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NOTE

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 - Information provided to the General Secretariat

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 29 October 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

	State/date of implementation of Framework Decision	Transmission re Article 29(2) of National Legislation	Notification re Article 2(1) (Competent Authorities)	Notification re Article 23 (languages)	Notification re Article 26(4)	Notification re Article 4(7)	Notification re Article 7(4)	Notification re Article 28(2)
BELGIUM	Implemented. Entry into force of legislation: 18 June 2012	Yes	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	Dutch, French, German or English				

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			Belgium; - The Public 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,					

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			pursuant to paragraph 1 (c) of Article 4 of the 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					
BULGARIA	(Expected to							

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	enter into force in the first half of 2012)							
CZECH REPUBLIC	(Expected to enter into force at the end of 2012)							
DENMARK	Implemented. Entry into force of legislation: 5 December 2011	Yes	Minister of Justice	Danish	Yes (doc.: 6298/12 COPEN 33)			
GERMANY								
ESTONIA								
GREECE								

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SPAIN								
FRANCE								
<u>IRELAND</u>	Reservations (<u>doc.: 5440/12 COPEN 10</u>)						Yes (doc.:5421/12 COPEN 9)	Yes (doc.:5421/12 COPEN 9)
<u>ITALY</u>	Implemented. (<u>doc.: 5710/12 COPEN 18</u>) Entry into force of legislation: 5 December 2011		Ministry of Justice		<u>"In relation to Romania, Italy intends to continue to apply existing bilateral agreement on cooperation for transfer of sentenced persons to custodial sentences;</u>			

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					<u>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</u>			

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					<u>objectives of the Framework Decision to be extended or enlarged and helps to simplify or facilitate further the procedures for the enforcement of custodial sentences" (7504/09 COPEN 49)</u>			
CYPRUS								

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<u>LATVIA</u>	<u>Implemented.</u> <u>Entry into force of legislation:</u> <u>1 July 2012</u>							
LITHUANIA								
LUXEMBOURG								

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HUNGARY								
MALTA	Implemented.		1) To issue judgments in terms of art. 2(1): The Court of Criminal Jurisdiction. 2) To recognise judgments : The Office of the Attorney General.	Maltese or English				Yes (doc.: 7638/12 COPEN 56)
<u>THE NETHERLANDS</u>	<u>Implemented.</u> <u>Entry into force of legislation:</u> <u>1 November 2012</u>		<u>The competent authority in the Netherlands when the Netherlands</u>	<u>- Art. 23(1) : Dutch, English</u> <u>- Art. 23(3) : The Netherlands hereby</u>			<u>Yes (doc.: 14427/12 COPEN 217 EUROJUST 93 EJM 76)</u>	<u>Yes (doc.: 14427/12 COPEN 217 EUROJUST 93 EJM 76)</u>

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			<u>is the issuing State and when the Netherlands is the executing State is the Minister for Security and Justice</u>	<u>declares that it may request a translation of the judgment or essential parts of it into Dutch or into another official language of the European Union in cases where it finds the content of the certificate insufficient to decide on the recognition of the judgment</u>				
AUSTRIA	Implemented.		1)For the	German		Yes (doc.:	Yes	

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			incoming requests: The regional Courts. 2) For outgoing requests: The Federal Ministry of Justice			5698/12 COPEN 17).	(doc.:5698/12 COPEN 17)	
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								
SLOVAKIA	Implemented. Entry into force of legislation: 1 February 2012	Yes	“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	Slovak or Czech The Slovak Republic, with reference to the Article 23(3) of Council Framework Decision 2008/909/JHA, reserves the right to request from				

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			<p>deprivation of liberty.</p> <p>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</p>	<p>the issuing State a 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.</p> <p>(see doc.: 11945/12 COPEN 156)</p>				

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			the sentenced person or the place where the person serves his/her sentence, failing that the competent authority shall be the Regional Court in Bratislava.”					
FINLAND	Implemented.		1) Issuing State :The central admin. office of the Criminal Sanctions Agency 2) Executing	Finnish, Swedish or English	Yes (doc.: 5493/12 COPEN 11)			

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			State : The District Courts					

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SWEDEN								
UNITED KINGDOM	Implemented.	Yes	The competent authorities, when the United Kingdom is the issuing or the executing state, will be as follows: England and Wales - The Cross Border Transfer Section National Offender Management Service Ministry of	English				

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sentences

			<p>Justice Post Point 4.16 4th Floor Clive House 70 Petty France London.SW1H 9EX Tel: 0044 (0)300 047 5691/5694/569 6/5692 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>					
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			Northern Ireland - The Northern Ireland Prison Service Establishment Support Branch Dundonald House Upper Newtownards Road Belfast. BT4 3SU Tel: 0044 (0) 289052 5065					
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