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COVER NOTE

from:	Presidency
to:	Working Party on Criminal Matters
Subject:	Questionnaire on the practical implementation of 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. - Summary of the answers by delegations in reply to the questionnaire.

By a note of 14 April 2009, the General Secretariat distributed 8515/10 COPEN 97, containing a questionnaire drawn up by the then incoming Belgian Presidency on the implementation of the Council Framework Decision 2008/947/JHA on the supervision of probation measures and alternative sanctions.

Many delegations provided answers to this questionnaire, for which the Presidency is most grateful. These answers have been summarized by the Presidency in Annex I to this note.

1) Judgements and, where applicable, probation decisions entering into the scope of this Framework Decision (Article 2)

The objective of these tables is to identify the national judgements and probation decisions entering into the scope of Article 2 of this Framework Decision.

a. Suspended sentence¹

	Suspended sentence			
	Suspended sentence ²	Conditional suspension with probationary supervision ³	Immediate order for suspended measure ⁴	Suspension with the obligation to fulfil community service
BE	X			
BG				
CZ	X			
DK	X			X
DE	X		X	
EL				
ES	X			
EE				

¹ “Suspended sentence” shall mean a custodial sentence or measure involving deprivation of liberty, the execution of which is conditionally suspended, wholly or in part, when the sentence is passed by imposing one or more probation measures. Such probation measures may be included in the judgment itself or determined in a separate probation decision taken by a competent authority.

² HU and IE made a distinction between partially and wholly suspended sentence.

³ The “conditional suspension of custodial sentence with probationary supervision” means that the execution of the term of imprisonment by the offender is conditionally suspended for a probationary period of one to five years. At the same time, the court shall issue a ruling on the restrictions and obligations attached to the probationary supervision. The probationary period starts to run on the day after the day when the judgment becomes final. If the convict, within the probationary period, leads a regular life, complies with the specified conditions of probationary supervision, respects the imposed restrictions, and meets the imposed obligations, the court shall issue a ruling declaring that he has proved himself.

⁴ The “immediate order for suspended measure” means that the court has to order that certain measures do not have to be executed although they legally have to be imposed if certain circumstances are fulfilled. In a concrete way, if the court makes a psychiatric hospital order or a custodial addiction treatment order, it shall suspend the measure for an operational probationary period if special circumstances justify the expectation that the purpose of the measure may be achieved in this manner.

FR	X			X
HU	X			
IE	X			
IT				
CY	X			
LV	X			
LT	X			
LU				
MT				
NL	X			
AT				
PL	X			
PT	X			
RO	X			
SI	X			
SK	X	X		
FI	X			
SE				
UK				

b. Conditional sentence⁵

BE, CZ, EE, FR, HU, CY and PL have mentioned that this kind of judgement exist in their national system.

c. Conditional release⁶

Conditional release	BE	BG	CZ	DK	DE	EL	ES	EE	FR	HU	IE	IT	CY	LV	LT	LU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
Conditional release	X		X		X		X	X	X	X	X			X	X			X		X	X		X	X	X		
Supervised release ⁷							X				X																
Non-custodial security measures ⁸							X																				

⁵ “Conditional sentence” shall mean a judgment in which the imposition of a sentence has been conditionally deferred by imposing one or more probation measures or in which one or more probation measures are imposed instead of a custodial sentence or measure involving deprivation of liberty. Such probation measures may be included in the judgment itself or determined in a separate probation decision taken by a competent authority.

⁶ “Conditional release” shall mean a final decision of a competent authority or stemming from the national law on the early release of a sentenced person after part of the custodial sentence or measure involving deprivation of liberty has been served by imposing one or more probation measures.

⁷ The supervised release is a measure that applies only to juveniles, exclusively for the last part of their sentence fulfilment period.

⁸ The non-custodial security measures are specifically applied to the following persons :

- Persons that suffer from any anomaly or psychic alteration that prevents them from understanding the illegalness of their actions;
- Persons that at the moment of offending are in a state of complete intoxication due to alcohol or drug abuse, or that are under withdrawal symptoms that prevent them from understanding the illegalness of their actions;
- Persons that suffer from serious alterations in their perception of reality since birth or childhood.

