

Criminal Justice Framework Decision 909 on mutual recognition of custodial sentences

By the end of 2015, e-CODEX will start supporting EC Framework Decision 909 from 2008 (FD909). FD909 deals with 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. The main goal of FD909, as stated clearly in Article 3, "is to establish the rules under which a Member State, with a view to facilitating the social rehabilitation of the sentenced person, is to recognise a judgment and enforce the sentence".

Along with e-CODEX, the STEPS2 Resettlement project tries to enhance the application of FD909 in Member States. In STEPS2 universities, prison administrations and the European organisation of Prison and Correctional Services (EuroPris) are investigating the type of information that needs to be exchanged between the sending and receiving jurisdiction, the information that needs to be provided to prison staff

and prisoners and how prison administrations can be supported in the implementation and effective use of FD909. e-CODEX and STEPS2 have teamed up, aligned their overlapping goals and related activities to increase the volume of successful FD909 applications. Both STEPS2 and e-CODEX are co-funded by the European Commission and committed to support the successful rehabilitation of sentenced European citizens.

Belgium and the Netherlands are launching a use case in e-CODEX dealing with the transfer of prisoners under FD 909. Several other countries like the UK, Spain and France have shown an interest to join soon.



FD909 can be executed in cases like this:

"Arjen from the Netherlands travels to Belgium from time to time to make some money selling marihuana. One of his customers tells the police and Arjen gets sentenced to imprisonment in Belgium. For his wife and son living in the Netherlands, he would rather serve his sentence in his home country. Thanks to the simplified and faster FD909 process offered by e-CODEX, Arjen can be transferred to the Netherlands shortly."

The participating countries benefit in various ways:

- secure, reliable and traceable communication between FD909 administrators in different Member States
- faster process including direct feedback for the sender
- availability of a digital FD909 certificate enables consistency checks between elements in the certificate, preventing mistakes (The distribution of these digital certificates among all Member States will improve cooperation between European countries even if these countries are not yet exchanging FD909 applications through e-CODEX)

For FD909 procedures, Belgium as well as the Netherlands are connected to e-CODEX with different national backend applications. Belgium will use SIDES, the national jail management solution, to process certificates and related information. The Dutch legal authorities will use their national solution for international legal assistance, Luris.

If you would like to get more information or want to contact us,
please visit our website <http://www.e-codex.eu>
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