



Council of the
European Union

Brussels, 17 June 2021
(OR. en)

9909/21

COPEN 281
EUROJUST 69
EJN 50

NOTE

From:	General Secretariat of the Council
To:	Delegations
No. prev. doc.:	5473/1/20 REV 1
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 revised 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).

The information is based on notifications by Member States to the Council General Secretariat, to which reference is made in the last column.

In accordance with its Article 27(1), the Framework Decision should have been implemented by 1 December 2012.

According to the information received so far, 26 Member States have implemented the Framework Decision (BE, BG, CZ, DK, DE, EL, ES, EE, FR, HR, IE, IT, CY, LV, LT, LU, HU, NL, AT, PL, PT, RO, SI, SK, FI and SE) and have made the necessary notifications/declarations.¹

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 17 June 2021. Any comments or suggestions for improvement should be sent to steven.cras@consilium.europa.eu

Please note that all information relating to the implementation of the Framework Decision can also be found on the [website](#) of the European Judicial Network (EJN).

¹ From the EJN website, it appears that MT has also implemented the Framework Decision, by Subsidiary Legislation 9.19 (but no notification seems to have been made).

In respect of certain other Member States, some information is missing.

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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 that it can be assumed that monitoring in AT will help facilitate the social rehabilitation and reintegration of that person.		AT will apply Art. 2(1) of FD EAW	German		YES 15112/13

www.parlament.gv.at

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BELGIUM	Implemented. Entry into force: 29 May 2017	BE as issuing State: the competent public prosecutor. BE as executing State: the competent public prosecutor. The Minister for Justice is the competent authority to consent to the transmission of a decision relating to supervision measures when the person does not have his legal and habitual residence in Belgium, in application of Article 9(2) FD.		BE is prepared to monitor any other supervision measure than those mentioned in Art. 8(1).	Before consenting to the transmission of a decision on supervision measures, BE checks the following conditions: 1 ° the person concerned does not constitute a threat to public order; 2 ° the person concerned fulfils the conditions linked to his stay on Belgian territory; 3 ° there is no clear evidence that the supervision		BE maintains the requirement of the 12-month threshold as provided for in Article 2§1 of the EAW.	French Dutch German, or English		YES 9934/21

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					measures could not be monitored on Belgian territory in accordance with the Belgian legal system; 4 ° the presence of the person concerned on Belgian territory does not represent a risk for the protection of victims and citizens in general.					

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BULGARIA	Implemented. Entry into force: 27/05/2016	Authority competent to recognise: the regional court in the place of residence of the person to whom the measure is addressed. In cases where the person does not have a place of residence within the territory of the country, the competent authority shall be Sofia City Court. The authority competent to transmit a decision on a supervision measure to another MS is the		BG is willing to supervise the following measures: (a) an obligation not to engage in specified activities in relation with the offence(s) allegedly committed, which may include involvement in a specified profession or field of employment; or (c) an obligation to deposit a certain sum of money or to give another type of	BG authorities may consent when one or more of the following conditions are met: 1. the person is a BG citizen; 2. the supervision measure may be supervised in BG; 3. the person has stated that he or she will reside within the territory of BG with a view to carrying out specific work; 4. the person is a member of family which		BG will apply Art. 2(1) of FD EAW.	Bulgarian		YES 15557/16

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		supervising prosecutor.		guarantee, which may either be provided through a specified number of instalments or entirely at once.	resides permanently in BG; 5. the person has stated that he or she will reside within the territory of BG in order to study for professional qualifications or a degree.					
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	Ministry of Justice (address provided).	HR will also monitor the execution of decisions prohibiting the pursuit of certain professional activities and measures prohibiting persons from driving motor	Condition that the person has lived for at least one year in, and has family or business ties to, the Republic of Croatia.		When a competent authority of an issuing state issues a European arrest warrant, surrender proceedings before the competent court will be launched on	Croatian In urgent cases also English (on reciprocal basis)		YES 12335/14.