Conditional release	BE	BG	CZ	DK	DE	EL	ES	EE	FR	HU	IE	IT	CY	LV	LT	LU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK	
Supervised parole ⁹																									X			
Decision to release conditionally from a correction institution ¹⁰															X													
Suspended execution of detention measure ¹¹					X																							
Provisional release	X																											
Post release supervision order ¹²											X																	

⁹ “Supervised parole means” that a prisoner may for the promotion of his or her social adjustment be placed outside the prison into parole supervised through technical means or otherwise through special means or otherwise through special means for at most six months before release on parole.

¹⁰ “Decision to release conditionally from a correction institution” is a court decision to release a person conditionally from a correction institution if the convicted person pledges himself to prove his correction by honest behaviour and diligent work and he satisfies conditions.

¹¹ “Suspended execution of detention measure” means that if no maximum period for the detention measure has been provided or the period has not yet expired, the court shall suspend the measure for an operational probationary period if it can be expected that the person subject to the measure will not commit any more unlawful acts if released. It has to be distinguished from conditional early release-fixed-term imprisonment, life imprisonment.

¹² When a Irish court is imposing a custodial sentence on a person convicted of a scheduled sexual offence, it is obliged to consider whether or not to impose a sentence involving post-release supervision. It has to be distinguished from “a direction granting temporary release with conditions of supervision”.

Conditional release	BE	BG	CZ	DK	DE	EL	ES	EE	FR	HU	IE	IT	CY	LV	LT	LU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
Release on parole after completion of half the sentence ¹³				X																							
Release on parole of offenders sentenced to life imprisonment ¹⁴				X																							

¹³ Danish law provides for three types of release on parole after the completion of half the sentence :

- Release on parole after the completion of half the sentence in special circumstances;
- Release on parole after the completion of half the sentence in case of special efforts not to reoffend;
- Release on parole after the completion of half the sentence where the offender's situation makes it appropriate.

¹⁴ A person serving a life sentence may be released on parole by the Minister of Justice after completion of 12 years of imprisonment. It is a condition that the person's situation does not render release inadvisable, that a suitable lodging and work or other support has been provided, and that the person agrees to observe the conditions stipulated for the release.

d. Alternative sanctions¹⁵

Alternative sanctions	BE	BG	CZ	DK	DE	EL	ES	EE	FR	HU	IE	IT	CY	LV	LT	LU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
Replacement of the imprisonment sentence																					X						
House arrest ¹⁶			X																		X			X			
Community service ¹⁷	X		X					X	X	X	X		X	X				X			X			X	X		
Limitation of liberty ¹⁸																				X							
Freedom under supervision (minors) ¹⁹																						X					
Juvenile penalty ²⁰											X														X		
Prohibition of stay ²¹			X						X	X																	

¹⁵ ‘Alternative sanction’ shall mean a sanction, other than a custodial sentence, a measure involving deprivation of liberty or a financial penalty, imposing an obligation or instruction.

¹⁶ “House arrest” means that in certain cases a sentenced person is confined by the court to his or her residence during specified time.

¹⁷ In Belgium and the Netherlands, community service is pronounced as a main penalty instead of a custodial sentence.

¹⁸ The “sentence for limitation of liberty” is a judicial decision rendered by a trial court immediately after hearing the case.

¹⁹ The “measure of freedom under supervision” consists in leaving the minor one year of freedom, under special supervision. It is an alternative to a custodial measure for minor.

²⁰ A juvenile penalty may be imposed for an offence committed before the age of 18 years and it consists of supervision meetings, activities and programmes carried out under supervision, and an orientation to employment and work.

²¹ Prohibition of stay is an obligation not to stay in a determined place or district.

