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

2005/0805(CNS) - 05/10/2006

The Council examined certain outstanding questions in connection with this legal instrument/

- § the ground for refusal in relation to social rehabilitation;
- § the inclusion of third country nationals in the scope of the instrument.

Regarding **social rehabilitation**, a large majority of delegations favoured the approach by the Presidency which consisted of providing for an obligation for the issuing State to forward a judgment only if this could facilitate the social rehabilitation of the sentenced person, rather than to provide for a ground for refusal for the executing State.

Concerning **third country nationals**, it was generally agreed that they should be included in the scope of the instrument. However, it was recognised that the proposal involved a differentiation between Union citizens and third country nationals. The Presidency proposed to introduce a recital on the issue of third country nationals.

The Council mandated its preparatory bodies to carry out work on this draft Framework Decision with a view to reaching an agreement in December 2006.