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		authorities competent for decisions on supervision measures: courts and state attorney's offices.		vehicles by means of the temporary withdrawal of driving licences.			the basis of the provisions governing the European arrest warrant.			
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 competent district courts (see annex 2 of 16114/1/13); - regional courts decide as regards legal remedies.			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 present in CZ or it may reasonably be supposed that he/she intends to stay there; and (c) the judge		CZ will apply Art. 2(1) of FD EAW.			YES 16114/1/13 REV 1

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					agrees to take over the decision, on the grounds that it is appropriate and efficient to do so.					
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	-	YES 7305/13
ESTONIA	PM	Ministry of Justice		EE only monitors	Consent may be given where the			Estonian		PM

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				supervision measures as referred to in Article 8(1).	person to be supervised has requested that the supervision be organized in EE and this is justified on the grounds of the personal circumstances of the person to be supervised or for any other reason			English		6665/1/16 REV 1
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	-	FI only monitors supervision measures listed in Art. 8(1).	Condition: where the person to be supervised has requested that the supervision be organised in FI and this is justified on the grounds of the personal circumstances	-	-	Finnish Swedish English Other languages may also be accepted provided there is no	-	YES 14254/12

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		the court dealing with the arrest request.			of the person to be supervised or for any other reason.			obstacle to their use.		
FRANCE	Implemented. Entry into force: XX	FR as executing State: the public prosecutor. FR as issuing State : - the investigating judge; - the liberty and custody judge; - the judge for juvenile matters; - the civil court, or one of the judges of that court; - the investigating chamber, or one of the judges of that chamber;		FR is prepared to monitor all of the supervision measures referred to in Article 8(2).	Where recognition of the decision is subject to the consent of the executing State: - Where the person concerned has French nationality, it is for the public prosecutor to notify France's consent. - In other cases, consent is a matter for the Minister for Justice, who determines	(no declaration)		French (no declaration)		XX 6234/1/20 REV 1

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		<ul style="list-style-type: none"> - the criminal court ; - the criminal appeal chamber, or one of the judges of that chamber; - the court of assizes and the assizes appeal court; - the president of the appeal court, or the judge of the bench he or she designates. 			<p>whether there are exceptional grounds justifying the execution of the decision in FR. To that end, the Minister shall take into account the extent to which his or her decision is in the interests of the proper administration of justice, the existence of any personal or family ties in FR, and the absence of a risk of disruption of public order.</p>					

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GERMANY	Implemented. Entry into force: 23/07/2015	DE as executing State: - prosecutors' offices in the regional courts [Landgerichte] can authorise the execution of foreign measures in DE; district courts [Amtsgerichte] are competent for the supervision. DE as issuing State: the court which ordered the measure.		DE is willing to supervise the measures referred to in points (a), (c), (d) and (e) of Article 8(2). As regards the measures referred to in point (d) of Article 8(2), DE is willing to supervise only if the person concerned consents.	DE may consent to forwarding a decision in cases pursuant to Art. 9(2) if 1) the person is a DE national; or 2) intends establishing residence in DE immediately, and entering/ residing conditions are met, unless supervision in another MS is preferable.		DE will apply Art. 2(1) of FD EAW.			YES 12106/16

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GREECE	Implemented. Entry into force: 15/11/2014	EL as issuing State: - the court or the investigator that issued the decision; EL as executing State: - the Public Prosecutor of First Instance of the place where the person has the habitual residence.	Ministry of Justice	EL is willing to supervise in addition the measures listed in Art. 8(2) under b) and c).	Condition: - the competent authority of the other Member State agrees.		EL will apply Art. 2(1) of FD EAW.	Greek.		YES 5969/20
HUNGARY	Implemented				Condition that the sentenced person requests execution of the decision on supervision measures by the HU authorities and provides proof of close					YES 14288/13 14419/16

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					family, cultural or economic connections with HU.					
IRELAND	Implemented. Entry into force: 5 February 2021	IE as issuing State: a court competent to impose supervision measures on the person concerned. IE as executing State: the district court, or in respect of certain offences, the high court.	Minister for Justice (see contact details in 6194/21)		IE will not consent to the forwarding of a decision on supervision measures in cases pursuant to Art. 9(2).	IE will not apply Art. 14(1).	IE will apply Art. 2(1) of FD EAW.			YES 6194/21
ITALY	Implemented. Entry into force: 26/03/2016	Competent issuing authority: Public Prosecutor Competent executing authority: Court of Appeal	Central Authority: Ministero della Giustizia (Dipartimento Affari di Giustizia - Direzione	The following supervision measure could also be monitored: a decision providing for a temporary	Transmission to a MS other than that where the person concerned has his/her lawful or ordinary residence is		IT will apply Art. 2(1) of FD EAW.	Italian		YES 5537/17

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			Generale della Giustizia Penale - Ufficio II - Cooperazione Giudiziaria internazionale)	prohibition to engage in particular professional activities.	admitted prior consent of the competent authority of the executing State.					
KYPROS /CYPRUS	Implemented. Entry into force: 18/11/2016	CY as issuing State: the relevant Assize Court or the District Court. CY as executing State: the relevant District Court; when the residence of the person in question is not known or if he/she is not resident in CY, the District Court of Nicosia.	Central authority: Ministry of Justice and Public Order (See contact details in 6376/17)	CY intends to monitor also the following supervision measures, mentioned in Art. 8(2): a) c) e)	Condition that the person is resident in CY for a period of at least three (3) months.		CY will apply Art. 2(1) of FD EAW.	Greek English		YES 6376/17

