

SPAIN – national procedures for transfer of sentenced persons
Updated 12/05/2015

The information contained in this table should be updated on a yearly basis.

The Central Authority (name of the institution, address, telephone, fax and e-mail where available) responsible for the transfer of sentenced persons:	Request shall be addressed to the Ministry of Justice C/ San Bernardo, 62 28015 MADRID Tfno. +34 91 3904358 Fax +34 91 3904446 Email: sgcjtraslados@mjusticia.es
If different from the Central Authority, the authority to which the request should be sent (name of the institution, address, telephone, fax and e-mail where available):	
If different from the Central Authority, the Authority/ies in charge of coordinating and/or implementing the physical transfer of the person concerned (name of the institutions, address, telephone, fax and e-mail where available):	OCN-INTERPOL MADRID - GRUPO VII C/ Julián González Segador, s/n. 28043-Madrid Tfno.: (0034) 91 582 29 49/ 50 24 hours: (0034) 91 582 29 00 Fax: (0034) 91 582 29 80 Email: ocn.madrid.grupo7@es.igcs.int dcj.ocni7@policia.es
Channels of communication for the request for the transfer of sentenced persons (directly, through diplomatic channels or other):	The documents have to be sent directly to the Ministry of Justice or trough diplomatic channel ??
Means of communication (e.g. by post, fax, e-mail ¹):	Post, fax or email

¹Please indicate if encryption or electronic signature is required.

Language requirements:	Spain made a declaration to article 17 of the Convention: "Spain requires that requests for transfer and supporting documents be accompanied by a translation into the Spanish language".
Documentation required:	The request of transfer shall be accompanied by documents stipulated in the article 6 of Convention
Continued enforcement or conversion of the sentence ² :	Continued enforcement By letter dated 21 October 1994, Spain specified its declaration to article 9 of the Convention: "Spain declares that it excludes the application of the procedure provided under Article 9.1.b) in the case of being the administering State". Spain only adapts the sentence when its nature or duration is incompatible with the Spanish law (if the penalty exceeds the maximum prescribed by the Spanish Penal Code).
General rules on early release:	Conditional release is not automatic. According Article 90 of Spanish Criminal Code: 1. Probation shall be established in sentences of imprisonment for convicts who fulfil the following circumstances: a) Who have attained pre-release penitentiary treatment; (3 ^o grade) b) Who have served three quarters of the sentence handed down; c) Who have a record of good conduct and when the convicts have an individual favourable assessment of social reinstatement, issued in the final report foreseen in Article 67 of the General Penitentiary Organic Law.. The preceding circumstance shall not be deemed to have been fulfilled if the convict has not paid the civil liability arising from the felony, in the cases and pursuant to the criteria established under Article 72.5 and 6 of the General Penitentiary Organic Act.
Scope of application with regard to transfer of mentally disordered	Spain accepts the transfer of people with mental disability or disorder.

²In case the sentence is converted, please specify whether this is done before or after the transfer has taken place.

persons:	
Scope of application with regard to nationals and/or residents:	<p>For the purposes of this Convention, Spain will consider as a national any person to which the Spanish Civil Code (Chapter I, Title I) will attribute this quality.</p> <p>Spain doesn't accept the transfer of residents, except of those who are from countries that have signed the Agreement on the application between the Member States of the European Communities of Convention of the Council of Europe on the transfer of sentenced persons (Brussels, 25 May 1987).</p>
Other particularly relevant information (such as practice regarding time limits or revocation of consent):	<p>For the purposes of Article 16.7 of Convention, Spain requires that it be notified of any transit of sentenced persons by air over its territory.</p>

Links to national legislation, national guides on procedure:	
Link to information about the Convention (according to Article 4) in the official language(s) of the State Party (see also Rec. R (84) 11 of the Committee of Ministers concerning information about ETS°112 and PC-OC INF 12):	<p>http://www.mjusticia.gob.es/cs/Satellite/Portal/es/areas-tematicas/area-internacional/cooperacion-juridica/traslado-personas-condenadas</p>

For Parties to the Additional Protocol	
Information on the implementation of Article 2 (e.g.interpretation of “by fleeing to”):	
Information on the implementation of Article 3 (e.g. interpretation of the requirement of a consequential link between the decision on expulsion and the sentence):	
Documentation required:	
Other relevant information:	