



**COUNCIL OF  
THE EUROPEAN UNION**

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**NOTE**

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from: Mr Mihnea Motoc, Ambassador, Permanent Representation of Romania to the European Union

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

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date of receipt: 21 January 2014

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Subject: Implementation of the 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  
- Notification by Romania

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I have the honor to notify the General Secretariat of the Council of the European Union on the implementation by Romania of the **Framework Decision 2008/947/JHA of 27 November 2008** 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.

By the Law no. 300 from 15 November 2013 for the amendment and supplemental of the Law no. 302/2004 on the international judicial cooperation in criminal matters, published in the Official Gazette of Romania on 11 December 2013 Romania transposed the 2008/947/JHA of 27 November 2008 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.

The legal provisions concerning the transposition of the aforementioned Framework entered into force within 15 days from the publication date in the Official Gazette of the transposing law, respectively on 26 December 2013.

Based on the pertinent provisions of its legislation, Romania formulates the following **statements** referring at the application of the aforementioned Framework Decision:

### **Notification under Article 3**

The competent authorities for incoming requests to monitor probation measures and alternative sanctions are the district courts. The certificate must be submitted together with the necessary documents to the district court within whose jurisdiction the sentenced person has their domicile or permanent residence (**Annex 1**).

### **Declaration made according to Article 4**

Where it is the executing state, Romania monitors probation measures and alternative sanctions as referred to in Article 4 (1) of the Framework Decision.

### **Declaration according to Article 5**

Romanian authorities can recognize judgments and probation decisions not only when the convicted person is a Romanian national and he/she lives or is going to live in Romania, but also in cases when the convicted person is not a Romanian national, but he/she either is a resident of Romania or one of his/her family members is a Romanian national or resident, or he/she proves that he/she is going to engage in a professional activity, studying or training in Romania.

### **Declaration according to Article 10**

Romania will make use of the possibility granted by paragraph (3), therefore the recognition of the judgment or probation decision will be subject to a double criminality check.

**Declaration according to Article 14 paragraph 3**

In cases when, after a judgment or a probation decision is recognized, the convicted person fails to comply with the supervision measures or the alternative sanction, or commits a new offence during the probation period, if the foreign decision referred to conditional release or an alternative sanction, without expressly mentioning the custodial sentence which is to be imposed in this case, Romania will not assume jurisdiction and the issuing state will be given the competence to revoke the sanction.

**Declaration according to Article 21**

Romania requires that the decision and the certificate be translated into the Romanian language.

(Complimentary close)

(s.) Mihnea Motoc

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