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THE EUROPEAN UNION**

**Brussels, 31 July 2012**

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EUROJUST 13**

**NOTE**

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|           |  |
|-----------|--|
| From :    | General Secretariat  |
| To :      | Delegations  |
| Subject : | Implementation of the 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<br>- Information provided to the General Secretariat |

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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 31 July 2012.

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

ANNEX

|                | <b>State/date of implementation of Framework Decision</b>                                 | <b>Transmission re Article 29(2) of National Legislation</b> | <b>Notification re Article 2(1) (Competent Authorities)</b>   | <b>Notification re Article 23 (languages)</b>                         | <b>Notification re Article 26(4)</b> | <b>Notification re Article 4(7)</b> | <b>Notification re Article 7(4)</b> | <b>Notification re Article 28(2)</b> |
|----------------|---|--|---|---|--------------------------------------|-------------------------------------|-------------------------------------|--------------------------------------|
| <u>BELGIUM</u> | <u>Implemented.</u><br><br><u>Entry into force of legislation:</u><br><u>18 June 2012</u> | <u>Yes</u>   | <u>The competent Belgian authority for forwarding a judgement to another Member State of the European Union (the issuing authority) is:</u><br><u>- The Minister of Justice, when the sentenced person is being detained in Belgium;</u><br><u>- The Public</u> | <u>Dutch,</u><br><u>French,</u><br><u>German or</u><br><u>English</u> |                                      |                                     |                                     |                                      |

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|--|---|--|---|---|--------------------------------------|-------------------------------------|-------------------------------------|--------------------------------------|
|  |   |  | <u>Prosecutor of the judicial district in which the sentence was issued, when the sentenced person is not being detained in Belgium. 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</u> |   |                                      |                                     |                                     |                                      |

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|----------------|---|--|--|---|--------------------------------------|-------------------------------------|-------------------------------------|--------------------------------------|
|                |   |  | <u>Framework Decision, is the Minister for Justice. The competent Belgian authority for recognising and executing a judgment forwarded to Belgium (the executing authority) is the Public Prosecutor of Brussels</u> |   |                                      |                                     |                                     |                                      |
| BULGARIA       | (Expected to enter into force in the first half of 2012)  |  |  |   |                                      |                                     |                                     |                                      |
| CZECH REPUBLIC | (Expected to enter into force at the end of 2012)         |  |  |   |                                      |                                     |                                     |                                      |

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|---------|---|--|---|---|--------------------------------------|-------------------------------------|-------------------------------------|--------------------------------------|
| DENMARK | Implemented.<br><br>Entry into force of legislation:<br>5 December 2011 | Yes  | Minister of Justice   | Danish  | Yes (doc.: 6298/12 COPEN 33)         |                                     |                                     |                                      |
| GERMANY |   |  |   |   |                                      |                                     |                                     |                                      |
| ESTONIA |   |  |   |   |                                      |                                     |                                     |                                      |
| GREECE  |   |  |   |   |                                      |                                     |                                     |                                      |

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|------------|---|--|---|---|--------------------------------------|-------------------------------------|-------------------------------------|--------------------------------------|
| SPAIN      |   |  |   |   |                                      |                                     |                                     |                                      |
| FRANCE     |   |  |   |   |                                      |                                     |                                     |                                      |
| IRELAND    | Reservations  |  |   |   |                                      |                                     | Yes<br>(doc.:5421/12<br>COPEN 9)    | Yes<br>(doc.:5421/12<br>COPEN 9)     |
| ITALY      | Implemented.<br>(doc.: 5440/12<br>COPEN 10)<br>Entry into force<br>of legislation:<br>5 December 2011 |  | Ministry of<br>Justice                                      |   |                                      |                                     |                                     |                                      |
| CYPRUS     |   |  |   |   |                                      |                                     |                                     |                                      |
| LATVIA     |   |  |   |   |                                      |                                     |                                     |                                      |
| LITHUANIA  |   |  |   |   |                                      |                                     |                                     |                                      |
| LUXEMBOURG |   |  |   |   |                                      |                                     |                                     |                                      |

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|-----------------|---|--|---|---|--------------------------------------|-------------------------------------|-------------------------------------|--------------------------------------|
| HUNGARY         |   |  |   |   |                                      |                                     |                                     |                                      |
| MALTA           | Implemented.  |  | 1) To issue judgments in terms of art. 2(1): The Court of Criminal Jurisdiction.<br>2) To recognise judgments : The Office of the Attorney General. | Maltese or English                            |                                      |                                     |                                     | Yes (doc.: 7638/12 COPEN 56)         |
| THE NETHERLANDS |   |  |   |   |                                      |                                     |                                     |                                      |
| AUSTRIA         | Implemented.  |  | 1)For the incoming requests: The regional Courts. 2) For outgoing   | German  |                                      | Yes (doc.: 5698/12 COPEN 17).       | Yes (doc.:5698/12 COPEN 17)         |                                      |

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|----------|---|--|---|---|--------------------------------------|-------------------------------------|-------------------------------------|--------------------------------------|
|          |   |  | requests: The Federal Ministry of Justice                   |   |                                      |                                     |                                     |                                      |
| POLAND   | Implemented.  | Yes  | The Regional Courts   | Polish  |                                      |                                     | Yes (doc.:5650/12 COPEN 14)         | Yes (doc.:5650/12 COPEN 14)          |
| PORTUGAL |   |  |   |   |                                      |                                     |                                     |                                      |



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|-----------------|--|---|--|--|-------------------------------|------------------------------|------------------------------|-------------------------------|
| ROMANIA         |  |   |  |  |                               |                              |                              |                               |
| SLOVENIA        |  |   |  |  |                               |                              |                              |                               |
| <u>SLOVAKIA</u> | <u>Implemented.</u><br><br><u>Entry into force of legislation:</u><br><u>1 February 2012</u> | <u>Yes</u>  | <u>“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.</u> | <u>Slovak or Czech</u><br><br><u>The Slovak Republic, with reference to the Article 23(3) of Council Framework Decision 2008/909/JHA, reserves the right to request from the issuing State a</u> |                               |                              |                              |                               |

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|--|---|--|--|---|--------------------------------------|-------------------------------------|-------------------------------------|--------------------------------------|
|  |   |  | <u>In the Slovak 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</u> | <u>translation of the judgment or its essential parts into the Slovak language if the content of the certificate should be insufficient in order to decide on the enforcement of the sentence.</u><br><br><u>(see doc.: 11945/12 COPEN 156)</u> |                                      |                                     |                                     |                                      |

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

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|                |  |  |  |  |  |  |  |  |
|----------------|--|--|--|--|--|--|--|--|
| SWEDEN         |  |  |  |  |  |  |  |  |
| UNITED KINGDOM |  |  |  |  |  |  |  |  |

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