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EUROPEAN COMMITTEE ON CRIME PROBLEMS
(CDPC)

Committee of Experts on the Operation
of European Conventions in the Penal Field
(PC-OC)

43rd meeting
Strasbourg, 24–26 September 2001

Item 11 of the Draft Agenda
Practical difficulties arising out of the application of the Conventions

Memorandum by
Mr Hatapka
(Slovak Republic)

It has been brought to our attention, even though the Slovak Republic has never experienced it itself, that certain sentencing States require from the administering State *specifically* continued enforcement under Art. 10 of the Convention. Even if the administering State in principle applies Art. 11 (conversion of sentence).

We have always understood Article 9 providing an alternative for the **administering State** (not for the sentencing State) **to choose** which form it will apply, but not as Article giving an obligation for a State to have **both** systems in place.

Since Slovakia is now preparing a new law relating to mutual legal assistance and in this feel continues to apply the system of conversion of a sentence, it would be very topical for us to know whether he have to incorporate also the possibility of continued enforcement because some other States might „need“ it.

The question: **Must** the sentencing State under the Convention accept the choice of the administering State in applying either continued enforcement **or** the conversion of a sentence?