

**Question for written answer E-015120/2015  
to the Commission**  
Rule 130  
**Josu Juaristi Abaunz (GUE/NGL)**

Subject: Possible infringement of fundamental rights by Spain in transposing Framework Decision 2008/675/JHA

Spain transposed Framework Decision 2008/675/JHA through Organic Law 7/2014, adopted in December 2014. In an attempt to prevent prison terms served in France by Basque prisoners tried and sentenced there from being taken into account, thereby prolonging considerably the number of years spent in prison, this law expressly excludes recognition in certain specific cases of the effects of sentences passed outside the country.

Many judges were of the opinion that this law contravened the letter and spirit of the Framework Decision and the case-law that arose to implement it. They proposed that the Court of Justice be asked for a preliminary ruling but were prevented from doing so by a Spanish High Court decision on which there were a number of dissenting voices that considered that, in applying the EU law, Spain might have infringed rights recognised in the EU Charter of Human Rights (Article 49) and the European Convention on Human Rights (Articles 5, 7 and 14).

The Supreme Court has consolidated its new case-law since January 2015. In view of this:

Has the Commission looked into the situation set out above and its compatibility with the letter and spirit of the Framework Decision and respect for the fundamental rights cited, or will it do so?

Will it instigate action of some kind to ensure Spain transposes the Framework Decision correctly, including referring the matter to the Court of Justice of the European Union?