



## Information sheet for foreign prisoners in the Netherlands

# WETS

## Do you want to serve your sentence in another EU-country?

**It is important that after serving your prison sentence you successfully re-enter society. This reduces the risk that you will commit another offence. Were you sentenced in the Netherlands and are you serving your sentence here, but do you have stronger ties to another EU-country? In this case, under certain conditions you may serve your Dutch prison sentence in that other country. This is called the transfer of sentences. This information sheet explains how the transfer of sentences works under the Wets.**

### What is the Wets?

The WETS is the Dutch Criminal Sanctions (Mutual Recognition and Enforcement) Act. The Wets regulates the transfer of sentences between the Netherlands and other countries in the European Union. The purpose of the transfer of your sentence is to help you successfully re-enter society, in the EU-country to which you have strong ties. The Dutch Ministry of Justice and Security is responsible for the transfer of sentences. The International Transfer of Sentences department (IOS) of the Custodial Institutions Agency, which forms part of the ministry, enforces the laws for the transfer of sentences.

### The other EU-country

The EU-country you have stronger ties to can be: the country of your nationality, a country where you have a residence permit, the country to which you can be deported after being declared undesirable and/or a country you have strong ties to in another way.

### Conditions for the Wets

The Wets contains conditions for the transfer of your sentence. Your sentence can only be transferred if you and the other EU-country meet all the conditions. The conditions are as follows:

#### 1) National law for the transfer of sentences

The other country must have a national law on the transfer of sentences within the European Union. The country overview of the transfer of sentences at [www.dji.nl](http://www.dji.nl) shows which countries have such a national law.

#### 2) Custodial sanction

You have been sentenced to a prison sentence or a custodial measure.

### 3) Judgment is irrevocable

Your criminal proceedings in the Netherlands have been exhausted. You can no longer appeal.

### 4) There is enough remaining sentence

The purpose of transferring your sentence is your successful re-entry into society. This is referred to as rehabilitation. For your successful rehabilitation you must have enough time left to serve after your transfer to the other EU-country.

### 5) Strong ties

You must have strong ties to the other EU-country. For instance, you have the nationality of this country, you have recently lived there or you have family living there.

### 6) The offence you committed must also be punishable in the other EU-country

You have been sentenced for an offence which is also punishable in the other EU-country.

### 7) Both countries agree

The Netherlands and the EU-country where you are going both agree to the transfer of your sentence.

## What are the steps of the Wets-procedure?

### Step 1: Applying for the transfer of your sentence

The Wets procedure can start in different ways. One way is for you to say that you want to serve your prison sentence in another EU-country. You can do this by filling in the form [declaration on sentence transfer](#) and sending it to IOS. You can discuss this with your prison case manager. He/she can help you fill in the declaration and send it to IOS. Furthermore, IOS can also start a Wets procedure itself, with the aim of your rehabilitation in the other EU-country.

### Step 2: Assessment of the conditions

IOS checks whether the conditions for the transfer of your sentence are met. IOS also asks the Public Prosecution Service for advice on the transfer of your sentence. When giving its advice, among other things, the Public Prosecution Service considers the consequences for society of the offence you committed, as well as any ongoing criminal investigations against you.

### Step 3: Decision on your sentence transfer

If the conditions are met and the Public Prosecution Service does not object to the transfer of your sentence, IOS will decide on behalf of the minister to transfer your sentence to the other EU-country. You will receive a letter from IOS saying that your sentence is going to be transferred.

If the Public Prosecution Service objects to the transfer of your sentence, your Wets-procedure will be terminated. IOS will not request the transfer of your sentence to the other EU-country. You cannot file an objection against this decision.

### Step 4: Filing an objection

Has IOS decided that your sentence will be transferred to another EU-country, but this is not what you want? In this case you can file an objection with the Arnhem-Leeuwarden Court of Appeal against the decision. You must explain in the letter why you do not agree with the transfer of your sentence to another EU-country. The Court of Appeal will deal with your notice of objection and decide whether or not the Wets-procedure will be followed.

### Step 5: Request for the transfer of your sentence

If you do not file an objection, or the Court of Appeal decides that IOS has made the right decision to transfer your sentence, IOS will submit a request for the transfer of your sentence to the authorities of the other EU-country. You will receive a letter about this from IOS.

### Step 6: Decision of the other EU-country

If the other EU-country agrees to the transfer of your sentence, IOS will arrange your transportation to that country. There, you will be handed over to the staff who will bring you to the new prison.

If the other EU-country does not agree to the transfer of your sentence, the Wets-procedure will be terminated. You will always receive a letter from IOS about the decision of the other EU-country.

## What else should you know?

### *Continuation of your sentence*

If your prison sentence is transferred, it stays the same in the other EU-country. There are two exceptions:

- your sentence in the Netherlands is higher than the maximum sentence for the same offence in the other country. In this case, your sentence is adjusted to the maximum sentence in the other EU-country.
- the Dutch measure imposed on you does not exist in the other EU-country. In this case, a similar measure under the law of the other EU-country will be imposed on you.

Your sentence will be enforced under the law of the other EU-country. This means that the rules of that other country will apply for you. This will also apply to your conditional/early release.

### *Transfer of your sentence without your consent*

Your sentence may also be transferred without your agreement. This may be the case, for instance, if you are declared undesirable in the Netherlands and must leave the country. First, the options under the Wets are considered, and then possibly other measures.

### *Terms*

The procedure to transfer your sentence takes time. Statutory terms will apply. You cannot invoke these terms.

## Contact details IOS

### *Telephone*

Our information line can be reached from Monday to Friday between 09:00 hours and 12:00 hours at telephone number 00 31 8807 25 963. Your lawyer can also call this number.

### *Post address*

Dienst Justitiële Inrichtingen  
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