



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 29 October 2013

14630/13

**COPEN 148
EJN 59
EUROJUST 84**

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.

According to the information received, up to now 11 Member States (BE, BG, DK, HR, LV, HU, NL, AT, PL, SK, FI) have implemented the Framework Decision in their national legal order.

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 29 October 2013. 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

BELGIUM	Implemented. Entry into force of legislation: 23 June 2013	(a) BE as issuing State: Public prosecutor's office (b) BE as executing State: Public prosecutor's office MoJustice is competent for giving prior agreement for forwarding a judgement ex. Art. 5(2).	(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)
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Dutch
French
German
English

12718/13

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)
BULGARIA	Implemented. Entry into force of legislation: 28 April 2012	(a) BG as issuing State: first-instance courts (b) BG as executing State: provincial courts or Sofia City Court.					Bulgarian		11438/12
CZECH REPUBLIC									

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DENMARK	Implemented. Entry into force of legislation: 5 December 2011	Minister of Justice or his/her representative is competent regarding recognition. Department of Prisons and Probation is competent for adaptation / supervision	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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HRVATSKA / CROATIA	Implemented as part of the acquis - 1 July 2013.	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)
		(a) HR as issuing State: competent courts (b) HR as executing State: competent county courts					Croatian and English (on reciprocal basis)		

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IRELAND									
ITALY									
KYPROS/ CYPRUS									
LATVIA	Implemented. Entry into force of legislation: 1 July 2012	A "municipal (district) court" Ministry of Justice acts as central authority.					Latvian		14271/12 14363/13
LITHUANIA									

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LUXEMBOURG									
MAGYARORSZÁG / HUNGARY	Implemented			HU consents to the forwarding 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.	HU will not apply Article 10(1) of the FD				14288/13

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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 English		13964/12

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ÖSTERREICH/ AUSTRIA	Implemented Entry into force: 1 August 2013	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 arrange- ments)	Notificatio n re Article 25 (Impleme ntation)
		AT as an issuing State: District and Regional Courts AT as an executing State: Regional Courts (list of addresses provided)		Monitoring can be approved if because of specific circumstances ties exist between the sentenced person and Austria of such intensity that it can be assumed that monitoring in Austria will help facilitate the social rehabilitation and reintegration of the sentenced person.		Austria declares its refusal to assume responsibility to take subsequent measures in the cases described in Art. 14(3)(a) and (c)	German. Other languages accepted on basis of reciprocity.		15116/13

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POLAND	Implemented.	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)
		PL as an issuing State: District or Regional Courts PL as an executing State: Regional Courts with local jurisdiction PL as an executing State in cases referred to in Art. 5(2) : 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 as an executing State 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									
SLOVAKIA	Implemented. Entry into force: 1 February 2012								PM

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SUOMI/ FINLAND	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)
	Implemented	FI as an issuing and executing State: Central administrative office of the Criminal Sanctions Agency District courts are competent to take subsequent decisions as referred to in Art. 14(1)(b) and (c).		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) and (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								