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European Union

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NOTE

From:	General Secretariat of the Council
To:	Delegations
No. prev. doc.:	16830/13 COPEN 216 EUROJUST 129 EJN 72
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 on supervision measures as an alternative to provisional detention - Information provided to the General Secretariat

Delegations will find attached information about the state of play concerning the 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 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, 13 Member States have implemented the Framework Decision (CZ, DK, HR, LV, LT, HU, NL, AT, PL, RO, SI, 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 3 February 2015. Any comments or suggestions for improvement should be sent to 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

Member State	State/date of implementation of FD (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. Entry into force: 01/01/2014	Where CZ is issuing State: - all courts; - all prosecutors' offices. Where CZ is executing State: - the locally			Decisions may be forwarded to CZ when three conditions are met: (a) the person asks for the decision to be sent to CZ;		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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		<p>competent district courts (see annex 2 of 16114/1/13);</p> <p>- regional courts decide as regards legal remedies.</p>			<p>(b) the person is present in CZ or it may reasonably be supposed that he/she intends to stay there; and</p> <p>(c) the judge agrees to take over the decision, on the grounds that it is appropriate and efficient to do so.</p>					

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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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DEUTSCHLAND/ GERMANY										
ELLAS/ GREECE										
ESPANA/ SPAIN										
ESTONIA										
FRANCE										

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HRVATSKA / CROATIA	Implemented as part of the <i>acquis</i> - 1 July 2013	Responsible for receiving decisions on supervision measures: territorially competent County State Attorney's Offices. Executing judicial authorities: county courts. Issuing judicial authorities competent for decisions on supervision measures: courts						Croatian English (on reciprocal basis)		

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		and state attorney's offices.								
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	Implemented	LT as issuing State: Prosecutor and the court LT as executing State: Prosecutor		In addition to the measures set out in Art. 8(1), SI is willing to take over the supervision of three categories of measures, see 5798/1/15 REV 1, page 11.	In the cases referred to in Art. 9(2), LT will generally agree to take over the decision on the execution of the supervision measures if the suspect, defendant or sentenced person is studying, working or has been granted an employment contract in LT or has a family member resident	For constitutional reasons LT will not apply Article 14(1) in respect of all offences referred to in that paragraph.	LT will apply Article 2(1) of FD 2002/584 on the EAW in deciding on the surrender of the person concerned to the issuing State.	Lithuanian		5798/1/15 REV 1 (Annex III)

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LUXEMBOURG					in LT or if there are other compelling reasons for taking over the execution of the supervision measure.					
MAGYAR-ORSZÁG / 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					14288/13

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MALTA					connections with HU.					
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 consents 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/	Implemented.	AT as issuing and executing		AT is prepared to monitor the measures	AT can monitor the supervision measures if,		AT will apply Art. 2(1) of FD	German		15112/13

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AUSTRIA	Entry into force: 01/08/2013	State: Regional Courts (addresses are provided)		referred to in Art. 8(2) (b), (c) and (d). In addition, AT is prepared to monitor provisional probation assistance, insofar the person consents.	because of specific circumstances, ties exist between the person concerned and AT of such intensity that it can be assumed that monitoring in AT will help facilitate the social rehabilitation and reintegration of that person.		EAW			

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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		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;	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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		the lawful, ordinary place of residence of the offender.		(c) obligation to refrain from driving a specified type of vehicle.						

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PORTUGAL										
ROMANIA	Implemented. Entry into force: 26/12/2013	RO as issuing State: The prosecution offices and the courts RO as executing State: - Prosecution stage: Prosecution Office of the High Court of Cassation and Justice		In addition to the measures set out in Art. 8(1), RO is willing to take over the supervision of four categories of measures, see 5685/14, page 3.	RO may recognize the supervision order not only when the person is a legal and ordinary resident in RO, but also in case when one of his/her family members is a Romanian national or resident, or is going to engage in a professional activity, study or training in RO.	Romania will not apply Article 14(1) of the FD.		Romanian		5685/14

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		- Trial stage: Ministry of Justice The prosecution offices of the district courts and district courts are competent to recognize incoming decisions imposing supervision measures, see doc 5685/14, Annexes 1-2.								

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SLOVENIA	Implemented. Entry into force: 20/09/2013	SI as issuing State: The local and district courts. SI as executing State: The district courts (List of issuing and executing authorities : see doc. 5474/14)		In addition to the measures set out in Art. 8(1), SI is willing to take over the supervision of four categories of measures, see 5474/14, page 14.	SI may consent to forwarding of a decision in Art. 9(2) cases, if it may be expected, based on the circum-stances of each individual case, that the defendant will permanently or temporarily reside on the territory of SI during the enforcement of the measure and the supervision of the enforcement will be effective.			Slovenian + English.		5474/14

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SLOVAKIA	Implemented. Entry into force: 01/07/2013	SK as issuing State: The court or judge for the preparatory proceedings SK as executing State: The territorially competent district court (5314/14)		In addition to the supervision measures referred to in Article 8(1), SK is also prepared to monitor the following supervision measures: - an obligation not to engage in specified activities in relation with the offence(s) allegedly committed, in particular involvement in	SK as issuing State will forward a decision on supervision measures to a Member State other than the Member State in which the person ordinarily resides, on condition that the competent judicial authority of the MS to which the decision on supervision measures is to be forwarded gives consent in advance.			Slovak; in respect of the Czech Republic, also certifies in the Czech language will be accepted. (6883/14)		15724/13 (a correlation table has been provided)

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				a specified profession or field of employment; - an obligation not to drive a vehicle. (5314/14)	SK as executing State will recognise and execute a decision on supervision measures only on condition that the person concerned ordinarily resides in SK. (5314/14)					

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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 super-vised 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										