p>						

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FINLAND	Implemented.	<p>sentence, failing that the competent authority shall be the Regional Court in Bratislava.”</p> <p>1) Issuing State :The central admin. office of the Criminal Sanctions Agency</p> <p>2) Executing State : The District Courts</p>	Finnish, Swedish or English	Yes (doc. 5493/12 COPEN 11)				

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SWEDEN	<u>Implemented</u> <u>Entry into force of legislation :</u> <u>1 April 2015</u>	<u>As issuing or executing state:</u> <u>The Prison and Probation Service</u> <u>If a permission to transit pursuant to Article 16 is concerned:</u> <u>the police authorities</u> <u>For contact details see doc. 9822/1/15 REV 1</u>	<u>Swedish, Danish, Norwegian or English.</u> <u>Pursuant to Art. 23 (3) a translation into the above languages may be requested if the content of the certificate is found insufficient</u>		<u>If the sentenced person lives and has been residing in SE for the last 5 years, no prior consent is required</u>			<u>Yes</u>

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UNITED KINGDOM	Implemented.	<p>The competent authorities, when the United Kingdom is the issuing or the executing state, will be as follows:</p> <p>England and Wales</p> <p>The Cross Border Transfer Section National Offender Management Service Ministry of Justice Post Point 4.16 4th Floor Clive House 70 Petty France London.SW1H 9EX Tel: 0044 (0)300 047 5691/5694/5696/5692</p>	English					Yes Doc. 12975/12

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		<p>Fax: 0044 (0)300 047 6857</p> <p>Scotland - 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 Dundonald House Upper Newtownards Road</p>						

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		Belfast. BT4 3SU Tel: 0044 (0) 289052 5065						