Alternative sanctions	BE	BG	CZ	DK	DE	EL	ES	EE	FR	HU	IE	IT	CY	LV	LT	LU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK	
Prohibition to enter to sport, cultural and others social events ²²			X																									
Protective therapy ²³			X																									
Prohibition of a specific activity ²⁴			X						X																			
Supervision Order under the Misuse of Drugs											X																	
Probation Order ²⁵											X	X																
Probation order with condition of vocational or other training											X	X																
Probation order with condition of self-control treatment											X	X																
Restraining order													X															

²² This alternative sanction is an obligation not to enter to specified sport, cultural and others social events as well as possible obligation to report at specified times to competent police headquarters.

²³ Protective therapy is an obligation to undergo the therapeutic treatment in compliance with the orders of professionals from medical/therapeutic institution.

²⁴ This alternative sanction is a decision by which offender is sentenced to prohibition of a specific activity in order to temporarily eliminate the offender from performing a specific profession, office or activity which requires a special authorisation or licence.

²⁵ The Probation Order means that the sentenced person is placed under the supervision of a Probation Officer for a specified period not exceeding 3 years with such conditions as may be directed by the Court including some of those listed here as sanctions.

Alternative sanctions	BE	BG	CZ	DK	DE	EL	ES	EE	FR	HU	IE	IT	CY	LV	LT	LU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
Citizenship training (“ <i>stage de citoyenneté</i> ”)									X																		
Deprivation or restriction of liberty (“ <i>peines privatives ou restrictives de libertés</i> ”)									X																		
Penalty repair (“ <i>la sanction reparation</i> ”) ²⁶									X																		
Complementary Penalty (“ <i>les peines complémentaires</i> ”)									X																		
The socio-judicial follow-up (“ <i>le suivi socio-judiciaire</i> »)									X																		
Driving prohibition										X																	
Diversion of prosecution ²⁷				X																							

²⁶ This alternative sanction is an obligation to compensate financially for the prejudice caused by the offence.

²⁷ Prosecution is diverted on the condition that the person does not re-offend and that she/he observes any conditions that may be imposed. Diversion of prosecution is considered to be a criminal sanction and can only be used where the person pleads guilty.

2) Probation measures and alternative sanctions (Article 4)

a. Probation measures and alternative sanctions set out in Article 4.1 of the Framework Decision

The objective of this table is to give an overview of national probation measures and alternative sanctions attached to judgements and probation decisions entering into the scope of Article 4.1 of the Framework Decision.

This table distinguishes 3 different figures:

- The probation measure or alternative sanction is provided for in the national system (“X”);
- The probation measure or alternative sanction is not provided for in the national law but can be applied by a Court. This precision mentioned by some Member States is reflected in the table below (“Xc”);
- The probation measure or alternative sanction does not exist in the national system (“/”).

Probation measures/alternative sanctions	BE	BG	CZ	DK	DE	EL	ES	EE	FR	HU	IE	IT	CY	LV	LT	LU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
Obligation for the sentenced person to inform a specific authority of any change of residence or working place	X		X	X	X		X	X	X	X	X		X	X	X			X ²⁸		X	X	X	X	/	X	X	

²⁸ In the Netherlands, this obligation will be implemented in the form of an obligation to report. Other than in exceptional cases, the Dutch judiciary will always impose an obligation to report to the probation service in addition to any other obligations deemed necessary, if there are conditions attached to a suspended sentence or conditional release.

Probation measures/alternative sanctions	BE	BG	CZ	DK	DE	EL	ES	EE	FR	HU	IE	IT	CY	LV	LT	LU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
Obligation not to enter certain localities, places or defined areas in the issuing or executing State	X		X	X	X		X	X	X	X	X		X	X	X			X ²⁹		X	X	X	X	X	X	/	
Obligation containing limitations on leaving the territory of the executing State	X		X	X	X		X	X	X	Xc	X			X ³⁰	X			X			X	X		/	X	/	
Instructions relating to behaviour, residence, education and training, leisure activities, or containing limitations on or modalities of carrying out a professional activity	X		X	X	X		X	X	X	X	X		X	Xc	X			X		X	X	X	X	X	X	X	X
Obligation to report at specified times to a specific authority	X		X	X	X		X	X	X	X	X		X	X	X			X ³¹		X	X	X	X	/	X	X	
Obligation to avoid contact with specific persons	X		X	X	X		X	X	X	X	X		X	Xc	X			X		X	X	X	/	X	X	/	

²⁹ The Netherlands indicated that electronic monitoring may be used as a means of checking on compliance with this obligation.

