

SPAIN – national procedures for transfer of sentenced persons
Updated 06/05/2025

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:	Ministry of the Presidency, Justice and Relations with the Parliament C/ San Bernardo, 62 28015 MADRID Tfno. +34 91 3904358 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 Avenida Pío XII 50, 28016 Madrid Tfno.: +34 913227716 / 7820 24 hours: +34 913227979 Fax: +34 91 322 7795 Email: ocninterpol@policia.es dcicni7@policia.es
Channels of communication for the request for the transfer of sentenced persons (directly, through diplomatic channels or other):	Requests and supporting documents may be sent directly to the central authority; diplomatic channel should only be used in case it is foreseen in the bilateral or multilateral instrument.
Means of communication (e.g. by post, fax, e-mail ¹):	Post or email. Encryption is not required.

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. Consent signed by the sentenced person; certified copy of the judgement with an express mention of the date when it became final; information on any pre-trial detention, remission, and any other factor relevant to the enforcement of the sentence; copy of the legal dispositions that were the base for the conviction; when needed medical or social reports.
Continued enforcement or conversion of the sentence ² :	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. This adaptation is done after the transfer has taken place.
General rules on early release:	Conditional release is not automatic. According to Article 90 of Spanish Criminal Code: 1. The Parole Board Judge will agree the suspension of the rest of the prison sentence and will grant probation to convicts who fulfil the following circumstances: a. Who have attained pre-release penitentiary treatment; (3 ^o grade) b. Who have served 3/4 of the sentence handed down; c. Who have a record of good conduct. The suspension shall not be granted if the convicted person has not paid the civil liability arising from the criminal offence, in the cases and pursuant to the criteria established under Sections 5 and 6 of Article 72 of the General Prison Organic Act 1/1979, of 26th September.

	<p>2. The suspension of the rest of the sentence and probation may also be granted to convicted persons who fulfil the following circumstances:</p> <ul style="list-style-type: none"> a. Who have served 2/3 of their sentence; b. Who have carried out working, cultural or occupational activities during their sentence, whether continuously, or in a manner resulting in a significant and positive modification in those personal circumstances related to their former criminal activity; c. Who demonstrate having fulfilled the circumstances stipulated in the preceding Section, except that of having served three quarters of their sentence. <p>At the proposal of the Directorate-General for Prisons and after hearing the Public Prosecutor and the other parties, having fulfilled the circumstances of Sub-Paragraphs a) and c) of the preceding Section, the Parole Board Judge may grant probation earlier, once half the sentence has been served, in relation to the term foreseen in the preceding Section, up to a maximum of ninety days for each year elapsed of effective serving of the sentence. Such measure shall require the convict to have continuously performed the activities indicated under Sub-Paragraph b) of this Section and to evidence, in addition, effective and fruitful participation in programmes to compensate victims, or treatment or detoxification programmes, as appropriate.</p> <p>3. Exceptionally, the Parole Board Judge may order the suspension of the rest of the sentence and grant probation to convicts who fulfil the following circumstances:</p> <ul style="list-style-type: none"> a. Who are serving their first prison sentence and that said sentence does not exceed three years; b. Who have served half of their sentence; c. Who demonstrate having fulfilled the circumstances stipulated in Section 1, except that of having served three quarters of their sentence, as well as that stipulated under Sub-Paragraph b) in the preceding Section. <p>This shall not apply to convicts who have committed a criminal offence against sexual freedom and indemnity.</p>
Scope of application with regard to transfer of mentally disordered	The transfer of mentally disordered persons can be considered but they must have been considered responsible for the facts committed, declared criminally irresponsible due to mental illness and convicted to a security measure.

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):	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.

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):	https://www.mjusticia.gob.es/es/areas-actuacion/internacional/tramites-internacionales/traslado-personas-condenadas

For Parties to the Additional Protocol	
Information on the implementation of Article 2 (e.g.interpretation of “by fleeing to”):	‘by fleeing to’ is considered as any willful means to avoid the application of the sentence. This may include escape from prison or another law enforcement facility, not returning from temporary leave from prison, violating the conditions of conditional release, etc.
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):	Spain does not require a clear consequential link between the conviction and the illegal status of the person.
Documentation required:	Apart from the documents required under CETS n° 112, a document proving (i) the “flight” or (ii) the expulsion or deportation order.
Other relevant information:	<p>There is no minimum time limit for reconsidering a transfer request that was initially denied.</p> <p>However, there must be some change in the circumstances that led to the denial. The assessment of the state of civil liability is a matter that is evaluated on a case-by-case basis. Thus, normally, if an insolvency order is recorded in the court documentation, non-payment of civil liability does not prevent transfer.</p> <p>The assessment may vary depending on the amount of that civil liability, the crime committed and, above all, whether there is a specific victim of the crime.</p>