



**COUNCIL OF
THE EUROPEAN UNION**

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COVER NOTE

from:	Mr Dirk Wouters, Permanent Representative, Permanent Representation of Belgium to the European Union
to:	Mr Rafael Fernández-Pita y González, Deputy Director-General, Council of the European Union

date of receipt:	28 June 2012
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Subject:	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 - Notification of the implementation of the Council Framework Decision by Belgium
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Dear Sir,

In accordance with the relevant provisions, I have the honour to inform you that the Kingdom of Belgium has implemented the Framework Decision 2008/909/JHA of 27 November 2008 on custodial sentences.

The relevant implementing legislation has been published in the Belgian Official Journal on 8 June 2012 and entered into force on 18 June 2012.

I enclose herewith the legal text adopted for the purpose of full transposition of the Framework Decision, as well as the relevant declarations.

I am writing in the same terms to the Commission.

(Complimentary close).

(s.) Dirk Wouters

Notification by the Kingdom of Belgium pursuant to the second paragraph of Article 29 of 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

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 has been transposed into Belgian law by the following law:

- Law of 15 May 2012 on the application of the principle of mutual recognition to custodial sentences or measures involving deprivation of liberty imposed in a Member State of the European Union;

This law was published in the Belgian Official Gazette on 8 June 2012 and came into force on 18 June 2012. The text of the law is attached.

Statements by the Kingdom of Belgium concerning 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

Competent authorities (Articles 2 and 4 of the Framework Decision)

- The competent Belgian authority for forwarding a judgment to another Member State of the European Union (the issuing authority) is:
 - the Minister for 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:

Parquet du procureur du Roi / Parket van de Procureur des Konings

Site Portalis / Portalssite

Rue des quatre bras / Vierarmenstraat, 2-4

1000 Bruxelles / Brussel

Tel: 02/508.71.11

Fax: 02/508.70.97

Languages (Article 23)

Pursuant to paragraph 1 of Article 23, Belgium will accept any certificate translated into Dutch, French, German or English.

Pursuant to paragraph 3 of Article 23, Belgium reserves the right, when acting in the capacity of executing State, to request that the judgment or essential parts of it be accompanied by a translation into Dutch, French or German.

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