³⁰ The criminal law of Latvia does not provide for such an obligation. However, it does provide a possibility to apply an obligation to be present at his or her place of residence at the specified time, or not to change his or her place of residence without the consent of the State probation service.

³¹ This is not a specific obligation to be supervised by the probation officer. It is rather a general obligation in all cases in which the judge settle down a financial compensation for the prejudice caused by the offence.

Probation measures/alternative sanctions	BE	BG	CZ	DK	DE	EL	ES	EE	FR	HU	IE	IT	CY	LV	LT	LU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK	
Obligation to avoid contact with specific objects, which have been used or are likely to be used by the sentenced person with a view to committing a criminal offence ³²	X		X	X	X		X	X	X	/	X			Xc	X			Xc		Xc	X	X	/	/	/ ³³	/		
Obligation to compensate financially for the prejudice caused by the offence and/or an obligation to provide proof of compliance with such an obligation	X		X	X	X		X	X	X	X	X			X	X			/		X	X	Xc	X	X	/ ³⁴	X		

³² For the majority of Member State, the principal objects concerned are drugs and alcohol. The Hungarian legislation does not recognise this obligation. However, the object which has been used or intended to be used as an instrument for the commission of a crime shall be confiscated.

³³ In principle, the Finish legislation does not know these kinds of measures. However, Firearms Act includes provisions concerning activities subject to authorisation and for example possession of firearms is subject to authorisation.

³⁴ In principle, the Finish legislation does not know these kinds of measures. However, Act on Conciliation in criminal and certain civil cases can be interpreted in a way that its objectives are in line with these kinds of measures.

Probation measures/alternative sanctions	BE	BG	CZ	DK	DE	EL	ES	EE	FR	HU	IE	IT	CY	LV	LT	LU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK	
Obligation to carry out community service ³⁵	X		X	X	X		X	X	X	X	X		X	Xc	X			X		X	X	X	X	X	X	X	X	
Obligation to cooperate with a probation officer or with a representative of a social service having responsibilities in respect of sentenced persons	X		X	X	X		X	X	X	X	X		X	Xc	³⁶			X ³⁷		Xc	X	X	X	X	X	X	X	
Obligation to undergo therapeutic treatment or treatment for addiction ³⁸	X		X	X	X		X	X	X	X	X		X	X	X			X		Xc	X	Xc	X	X	X	X	X	

³⁵ In NL, FI, HU and FR, obligation to carry out community service is an alternative sanction.

³⁶ In Lithuania, there are no direct obligations for the sentenced persons to cooperate with a probation officer with exception of these mentioned occasions when persons must register themselves at the Correction Inspections or inform it about fulfilment of current duties.

³⁷ In the Netherlands, this obligation will be implemented in the form of an obligation to report. Other than in exceptional cases, the Dutch judiciary will always impose an obligation to report to the probation service if there are conditions attached to a suspended sentence or conditional release, in addition to any other obligations deemed necessary.

³⁸ Some Member States (BE, DE, EE, HUN, PL and PT) indicate that this obligation depends on the prior consent of the sentenced person.

b. Probation measures and alternative sanctions which are not covered by Article 4.1 of the Framework Decision

Other probation measures/ alternative sanctions existing in your country	BE	BG	CZ	DK	DE	EL	ES	EE	FR	HU	IE	IT	CY	LV	LT	LU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
None							X		X	X			X	X									X		X	X	
Non exhaustive list	X		X		X						X							X									
Obligation to apologise the injured person																				X				X			
Obligation to leave a place shared with injured person																				X							
Interdiction on driving vehicles																				X							
Obligation to make the sentence publicly known																				X							
Obligation to take part in suitable programmes organizes by psychological consultants			X							X																	
Obligation to			X							X																	

