

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. Framework Decision. Initiative Austria, Finland, Sweden

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The committee adopted the report by Ioannis VARVITSIOTIS (EPP-ED, EL) broadly approving the proposed framework decision on the European enforcement order and the transfer of sentenced persons between EU Member States, subject to a number of amendments under the consultation procedure:

- in order to reflect two essential aspects of the document produced by the Council's working party, i.e. the mutual recognition and the enforcement of custodial sentences, the title should be amended to "Council Framework Decision on the application of the principle of mutual recognition of judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union". MEPs argued that the recognition and enforcement should take place not on the basis of a 'European enforcement order' but rather on the basis of the judgment and a certificate. A series of amendments sought to reflect these changes in the body of the text;
- on the question of whether or not the sentenced person should give consent for the transfer, the committee amended the wording of recital 5 which had said that Member States had "a basic duty" to take charge of nationals or residents sentenced in another country, "irrespective of their consent, unless there are specific reasons for refusal". The amendment stipulated that, "notwithstanding the necessity of providing the sentenced person with adequate safeguards, his or her involvement in the proceedings should no longer be dominant by requiring his or her consent" for demanding the transfer. Another amendment established that the sentenced person would in any case be given the opportunity to state his opinion before a European enforcement order is issued, even if his consent is not necessary for the forwarding of the order;
- the judgment forwarded to the Member State to which the sentenced person would be transferred may include data in any form concerning that person's prison record;
- a series of amendments were designed to ensure that the receiving Member state can refuse the transfer if the necessary requisites are not met;
- the final decision on the recognition of the judgment and the enforcement of the sentence should be taken within 30 days (or, in some cases, within 60 days) of receipt of the judgment and the certificate;
- an amnesty or pardon may be granted by the state issuing the sentence only in consultation with the receiving state;
- lastly, the committee said that the victims of the sentenced person should also be given the opportunity to be fully informed about the order of transfer to another EU country.

