

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, 15 Member States have implemented the Framework Decision (CZ, DK, ES, HR, LV, LT, HU, NL, AT, PL, RO, SI, SK, FI and UK). 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 22 July 2015. Any comments or suggestions for improvement should be sent to secretariat.criminal-law@consilium.europa.eu

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

ANNEX

|  | **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**  **(Implemen-tation)** |
| 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 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 agrees to take over the decision, on the grounds that it is appropriate and efficient to do so. |  | 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 |
| 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 |
| DEUTSCH-LAND/  GERMANY |  |  |  |  |  |  |  |  |  |  |
| ELLAS/  GREECE |  |  |  |  |  |  |  |  |  |  |
| ESPANA/  SPAIN | Implemented.  Entry into force:  21/11/2014 | 1) Judges of Courts  2) The examining magistrates  3) The Judges for Violence against Women | Ministry of Justice | Additional supervisions measures:  (a) Disqualification from involvement in specified professions or activities linked to the offence allegedly committed.  (b) Obligation not to drive motor vehicles.  (c) Obligation to deposit a sum of money or to give another type of guarantee, either through specific instalments or entirely at once.  (d) Obligation to undergo drug treatment or treatment for addiction.  (e) Prohibition on owning and carrying arms or other specific objects in relation with the offence prosecuted. | The competent Judge or Court will forward the decision on alternative measures to provisional detention to the competent authority of the Member State in which either of the following circumstances arises:  (a) The person 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. |  | ES will apply Art. 2(1) of FD EAW |  |  | 8718/15 |
| ESTONIA |  |  |  |  |  |  |  |  |  |  |
| FRANCE |  |  |  |  |  |  |  |  |  |  |

|  | **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 implementa-tion 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**  **(Implemen-tation)** |
| 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 authorities competent for decisions on supervision measures: courts and state attorney’s offices. | 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 temporary withdrawal of driving licences. | At the request of the person subject to the measure, the competent authority may also forward the decision to the competent authority of another Member State, if the authority of that Member State gives its consent, on 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 governing the European arrest warrant. | Croatian  In urgent cases also English (on reciprocal basis) |  | 12335/14. |
| IRELAND |  |  |  |  |  |  |  |  |  |  |
| ITALY |  |  |  |  |  |  |  |  |  |  |
| KYPROS /  CYPRUS |  |  |  |  |  |  |  |  |  |  |
| LATVIA | Implemented.  Entry into force: 1 July 2012. | Prosecutor General's Office |  |  |  |  |  | Latvian |  | 12102/13  14363/13 |

|  | **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 implementa-tion 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**  **(Implemen-tation)** |
| 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 in LT or if there are other compelling reasons for taking over the execution of the supervision measure. | For constitu-tional 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 |  | 5798/1/15 REV 1 (Annex III) |
| LUXEMBOURG |  |  |  |  |  |  |  |  |  |  |
| 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 connections with HU. |  |  |  |  | 14288/13 |
| MALTA |  |  |  |  |  |  |  |  |  |  |
| NETHER-LANDS | 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/  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 |  | 15112/13 |

|  | **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 implementa-tion 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**  **(Implemen-tation)** |
| 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 the lawful, ordinary place of residence of the offender. |  | 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;  (c) obligation to refrain from driving a specified type of vehicle. | 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 |
| 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: 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. |  | 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 |
| 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 temporary 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 |
| 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 a specified profession or field of employment;  - an obligation not to drive a vehicle.  (5314/14) | 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.  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.  (6883/14) |  | 15724/13  (a correlation table has been provided) |

|  | **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 implementa-tion 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**  **(Implemen-tation)** |
| 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 circum-stances 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 |
| SWEDEN |  |  |  |  |  |  |  |  |  |  |
| 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.    In Gibraltar the magistrates’ court must decide whether to recognise the decision on supervision measures. |  |  | English |  | 7603/15 |

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_