



**COUNCIL OF
THE EUROPEAN UNION**

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NOTE

from:	Presidency
to:	Working Party on Cooperation in Criminal Matters
Subject:	Council Framework Decision 2009/299/JHA of 26 February 2009 amending Framework Decisions 2002/584/JHA, 2005/214/JHA, 2006/783/JHA, 2008/909/JHA and 2008/947/JHA, thereby enhancing the procedural rights of persons and fostering the application of the principle of mutual recognition to decisions rendered in the absence of the person concerned at the trial – Practical Information

Under Article 8 of Council Framework Decision 2009/299/JHA of 26 February 2009, Member States must take the necessary measures to comply with the provisions of the Framework Decision by 28 March 2011. The Framework Decision amends Framework Decisions 2002/584/JHA, 2005/214/JHA, 2006/783/JHA, 2008/909/JHA and 2008/947/JHA. The changes will necessitate amendments to the forms/certificates that constitute the annexes to those Decisions. In accordance with Framework Decision 2009/299/JHA, the forms/certificates will have to be amended and supplemented.

The General Secretariat of the Council is preparing a consolidated version of the forms in all the languages. These consolidated forms will be posted on the website of the European Judicial Network.

There will be a period in which some Member States will have implemented the Framework Decision and as issuing authority will use the amended forms, but others will not yet have implemented it. Obviously, it will be up to each Member State's judicial authorities to handle this situation. It is recommended that Member States endeavour to apply the following principles during this period:

- 1) Member States that have not implemented the Framework decision, whilst continuing to use the "old" forms, will try to provide all supplemental information required by the executing authority in accordance the Framework Decision;
- 2) Member States that have not implemented the Framework decision and which have issued a European arrest warrant for the execution of a judgment rendered *in absentia* under the circumstances set out in Article 4a (1)(d) of the EAW Framework Decision, will upon request provide a copy of the judgment *in absentia* to the executing authority of the Member State that has already implemented the Framework decision.