



Italy No. 1 (2026)

# Agreement

between the United Kingdom of Great Britain and Northern Ireland and  
the Italian Republic on the Transfer of Sentenced Persons

London, 26 January 2026

[The Agreement is not in force]

*Presented to Parliament  
by the Secretary of State for Foreign, Commonwealth and Development Affairs  
by Command of His Majesty  
March 2026*

CP 1527



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London, 27 January 2026

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ISBN 978-1-5286-6269-7  
E03555679 03/26

Printed on paper containing 40% recycled fibre content minimum

Printed in the UK by HH Global on behalf of the Controller of His Majesty's Stationery Office

**AGREEMENT BETWEEN THE UNITED KINGDOM OF GREAT  
BRITAIN AND NORTHERN IRELAND AND THE ITALIAN REPUBLIC  
ON THE TRANSFER OF SENTENCED PERSONS**

The United Kingdom of Great Britain and Northern Ireland, hereinafter the "United Kingdom", and the Italian Republic, hereinafter "Italy", together referred to as "the Parties";

Having regard to the Council of Europe Convention on the Transfer of Sentenced Persons, done at Strasbourg on 21 March 1983 and the Additional Protocol to that Convention, done at Strasbourg on 18 December 1997;

DESIRING to reinforce bilateral cooperation in the transfer of sentenced persons, furthering the ends of justice and the social rehabilitation of sentenced persons;  
and

DESIRING to ensure that wherever possible foreign national prisoners in the territory of one of the Parties should serve their sentences in their country of citizenship;

HAVE AGREED AS FOLLOWS:

ARTICLE 1

**Definitions**

For the purposes of this Agreement:

- (a) "sentencing State" means the State in which the sentence was imposed;
- (b) "administering State" means the State in which the sentence is to be enforced;
- (c) "sentenced person" means a person who is required to be detained in a prison or any other institution, including hospital and similar healthcare facilities, in the sentencing State by virtue of a judgment made by a court of the sentencing State on account of a criminal offence under the law of that State;
- (d) "sentence" means any punishment or measure involving deprivation of liberty ordered by a court of the sentencing State for a limited or unlimited period of time on account of a criminal offence under the law of that State;
- (e) "judgment" means a final decision or order of a court;

- (f) “transfer” means the recognition and enforcement of a sentence, or the recognition and enforcement of a sentence and the transfer of the sentenced person, from the United Kingdom to Italy, or from Italy to the United Kingdom;
- (g) For the purposes of Article 6, “in writing” refers to an electronic written communication, i.e. by email or via other electronic means agreed by the Parties;
- (h) “request” is an official demand by the administering State to the sentencing State, or vice versa, for transfer, without prejudice to the rights of the sentenced person under Article 5.

## ARTICLE 2

### **Central Authorities**

1. The designated Central Authorities to send and receive transfer requests for the United Kingdom are:
  - (a) in relation to England and Wales, His Majesty’s Prison and Probation Service;
  - (b) in relation to Scotland, the Scottish Prison Service on behalf of Scottish Ministers;
  - (c) in relation to Northern Ireland, the Northern Ireland Prison Service.
2. The designated Central Authority to send and receive transfer requests for Italy is the Ministry of Justice, Directorate General of International Affairs and Judicial Cooperation.
3. Either Party may change its Central Authority in which case it shall promptly notify the other Party of the change through diplomatic channels.

## ARTICLE 3

### **General Principles**

1. The United Kingdom and Italy undertake to afford each other the widest measure of co-operation in respect of the transfer of sentenced persons in accordance with the provisions of this Agreement.

2. A sentence imposed in the United Kingdom or Italy may be transferred with the sentenced person or, where that person is already in the administering State, without the sentenced person, respectively, to Italy or the United Kingdom, in accordance with the provisions of this Agreement, for that sentence to be enforced in the administering State.

3. This Agreement is without prejudice to the Parties' binding obligations under international conventions relating to human rights.

