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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 18 March 2015.

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ANNEX

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 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 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 | Dutch, French, German or English |  |  |  |  | Yes |
| BULGARIA | | (Expected to enter into force in the first half of 2012) |  |  |  |  |  |  |  |
| CZECH REPUBLIC | | Implemented.  Entry into force of legislation:  1 January 2014 | **1)As an issuing State:**  District courts, area courts, regional courts, Prague Municipal Court and Brno Municipal Court.  **2) As an executing State:**  The regional courts with local jurisdiction  (for a detailed list see :  10079/14 COPEN 156 EUROJUST 100 EJN 58).  Appeals are heard by the high courts.  **3) As a transit:**  Ministry of Justice | 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:  (10079/14 COPEN 156 EUROJUST 100 EJN 58). |  | Yes |
| DENMARK | Implemented.  Entry into force of legislation:  5 December 2011 | | Minister of Justice | Danish | Yes (doc.: 6298/12 COPEN 33) |  |  |  | Yes |
| GERMANY |  | |  |  |  |  |  |  |  |
| ESTONIA |  | |  |  |  |  |  |  |  |
| GREECE |  | |  |  |  |  |  |  |  |

| **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)** |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| SPAIN |  |  |  |  |  |  |  |  |
| FRANCE | Implemented.  Entry into force of legislation:  5 August 2013 | * 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; * 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; | 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 decision, will be deported to France once released | Will not apply Article 7(1) see:  (11299/14 COPEN 180 EUROJUST 121 EJN 65). |  | Yes |
| CROATIA |  | County Courts (see list in the Annex of doc.: 12335/14 COPEN 203 EUROJUST 140 EJN 75) | Croatian, English on reciprocal basis. |  |  | Yes  (doc.: 12335/14 COPEN 203 EUROJUST 140 EJN 75) |  |  |
| 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 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 helps to simplify or facilitate further the procedures for the enforcement of custodial sentences"  (7504/09 COPEN 49) |  |  |  |  |
| 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 territorial jurisdiction of which the person against whom another member State has issued a judgment has his or her habitual residence.  (doc. 11298/14 COPEN 179 EUROJUST 120 EJN 64) | Greek, English |  |  |  |  | Yes |

| **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)** |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| LATVIA | Implemented.  Entry into force of legislation:  1 July 2012 | A "municipal (district) court"  (14363/13 COPEN 145 EUROJUST 81 EJN 57) | Latvian  (14363/13 COPEN 145 EUROJUST 81 EJN 57) |  |  |  |  |  |
| LITHUANIA | Implemented.  Entry into force of legislation:  1 April 2015 | 1) As an executing State: the district courts  2) As an executing State : the district courts  (doc.:5798/1/15 REV 1 COPEN 22 EUROJUST 19 EJN 8) | Lithuanian  (doc.:5798/1/15 REV 1 COPEN 22 EUROJUST 19 EJN 8) |  |  | Lithuania will not apply Article 7(1)  (doc.:5798/1/15 REV 1 COPEN 22 EUROJUST 19 EJN 8) | Yes: (doc.:5798/1/15 REV 1 COPEN 22 EUROJUST 19 EJN 8) | Yes |
| 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 COPEN 141 EUROJUST 78 EJN 54) |  |  |
| 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) |  |
| THE NETHERLANDS | Implemented.  Entry into force of legislation:  1 November 2012 | 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 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.: 14427/12 COPEN 217 EUROJUST 93 EJN 76) | Yes (doc.: 14427/12 COPEN 217 EUROJUST 93 EJN 76) |  |
| AUSTRIA | Implemented. | 1)For the incoming requests: The regional Courts. 2) For outgoing requests: The Federal Ministry of Justice | German |  | Yes (doc.: 5698/12 COPEN 17). | Will not apply Article 7(1) see:  (doc.:5698/12 COPEN 17) |  |  |
| 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  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 Bucureşti  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](mailto:pca_bucuresti@mpublic.ro)  c) Transit:  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/  +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 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 | Romanian  (doc.: 5762/14 COPEN 24 EJN 16 EUROJUST 19) |  |  | Romania will not apply Article 7(1)  (doc.: 5762/14 COPEN 24 EJN 16 EUROJUST 19) |  |  |
| SLOVENIA | Implemented.  Entry into force of legislation:  20 September 2013 | **a) Executing authorities:**  District Courts or the  District Court in Ljubljana.  **b) Issuing authorities:**  District Court or the District Court competent for the area in which the court of first instance passed the judgment.  **c) Transit:**  Ministry of Justice and District courts | Slovenian, English  (doc.: 5507/14 COPEN 15 EUROJUST 11 EJN 10) |  |  | Slovenia will not apply Article 7(1)  (doc.: 5507/14 COPEN 15 EUROJUST 11 EJN 10) |  |  |
| SLOVAKIA | Implemented.  Entry into force of legislation:  1 February 2012 | “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 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 sentence, failing that the competent authority shall be the Regional Court in Bratislava.” | Slovak or Czech  (doc.: 6883/14 COPEN 63 EUROJUST 43 EJN 32) |  |  |  |  | Yes |
| FINLAND | Implemented. | 1) Issuing State :The central admin. office of the Criminal Sanctions Agency  2) Executing State : The District Courts | Finnish, Swedish or English | Yes (doc.: 5493/12 COPEN 11) |  |  |  |  |

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| SWEDEN |  |  |  |  |  |  |  |  |

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| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| UNITED KINGDOM | Implemented. | 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 Justice  Post Point 4.16  4th Floor  Clive House  70 Petty France  London.SW1H 9EX  Tel: 0044 (0)300 047 5691/5694/5696/5692  Fax: 0044 (0)300 047 6857  **Scotland -**  Scottish Prison Service Headquarters  Room 305  Calton House  Edinburgh. EH12 9HW  Tel: 0044 (0)131 244 8745  **Northern Ireland -**  The Northern Ireland Prison Service  Establishment Support Branch  Dundonald House  Upper Newtownards Road  Belfast. BT4 3SU  Tel: 0044 (0) 289052 5065 | English |  |  |  |  | Yes |

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