



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 2 October 2013

14288/13

**COPEN 141
EJN 54
EUROJUST 78**

NOTE

from: Mr. Pétér Györkös, Ambassador, Permanent Representative, Permanent Representation of Hungary to the European Union

to: Mr. Rafael Fernández-Pita y González, Director-General, Council of the European Union

date of receipt: 16 September 2013

Subject: Implementation of the Council Framework Decisions 2008/909/JHA, 2008/947/JHA, 2009/829/JHA and 2009/948/JHA
- Notification of declarations made by Hungary

Dear Mr Director-General,

Please find enclosed hereto the declarations made by Hungary to the implemented Council Framework Decisions 2008/909/JHA on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences; 2008/947/JHA on the application of the principle of mutual recognition to judgments and probation decisions with a view to the supervision measures and alternative sanctions; 2009/829/JHA on the application of the principle of mutual recognition to decisions on supervision measures as an alternative to provisional detention and 2009/948/JHA on prevention and settlement of conflicts of exercise of jurisdiction in criminal proceedings.

(Complimentary close)

(s.) Pétér Györkös

Hungary wishes to make the following declarations with regard to some of the recently transposed Framework Decisions:

(a) **With regard to Council Framework Decision 2008/909/JHA on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union:**

(i) Hungary wishes to make the following declaration pursuant to **Article 7(4)** of the Framework Decision:

"Pursuant to Article 7(4) of the Council Framework Decision on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union, Hungary declares that it will not apply Article 7(1) of that Framework Decision to the offences referred to therein."

(ii) Hungary wishes to make the following declaration pursuant to **Article 23(3)** of the Framework Decision:

"Pursuant to Article 23(3) of the Council Framework Decision on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union, Hungary declares that it may, as an executing State, if it finds the content of the certificate insufficient to decide on the enforceability of the sentence, request, without delay after receiving the judgment and the certificate, that the judgment or essential parts of it be accompanied by a translation into Hungarian."

(b) With regard to Council Framework Decision 2008/947/JHA on the application of the principle of mutual recognition to judgments and probation decisions with a view to the supervision of probation measures and alternative sanctions:

(i) Hungary wishes to make the following declaration pursuant to **Article 5(4)** of the Framework Decision:

"Pursuant to Article 5(4) of the Council Framework Decision on the application of the principle of mutual recognition to judgments and probation decisions with a view to the supervision of probation measures and alternative sanctions, Hungary declares that it consents to the forwarding of a judgment and, where applicable, a probation decision provided that the sentenced person is not lawfully and ordinarily resident in Hungary, if the sentenced person requests execution of the judgment or the probation decision by the Hungarian authorities and provides proof of close family, cultural or economic connections with Hungary."

(ii) Hungary wishes to make the following declaration pursuant to **Article 10(4)** of the Framework Decision:

"Pursuant to Article 10(4) of the Council Framework Decision on the application of the principle of mutual recognition to judgments and probation decisions with a view to the supervision of probation measures and alternative sanctions, Hungary declares that it will not apply Article 10(1) of that Framework Decision to the offences referred to therein."

(c) With regard to Council Framework Decision 2009/829/JHA on the application, between Member States of the European Union, of the principle of mutual recognition to decisions on supervision measures as an alternative to provisional detention:

Hungary wishes to make the following statement pursuant to **Article 9(4)** of the Framework Decision:

"Pursuant to Article 9(4) of the Council Framework Decision on the application, between Member States of the European Union, of the principle of mutual recognition to decisions on supervision measures as an alternative to provisional detention, Hungary states that it consents to the forwarding of a decision on supervision measures provided that the sentenced person is not lawfully and ordinarily resident in Hungary, if the sentenced person requests execution of the decision on supervision measures by the Hungarian authorities and provides proof of close family, cultural or economic connections with Hungary."

(d) With regard to Council Framework Decision 2009/948/JHA on prevention and settlement of conflicts of exercise of jurisdiction in criminal proceedings:

Hungary wishes to make the following declaration concerning **Article 14(1)** of the Council Framework Decision:

"Pursuant to Article 14(1) of the Council Framework Decision on prevention and settlement of conflicts of exercise of jurisdiction in criminal proceedings, Hungary states that it wishes to use Hungarian, English, German or French in the procedure of taking contact in accordance with the Framework Decision."