#### ARTICLE 4

##### **Conditions for Transfer**

A sentence or a sentence and the sentenced person may be transferred under this Agreement only on the following conditions:

- (a) there is a judgment;
- (b) the sentenced person is a national of the administering State, is in the territory of one of the Parties and either:
  - (i) lives in the administering State, maintaining family, social or professional ties, or
  - (ii) is subject to an order for deportation or removal to the administering State, or
  - (iii) seeks to avoid the execution or further execution of the sentence in the sentencing State by fleeing to the territory of the other Party before having served the sentence;
- (c) the acts or omissions for which the sentence has been imposed constitute a criminal offence according to the law of the administering State or would constitute a criminal offence if committed in its territory;
- (d) the sentence still to be served at the time of transmission of the request is at least nine (9) months. In exceptional cases, as determined by both the sentencing and administering State, a request may be accepted even if the sentence left to serve is less than nine (9) months.

## ARTICLE 5

### **Rights of Sentenced Persons**

1. A sentenced person can ask either the sentencing State or the administering State to be transferred under this Agreement.
2. A sentenced person who is subject to transfer shall:
  - (a) be informed by the sentencing State of the substance of this Agreement;
  - (b) have the terms of the transfer explained in writing in the sentenced person's own language;
  - (c) be asked whether they consent to the transfer and be given the opportunity to submit a written statement to the relevant authorities of the sentencing State before the sentencing State provides its written agreement to the terms of the transfer in accordance with paragraph (5) of Article 6 of this Agreement.
3. Where the sentenced person in view of age, or physical or mental condition cannot ask to be transferred under paragraph (1) of this Article or cannot consent to a transfer or submit a statement under paragraph (2)(c) of this Article, a person authorised to act for the sentenced person may act on their behalf in accordance with the law of the sentencing State.

## ARTICLE 6

### **Procedure for Transfer**

1. Requests for transfer can be made by either the sentencing or administering State, including when asked by the sentenced person, and any requests and responses shall be made in writing through the Central Authorities referred to in Article 2 of this Agreement.
2. The State requesting the transfer of a sentenced person shall provide a written request for transfer, including, where known, the following information:
  - (a) the full name, date, and place of birth of the sentenced person;
  - (b) location of the sentenced person; and
  - (c) last known address of the sentenced person in the sentencing or administering State.

3. If the sentencing State requests the transfer of a sentenced person or, having received a request to transfer under paragraph (2) of this Article, is prepared to consider the request for transfer of a sentenced person, it shall inform the administering State in writing, and provide the following information as soon as possible, or at the latest within sixty (60) days:

- (a) a statement of the facts upon which the sentence was based;
- (b) the nature, duration, and date of commencement of the sentence;
- (c) a copy of the judgment, and the law concerning the offence or offences for which the sentence was imposed;
- (d) a statement indicating how much of the sentence has already been served, including information on any pre-trial detention, remission, and any other factors relevant to the enforcement of the sentence;
- (e) if available, any other additional information, including medical or social reports on the sentenced person, which may be of significance for the sentenced person's transfer and for the continued enforcement of the sentence;
- (f) any statement of the sentenced person, in accordance with Article 5 of this Agreement, as to the requested transfer.

4. On receipt of information provided by the sentencing State under paragraph (3) of this Article, the administering State shall provide, where known, as soon as possible, or at the latest within thirty (30) days the following information:

- (a) a statement indicating whether the conditions in Article 4(b) are met;
- (b) a copy or a concise statement describing the relevant law of the administering State which provides that the acts or omissions on account of which the sentence has been imposed in the sentencing State constitute a criminal offence according to the law of the administering State, or would constitute a criminal offence if committed on its territory;
- (c) a statement relating to the law applicable to the enforcement of the sentence, including a statement, if applicable, of any proposed adaptation of the sentence under Article 12(2) of this Agreement upon that person's transfer.

5. If the sentencing State is willing to proceed with the transfer, based on the documents provided for in paragraph (4) of this Article, the sentencing State shall provide the administering State with its written agreement to the terms of the transfer.

6. Arrangements for the transfer shall be made as soon as practicable.

## ARTICLE 7

### **Consent of the Sentenced Person and its Verification**

1. The consent of the sentenced person shall not be required for the transfer.
2. Notwithstanding paragraph (1) of this Article, where the sentenced person consents to their transfer, the sentencing State shall ensure that the consent is given voluntarily and with full knowledge of the legal consequences, including the non-application of the rule of speciality pursuant to Article 15(1)(c) of this Agreement. The procedure for giving consent shall be governed by the law of the sentencing State.
3. The sentencing State shall afford the opportunity to the administering State to verify through a consul, or other official identified in agreement with the administering State, that the consent has been given in accordance with the conditions set out in paragraph (2) of this Article.

