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NOTE

From: Dr Sebastian Jeckel, Permanent Representation of the Federal Republic of Germany to the European Union

On: 30 November 2015

To: Ms Christine Roger, 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

- Notification and Implementation

Dear Director General,

Please find enclosed the text¹ of the provisions that transpose into national law the obligations arising from 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, and explanations of those national implementing provisions. The implementing law amended provisions of the Act on International Cooperation in Criminal Matters (*Gesetz über die internationale Rechtshilfe in Strafsachen*). The amendments came into force on 25 July 2015.

¹ Note from the Secretariat: this text is not attached to the current document.

Please find below the text of the Federal Republic of Germany's declarations on that Framework Decision:

With regard to Article 2(1):

The competent authorities are the public prosecutors' offices in the regional courts both for the execution of foreign judgments in the Federal Republic of Germany and for the execution of German judgments in other Member States. The local courts are competent for the execution of German judgments in other Member States if the youth court judge is the enforcement officer pursuant to sections 82 and 110 of the Youth Courts Act.

With regard to Article 4(7):

In the cases referred to in point (c) of Article 4(1) of the Framework Decision, the consent of the competent authority in the Federal Republic of Germany is not required in relation to Member States which have submitted a corresponding notification if the sentenced person is lawfully and ordinarily residing in Germany and no proceedings have been initiated to end that residence.

With regard to Article 7(4):

Article 7(1) of the Framework Decision does not apply to the execution of foreign judgments in the Federal Republic of Germany.

With regard to Article 23(3):

The competent authorities of the Federal Republic of Germany may request that the judgment or essential parts of it be accompanied by a translation into German.

Electronic notification of the implementing acts has already been given in the MNE (*mesures nationales d'exécution*) database.

(Complimentary close)

(s.) Sebastian Jeckel