Other probation measures/ alternative sanctions existing in your country	BE	BG	CZ	DK	DE	EL	ES	EE	FR	HU	IE	IT	CY	LV	LT	LU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK	
take part a suitable retraining course																												
Obligation to provide moral satisfaction to the victim																					X							
Obligation to deliver a monetary contribution to public or private welfare.																					X							
Obligation to communicate information of nature to control his living means																						X						
Obligation to leave the apartment or the house unlawfully dwelled or occupied																								X				

Other probation measures/ alternative sanctions existing in your country	BE	BG	CZ	DK	DE	EL	ES	EE	FR	HU	IE	IT	CY	LV	LT	LU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK	
Electronic monitoring								X																				
Offer an apology to the victim															X													
Obligation to pay a sum of money to a charitable organisation					X																							
Obligation to pay a sum of money to the public treasury					X																							
Obligation to follow instructions which relate to the ordering of the offender's financial affairs					X																							
Obligation to meet maintenance obligations					X																							

Other probation measures/ alternative sanctions existing in your country	BE	BG	CZ	DK	DE	EL	ES	EE	FR	HU	IE	IT	CY	LV	LT	LU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
Placement outside the institutions of the Prison and Probation Service				X																							
Discharge on parole of persons sentenced to safe custody				X																							

3) **Electronic monitoring**

The inclusion of electronic monitoring into the scope of the Probation Framework Decision was highly discussed during the negotiations of this instrument. However, huge differences exist between national systems. Therefore, it was not possible to reach an agreement on the inclusion of this measure. Nevertheless, a recital refers to the electronic monitoring: it provides for that ‘where appropriate, electronic monitoring could be used with a view to supervising probation measures or alternative sanctions, in accordance with national law and procedures’³⁹.

Two outlines are devoted to electronic monitoring: the first one refers to this measure within the current national law whereas the second one refers to the Member States intentions regarding the implementation of electronic into the scope of the Probation Framework Decision or the Framework Decision on custodial sentences.

a. Electronic monitoring within the current national law

This outline aims, on one hand, at determining if Member States provide electronic monitoring and, on the other hand, at giving an overview of the discrepancies between Member States regarding the nature of this measure. Actually, in several Member States, electronic monitoring is seen as a probation measure or as an alternative sanction whereas in others, it is considered as a means of supervising a probation measure/alternative sanction or as an execution modality of imprisonment.

³⁹ Recital 11 of the 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.

	No	Yes	Intention to provide E.M in the future	Classification within national law		
				Probation measure/alternative sanction	A means of supervising a probation measure/alternative sanction	Execution modality of imprisonment
BE		X		/	/	X
BG						
CZ			X			
DK		X				X
DE		X ⁴⁰		X	X ⁴¹	X
EL						
ES		X			X ⁴²	X
EE		X		X		

⁴⁰ In DE, there is no legal basis under national federal law which expressly provides for the possibility of electronic monitoring. However, electronic monitoring may be possible in the two following cases: within the scope of probation instructions and within the scope of supervision of conduct. For the last one, a discussion about the possibility to regulate it by law has just started in DE. Furthermore, there is a possibility the possibility at the *land* level to provide for electronic monitoring within the scope of execution of punishment.

⁴¹ In DE, electronic monitoring serves to monitor house arrest or bans on requirements of being present in certain locations which ordered pursuant to an instruction.

⁴² Electronic monitoring is seen as a way of controlling right-restriction sentence in ES.

	No	Yes	Intention to provide E.M in the future	Classification within national law		
				Probation measure/alternative sanction	A means of supervising a probation measure/alternative sanction	Execution modality of imprisonment
FR		X ⁴³			X ⁴⁴	X ⁴⁵
HU		X ⁴⁶		/	/	/
IE			X ⁴⁷			
IT						
CY		X				X
LV			X ⁴⁸			
LT	X		X ⁴⁹			
LU						
MT						
NL		X			X	
AT						X

⁴³ FR provides for two kinds of electronic monitoring. Firstly, ‘fostering under electronic monitoring’ (*‘le placement sous surveillance électronique’*) which is an execution modality of imprisonment or a probation measure accompanying conditional release. Secondly, ‘fostering under mobile electronic monitoring’ (*‘le placement sous surveillance électronique mobile’*) which can be a measure accompanying a decision of conditional release or socio-judicial supervision decision.

