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THE EUROPEAN UNION**

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NOTE

from:	General Secretariat
to:	Delegations
Subject:	Implementation of Framework Decision of the Council of the European Union of 27 November 2008 of the application of the principle of mutual recognition to judgements and probation decisions with a view to the supervision measures and alternative sanctions - Information provided to the General Secretariat

Delegations will find attached information about the state of play concerning the implementation of Framework Decision 2008/947/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgements and probation decisions with a view to the supervision of probation measures and alternative sanctions (OJ L 337, 16.12.2008, p. 102). This information is based on notifications by Member States, to which reference is made in the last column.

The information in the table is a summary of the notified information: delegations are invited to consult the documents referred to in the last column in order to obtain more detailed information.

The information provided in the table is up-to-date as at 13 November 2012. Any comments or suggestions for improvement should be sent to secretariat.criminal-law@consilium.europa.eu

Council Framework Decision 2008/947/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgements and probation decisions with a view to the supervision of probation measures and alternative sanctions									
	State/date of implementation of Framework Decision	Notification re Article 3(1) (Competent Authorities)	(poss.) Notification re Article 4(2) (Additional types of probation measures and alternative sanctions)	Notification re Article 5(4) (Conditions of forwarding a judgment / probation decision)	(poss.) Declaration re Article 10(4) (Double criminality)	(poss.) Notification re Article 14(3) (refusal to assume responsibility for subsequent decisions)	(poss.) Notification re Article 21 (Acceptance of certificate being drawn up in other languages)	(poss.) Notification re Article 23 (Other agreements and arrangements)	Notification re Article 25 (Implementation)
BELGIUM									
BULGARIA	Implemented. Entry into force of legislation: 28 April 2012	(a) BG as executing State: provincial courts or Sofia City Court. (b) BG as issuing State: first-instance courts		<i>(No information provided)</i>			Bulgarian		11438/12

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CZECH REPUBLIC	<i>(Legislation will probably enter into force at the end of 2012)</i>								

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DENMARK	Implemented. Entry into force of legislation: 5 December 2011.	Minister of Justice or his/her representative - Department of Prisons and Probation	Decisions on intensive monitoring at the sentenced person's place of residence	Certificates must be issued by the Minister of Justice or his/her representative		DK authorities will not take a decision on execution of a custodial sentence in cases referred to in Art. 29 n (2) and (3) of national act	Danish		7601/12
DEUTSCHLAND/ GERMANY									

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ELLAS/ GREECE									
ESPANA/ SPAIN									
ESTONIA									
FRANCE									

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IRELAND									
ITALY									
KYPROS/ CYPRUS									
LATVIA	Implemented. Entry into force of legislation: 1 July 2012	<i>(waiting for translation / details not provided)</i>		<i>(waiting for translation / details not provided)</i>					14271/12
LITHUANIA									

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LUXEMBOURG									
MAGYARORSZÁG / HUNGARY									
MALTA									
NETHERLANDS	Implemented. Entry into force : 1 November 2012	Public Prosecutor in Haarlem	Decision on electronic supervision		NL will not apply Article 10(1) of the FD	In certain cases, NL will refuse to assume responsibility for subsequent decisions referred to in Art. 14(1)(b) and (c), see 13964/12	Dutch and English accepted		13964/12

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ÖSTERREICH/ AUSTRIA									
POLAND	Implemented.	District courts, Regional courts, Regional Court of Warsaw		Where the PL authorities deem that this would better serve the educational or preventive aims of the sanction	PL will not apply Art.10(1)	PL will refuse assuming the responsibility provided for in Art. 14(1)(b) and (c) in the cases mentioned in Art. 14(3)(a) and (b)	Polish		7600/12

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PORTUGAL									
ROMANIA									
SLOVENIA									

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SLOVAKIA	Implemented. <i>General Secretariat will soon be notified.</i>								
SUOMI/ FINLAND	Implemented	Central administrative office of the Criminal Sanctions Agency / District courts		Where probation in Finland because of particular personal circumstances or other special reason would favour chances of adjusting to society		In certain circumstances, Finland will not take subsequent decisions in cases referred to in Art. 14(1)(b)+(c)	Finnish Swedish English	Act on cooperation between Finland and other Nordic States will continue to apply	7382/12

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SWEDEN									
UNITED KINGDOM									

CROATIA	Implemented as part of the <i>acquis</i> . <i>General Secretariat will soon be informed of details.</i>								
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