## ARTICLE 8

### **Provisional Arrest**

Where the sentenced person is in the territory of the administering State, the latter, at the request of the sentencing State, may, prior to the arrival of the documents supporting the request, or prior to the decision on that request, arrest the sentenced person, or take any other provisional measure to ensure that the sentenced person remains in its territory, pending a decision on the request. Requests for provisional arrest or other provisional measures shall include the information and any documents mentioned in Article 6(2), (3)(a) and (b) of this Agreement. The duration of the sentence shall not be aggravated as a result of any period spent in custody by reason of this provision.

## ARTICLE 9

### **Grounds for Refusal**

1. The administering State may only refuse to recognise the judgment and refuse to accept and enforce the sentence, if:

- (a) the conditions for transfer set out in Article 4 of this Agreement are not satisfied;
- (b) enforcement of the sentence would conflict with the principle that a person cannot be prosecuted for the same offence more than once;
- (c) the enforcement of the sentence is barred by statute in the administering State;
- (d) enforcement of the sentence is not possible as there is immunity under the law of the administering State;
- (e) the sentence has been imposed on a person who, according to the law of the administering State, could not have been found criminally liable for the conduct in respect of which the judgment was issued, by virtue of their age;
- (f) the judgment was given in absentia, except where the information provided in accordance with Article 6(3) of this Agreement sets out that the sentenced person was summoned in person or otherwise duly informed of the proceedings which resulted in the judgment given in absentia, or that the person has indicated to a competent authority that they do not challenge the case;
- (g) the administering State, prior to a decision being made according to Article 10(1) of this Agreement, submits a request for authorisation, in accordance with Article 15(1)(a) of this Agreement, and the sentencing State does not consent, in accordance with that Article, to the sentenced person being prosecuted, sentenced or otherwise deprived of liberty in the administering State for an offence committed before the transfer, other than that for which the person was transferred; or
- (h) the sentence imposed includes a measure of psychiatric or health care or another measure leading to deprivation of liberty, which, despite the terms of Article 12(2) of this Agreement, cannot be administered by the administering State under its legal or health care system.

2. In the cases referred to in paragraph (1)(a), (b), (f) and (h) of this Article, before deciding not to accept the judgment and enforce the sentence, the competent authority of the administering State shall ask the advice of the competent authority of the sentencing State, by any appropriate channels, and shall, where appropriate, request that it provide any significant further information within thirty (30) days of receiving the transfer request.

## ARTICLE 10

### **Decision on the Enforcement of the Sentence and Deadlines**

1. The competent authority in the administering State shall make a final decision within six (6) months from receipt of the judgment and the information set out in Article 6 of this Agreement, as to whether to accept the judgment and accept and enforce the sentence and shall notify the sentencing State, including of any decision to adapt the sentence in accordance with Article 12(2).
2. When it is not possible for the competent authority of the administering State to comply with the deadline provided for in paragraph (1) of this Article, it shall inform the competent authority of the sentencing State, in a timely manner giving the reasons for the delay and the estimated time required for the final decision to be made, and provide regular updates.

## ARTICLE 11

### **Effect of Transfer for the Sentencing State**

1. The transfer of a sentence to the administering State shall have the effect of suspending the enforcement of the sentence in the sentencing State.
2. The sentencing State may no longer enforce the sentence if the administering State, in accordance with Article 12(3)(a) of this Agreement, makes it known that it considers enforcement of the sentence to have been completed.

## ARTICLE 12

### **Enforcement**

1. The administering State shall be bound by the legal nature and duration of the sentence as determined by the sentencing State, but the continued enforcement of the sentence after transfer shall be governed by the laws and procedures of the administering State as if the sentence had been imposed in the administering State.
2. If the sentence is by its nature or duration incompatible with the law of the administering State, the administering State by a court or administrative order may adapt the sentence. However, adaptation of the sentence may only be made as follows:

- (a) where the sentence cannot be enforced because its nature is incompatible with the law of the administering State, any adaptation shall as far as possible correspond with the nature of the sentence imposed in the sentencing State;
- (b) where the duration of the sentence exceeds the maximum penalty prescribed by the law of the administering State, any adaptation shall be to the maximum sentence.

Any adaptation shall not aggravate, by its nature or duration, the sentence imposed in the sentencing State.