⁴⁴ This classification refers to ‘fostering under mobile electronic monitoring’ in FR.

⁴⁵ This classification refers to ‘fostering under electronic monitoring’ in FR.

⁴⁶ However, at present, electronic monitoring is not used in HU because of the lack of technical means. Therefore, this measure can only be used as an alternative enforcement method of two coercive measures (home curfew and house arrest) and is supervised by the Police. Actually, Electronic monitoring cannot be applied in the system of criminal sanctions (e.g. as an alternative to imprisonment).

⁴⁷ In IE, a small pilot is expected to come into operation in June 2010. However, there is no decision made on the future use of EM.

⁴⁸ This possibility is under consideration in LV but there is currently no political decision.

⁴⁹ Currently, the institutional and legal reform of Lithuanian system of probation is ongoing.

	No	Yes	Intention to provide E.M in the future	Classification within national law		
				Probation measure/alternative sanction	A means of supervising a probation measure/alternative sanction	Execution modality of imprisonment
PL		X				X
PT		X			X	
RO			X		X	
SI	X		/			
SK	X					
FI			X	X		
SE		X				X
UK						

b. Member States intentions regarding the implementation of Electronic monitoring into the scope of the Probation Framework Decision or the Framework decision on custodial sentences

This outline is based on the second part of the questionnaire and aims at determining if the Member States intend to enter electronic monitoring into the scope of this probation Framework Decision or rather into the scope of the Framework Decision 2008/909/JHA on custodial sentences.

	Neither in both Framework Decisions	Framework Decision 2008/909/JHA custodial sentences	Framework decision 2008/947/JHA probation measure		
			Article 2	Article 4	
				Paragraph 1	Paragraph 2
BE		X	/	/	X
BG					
CZ ⁵⁰	X	/	/	/	/
DK		X			
DE		/	X	X ⁵¹	/
EL					
ES					
EE					
FR		X ⁵²	X		
HU ⁵³	X				
IE	X				
IT					
CY		X			
LV	X				
LT	X				
LU					

⁵⁰ CZ does not intent to include electronic monitoring into the scope of those Framework Decisions but can agree to supervise it.

⁵¹ In DE, electronic monitoring may be ordered within the scope of supervision of conduct or as a probation measure. As such a measure, it thus falls within the area of application of the FD pursuant Article 4.1 b, c and d in conjunction with Article 2.7°

⁵² FR has the intention to include ‘fostering under electronic monitoring’ (le placement sous surveillance électronique) in the implementation of the legislation for this FD.

⁵³ See footer 43.

	Neither in both Framework Decisions	Framework Decision 2008/909/JHA custodial sentences	Framework decision 2008/947/JHA probation measure		
			Article 2	Article 4	
				Paragraph 1	Paragraph 2
MT					
NL		/	/	/	X
AT		X ⁵⁴			
PL					
PT					
RO					
SI	X				
SK	X				
FI		/	X	/	/
SE			/		
UK					

4) Competent authorities

This outline aims at giving an overview of the different authorities currently responsible under national systems for taking and supervising a judgement or a probation decision as well as in case of infringement of such judgement or probation decision.

⁵⁴ No final decision has been taken in that regard in AT, but normally, it will be included in the FD 2008/909/JHA as electronic monitoring is a kind of enforcement of the sentence under Austrian law.

