



**COUNCIL OF  
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**NOTE**

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from:	General Secretariat
to:	Delegations
Subject:	Implementation of Framework Decision 2009/829/JHA of the Council of the European Union 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 - Information provided to the General Secretariat

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Delegations will find attached information about the state of play concerning the implementation of 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 (OJ L 294, 11 November 2009, p. 20). This information is based on notifications by Member States, to which reference is made in the last column.

Up to now, 10 Member States have implemented the Framework Decision (CZ, DK, LV, HR, HU, NL, AT, PL, SK and FI). 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 25 November 2013. Any comments or suggestions for improvement should be sent to [secretariat.criminal-law@consilium.europa.eu](mailto:secretariat.criminal-law@consilium.europa.eu)

**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**

	State/date of implementation of Framework Decision (Entry into force)	Notification re Article 6(1) (Competent Authorities)	Notification re Article 7(3) (Central authority)	Notification re Article 8(2) (Types of supervision measures)	Notification re Article 9(4) (Decision on supervision measures)	Notification re Article 14(4) (Double criminality)	Notification re Article 21(3) (Surrender of the person)	Notification re Article 24 (Languages)	Notification re Article 26(3) +(4) (Agreements)	Notification re Article 27 (Implementation)
BELGIUM										
BULGARIA										
CZECH REPUBLIC	Implemented. It will enter into force on: 01/01/2014	Where CZ is issuing State: - all courts; - all prosecutors' offices.  Where CZ is executing State:  - the locally competent district courts (see annex 2 of 16114/1/13);			Decisions may be forwarded to CZ when three conditions are met: (a) the person asks for the decision to be sent to CZ; (b) the person is		CZ will apply Art. 2(1) FD EAW in deciding on the surrender of the person concerned to the issuing State.			16114/1/13 REV 1

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	- regional courts decide as regards legal remedies.			present in CZ or it may reasonably be supposed that he/she intends to stay there; and (c) the judge agrees to take over the decision, on the grounds that it is appropriate and efficient to do so.					

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DENMARK	Implemented. Entry into force: 01/12/2012	Min. of Justice: recognition of decisions on measures, and forwarding of requests to other MS.  Prosecutors: reference of cases regarding execution of measures to competent courts.  Courts: decisions on execution of measures.	No central authority.	Other measures which are less severe than provisional detention, including all measures listed in Art. 8(2).  Measures can be adjusted.  No basis in DK for use of electronic surveillance for the supervision of persons.	Condition of "leading a normal life".	-	DK will apply Art. 2(1) of FD EAW.	Danish	-	7305/13

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DEUTSCH- LAND/ GERMANY									
ELLAS/ GREECE									
ESPANA/ SPAIN									
ESTONIA									
FRANCE									

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HRVATSKA / CROATIA	Implemented as part of the acquis - 1 July 2013	Responsible for receiving decisions on supervision measures: competent County State Attorney's Offices of the place where the person concerned is found, resides or is domiciled.  Executing judicial authorities: county courts.  Issuing judicial authorities competent for decisions on supervision measures: courts and state attorney's offices.				Croatian English (on reciprocal basis)

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IRELAND											
ITALY											
KYPROS/ CYPRUS											
LATVIA	Implemented. Entry into force: 1 July 2012.	Prosecutor General's Office						Latvian		12102/13 14363/13	

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LITHUANIA										
LUXEM-BOURG										
MAGYAROR SZÁG/HUNGARY	Implemented							HU consents to the forwarding of a decision on supervision measures, if the sentenced person so requests and provides proof of close family, cultural or economic connections with HU.		14288/13
MALTA										



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NETHERLANDS	Implemented Entry into force: 01/11/2013	NL as issuing and executing State: the public prosecutor's office (contact details of the office in Haarlem are provided).		NL is prepared to take over the implementation of electronic supervision related to the supervision measures referred to in Art. 8(1).	NL can consent to forwarding a decision on supervision measures if the person concerned requested this and there is a demonstrable and sufficient link with NL.		NL will apply Art. 2(1) of FD EAW.	Dutch English	15018/13 15014/13
ÖSTERREICH/ AUSTRIA	Implemented. Entry into force: 01/08/2013	AT as issuing and executing State: Regional Courts (addresses are provided)		AT is prepared to monitor the measures referred to in Art. 8(2) (b), (c) and (d). In addition, AT is prepared to monitor provisional probation assistance, insofar the person consents.	AT can monitor the supervision measures if, because of specific circumstances, ties exist between the person concerned and AT of such intensity		AT will apply Art. 2(1) of FD EAW	German	15112/13

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					that it can be assumed that monitoring in AT will help facilitate the social rehabilitation and reintegration of the person concerned.					
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POLAND	Entry into force: 01/12/2012	PL as issuing State: regional courts or public prosecutor's office; PL as executing State: public prosecutor's offices with local jurisdiction depending on the lawful, ordinary place of residence of the offender.		Additional measures that PL is prepared to monitor: (a) obligation to refrain from carrying out an official function or profession; (b) obligation to refrain from engaging in a specified type of activity; (c) obligation to refrain from driving a specified type of vehicle.	A public prosecutor may consent to the execution of a ruling if it greatly contributes to ensuring the proper conduct of proceedings.	Poland will not apply Article 14(1) of the FD	Polish.	14252/12 12709/13
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PORTUGAL																					
ROMANIA																					
SLOVENIA																					
SLOVAKIA	Implemented. Entry into force: 01/07/2013																				15724/13 (a correlation table has been provided)

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SUOMI/ FINLAND	Implemented. Entry into force: 01/12/2012	FI as executing State: district court prosecutors as indicated in 14254/12. FI as issuing State: the prosecutor assigned to the criminal case or the court dealing with the arrest request.	-	FI only monitors supervision measures listed in Art. 8(1).	FI can consent to monitoring supervision measures where the person to be supervised has requested that the supervision be organised in Finland and this is justified on the grounds of the personal circumstances of the person to be supervised or for any other reason.	-	Finnish Swedish English  Other languages may also be accepted provided there is no obstacle to their use.	14254/12
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SWEDEN										
UNITED KINGDOM										

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