



**COUNCIL OF  
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**NOTE**

from:	Permanent Representation of Finland to the European Union
to:	Mr. Rafael Fernández-Pita y González, Deputy Director-General, Council of the European Union
date of receipt :	11 January 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 EU Legislation by Finland

**Legislation notified:**

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.

National legislation on the implementation of the framework decision:

### **1169/2011**

Act concerning national implementation of legislation falling within the scope of provisions of the framework decision on the transfer of sentenced persons in the European Union and application of the framework decision (1169/2011).

### **1170/2011**

Act concerning national enforcement of legislation falling within the scope of provisions of the framework decision on probation measures and alternative sanctions in the European Union and application of the framework decision (1170/2011).

### **1173/2011**

Act amending Chapter 31(9)(b) of the Code of Civil Procedure (1173/2011).

### **Enforcement in the Åland Islands**

The abovementioned legislation automatically applies also in the Åland Islands.

## **1. Notifications required in Framework Decision 2008/909/JHA**

### **Competent authorities (Article 2(1))**

The central administrative office of the Criminal Sanctions Agency is the authority competent to decide on the forwarding of a judgment and certificate as referred to in the Framework Decision to another Member State and on the enforcement of a judgment and certificate sent to Finland.

Where however a sentence concerns a measure involving deprivation of liberty other than a custodial penalty, the Ministry of Justice is the competent authority.

The District Courts are the competent authorities to decide to uphold a decision taken by an authorised official on the provisional arrest referred to in Article 14 of the Framework Decision and, in the case referred to in Article 18(1)(f) of the Decision, to receive the consent of the sentenced person to be prosecuted, sentenced or deprived of liberty in Finland for an act committed before being transferred, other than the offence to enforce the sentence for which he/she was transferred to Finland.

In the circumstances referred to in Article 8(2) and (3) of the Framework Decision, Helsinki District Court is the authority competent to decide to adapt the sentence. In addition, Helsinki District Court is the authority competent to decide to depart from the specialty rule on the giving of consent as referred to in Article 18(2)(g) of the Framework Decision.

The Ministry of Justice is the competent authority to decide on transit in accordance with Article 16 of the Framework Decision.

### **Languages (Article 23)**

Finland will accept the certificate referred to in Article 4 of the Framework Decision or a translation thereof in Finnish, Swedish or English. The authority competent for enforcement may also accept a certificate issued in another language provided there is no other obstacle to its acceptance.

### **Relationship with other agreements and arrangements (Article 26(2) and (3))**

The Act on cooperation between Finland and other Nordic States on the enforcement of sentences imposed in criminal matters (326/1963) will continue to apply without prejudice to this Framework Decision (notification as required in Article 26(4) of the Framework Decision has previously been given of this).