Classification	Taking a decision	Supervision	Infringement
Alternative sanctions	<p>All MS designated judicial authorities to take a decision⁵⁵.</p> <p>BE, CZ, ES, LV, NL, PL, PT, RO, SI, SK, FI, IE, EE, CY, FR, HU, SE, DK.</p>	<p>In some MS, administrative authorities are competent to supervise on their own (BE, CZ⁵⁶, LV, PL, PT, RO, SI, FI, IE, EE, CY) or in cooperation with the Police (CZ⁵⁷) or under the request/control of judicial authorities (NL, ES, FR⁵⁸, HU⁵⁹).</p> <p>In FR judicial authorities are also competent to supervise on their own <i>some</i> alternative sanctions⁶⁰.</p> <p>In SK, supervision is conducted by a probation or mediation officer of the court which imposed the alternative sanction.</p> <p>Furthermore, in CZ, judicial authorities are competent to supervise prohibition of a specific activity in cooperation with the Police.</p>	<p>In principle, judicial authorities are competent in case of infringement.</p> <p>CZ, ES, LV, NL, PL, PT, SI, SK, FI, IE, EE, CY, FR, HU⁶¹ BE, FI, IE, PL, RO.</p> <p>However, some MS have expressly specified that judicial authorities act in cooperation with administrative authorities (such as probation services).</p> <p>BE, FI, IE, PL,RO.</p>

⁵⁵ DE, EE and LT do not classify any alternative sanctions in Article 2.

⁵⁶ In CZ administrative authorities supervise on their own in case of community service and protective therapy.

⁵⁷ In CZ, the Police is competent, in cooperation with the Probation and mediation service (administrative authority) to supervise prohibition of stay and prohibition to enter sport, cultural and other social events.

⁵⁸ In FR, administrative authorities work in cooperation with judicial authorities in case of community service, citizenship internship, ban of stay and socio-judicial supervision.

⁵⁹ In HU, administrative authorities work in cooperation with judicial authorities in case of community service.

⁶⁰ In FR, judicial authorities supervise on their own in case of compensation sanction, restrictive and custodial penalties and complementary penalties.

⁶¹ In HU, judicial authorities are competent in case of community service.

Classification	Taking a decision	Supervision	Infringement
		Lastly, the Police is only competent to supervise restraining order in CY and prohibition for exercising a profession in HU.	In HU, in case of prohibition from exercising a profession, the employer is competent.
Suspended sentences	All MS designated judicial authorities to take a decision. BE, CZ, DE, ES, LV, NL, PL, PT, RO, SI, SK, FI, IE, LT, CY, FR, HU, DK.	Most of the time, administrative authorities supervise suspended sentences on their own BE, CZ, LV, LT, PL, RO, FI, IE, CY, HU ⁶² or under the request /control of judicial authorities (DE, PT, ES, SK ⁶³ , NL, SI, FR). Nevertheless, judicial authorities are only competent to supervise conditional suspension of custodial sentence in SK.	In principle, judicial authorities are competent in case of infringement. CZ, DE, ES, NL, PT, SI, SK, FI, IE ⁶⁴ , LT, CY, FR, HU, BE, LT, PL, RO, LV, PT. However, some MS have expressly specified that judicial authorities act in cooperation with administrative authorities (such as probation services). BE, LT, PL, RO, LV.

⁶² However, probation services and the Police have to cooperate in exchanging information in HU.

⁶³ In SK, administrative authorities supervise suspended sentences under the request/control of judicial authorities in case of conditional suspension of custodial sentence with probationary supervision.

⁶⁴ However, in IE, when there is no violation of a condition of a suspended sentence, it could be, depending on the nature and when the infringement occurs, the Police, the Prison governor or the officer of the Probation Service who advises/gives evidence to the Court as the competent authority in decision making in the event of an infringement.

Classification	Taking a decision	Supervision	Infringement
Conditional sentences	<p>All MS designated judicial authorities to take a decision.</p> <p>BE, CZ, PL, EE, CY, FR, HU.</p>	<p>Most of the time, administrative authorities supervise conditional sentences on their own (BE, PL, CZ, EE, CY, HU⁶⁵) or under the request /control of judicial authorities (FR⁶⁶).</p> <p>However, judicial authorities are the only competent to supervise postponement with injunction⁶⁷ in FR</p>	<p>In principle, judicial authorities are competent in case of infringement.</p> <p>CZ, PL, EE, CY, HU.</p> <p>However, in BE, judicial authorities have to cooperate with administrative authorities.</p>

⁶⁵ However, Probation services and the Police have to cooperate in exchanging information in HU.