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LATVIA	Implemented. Entry into force: 1/7/ 2012.	Prosecutor General's Office						Latvian		YES 12102/13 14363/13
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 5798/2/15 REV 2, 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 in LT	For constitutional reasons LT will not apply Article 14(1) in respect of all of the 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		YES 5798/2/15 REV 2 (Annex III) 12828/15

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					or if there are other compelling reasons for taking over the execution of the supervision measure.					
LUXEMBOURG	Implemented Entry into force: 05/07/2016	LU as issuing State: Any national judicial authority which is competent to order a supervision measure as an alternative to provisional detention. LU as executing State: Le Procureur général d'État			Condition that the person concerned has consented to the forwarding.		LU will apply Art. 2(1) of FD EAW.	French German English		YES 12000/16

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MALTA										
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		YES YES 15018/13 15014/13
POLAND	Implemented. 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		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	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		YES 14252/12 12709/13

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		jurisdiction depending on the lawful, ordinary place of residence of the offender.		specified type of activity; (c) obligation to refrain from driving a specified type of vehicle.						
PORTUGAL		PT as issuing State: the court hearing the case. PT as executing State: the central chamber for the criminal preliminary judicial stage (or, in specific cases, other authorities, see 7859/1/20 REV 1).	Central authority: the Directorate-General for Reintegration and Prison Services of the Ministry of Justice.	PT is willing to supervise the following additional measures: 1. Suspension of the exercise of a profession, function, activity or rights; 2. Provision of security; 3. Treatment, with prior consent, for an addiction;	Criteria for forwarding of a decision on supervision measures: 1. If the accused is lawfully and ordinarily residing in another MS of the EU, the court may forward to the State of residence a decision on supervision measures, in					YES 7859/1/20 REV 1

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				4. Obligation to avoid contact with specific objects related to the offence.	cases where the accused, having been informed about the measures concerned, consents to return to that State. 2. The court may, at the request of the accused, forward the decision to the competent authority of a third MS other than the MS in which the accused is lawfully and ordinarily residing, on condition that the latter					

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					authority has consented to such forwarding.					
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 - Trial stage: Ministry of Justice The prosecution offices of the district courts and district courts are		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.	RO will not apply Article 14(1) of the FD.		Romanian		YES 5685/14

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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) + Doc. nr.
		competent to recognize incoming decisions imposing supervision measures, see doc 5685/14, Annexes 1-2.								
SLOVAKIA	Implemented. Entry into force: 01/07/2013	SK as issuing State: the court or judge deciding on detention in the preparatory proceedings. SK as executing State: the (territorially) competent district court.		SK is also prepared to monitor all the measures referred to in paragraph 2 for MS giving notification that they are prepared to check compliance on their own territory.	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)			Slovak; in respect of the Czech Republic, also certificates in the Czech language will be accepted.		YES 15724/13 5314/14 13971/1/17 REV 1

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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) + Doc. nr.
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 circumstances of each individual case, that the defendant will permanently or temporary reside on the territory of SI during the enforcement of the measure and the supervision of the enforcement will be effective.			Slovenian + English.		YES 5474/14
SPAIN	Implemented. Entry into force:	ES as issuing State:	Ministry of Justice	ES is willing to supervise in addition the	Conditions: a) The person		ES will apply Art. 2(1) of			YES 8718/15

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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) + Doc. nr.
	21/11/2014	Judges of Courts ES as executing State: 1) Examining magistrates 2) Judges for Violence against Women		measures listed in Art. 8(2) under a), b), c), d) and e).	concerned is legally and habitually resident in the executing State and agrees to return to that State. b) The person concerned asks to go to a different State to the one in which he or she is normally resident, and the competent authority of that State agrees to the request.		FD EAW.			
SWEDEN	Implemented. Entry into force: 01/08/2015	1. SE as issuing State: a) The Swedish prosecution Authority			Sweden may recognise and monitor a decision on supervision			Swedish Danish Norwegian English		YES 12910/15

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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) + Doc. nr.
		b) The Swedish Economic Crime Authority c) The ordinary courts 2. SE as executing State: The Swedish Prosecution Authority			measures in respect of a suspect who is not ordinarily resident in Sweden if he or she has other close ties to Sweden and if it is appropriate for the decision to be monitored there.					