



**COUNCIL OF
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COVER NOTE

from:	Mr. Richard Cachia Caruana, Ambassador, Permanent Representation of Malta to the European Union
to:	Mr. Rafael Fernández-Pita y González, Deputy Director-General, Council of the European Union
date of receipt :	9 March 2012

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 implementation of the above Framework Decision by Malta
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Dear Mr Fernández-Pita y González,

I refer to Council Framework Decision 2008/909/JHA concerning 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, which was transposed by means of the Custodial Sentences or Measures Involving Deprivation of Liberty Orders (Execution in the European Union) Regulations (LN55/12) under the Criminal Code (Cap.9).

Kindly be informed that the competent authority to issue judgments in terms of Article 2(1) of Council Framework Decision 2008/909/JHA on Determination of the competent authorities is the Court of Criminal Jurisdiction, while the competent authority to recognise judgments is the Office of the Attorney General. The following are the contact details of competent authority to recognise judgments :

Address: Office of the Attorney General

The Palace

Valletta, Malta

Tel: +356 2568 3144

Fax: +356 2568 3103

E-mail: ag.mla@gov.mt

The General Secretariat of the Council may wish to make this information available to all Member States and the Commission in terms of Article 2(2) of Council Framework Decision 2008/909/JHA.

With regard to Article 23(1) of Council Framework Decision 2008/909/JHA on Languages, Malta will accept a translation of a certificate in either Maltese or English.

With reference to Article 23(3) of Council Framework Decision 2008/909/JHA on Languages, kindly be informed that as an executing State Malta may, without delay after receiving the judgment and the certificate, request, in cases where it finds the content of the certificate insufficient to decide on the enforcement of the sentence, that the judgment or essential parts of it, be translated into Maltese or English.

With regard to Article 28(2) of Council Framework Decision 2008/909/JHA on Transitional provision, Malta declares that, in cases where the final judgment has been issued before 5 December 2011, it will as an issuing and an executing State, continue to apply the existing legal instruments on the transfer of sentenced persons applicable before 5 December 2011. The General Secretariat of the Council may wish to publish such declaration in the Official Journal of the European Union.

(Complimentary close)

(s.) Richard Cachia Caruana
