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European Union

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NOTE

From:	General Secretariat of the Council
To:	Delegations
No. prev. doc.:	8138/15 COPEN 93 EUROJUST 76 EJN 33
Subject:	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 - Notification made by Spain

Delegations will find attached the notification made by Spain in relation to 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.

This notification is also included in doc 8138/15, comprising several notifications by Spain, but is distributed in this individual format at the request and for the convenience of delegations.

Notification made by Spain

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, we hereby inform you that these obligations have been implemented under Title III of Law 23/2014.
- Article 2(1) of the Framework Decision requires Member States to inform the General Secretariat of the Council of the authority which is competent according to the Framework Decision. Article 64 of Law 23/2014 provides that, in this area, the Judges responsible for the execution of sentences are competent to forward rulings which impose a sentence or custodial measure; where measures imposed in accordance with the Organic Law on Criminal Responsibility of Children are concerned, the Judges for Children are competent. In the event that the sentence to be served has not begun, the competent authority will be the Court that handed down the sentence at first instance. Furthermore, the Central Criminal Court will be competent to recognise and order the enforcement of rulings which impose a sentence or custodial measure. Finally, the Central Judges responsible for the execution of sentences will be competent to carry out the enforcement of the aforementioned rulings. The Central Juvenile Court Judge will be competent in relation to rulings involving the secure detention of a minor.
- In accordance with Article 23(3) of the Framework Decision, Spain informs the General Secretariat of the Council that Article 17 of Law 23/2014 provides that it will not be obligatory for the ruling on which the certificate is based to be received in a Spanish translation, without prejudice to the judicial authority's option to request its translation where it considers this essential to enforce the ruling.