⁶⁶ Postponement with probation (l'ajournement avec mise à l'épreuve).

⁶⁷ Postponement with injunction (l'ajournement avec injonction).

Classification	Taking a decision	Supervision	Infringement
Conditional release	<p>In principle, only judicial authorities are competent to take a decision.</p> <p>BE⁶⁸, CZ, DE, ES, LV, LT, NL, PL, PT, SI, SK, FI, EE, FR, HU.</p> <p>However, in some MS, judicial authorities have to cooperate with administrative authorities such as the prison governor (FI).</p> <p>Furthermore, in some MS, decision are only taken by administrative authorities such as the prison governor (BE⁶⁹), the Minister of Justice (IE, BE⁷⁰) or probation services (FI⁷¹).</p>		

⁶⁸ In BE, judicial authorities are competent to decide if a person can get a conditional release (for sentences of which the enforceable part amounts to more than 3 years).

⁶⁹ In BE, the prison governor is competent to decide if a person can get a provisional release (for sentences of which the enforceable part amounts to 3 years or less).

⁷⁰ However, when the provisional release relates to sexual offenders, the Minister of Justice and especially the Detention Management department is competent to take such a decision in BE.

⁷¹ Probation services and also the director of the assessment centre of criminal sanctions region are competent to take a decision in FIN.

Classification	Taking a decision	Supervision	Infringement
		<p>In some MS, administrative authorities supervise conditional release on their own (BE, LV, LT, PL, PT, FI, EE, IE⁷², HU⁷³, DK) or in cooperation with the Police (CZ) or under the request/control of judicial authorities (ES, DE⁷⁴, NL, SI, FR).</p> <p>However, judicial authorities are only competent to supervise conditional release in SK and conditional early release-fixed-term imprisonment, life imprisonment in DE.</p>	<p>In principle, judicial authorities are competent in case of infringement.</p> <p>BE⁷⁵, CZ, DE, ES, LV, LT, NL, PL, PT, SI, SK, EE, FR, HU, LT, FI.</p> <p>However, some MS have expressly specified that judicial authorities act in cooperation with administrative authorities (such as probation services).</p>

⁷² IE However, the Irish Prison Service is the responsible authority since the person remains a prisoner for the duration of the period of temporary release although they are resident in the community. Where supervision by the Probation Service is a condition of the temporary release the Probation Service has responsibility for the supervision of the temporary release and is accountable in the matter to the Minister for Justice and Law Reform and to the Irish Prison Service for the operation and management of that prisoner and the reporting of any infringement.

⁷³ However, Probation services and the Police have to cooperate in exchanging information in HU.

⁷⁴ In DE, administrative authorities supervise under the request/control of judicial authorities in case of suspended execution of detention measure.

⁷⁵ Judicial authorities are only competent in BE in case conditional release (sentences of more than 3 years).

Classification	Taking a decision	Supervision	Infringement
			LT, PL , FI, BE, DK Administrative authorities are competent for the conditional release provided for in DK ⁷⁶ and for provisional release in BE ⁷⁷ . Furthermore, in IE ⁷⁸ , the Police are responsible.

⁷⁶ In DK, when the breach of conditions is likely to imply an obvious risk of the probationer committing a serious crime, or if the probationer does not observe the condition of community service, the probation service must consider promptly reporting him or requesting his arrest or detention in custody. In case of conditions stipulated administratively, the report must be submitted to the department of prisons and probation, which then decide whether to recall the probationer to prison. In case of conditions stipulated by the court, the report must be submitted to the prosecution service with the copy to the department of prisons and probation. The court will then make the relevant decision.

⁷⁷ Administrative authorities are only competent in BE in case of provisional release (sentences of less than 3 years).

⁷⁸ In IE, where supervision by the Probation Service is a condition of the temporary release the Probation Officer must report a breach of conditions to the Prison Service. It is the Prison Service who notify the Garda Síochána that a prisoner is unlawfully at large and request their action to return the prisoner to the Prison for adjudication by the competent authority on the breach.