



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 12 March 2009**

**7504/09**

**COPEN 49**

**NOTE**

from :	Biagio Roberto Cimini, JHA Counsellor, Permanent Representation of Italy to the European Union
to :	Mr. Ivan Bizjak, Director-General, DGH, Justice and Home Affairs, General Secretariat of the Council
Date of receipt:	5 March 2009
Subject :	Proposal for a Council Framework Decision 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 - Declaration by Italy

Delegations will find in the annex a declaration by Italy concerning the above mentioned Framework Decision.

Dear Mr BIZJAK,

Please find enclosed declaration by Italy pursuant to Article 26(4) of the Framework Decision 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 ( 2008/909).

Best regards

Biagio Roberto Cimini

JHA Counsellor

Italian Permanent Representation to the EU

**Declaration by Italy in accordance with Article 26(4) of the Framework Decision 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 26(2) of the Framework Decision, Member States may continue to apply bilateral or multilateral agreements or arrangements in force after 27 November 2008, in so far as they allow the objectives of the Framework Decision to be extended or enlarged and help to simplify or facilitate further the procedures for the enforcement of sentences. Under Article 26(4), any Member State wishing to continue to apply existing agreements and arrangements referred to in Article 26(2) is to notify the Council and the Commission thereof by 5 March 2009. In approving the Framework Decision, Italy intends to use notification in accordance with Article 26(4) to continue to apply bilateral agreement with Romania.

Italy hereby makes the following declaration in accordance with Article 26(4) of the Framework Decision 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 relation to Romania, Italy intends to continue to apply existing bilateral agreement on cooperation for transfer of sentenced persons to custodial sentences; sentenced persons to whom has been imposed the measure of deportation or that of accompanying to the border, as laid down by the Italian Law (n. 281 of 30/12 /2005) entered into force on 11/04/2006, in so far as such cooperation allows the objectives of the Framework Decision to be extended or enlarged and helps to simplify or facilitate further the procedures for the enforcement of custodial sentences".**

**Brussels, 5<sup>th</sup> of March**

(complimentary close)

**JHA Counsellor**

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