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NOTE

From: Ms Lucia Ling Ket On, Head of Justice and Security Division, Permanent Representation of the Kingdom of the Netherlands to the European Union

On: 1 June 2018

To: Ms Christine Roger, Director General, Council of the European Union

Subject: 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
- Withdrawal of declaration by the Netherlands

Dear Director General,

I hereby notify you of the decision of the Minister for Legal Protection on the withdrawal of the declaration made by the Kingdom of the Netherlands pursuant to Article 28(2) of 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 (OJ 2008 L 237). In the opinion of the Government of the Netherlands, the declaration has had its effect and its enforcement is no longer necessary.

The Netherlands' declaration was published in OJ L 265 of 9.10.2009, p. 41, and reads: "In accordance with Article 28(2), the Netherlands hereby declares that, in cases where the final judgment has been issued within 3 years following the date on which the Framework Decision enters into force, the Netherlands will, as an issuing and an executing State, continue to apply the legal instruments on the transfer of sentenced persons applicable prior to this Framework Decision."

Article 28(2) provides not only for the possibility of making a declaration, but also of withdrawing a declaration that has been made. Pursuant to paragraph 2 of the Article, a declaration may be withdrawn at any time. Since the declaration itself was published in the Official Journal, naturally the withdrawal should be published likewise.

In the light of the foregoing I hereby notify you that the declaration is withdrawn as from 1 June 2018. I would ask you to arrange for the publication of the withdrawal in the Official Journal as soon as possible.

(Complimentary close)

(s.) Lucia Ling Ket On
