



Council of the
European Union

Brussels, 16 September 2016
(OR. en)

12106/16

COPEN 257
EUROJUST 109
EJN 53

NOTE

From: Mr Harald Schütt, Counsellor, Permanent Representation of Germany to the European Union

On: 25 July 2016

To: Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union

Subject: Implementation of Council Framework Decision 2009/829/JHA of 23 October 2009 on the application, between Member States of the European Union, of the principle of mutual recognition to decisions of supervision measures as an alternative to provisional detention

- Notification and implementation made by Germany

Dear Sir,

Please find enclosed the text of the provisions¹ that transpose into national law the obligations arising from Council Framework Decision 2009/829/JHA of 23 October 2009 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. The implementing law amended provisions of the Act on International Legal Assistance in Criminal Matters (*Gesetz über die internationale Rechtshilfe in Strafsachen*). The amendments came into force on 23 July 2015.

¹ Note from the Secretariat: this text is not attached to the current document.

Please find below the text of the Federal Republic of Germany's declarations on that Framework Decision:

With regard to Article 6(1):

The competent authorities for authorising the supervision of foreign measures by the Federal Republic of Germany are the public prosecutors' offices in the regional courts [*Landgerichte*]. Where German measures are to be supervised by another Member State, the court which ordered the measure is competent.

The district courts [*Amtsgerichte*] are competent for the supervision of foreign measures in the Federal Republic of Germany.

With regard to Article 8(2):

In addition to the measures referred to in Article 8(1) of the Framework Decision, the Federal Republic of Germany is willing to supervise the measures referred to in points (a), (c), (d) and (e) of Article 8(2). This applies to the measures referred to in point (d) of Article 8(2) only if the person concerned consents.

With regard to the first sentence of Article 9(4):

The competent authorities of the Federal Republic of Germany may consent to the forwarding of a decision on supervision measures in cases pursuant to Article 9(2) of the Framework Decision if

- 1) the person to be supervised is a national of the Federal Republic of Germany or
- 2) intends to establish his or her ordinary residence in the Federal Republic of Germany immediately, and the conditions for entering and residing in federal territory are met, unless supervision can be better ensured in another Member State in the individual case.

With regard to Article 21(3):

The competent authorities of the Federal Republic of Germany will also apply Article 2(1) of Framework Decision 2002/584/JHA on the European arrest warrant in deciding on the surrender of the supervised person.

Electronic notification of the implementing acts has already been given in the MNE (*mesures nationales d'exécution*) database.

(Complimentary close)

(s.) Harald Schütt