3. The administering State shall provide information to the sentencing State concerning the enforcement of the sentence in a timely manner:

- (a) when it considers the enforcement of the sentence to have been completed;
- (b) if the sentenced person has escaped from custody before enforcement of the sentence has been completed;
- (c) if the sentenced person is unable to complete the sentence for any reason; or
- (d) if the sentencing State requests a special report.

## ARTICLE 13

### **Pardon, Amnesty, Commutation, and Review of Judgment**

1. The sentencing or administering State may grant pardon, amnesty or commutation of the sentence in accordance with their respective law.
2. The sentencing State alone shall have the right to decide on any application or request for review of the judgment.

## ARTICLE 14

### **Modification or Termination of Enforcement**

The administering State shall modify or terminate enforcement of the sentence as soon as it is informed by the sentencing State of any decision or measure which results in the cancellation or reduction of the sentence.

## ARTICLE 15

### **Speciality**

1. Any person transferred under this Agreement shall not be proceeded against, sentenced or detained with a view to the carrying out of a sentence or detention order, for any offence committed prior to the transfer, other than that for which the sentence to be enforced was imposed, nor shall that person be restricted in their personal freedom in connection with any offence committed prior to the transfer, except in the following cases:

- (a) when the sentencing State authorises the administering State in accordance with paragraph (2) of this Article;
- (b) when the sentenced person, having had an opportunity to leave the territory of the administering State, has not done so within forty-five (45) days of final discharge, or if the sentenced person has returned to that territory after leaving it;
- (c) when the sentenced person has given their consent to the transfer.

A request for authorisation under paragraph (1)(a) of this Article shall be submitted, accompanied by all relevant documents and the documentation relating to any statement made by the sentenced person. Authorisation shall be given when the offence for which it is requested would be subject to extradition under the law of the sentencing State or when extradition would be excluded only by reason of the duration of the sentence. The decision shall be taken as soon as possible and no later than ninety (90) days after receipt of the request for authorisation. Where it is not possible for the sentencing State to comply with the period provided for in this paragraph, it shall inform the administering State, providing the reasons for the delay and the estimated time needed for the decision to be taken.

## ARTICLE 16

### **Link to surrender**

This Agreement shall apply where an undertaking has been given, in accordance with Article 601(1)(f) of the Trade and Cooperation Agreement between the United Kingdom of Great Britain and Northern Ireland, of the one part, and the European Union and the European Atomic Energy Community, of the other part, done in London and Brussels on 30 December 2020, for a sentence, subject to surrender, to be served in the executing (administering) State.

## ARTICLE 17

### **Transit**

1. If one of the Parties intends to transfer a sentenced person to or from any third State, the other Party, hereinafter referred to as “the State of transit”, shall endeavour to co-operate, granting the transit of such a sentenced person through its territory in accordance with its domestic law. However, the State of transit may refuse to grant transit if:
  - (a) the sentenced person is one of its nationals, or
  - (b) the criminal offence for which the sentence has been imposed does not constitute a criminal offence under its law.
2. Requests for transit and replies shall be communicated through the Central Authorities referred to in Article 2 of this Agreement or, in urgent cases, through INTERPOL.
3. The State of transit shall, at request of the other State, hold the sentenced person in custody only for such time as is necessary for transit through its territory.
4. The State of transit may be asked to give an assurance that the sentenced person will not be prosecuted or detained or otherwise subjected to any restriction on their liberty in the territory of the State of transit for any criminal offence committed or sentence imposed prior to their departure from the territory of the other State. This will not prejudice paragraph (3) of this Article.
5. No request for transit shall be required if transportation is by air over the territory of either State and no landing there is scheduled. In case of unforeseen landing, the preceding paragraphs of this Article apply.

## ARTICLE 18

### **Language and costs**

1. Any request and any additional documentation shall be accompanied by a translation in the official language of the Party to which it is addressed.
2. Documents transmitted under this Agreement need not be certified.
3. Expenditure arising from the transfer of the sentenced person to the administering State and that arising solely in the sentencing State are to be borne by the sentencing State. All other expenditure arising from the implementation of this Agreement shall be met by the administering State.

