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NOTE

From:	General Secretariat of the Council
To:	Delegations
No. prev. doc.:	13515/16
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, 22 Member States have implemented the Framework Decision (BG, CZ, DK, DE, EL, ES, EE, HR, IT, CY, LV, LT, LU, HU, NL, AT, PL, RO, SI, SK, FI and SE) and have made the necessary notifications/declarations.¹ The UK has also implemented the Framework Decision.

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 11 February 2020. 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):

https://www.ejn-crimjust.europa.eu/ejn/EJN_Library_StatusOfImpByCat.aspx?l=EN&CategoryId=39

¹ From the EJM website, it appears that (some of) the Member States that have not yet provided notifications/declarations, have already implemented the Framework Decision:

- BE by law of 23 March 2017
- FR by law 215/993 of 17 august 2015
- MT by Subsidiary Legislation 9.19
- PT by Law 36/2015 of 4 May 2015

No information is available on IE yet.

In respect of some other Member States, some information is missing (see table).

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BELGIUM										
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		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,	BG authorities may consent when one or more of the following conditions are met: 1. the person is a BG citizen; 2. the supervision		BG will apply Art. 2(1) of FD EAW.	Bulgarian		YES 15557/16

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		<p>have a place of residence within the territory of the country, the competent authority shall be Sofia City Court.</p> <p>The authority competent to transmit a decision on a supervision measure to another MS is the supervising prosecutor.</p>		<p>which may include involvement in a specified profession or field of employment; or</p> <p>(c) an obligation to deposit a certain sum of money or to give another type of guarantee, which may either be provided through a specified number of</p>	<p>measure may be supervised in BG;</p> <p>3. the person has stated that he or she will reside within the territory of BG with a view to carrying out specific work;</p> <p>4. the person is a member of family which resides permanently in BG;</p> <p>5. the person</p>					

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				instalments or entirely at once.	has stated that he or she will reside within the territory of BG in order to study for professional qualifications or a degree.					
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			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) of FD EAW.			YES 16114/1/13 REV 1

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		courts (see annex 2 of 16114/1/13); - regional courts decide as regards legal remedies.			(b) the person is 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	-	YES 7305/13

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DEUTSCH- LAND/ 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		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		DE will apply Art. 2(1) of FD EAW.			YES 12106/16

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		measure.			preferable.					
ELLAS/ GREECE	15/11/2014	Public prosecutor of the court that issues the decision	Ministry of Justice	EL is willing to supervise in addition the measures listed in Art. 8(2) under b) and c).			EL will apply Art. 2(1) of FD EAW.	Greek.		(no doc)
ESPANA/ SPAIN	Implemented. Entry into force: 21/11/2014	ES as issuing State: Judges of Courts ES as executing State: 1) Examining magistrates 2) Judges for	Ministry of Justice	ES is willing to supervise in addition the measures listed in Art. 8(2) under a), b), c), d) and e).	PM		ES will apply Art. 2(1) of FD EAW.			YES 8718/15

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		Violence against Women								
ESTONIA	PM	Ministry of Justice		EE only monitors supervision measures as referred to in Article 8(1).	Consent may be given where the 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			Estonian English		PM 6665/1/16 REV 1

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					reason					
FRANCE										
HRVATSKA / CROATIA	Implemented as part of the acquis - 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 vehicles by means of the	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 the basis of the provisions	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.		temporary withdrawal of driving licences.			governing the European arrest warrant.			
IRELAND										
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 Generale della	The following supervision measure could also be monitored: a decision providing for a temporary prohibition to	Transmission to a MS other than that where the person concerned has his/her lawful or ordinary residence is admitted prior consent of the		IT will apply Art. 2(1) of FD EAW.	Italian		YES 5537/17

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			Giustizia Penale - Ufficio II - Cooperazione Giudiziaria internazionale)	engage in particular professional activities.	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	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)	CY will only accept the forwarding of a decision on supervision measures in respect of a person who does not lawfully and ordinarily reside in CY when that person is resident in its		CY will apply Art. 2(1) of FD EAW.	Greek English		YES 6376/17

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		is not known or if he/she is not resident in CY, the District Court of Nicosia.			territory for a period of at least three (3) months.					
LATVIA	Implemented. Entry into force: 1/7/ 2012.	Prosecutor General's Office						Latvian		YES 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 5798/2/15 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	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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					employment contract in LT or has a family member resident in LT or if there are other compelling reasons for taking over the execution of the supervision measure.					
LUX-EMBOURG	Implemented Entry into force: 05/07/2016	LU as issuing State: Any national judicial authority which is competent to order a			PM		LU will apply Art. 2(1) of FD EAW.	French German English		YES 12000/16

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		supervision measure as an alternative to provisional detention. LU as executing State: Le Procureur général d'État								
MAGYAR-ORSZÁG / HUNGARY	Implemented				HU consents to the forwarding of a decision on supervision measures provided that the sentenced person is not lawfully and					YES 14288/13 14419/16

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					ordinarily resident in HU, if the sentenced person requests execution of the decision on supervision measures by the HU authorities and provides proof of close family, cultural or economic connections with HU.					
MALTA										
NETHER-	Implemented	NL as issuing and		NL is prepared to take over the	NL consents to forwarding a		NL will apply Art. 2(1) of	Dutch		YES

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LANDS	Entry into force: 01/11/2013	executing State: the public prosecutor's office (contact details of the office in Haarlem are provided).		implementation of electronic supervision related to the supervision measures referred to in Art. 8(1).	decision on supervision measures if the person concerned requested this and there is a demonstrable and sufficient link with NL.		FD EAW.	English		YES 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	AT can monitor the supervision measures if, because of specific circumstances, ties exist between the person		AT will apply Art. 2(1) of FD EAW	German		YES 15112/13

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				provisional probation assistance, insofar the person consents.	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.					

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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 jurisdiction depending on the lawful, ordinary		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.		YES 14252/12 12709/13

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		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 - Trial stage:		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	RO will not apply Article 14(1) of the FD.		Romanian		YES 5685/14

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		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.			activity, study or training in RO.					

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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 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			Slovenian + English.		YES 5474/14

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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.
					enforcement will be effective.					
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 person)	Notification re Article 24 (Languages)	Notification re Article 26(3) +(4) (Agreements)	Notification re Article 27 (Implementation) + Doc. nr.
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	-	-	Finnish Swedish English Other languages may also be accepted provided there is no obstacle to their use.	-	YES 14254/12

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					reason.					

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 person)	Notification re Article 24 (Languages)	Notification re Article 26(3) +(4) (Agreements)	Notification re Article 27 (Implementation) + Doc. nr.
SWEDEN	Implemented. Entry into force: 01/08/2015	1. SE as issuing State: a) The Swedish prosecution Authority b) The Swedish Economic Crime Authority c) The ordinary courts 2. SE as executing State: The Swedish Prosecution			Sweden may recognise and monitor a decision on supervision 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.			Swedish Danish Norwegian English		YES 12910/15

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		Authority								
UNITED KINGDOM		Various, for England and Wales, Scotland, Northern Ireland and Gibraltar - see 7603/15.	Various, for England and Wales, Scotland, Northern Ireland and Gibraltar - see 7603/15.	UK will accept measures within Article 8(1) only.	Adequate reasons must be provided. The validity / acceptability of these will be determined by the appropriate judicial authority: Magistrates courts in England, Wales and Northern Ireland; and the Sheriff court in Scotland.			English		YES 7603/15

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					In Gibraltar the magistrates' court must decide whether to recognise the decision on supervision measures.					