



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 26 June 2014

11299/14

**COPEN 180
EUROJUST 121
EJN 65**

NOTE

from:	Mr Frédéric Veau, Head of Department - Justice and Home Affairs, Permanent Representation of France to the European Union
to:	Mr Rafael Fernández-Pita y González, Director-General, Council of the European Union

date of receipt:	2 June 2014
Subject:	Council Framework Decision 2008/909/JHA of 27 November 2008 on the application 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 by France

Dear Director-General,

Please find attached a note from the French authorities on the transposition of Framework Decision 2008/909/JHA.

(Complimentary close)

(s.) Frédéric Veau

NOTE FROM THE FRENCH AUTHORITIES**Transposition of 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**

To supplement the response to Ms Le Bail's letter of 7 December 2011, the French authorities wish to declare that, following the entry into force of Law No 2013-711 of 5 August 2013 introducing several amendments in the area of justice pursuant to European Union law and France's international commitments, French legislation now complies with the obligations imposed under 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.

In accordance with Article 29(2) of the Framework Decision, the text of the provisions transposing into French law the obligations imposed under that Framework Decision is reproduced below.

The French authorities wish to make the following declarations under the Framework Decision:

- in accordance with Article 7(4) of the Framework Decision, France declares that it will not apply paragraph 1 of that Article;
- in accordance with Article 23(3) of the Framework Decision, France declares that a public prosecutor who receives a request to recognise and enforce a custodial sentence or measure involving deprivation of liberty may, without delay after receiving the judgment and the certificate, request, in cases where he or she finds the content of the certificate insufficient to decide on the enforcement of the sentence, that the judgment or essential parts of it be accompanied by a translation into French.

The French authorities also wish to state that:

- they are not making any declaration under Article 4(7) or Article 23(1);
- 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;
- 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;
- any certificate sent to the French authorities must be translated into French.

For further information or clarification in relation to these transposition texts, the European Commission departments can contact:

- Mr Michaël Gühr (Michael.Gihr@justice.gouv.fr);
- Mr Francis Stoliaroff (Francis.Stoliaroff@justice.gouv.fr);
- Mr Laurent Huet (Laurent.Huet@sgae.gouv.fr).