## ARTICLE 19

### **Territorial application**

This Agreement shall apply:

- (a) in relation to the United Kingdom, to the territory of the United Kingdom of Great Britain and Northern Ireland, and to any territory for the international relations of which the United Kingdom is responsible and to which this Agreement is extended by subsequent agreement between the Parties by exchange of Notes Verbales, which will enter into force on the date of the Note in Reply; and
- (b) in relation to Italy, to the territory of the Italian Republic.

## ARTICLE 20

### **Temporal application**

This Agreement shall be applicable to the transfer of sentences imposed either before or after its entry into force.

## ARTICLE 21

### **Relationship to other Agreements**

1. The transfer of sentenced persons between the Parties shall be governed by this Agreement, unless the Central Authorities decide, by mutual consent, on a case-by-case basis, that the transfer should take place in accordance with multilateral agreements in force to which both States are party.
2. This Agreement shall be implemented in accordance with applicable international law and, for the Italian Republic, the obligations arising from its membership of the European Union.

## ARTICLE 22

### **Transitional provision**

1. Requests for transfers received by the administering State before the date of entry into force of this Agreement shall continue to be governed by the multilateral instruments in force relating to the transfer of sentences and sentenced persons.
2. Requests for transfers received by the administering State after that date shall be governed by this Agreement, unless the Central Authorities decide otherwise, in accordance with Article 21(1).

## ARTICLE 23

### **Personal Data Protection**

1. Without prejudice to paragraph (2) of this Article, personal data may be transmitted, for the purposes of implementing this Agreement, only if their processing is lawful and fair and their transfer is necessary and proportionate for the purposes indicated in the request of transfer.
2. Personal data transmitted to the other Party with regard to the transfer proceedings under this Agreement may be used by the receiving Party only for the following purposes:
  - (a) for any purpose of, or connected to, the enforcement of the sentence whose transfer has been requested under this Agreement;
  - (b) for preventing an immediate and serious threat to public security.
3. Personal data transmitted for the purposes of implementing this Agreement may also be used for other purposes, including the onward transfer to a third State or an international organisation, only if prior consent to that effect has been given by the Party which transferred the data.
4. The transferring Party guarantees the accuracy and the timely updating of the transmitted data, as well as the prompt correction of any errors.
5. The Parties shall take technical and organisational measures to ensure a level of security that is appropriate to the risk of data breach.
6. The Party that transfers personal data may require the other Party to give information on the use made of such data.

7. Personal data transferred under this Agreement shall be processed in line with the law of the receiving Party. Irrespective of these limits, the data transferred shall be deleted as soon as it is no longer required for the purpose for which it was transferred, without prejudice to paragraph (2)(b) of this Article.

8. This Article shall not prejudice the right of each Party to ask the other Party for additional guarantees on the protection of the transferred personal data on a case-by-case basis, if, according to its national law, their transfer is not allowed without these guarantees. In this case, the transfer of the personal data cannot occur if the receiving Party does not provide such additional guarantees.

## ARTICLE 24

### **Settlement of Disputes and Amendments**

1. Any dispute regarding the interpretation and/or implementation of this Agreement shall be amicably resolved by means of direct consultation and negotiation between the Parties through diplomatic channels.

2. The Parties may amend this Agreement in writing by mutual agreement. Amendments shall enter into force in accordance with the procedures established in Article 25(1) of this Agreement.

## ARTICLE 25

### **Final Provisions**

1. This Agreement shall enter into force on the date of receipt of the later of the two notifications by which the Parties will have informed each other of the completion of the respective internal procedures required to allow the Agreement to enter into force.

2. This Agreement shall remain in force for an indefinite period, unless one of the two Parties notifies the other Party of its intention to terminate it. This agreement shall be terminated after the expiration of one hundred and eighty (180) days from receipt of a written notice of one Party to the other Party, through diplomatic channels, of its intention to terminate the Agreement.

3. Notwithstanding any termination, this Agreement shall continue to apply to the enforcement of sentences and to sentenced persons who have been transferred under this Agreement before the date of termination.

IN WITNESS WHEREOF the undersigned, being duly authorised thereto, have signed this Agreement.

DONE at London in duplicate, on this Twenty-sixth day of January 2026, in the English and Italian languages, both texts being equally authentic.

**For the United Kingdom  
of Great Britain and  
Northern Ireland:**

**DAVID LAMMY**

**For the Italian Republic:**

**CARLO NORDIO**

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978-1-5286-6269-7