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COVER NOTE

From: Mr Declan Kelleher, Permanent Representative of Ireland to the European Union

To: Ms Christine Roger, Director General Justice and Home Affairs, Council of the European Union

Subject: 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 Ireland

Dear Director General,

On behalf of the Irish Government, I hereby submit notification of the national measures taken in accordance with Article 25(2) of Framework Decision 2008/947/JHA of 27 November 2008.

Ireland has notified the Commission of the transposition of this Framework Decision by the enactment and commencement of the Criminal Justice (Mutual Recognition of Probation Judgments and Decisions) Act 2019. This Act was commenced in full on 23 September 2019. The text of this Act is attached at Annex 1.¹

(Complimentary close)

¹ Note by the Council Secretariat: text not reproduced in this note.

Notification pursuant to Article 3(1):

Pursuant to Article 3(1) of the Framework Decision, the General Secretariat of the Council is hereby notified of the following:

The Minister for Justice and Equality is the competent authority in accordance with the Framework Decision where Ireland is either the issuing or executing State.

The Circuit Court, Central Criminal Court or the High Court depending upon the application which is forwarded will also be the competent authority when Ireland is the executing State in order to endorse judgments forwarded to the Minister for Justice and Equality from another Member State.

The contact details for the transmission of judgments and, where applicable, probation decisions, are:

International Desk
Probation Service
Haymarket
Smithfield
DUBLIN 7
D07 WT27

Tel: +353 (1) 8173600

Email: internationaldesk@probation.ie

Notification pursuant to Article 4(2):

Pursuant to Article 4(2), Ireland does not undertake to supervise any sanctions or probation measures in addition to those referred in Article 4(1).

Declaration pursuant to Article 5(4):

Pursuant to Article 5(4), the Irish competent authority may consent to the forwarding of a judgment in a case where the sentenced person is not lawfully and ordinarily residing in Ireland if the person is an Irish citizen, or in the opinion of the Minister for Justice and Equality, the person has close ties with the State and it is in the interests of the person's social rehabilitation to do so.

Declaration pursuant to Article 10(4):

Pursuant to Article 10(4) Ireland will not apply paragraph 10(1) on double criminality.

Declaration pursuant to Article 14(3):

Pursuant to Article 14(3), Ireland as an executing State will not assume responsibility for subsequent decisions in circumstances where a sentenced person is on conditional release and in the issuing state a judicial hearing must be held before revoking the decision made on their conditional release. In such circumstances, where a sentenced person being supervised in the State does not comply with the probation measure, any decision to revoke the conditional release must be taken by the issuing state.

Declaration pursuant to Article 21

Pursuant to Article 21, the certificate is to be written in or translated into the Irish language or the English language.
